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## India: The State of Human Rights Violations In the Protected Areas With Special Focus On The Tiger Reserves



**Alternative Report To India's Fourth Periodic Report Under Review By The UN  
Human Rights Committee At Its 141st Session (1st To 23rd July 2024)**

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## **1. Proposed recommendations to the UN HRC and Executive Summary**

### **1.1 Proposed recommendations**

#### **A. Proposed observations**

##### **Rights of indigenous peoples**

- Express concerns at the lack of implementation of the right of ownership of Indigenous Peoples over the lands traditionally occupied by them (article 27);
- Express concerns at the forced evictions of Indigenous Peoples from their ancestral lands and the designation of such lands as Protected Areas or conservation zones without their free, prior and informed consent and without providing redress, alternative lands, and compensation and at the negative impact of such evictions on the Indigenous Peoples' culture, lifestyle, use of land and resources, and economic livelihoods (articles 1, 2, 12, 14, 17, 25, 27);
- Express concerns at the restriction of the freedom of movement of Indigenous Peoples living in or near Protected Areas, lack of access to their means of subsistence/livelihoods and denied access to public services, especially health facilities, education (articles 11, 25, 27).

##### **Right to life & Prohibition of torture and cruel, inhuman or degrading treatment or punishment and the fight against impunity**

- Express concerns at the patterns of extrajudicial, summary and arbitrary executions, torture and cruel, inhuman and degrading treatment, harassment, intimidation, sexual and gender-based violence of indigenous peoples living in or near Protected Areas by Forest Officials and impunity provided for such violations (articles 2, 6 and 7)

#### **B. Proposed recommendations**

##### **Rights of indigenous peoples (article 27)**

- Ensure that the rights of Indigenous Peoples to the free and prior informed consent prior to designation as Protected Areas, and to own, use and develop their ancestral lands, territories and resources and to access to their lands, cultural and

sacred sites, means of livelihoods are promoted, protected and recognized in law and in practice, in line with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006 and other international in line with international standards on the rights of Indigenous Peoples;

- Ensure that forced evictions not in line with international standards are not carried out and ensure the consistent and effective application of the right to free, informed and prior consent before any conservation or other activities take place on lands traditionally used, occupied or owned by indigenous communities;
- Ensure the provision of essential public services, especially access to health facilities, education and services to Indigenous Peoples living in or near Protected Areas;
- Ensure that Indigenous Peoples dispossessed of their lands and territories to establish Protected Areas without their free and prior consent obtain redress by means that can include restitution or, when this is not possible, just, fair and equitable compensation in line with international standards pertaining to the right of Indigenous Peoples;

**Right to life & Prohibition of torture and cruel, inhuman or degrading treatment or punishment and the fight against impunity (articles 2, 6 and 7)**

- Take all measures necessary to prevent extrajudicial, summary and arbitrary executions, torture and cruel, inhuman and degrading treatment in or near Protected Areas including by developing a code of conduct and operational procedures in collaboration with the Ministry of Environment and Forests on the use of force, firearms and less-lethal weapons by law enforcement officials in full conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and by ensuring that all law enforcement officers pertaining to the Forest Department systematically receive training on the use of force based on the above mentioned instruments and ensure that the principles of legality, necessity and proportionality, precaution and non-discrimination are strictly observed in practice;
- Collect and publish data on acts of extrajudicial, summary and arbitrary executions, torture, ill-treatment, and other human rights violations perpetrated in or near Protected Areas;

- Establish a commission of inquiry to investigate all allegations of excessive use of force, extrajudicial, summary and arbitrary executions, torture and cruel, inhuman and degrading treatment of Indigenous peoples perpetrated in or near Protected Areas by forest officials to ensure prosecution of those guilty of violations, compensation to the victims and their relatives.

## 1.2 Justification for the recommendations

Ecological and environmental protection measures have been causing displacement of tens of thousands of people living in protected areas, mainly indigenous peoples. By 2009, over 100,000 people had already been evicted from protected areas including tiger reserves in India in the past few decades<sup>1</sup>. In 2016, the head of the National Tiger Conservation Authority (NTCA) announced that almost 300,000 people, from over 700 villages, were earmarked for relocation.<sup>2</sup> A further three to four million people live inside India's protected areas and wildlife corridors with the threat of eviction hanging over them.<sup>3</sup> In 2021, it was reported that about 110,000 people in 273 villages falling in 'core' areas inside 28 tiger reserves in the country were identified for eviction given the threats to tiger conservation.<sup>4</sup> Those earmarked for relocation are denied and deprived of access to development in order to make untenable situation, forcing the people to move out.

In addition of being forcibly evicted from their lands without their Free and Prior Informed Consent (FPIC) and dispossessed of their rights to lands, territories and natural resources and means of subsistence, Indigenous Peoples living inside or near the protected areas are victims of violations of their rights to freedom of movement, privacy, family and home. Their houses are often destroyed and they can no longer hunt, fish, gather food, or access to their religious, sacred and cultural sites, burial grounds and medicinal plants. They also

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1. Lasgorceix, Antoine and Ashish Kothari, "Displacement and Relocation of Protected Areas: A Synthesis and Analysis of Case Studies," *Economic & Political Weekly* XLIV, no. 49 (2009),

<https://www.epw.in/journal/2009/49/special-articles/displacement-and-relocation-protected-areas-synthesis-and-analysis>

2. PTI, "India plans to add ten more tiger reserves: Official," *Financial Express*, October 5, 2016,

<https://www.financialexpress.com/india-news/india-plans-to-add-ten-more-tiger-reserves-official/407588/>

3. Agrawal, Arun & Kent Redford, "Conservation and Displacement: An Overview," *Conservation & Society* 7, no. 1 (2009): 1–10; Dowie, Mark. *Conservation refugees: the hundred-year conflict between global conservation and native peoples*. Cambridge: MIT Press, 2011; Brockington, Dan, Jim Igoe and K. A. I Schmidt-Soltau, "Conservation, Human Rights, and Poverty Reduction," *Conservation Biology* 20, no. 1 (2006): 250–252; Brockington, Dan & Jim Igoe, "Eviction for Conservation: A global overview."

*Conservation and society* 4, no. 3 (2006): 424; Saberwal, Vasant, Mahesh Rangarajan and Ashish Kothari. *People, Parks and Wildlife: Towards Coexistence*, (Delhi: Orient Longman, 2000)

4. *Forced Evictions in India: 2021*, Housing and Land Rights Network, New Delhi, 2022,

[https://www.hlrn.org.in/documents/Forced\\_Evictions\\_2021.pdf](https://www.hlrn.org.in/documents/Forced_Evictions_2021.pdf)

face gross civil and political human rights violations including summary or arbitrary executions, extra-judicial killings, enforced disappearances; torture and ill treatments, sexual and gender-based violence, arbitrary arrests and detention, threats, criminalization and harassment. A large number of Indigenous Peoples were reportedly executed, killed under suspicious circumstances or tortured for collecting honey, flowers, firewood, hunting or fishing in or near the tiger reserve or for opposing or resisting evictions. For example, Assam's Kaziranga National Park has become infamous for executions. Assam's Forest Department in a Report of 2014 claimed that hundreds of alleged poachers were shot dead in encounters over the years but not a single forest staffer had been killed in an encounter between 1985 and June 2014, thereby raising suspicions about the encounters. From 2014 to 2016 alone, at least 57 persons were killed – 27 in 2014, 23 in 2015 and 7 in 2016.<sup>5</sup>

Protected areas notified under the Wildlife (Protection) Act of 1972<sup>6</sup> for '*ensuring the ecological and environmental security of India*' are legally demarcated geographical areas to be governed by separate administration and law enforcement personnel.<sup>7</sup> They are not prisons but run like prisons. Under Section 4 of the Wildlife (Protection) Act of 1972, Chief Wild Life Warden, Wild Life Wardens and other such officers and employees for each protected area are appointed with a range of powers to control the protected areas including to exercise powers of search, arrest and detention.<sup>8</sup> Those living inside the protected areas are often denied access to Economic, Social and Cultural Rights including access to education and medical services, electricity, as a deliberate strategy to voluntary relocate.

India has the basic legal framework recognising the free, prior and informed consent both under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006, popularly known as the Forest Rights Act (FRA) and the Wildlife Protection Act of 1972.

Section 4(2) of the FRA guarantees the right to free, prior and informed consent in case of "*the activities or impact of the presence of forest rights holders upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat*" subject to the conditions that the State has concluded that other reasonable options, such as, co-existence are not available, a resettlement or alternatives package

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5. Human Rights Violations in Kaziranga National Park, Counter Current, 22 June 2017, <https://countercurrents.org/2017/06/human-rights-violations-in-kaziranga-national-park/>

6. The Wildlife (Protection) Act of 1972 is available at <https://www.indiacode.nic.in/bitstream/123456789/1726/1/a1972-53.pdf>

7. The observation is drawn by the author from the processes of declaration of protected areas under the Wildlife (Protection) Act of 1972.

8. The Wildlife Protection Act is available at <https://tribal.nic.in/downloads/FRA/Concerned%20Laws%20and%20Policies/Wildlife%20Protection%20Act,%201972.pdf>

*has been prepared and communicated and the free informed consent of the Gram Sabhas regarding the proposed resettlement and the package be obtained in writing. Furthermore, no resettlement shall take place until facilities and land allocation at the resettlement locations are complete as per the promised package and the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted for other uses”<sup>9</sup>*

Section 38V((5) of the Wildlife Protection Act also provides the same guarantees including “voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements that 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 the right to free, prior and informed consent is ensured and the State Government has come to a conclusion that other reasonable options of co-existence, are not available.<sup>10</sup>

In clear violations of the FRA and the Wildlife Protection Act and without arriving conclusion that other reasonable options of co-existence are not available, the government of India has been on a spree to relocate Indigenous Peoples from the Tiger Reserves. The statutory committees like the Forest Advisory Committee (FAC), Regional Empowered Committee (REC), Standing Committee of National Board for Wildlife (SC-NBWL) and Expert Appraisal Committee (EAC) have been providing the permission for relocation in violations of the laws and the Guidelines.

Indigenous Peoples have been bearing the brunt of ensuring the ecological and environmental security of India. India’s ‘Project Tiger’ launched in 1973 to protect the endangered tigers in the country stands out is touted as a successful one as the tiger population has shown significant growth, surging from 2,967 in 2018 to 3,682 in 2022 as per the latest government data on tiger population in India.<sup>11</sup>

However, eviction/displacement from the Tiger Reserves had devastating impact. As of 12 July 2019, as per the government of India, 57,386 families were residing in notified Core/ Critical Tiger Habitats (CTHs) in 31 out of 50 tiger reserves across the country. Out of the total 57,386 families about 20,857 families from 231 villages were relocated from notified

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9. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is available at <https://www.indiacode.nic.in/bitstream/123456789/2070/1/200702.pdf>

10. The Wildlife (Protection) Act of 1972 is available at <https://www.indiacode.nic.in/bitstream/123456789/1726/1/a1972-53.pdf>

11. Dholpur-Karauli tiger reserve in Rajasthan approved, The Economic Times, 22 August 2023, <https://economictimes.indiatimes.com/news/india/dholpur-karauli-tiger-reserve-in-rajasthan-approved/articleshow/102950607.cms?from=mdr>

CTHs areas from 1973 to 2021.<sup>12</sup> In other words, 36,529 families remained within the CTHs as of 2021 and they remained at risk of relocation.

From 2019, five more Tiger Reserves were notified while the areas of a number of Tiger Reserves were also expanded. Inhabitants of 362 villages, mainly, Indigenous Peoples have been issued notices or are to be issued notices for relocation from the Ramgarh Vishdhari Tiger Reserve, Rajasthan (2022), the Dholpur-Karauli Tiger Reserve, Rajasthan (2023), Kumbhalgarh Wildlife Sanctuary, Rajasthan and the Nauradehi and Durgavati Wildlife Sanctuaries.

Out of the 55 tiger reserves presently across the country, no tigers were found in five Tiger Reserves namely, Sahyadri Tiger Reserve in Maharashtra, Satkosia Tiger Reserve in Odisha, Kamlang Tiger Reserve in Arunachal Pradesh, Kawal Tiger Reserve in Telangana and Dampa Tiger Reserve in Mizoram.<sup>13</sup> A total of 5,670 tribal families were displaced from these five Tiger Reserves which have no tigers as on date!

There is no official information on people displaced from buffer zones of the tiger reserves. In some cases, the people faced double displacement, first evicted from core areas and thereafter displaced from buffer zones where they were relocated.

The Comptroller and Auditor General (CAG) of India in its various audit reports made damning revelations on non-compliance with the free, prior and informed consent and rehabilitation of the affected persons from the tiger reserves after audit in Madhya Pradesh,<sup>14</sup> Karnataka,<sup>15</sup> West Bengal,<sup>16</sup> Kerala,<sup>17</sup> and Maharashtra.<sup>18</sup> The CAG found

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<sup>12</sup>. See Lok Sabha Unstarred Question No.3405, 12.07.2019 at <https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pgals> & Rajya Sabha Unstarred Question No. 1325, 14.12.2023 at

<https://sansad.in/getFile/annex/262/AU1325.pdf?source=pgars>

<sup>13</sup>. Five tiger reserves have zero tigers, yet get 'good' rating, The Times of India, 1 August 2023, <https://timesofindia.indiatimes.com/city/nagpur/five-tiger-reserves-have-zero-tigers-yet-get-good-rating/articleshow/102294634.cms>

<sup>14</sup>. The report 'Audit Report Economic Sector (Non PSUs) for the year ended 31 March 2014' is available at: [https://cag.gov.in/uploads/download\\_audit\\_report/2015/Madhya\\_Pradesh\\_Report\\_1\\_2015\\_Chap\\_2.pdf](https://cag.gov.in/uploads/download_audit_report/2015/Madhya_Pradesh_Report_1_2015_Chap_2.pdf)

<sup>15</sup>. Report No. 6 of the year 2017 'Administration of National Parks and Wildlife Sanctuaries in Karnataka' is available at [https://cag.gov.in/uploads/download\\_audit\\_report/2017/Chapter\\_5\\_Commercial\\_activities\\_in\\_and\\_around\\_the\\_Protected\\_Areas\\_and\\_Eco-tourism\\_of\\_Karnataka\\_Report\\_No\\_6\\_of\\_2017\\_on\\_National\\_Parks.pdf](https://cag.gov.in/uploads/download_audit_report/2017/Chapter_5_Commercial_activities_in_and_around_the_Protected_Areas_and_Eco-tourism_of_Karnataka_Report_No_6_of_2017_on_National_Parks.pdf)

<sup>16</sup>. 'Audit Report (Economic Sector) for the year ended 31 March 2016' of the CAG is available at [https://cag.gov.in/uploads/download\\_audit\\_report/2017/Chapter\\_2\\_%E2%80%93\\_Performance\\_Audit\\_%E2%80%93\\_Report\\_No.1\\_of\\_2017\\_%E2%80%93\\_Economic\\_Sector\\_Government\\_of\\_West\\_Bengal\\_1.pdf](https://cag.gov.in/uploads/download_audit_report/2017/Chapter_2_%E2%80%93_Performance_Audit_%E2%80%93_Report_No.1_of_2017_%E2%80%93_Economic_Sector_Government_of_West_Bengal_1.pdf)

<sup>17</sup>. 'Audit Report (Economic Sector) for the year ended 31 March 2017' of the CAG, is available at [https://cag.gov.in/uploads/download\\_audit\\_report/2018/Report\\_No\\_6\\_of\\_2018\\_Economic\\_Sector\\_Government\\_of\\_Kerala.pdf](https://cag.gov.in/uploads/download_audit_report/2018/Report_No_6_of_2018_Economic_Sector_Government_of_Kerala.pdf)



uncontrolled commercial and eco-tourism activities such as establishing petrol pumps, rest houses being run on commercial basis by the Forest Department and Tourism Departments, staff colony and other residential quarters, high tension electric lines causing deaths of substantial number of tigers in electrocution, huge number of vehicles being allowed against ceiling imposed, resorts / hotels, road construction/ widening /up-gradation, linear projects in core areas of the Tiger Reserves despite prohibition.

Furthermore, there are ongoing commercial and linear project activities such as road projects in Rajaji TR (Uttarakhand),<sup>19</sup> Limestone mining and highway projects in Mukundra Hills TR (Rajasthan),<sup>20</sup> limestone mining and skywalk projects between Tipeswar Wildlife Sanctuary and Tadoba-Andhari-Kawal Tiger Reserve(Maharashtra);<sup>21</sup> road projects through Nagarjunasagar Srisailem Tiger Reserve and the Sri Venkateswara National Park (Andhra Pradesh);<sup>22</sup> construction of underground pipeline and pump house in core area of Amrabad Tiger Reserve (Telangana);<sup>23</sup> laying of OFC by Airtel in Tiger Corridor in Kagaznagar (Telangana),<sup>24</sup> irrigation project in core area of Kawal Tiger Reserve (Telangana)<sup>25</sup> etc.

Indigenous peoples have been co-living with tigers for centuries. A study by the Survival International notably revealed that in Biligiri Rangaswamy Temple Tiger Reserve (Karnataka) where the Soliga tribals have been allowed to co-exist with the tigers including in the core area/critical tiger habitat, the number of tigers almost doubled from

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18. Performance Audit Report No.2 of 2019 of Maharashtra of the CAG is available at [https://cag.gov.in/uploads/download\\_audit\\_report/2019/Chapter\\_2\\_Performance\\_Audit\\_of\\_Report\\_No\\_2\\_of\\_2019\\_Economic\\_Sector\\_Government\\_of\\_Maharashtra.pdf](https://cag.gov.in/uploads/download_audit_report/2019/Chapter_2_Performance_Audit_of_Report_No_2_of_2019_Economic_Sector_Government_of_Maharashtra.pdf)

19. 'Tiger habitats overlooked in rush to grant nod for infra projects', The Times of India, 29 July 2021, <https://timesofindia.indiatimes.com/city/nagpur/tiger-habitats-overlooked-in-rush-to-grant-nod-for-infra-projects/articleshow/84840063.cms>

20. Ibid

21. Limestone mining project approved in tiger corridor, The Times of India, 20 May 2023, <https://timesofindia.indiatimes.com/city/nagpur/limestone-mining-project-approved-in-tiger-corridor/articleshow/100369018.cms>

22. Centre gives green signal to road project in Andhra Pradesh tiger corridor, Business Standard, 28 March 2024, [https://www.business-standard.com/india-news/centre-gives-green-signal-to-road-project-in-andhra-pradesh-tiger-corridor-124032800826\\_1.html](https://www.business-standard.com/india-news/centre-gives-green-signal-to-road-project-in-andhra-pradesh-tiger-corridor-124032800826_1.html)

23. Minutes of the 6<sup>th</sup> Meeting of the State Board for Wildlife, Telangana, dated 13.02.2023 is available at [https://forestsclearance.nic.in/writereaddata/Sec\\_Letter/0\\_0\\_04\\_May\\_2023\\_103927137\\_minuts\\_Minutesof6thSBWLmeeting.pdf](https://forestsclearance.nic.in/writereaddata/Sec_Letter/0_0_04_May_2023_103927137_minuts_Minutesof6thSBWLmeeting.pdf)

24. Ibid

25. Ibid

35 to 68 between 2010 and 2014, which was far higher than the national rate at which the tiger population was growing.<sup>26</sup>

## 2. Human rights violations patterns associated with tiger reserves

### ***2.1 Patterns of forced evictions: violations of the rights to privacy, family, home (Article 17 of the ICCPR ), liberty of movement and freedom to choose his residence (Article 12 of the ICCPR), take part in the conduct of public affairs (Article 25 of the ICCPR), right to enjoy one's culture (Article 27)***

As per the government of India, as of 12 July 2019, out of the 57,386 families residing in notified Core/ Critical Tiger Habitats (CTHs) in 31 out of 50 tiger reserves, about 20,857 families from 231 villages were relocated from notified CTHs from 1973 to 2021.<sup>27</sup> From 2019, five more tiger reserves have been notified as on date i.e. Srivilliputhur Megamalai, Tamil Nadu (2021), Ramgarh Vishdhari Tiger Reserve, Rajasthan (2022), Ranipur Tiger Reserve, Uttar Pradesh (2022), Veerangana Durgavati Tiger Reserve, Madhya Pradesh (2023) and Dholpur – Karauli Tiger Reserve Rajasthan (2023).<sup>28</sup> Indigenous Peoples and other forest dwellers from 362 villages inside these five declared Tiger Reserves continue to live inside the protected areas. In other words, 36,529 families remained within the CTHs as of 2021 and they remained at risk of relocation.

### **Amrabad Tiger Reserve, Telangana**

The Amrabad Tiger Reserve, established on the lands of the Chenchu Indigenous People,<sup>29</sup> was declared an official Tiger Reserve in 2014. The Chenchu were subject to forced evictions from their ancestral lands without their FPIC. Several villages were evicted in the 1980s including 750 families from Pecheru village.<sup>30</sup> During these evictions, Chenchu families were reportedly informed by forest officials that their forest and land rights under

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<sup>26</sup>. Tiger population doubles after tribals allowed to coexist in tiger reserve, Down To Earth, 10 December 2015, <https://www.downtoearth.org.in/news/wildlife-biodiversity/tiger-population-doubles-in-reserve-that-allowed-tribals-to-stay-52093>

<sup>27</sup>. See Lok Sabha Unstarred Question No.3405, 12.07.2019 at <https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pgals> & Rajya Sabha Unstarred Question No. 1325, 14.12.2023 at <https://sansad.in/getFile/annex/262/AU1325.pdf?source=pgars>

<sup>28</sup>. List of Tiger Reserve, NTCA, <https://ntca.gov.in/tiger-reserves/#tiger-reserves-2>

<sup>29</sup>. India: Tribe faces eviction from tiger reserve – but uranium exploration approved, Survival International, 15 June 2017, <https://www.survivalinternational.org/news/11711>

<sup>30</sup>. An Open Letter from the Chenchu tribe of Amrabad tiger Reserve, available at <https://survivalinternational.org/articles/3495-chenchuletter>

the FRA 2006 did not apply within the Amrabad Tiger Reserve. Many of their applications for recognition of these rights were ignored or rejected over the years.<sup>31</sup>

### **Achanakmar Tiger Reserve, Chhattisgarh**

Achanakmar was declared an official Tiger Reserve in 2009. In December 2009, around 238 Baiga families from 6 or the 25 villages of the reserve (Kumba, Sambhardhasan, Bankal, Jalda, Bahaur and Bokrakhachar) were evicted outside the Reserve without the FPIC of the Gram Sabhas and without settling their rights under the FRA 2006.<sup>32</sup> Forest Department officials reportedly threatened to release bears and poisonous snakes into villages to drive the inhabitants out and prevented villagers from collecting anything from the forest, to the extent that families feared they would starve to death if they remained. Indigenous peoples were forced to “agree” to the relocation package (Rs 50,000, though they were entitled to Rs. 10 lakhs under Project Tiger).<sup>33</sup> Evicted families were provided barren land which lacked any irrigation facility and without the promised facilities for rehabilitation concerning healthcare, education and livelihood practices. The administration also continued to plan the relocation of the remaining 19 villages. In 2015, the Forest Advisory Committee approved relocating five more villages from the reserve and in 2019 three villages, namely, Tilaidabra, Birarpani and Chhirhattha.<sup>34</sup> On 9 August 2022, four villages namely Bamhani, Mahamai, Katami and Babutola received Community Forest Resource Rights (CFRR) over 1,663 hectares, 1,384 hectares, 3,240 hectares and 191.60 hectares respectively.<sup>35</sup>

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<sup>31</sup>. Illegal evictions from Indian Tiger Reserves, Survival International, see <https://assets.survivalinternational.org/documents/1894/illegal-evictions-from-indias-tiger-reserves.pdf>

<sup>32</sup>. Alok Prakash Putul, “Lessons for Chhattisgarh from Madhya Pradesh on how to resettle those evicted from tiger reserves”, Scroll.in, April 24, 2022, <https://scroll.in/article/1022172/lessons-for-chhattisgarh-from-madhya-pradesh-on-how-to-resettle-those-evicted-from-tiger-reserves>

<sup>33</sup>. Illegal evictions from Indian Tiger Reserves, Survival International, see <https://assets.survivalinternational.org/documents/1894/illegal-evictions-from-indias-tiger-reserves.pdf>

<sup>34</sup>. Baiga Tribe Protests against Relocation from Achanakmar Tiger Reserve in Chhattisgarh, Land Conflict Watch, 18 January 2017, <https://www.landconflictwatch.org/conflicts/villagers-allege-they-have-not-received-the-promised-compensation-after-relocation-from-achanakmar-tiger-reserve>

<sup>35</sup>. Future in forest: How eviction of villagers from Achanakmar tiger reserve united adivasis to fight for CFRR, Down To Earth, 26 August 2022, <https://www.downtoearth.org.in/news/forests/future-in-forest-how-eviction-of-villagers-from-achanakmar-tiger-reserve-united-adivasis-to-fight-for-cfrr-84557#:~:text=On%20Adivasi%20Day%20August%2009.at%20a%20state%20government%20event.>

## **Nagarhole Tiger Reserve, Karnataka**

The Nagarhole Tiger Reserve was established on the lands of the Jenu Kuruba and other tribes in 1999. According to a 2014 report, over 3,400 families were displaced between the 1970s and 1980s. Because of the lack of rehabilitation, majority of them continue to be landless laborers presently.<sup>36</sup> Since 2010, several Jenu Kuruba families who were illegally evicted from their villages have made several attempts to go back to Nagarhole but they were reportedly beaten and harassed. In 2013, forest officials filed a legal case against JK Thimma, one of the Jenu Kuruba tribals living in Nagarhole Tiger Reserve, for building a thatched house in his village. In 2018, the judge dismissed the false case, recognizing his right to build a house in the forest; acquitting him of violations of the Wildlife Protection Act and acknowledging that it was likely that the charges against him were false and in retaliation for his resistance to evictions.<sup>37</sup> In May 2021, the Jenu Kurubas held a major protest against attempts to evict them and to demand their rights to live in their tiger reserve.<sup>38</sup>

## **Similipal Tiger Reserve, Odisha**

While there were 61 villages in the Similipal national park in Mayurbhanj district, the state government of Odisha decided in 1988 to relocate four villages namely Kabataghai, Jamunagarh, Jenabil and Bakua located in the core zone. Between 1994 and 2003, 72 families were relocated from Jamunagarh, Jenabil and Kabataghai villages.<sup>39</sup> In 2013, 34 families from Khadia tribe as well as families of Upper Barhakamuda and Bahaghar were reportedly evicted without their FPIC through a combination of “threats and deceit”. They were promised good quality houses with basic facilities and instead, found black plastic shelters on barren land. In 2015, 47 families living in Kabataghai, 35 families living in Jamunagada as well as Munda villagers from Jamunagarh were forcibly relocated from the Reserve, without their PFIC.<sup>40</sup> In January 2020, about 110 Mankidia and Khadia, families from the Khajuri

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<sup>36</sup>. Tribes People Struggle to Get Their Forest Rights Recognized in Nagarhole National Park, Land Conflict Watch, 10 August 2017, <https://www.landconflictwatch.org/conflicts/tribespeople-struggle-to-get-their-forest-rights-recognized-in-nagarhole-national-park>

<sup>37</sup>. “We can live with the Tiger, not the forest department!, A Fact-Finding Report on Forced Evictions, Rehabilitation Betrayals and Fortress Conservation in Nagarhole”, 22 May 2022, available at <https://countercurrents.org/2022/05/we-can-live-with-the-tiger-not-the-forest-department/>

<sup>38</sup>. India’s Jenu Kuruba indigenous tribe protests forced evictions from the forest, Lifegate, 17 May 2021, <https://www.lifegate.com/jenu-kuruba-india-indigenous-protest-eviction>

<sup>39</sup>. Administrators hope to appease relocated tribes of Simlipal, Village Square, 22 March 2021, <https://www.villagesquare.in/with-no-increase-in-tiger-count-tribes-continue-to-be-relocated-2/>

<sup>40</sup>. Illegal evictions from Indian Tiger Reserves, Survival International, See <https://assets.survivalinternational.org/documents/1894/illegal-evictions-from-indias-tiger-reserves.pdf>

village within the buffer area of the Reserve, were forcibly relocated to Salaibedha without their FPIC.<sup>41</sup>

### **Melghat Tiger Reserve, Maharashtra**

In the Melghat Tiger Reserve (MTR) established in 1994 on the lands of the Korku tribes, large number of displacements took place as stated in its Core Plan 2014-2015 - 2023-24. According to the Core Plan, the Melghat Sanctuary had 22 villages (out of 22 villages 7 villages were relocated and while the rest remain to be relocated), Ambabarwa Sanctuary had 3 villages and Wan Sanctuary had 6 villages (out of 6 villages 5 villages were relocated) within it. There were 39 villages around the park and the Government identified 25 villages for exerting biotic pressure, thus necessitating relocation.<sup>42</sup> The Government allegedly denied basic facilities. Given the lack of proper rehabilitation, in 2017, about 1,200 tribals from eight villages, who were relocated in 2012, returned to the forests and occupied the place for 36 hours, demanding rehabilitation facilities and better compensation. Despite the rejection of some claims, the District Level Committee (DLC) under the Forest Rights Act granted community forest rights and fishing rights on over 3,000 hectares within the Melghat Tiger Reserve. In June 2020, the DLC further recognised individual forest claims of 76 people in Semadoh village within the reserve under the FRA.<sup>43</sup>

### **Panna Tiger Reserve, Madhya Pradesh**

The Panna Tiger Reserve was established in 1994 on the lands of the Gond and Yadav indigenous peoples. Prior to the creation of the Reserve there were sixteen villages that lived on these lands. About 983 indigenous families from 13 villages were relocated from core areas of the Reserve from 2009 onwards<sup>44</sup> and only three villages remain inside the reserve. As the tiger conservation efforts of the reserve were virtually declared a failure in 2009, evictions have rapidly increased, starting with the relocation of the Budrohd,

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41. PVTG families relocated to rehab colony, The New Indian Express, 25 January 2020, <https://www.newindianexpress.com/odisha/2020/Jan/25/pvtg-families-relocated-to-rehab-colony-2094386.html>; & Relocation of tribal people living around Similipal Tiger Reserve forceful, claim locals, Mongabay, 30 March 2020, <https://india.mongabay.com/2020/03/relocation-of-tribal-people-living-around-similipal-tiger-reserve-forceful-claim-locals/>

42. 'Tiger Conservation Plan: Core Plan, 2014-15 to 2023-24 of Melghat Tiger Reserve, Maharashtra', [https://www.magicalmelghat.in/public/website/pdf/tcp\\_coreplanMTR.pdf](https://www.magicalmelghat.in/public/website/pdf/tcp_coreplanMTR.pdf)

43. Maharashtra Government Relocates Tribal Families from Melghat Tiger Reserve, Communities Resist, Land Conflict Watch, 15 September 2016, <https://www.landconflictwatch.org/conflicts/villagers-displaced-from-melghat-tiger-reserve-demand-return-of-their-land#:~:text=In%202017%2C%20a%20group%20of,families%20got%20displaced%20after%202008>

44. Forced eviction, mining and dams inside Panna Tiger Reserve, Madhya Pradesh, India, Ejatlas, 18 July 2023, <https://ejatlas.org/print/panna-tiger-reserve-india>

Talgaon, Malanpur, and Jhalar villages and later with the Badhaun village in 2012. In 2015, the Umraivan village protested against their forced eviction from the Panna Tiger Reserve and as a result the local administration reportedly cut off their electricity lines and let elephants loose around their village to coerce the community into 'relocating.' While 70 families were relocated in response, nine families have continued to resist their forced eviction and submitted a petition to the Jabalpur High Court regarding their land rights under the FRA 2006. These remaining families have been reportedly continuously threatened and harassed by forest officials. In August 2016, indigenous communities from 39 villages within the Reserve were evicted without their FPIC and without adequate compensation from their ancestral forests after these were declared as buffer zones for the Reserve.<sup>45</sup>

### **Kaziranga Tiger Reserve, Assam**

The Kaziranga was designated as National Park in 1974 and a Tiger Reserve in 2006. Indigenous Peoples including the Mising tribe opposed the establishment of the Park back to its inception. In 2015, following a court order, with a notice issued 10 days prior to the eviction (in some cases families were not notified at all and compensation was not offered), 300 indigenous families were violently evicted in the buffer zone and their livelihoods destroyed. On 19 September 2016, the state carried out the eviction drive in these villages. Houses, temples, mosques and schools were reportedly demolished. A total of 331 houses were razed to the ground, of which 35 families had land rights.<sup>46</sup>

Despite promises, the Government had neither resettled the villagers nor secured new land ownership for them. Indigenous communities bordering the park were reportedly continuously threatened with evictions. In 2019, a Supreme Court order was issued for further eviction of families, many of them who had previously lost their lands to the park. In September 2020, the state further approved another 30 square kilometres to be included in the boundary of the national park.<sup>47</sup> Since then, the eviction rate had picked up pace with the government issuing fresh eviction notices, wherein at least 662 families living around the park were facing the threat of eviction.<sup>48</sup>

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45. UA IND 9/2017, 24 August 2017,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23314>

46. Over 650 Families Live in Fear of Eviction near Kaziranga in Assam, Land Conflict Watch, 19 September 2016, <https://www.landconflictwatch.org/conflicts/over-600-families-continue-to-live-in-the-fear-of-eviction-near-kaziranga-national-park>

47. Ibid

48. Pratyush Deep Kotoky, 'Losing Ground: With over 600 families already facing eviction, Assam govt approves another expansion of the Kaziranga National Park, sparking protests, 11 November 2020, <https://en.gaonconnection.com/losing-ground-with-over-600-families-already-facing-eviction-assam-govt-approves-another-expansion-of-the-kaziranga-national-park-sparking-protests/>

## Buxa Tiger Reserve, West Bengal

Buxa Tiger Reserve was established in 1983 on the lands of the Rawa, Mech, Santhal, Oraon and Garo Indigenous Peoples. Of the total 42 villages in the reserve, the state forest department identified 18 villages in the core area to be relocated. In 2009, the state announced a relocation package of INR 10 lakh for *every adult* living in the core area of the tiger reserve but later on revised the amount to INR 10 lakh per *household which* dissuaded the families from accepting the compensation. Residents of 18 villages demanded that their land and forest rights be recognised under the Forest Rights Act. In 2019, a report claimed that FRA claims were being wrongfully rejected in Buxa Tiger Reserve.<sup>49</sup> In December 2023, 51 indigenous families living in the Bhutia Basti and 91 families living in Gangutia Basti in the Buxa Tiger Reserve were reportedly displaced by the National Tiger Conservation Authority.<sup>50</sup>

## Kanha Tiger Reserve, Madhya Pradesh

Kanha Tiger Reserve was established in 1973 on the lands of the Baiga and Gond. In the mid-seventies, 24 villages (around 650 families) were forcibly displaced outside the boundaries of the Reserve.<sup>51</sup> In June 2014, 450 families in the villages of Jholar, Ajanpur, Bithli, Benda, Rol and Sukri were reportedly evicted without their FPIC and without being given an option of land or compensation. More than 22,000 people were evicted with no support or backing.<sup>52</sup> They were subject to threats by Forest Department and forced to sign documents.<sup>53</sup> The Forest Department reportedly threatened to use elephants to trample tribal member's homes in order to displace them.<sup>54</sup> As per a Right to information Report filed on 11/12/2017, 34 villages comprising 1,870 families were relocated. Only 3

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49. Residents of Buxa Tiger Reserve in West Bengal Demand Recognition of Forest Rights, Land Conflict Watch, 18 April 2017, <https://www.landconflictwatch.org/conflicts/residents-of-buxa-tiger-reserve-in-west-bengal-demand-recognition-of-forest-rights>

50. Forced Evictions in India: 2022 & 2023, Housing and Land Rights Network, New Delhi, 2024, [https://hlnr.org.in/documents/Forced\\_Evictions\\_2022\\_2023.pdf](https://hlnr.org.in/documents/Forced_Evictions_2022_2023.pdf)

51. Displacement and Relocation of Protected Areas: A Synthesis and Analysis of Case Studies, 2009, Economic and Political Weekly. Author: Langerscoix and Kothari. pg. 40

52. Summary report of National Consultation on Forest Rights Act and Protected Areas, 11–12th November 2013, Indian Social Institute, New Delhi. Published by Kalpavriksh.

53. Letter dated 12 January 2015 of Survival International to NTCA, [https://assets.survivalinternational.org/documents/1345/150112-letter-ntca.pdf?\\_gl=1\\*4p7lta\\*\\_ga\\*MTAxNjY5NTU1My4xNzE2NzM3NTQz\\*\\_ga\\_VBQT0CYZ12\\*MTcxNzIxOTgzMS42LjEuMTcxNzlyMDYyNS4wLjAuMA](https://assets.survivalinternational.org/documents/1345/150112-letter-ntca.pdf?_gl=1*4p7lta*_ga*MTAxNjY5NTU1My4xNzE2NzM3NTQz*_ga_VBQT0CYZ12*MTcxNzIxOTgzMS42LjEuMTcxNzlyMDYyNS4wLjAuMA)

54. See 'Tribes people illegally evicted from 'Jungle Book' tiger reserve,' Survival International, 14 January 2015, <https://www.survivalinternational.org/news/10631>

villages of Linga, Jholar and Sukudi remain in core area and they continue to resist relocation, but plans are in place to relocate them.<sup>55</sup>

### **Manas Tiger Reserve, Assam**

The Manas Tiger Reserve was established on the lands of indigenous peoples including the Bodo peoples in 1973. The evictions started in 2016 with the evictions of the Bodos living in Bhuyanpara Range without their FPIC.<sup>56</sup> The eviction displaced at least 700 families<sup>57</sup> demolished 550 houses<sup>58</sup> and reportedly carried out with the assistance of 350 police and armed personnel.<sup>59</sup> Another eviction drive took place between January and February 2017. The eviction was confronted by a strong protest of 2000 people coming from nearby villages. About 700 houses were reportedly demolished and all families were evicted from the Manas National Park.<sup>60</sup>

### **Dudhwa Tiger Reserve, Uttar Pradesh**

Dudhwa National Park was designated as a National Park in 1978 and a Tiger Reserve in 1987. The area is mostly inhabited by the Tharu indigenous community. In 1978, 44 villages were relocated outside the forest on revenue land. Two of these villages, Surma and Golbhoji, resisted the eviction drive and they kept fighting for their traditional rights since then. A court case against the relocation was fought by the two communities since 1980, but they lost the 23-year-long legal battle in 2003. In 2013, the tribal members filed claims which the Sub Divisional Level Committee (SDLC) recognised and forwarded it to forest department who rejected it. Since petitions were submitted to the Supreme Court, the Tharu tribals had reportedly faced continuous harassment and threats. In July 2019, after the Supreme Court rejected their community forest rights claims as part of a larger

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<sup>55</sup>. Eleonora Fanari, 'Eviction from Kanha Tiger Reserve, MP, India', 24 May 2019,

<https://www.cevreadaleti.org/print/kanha-tiger-reserve>

<sup>56</sup>. Eviction at Manas National Park, Assam Times, 18 February 2017,

<https://www.assamtimes.org/node/18474>

<sup>57</sup>. Tribespeople Evicted from Manas National Park in Assam in Name of Encroachment, Land Conflict Watch, 10 May 2017, <https://www.landconflictwatch.org/conflicts/tribespeople-protest-against-forced-evictions-in-manas-national-park-assam>

<sup>58</sup>. Eviction at Manas National Park, Assam Times, 18 February 2017,

<https://www.assamtimes.org/node/18474>

<sup>59</sup>. Tribespeople Evicted from Manas National Park in Assam in Name of Encroachment, Land Conflict

Watch, 10 May 2017, <https://www.landconflictwatch.org/conflicts/tribespeople-protest-against-forced-evictions-in-manas-national-park-assam>

<sup>60</sup>. Eviction from Manas National Park, Assam, India, Ejatlas, 14 October 2021,

<https://ejatlas.org/conflict/eviction-from-manas-national-park>



Forest rights case, the forest department officials allegedly resorted to extortion and obstructed them from collecting grass and other forest produce.<sup>61</sup>

### **Similipal Tiger Reserve, Odisha**

Similipal Tiger Reserve was established in 1973 on the lands of the Kolha, Santhala, Bhumija, Bhatudi, Gondas, Khadia, Mankadia and Sahara tribes. Following a round of evictions in December 2013, about 32 families of the Khadia tribe were expelled to the Asan Kudar resettlement village outside the forest. They were not provided with sufficient land, animals or essential services. They had to live through the heat of April and the deluge of the monsoon under plastic sheets, and had received only a fraction of the Rs 10 lakh they were promised.<sup>62</sup> Kol and Munda tribe members in Jamunagarh village reported that they were 'threatened' and 'cheated' into signing an eviction document drawn up by the forest department. On 19 September 2014, Jamunagarh residents met with Odisha Forest Department officials. They were told that the meeting was to confirm their Community Forest Rights, which they had applied for under the Forest Rights Act 2006. Peoples also reported threats and harassments. Only after signing the document they were told that the document committed them to leave their village - and that they would not even receive the five acres of land they had been promised, as there was no land available.<sup>63</sup>

### **Tadoba Tiger Reserve, Maharashtra**

Tadoba Tiger Reserve was declared Tiger Reserve in 2007. Five of six villages in the Tadoba Tiger Reserve were forcibly evicted including Kolsa, Botezari, Palasgaon, Jamni and Ramdegi. They were notified in 2004 that they could not graze their cattle, collect firewood for domestic use, or collect plants to provide for their families. Beginning in 2004, forced "relocations" of villages began. In 2007, 140 families of Botezari village were relocated by forestry officials. In 2013, 200 families in the Ramdegi village were forced to relocate. In 2014, 222 families from the Jamni village were relocated. Rantalodhi villagers and 97 families from Kolsa village refused to leave.<sup>64</sup> They continue to live inside the

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<sup>61</sup>. Dudhwa National Park and the fight for forest rights, UP, India, Ejatlas, 14 October 2021, <https://ejatlas.org/conflict/struggle-for-forest-rights-into-the-core-of-dudhwa-national-park-uttar-pradesh>

<sup>62</sup>. India: tiger reserve tribes face illegal eviction, The Ecologist, 14 October 2014, <https://theecologist.org/2014/oct/14/india-tiger-reserve-tribes-face-illegal-eviction>

<sup>63</sup>. Ibid

<sup>64</sup>. Struggles for the right to live in forests declared protected areas in India, All India Forum of Forest Movements, November 2021, [https://www.wrm.org.uy/sites/default/files/2022-03/Struggles-to-live-in-forests-Protected-Areas-India\\_spread.pdf](https://www.wrm.org.uy/sites/default/files/2022-03/Struggles-to-live-in-forests-Protected-Areas-India_spread.pdf)

reserve, though Rantalodhi village was under constant threat of eviction. Rantalodhi villagers reported that their village was set on fire to force relocation by forest officials.<sup>65</sup>

### **Future forced evictions:**

From 2019, at least five more tiger reserves have been notified as on date i.e. Srivilliputhur Megamalai, Tamil Nadu (2021), Ramgarh Vishdhari Tiger Reserve, Rajasthan (2022), Ranipur Tiger Reserve, Uttar Pradesh (2022), Veerangana Durgavati Tiger Reserve, Madhya Pradesh (2023) and Dholpur – Karauli Tiger Reserve Rajasthan (2023).<sup>66</sup> Though there is no estimate but huge number of Indigenous Peoples and other forest dwellers from 362 villages inside these five protected areas have been marked for relocation.

From the newly created/expanded Tiger Reserves, Indigenous Peoples and other forest dwellers from 362 villages are slated to be displaced as given below:

From the Ramgarh Vishdhari Tiger Reserve, Rajasthan (2022), inhabitants from eight villages will be displaced and relocation of 209 families from Gulkheri village has started.<sup>67</sup>

From the Dholpur-Karauli Tiger Reserve, Rajasthan notified in August 2023,<sup>68</sup> about 50 villages will be affected by the tiger reserve constituting about 4,000 people belonging to tribal communities.<sup>69</sup>

In Ranipur Tiger Reserve, Uttar Pradesh notified in October 2022, about 45,000 tribals and forest dwellers of at least 52 villages under 22 panchayats in Manikpur Block in Chitrakoot district were served eviction notices.<sup>70</sup>

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<sup>65</sup>. Village Residents Allege Forceful Relocation from Tadoba Tiger Reserve in Maharashtra, Land Conflict Watch, 19 January 2017, <https://www.landconflictwatch.org/conflicts/village-residents-allege-forcefull-relocation-from-tadoba-tiger-reserve-in-maharashtra>

<sup>66</sup>. List of Tiger Reserve, NTCA, <https://ntca.gov.in/tiger-reserves/#tiger-reserves-2>

<sup>67</sup>. <https://www.abplive.com/states/rajasthan/ramgarh-tiger-reserve-villages-started-displaced-from-ramgarh-tiger-reserve-in-bundi-in-rajasthan-ann-2197106>

<sup>68</sup>. With NTCA nod, Dholpur-Karauli now becomes the 5th tiger reserve in Rajasthan, The Times of India, 23 August 2023, <https://timesofindia.indiatimes.com/city/jaipur/with-ntca-nod-dholpur-karauli-nowbecomes-the-5th-tiger-reserve-in-state/articleshow/102959443.cms>

<sup>69</sup>. Demonstration at DU Art Faculty Highlights Atrocities Against Adivasis, The Mooknayak, 11 January 2024, <https://en.themooknayak.com/tribal-news/demonstration-at-du-art-faculty-highlights-atrocities-against-adivasis>

<sup>70</sup>. UP Polls: 'Where Will We Go?' Ask Tribals in Chitrakoot on Being Served Eviction Notices, NewsClick, 1 February 2022, <https://www.newsclick.in/UP-Polls-Where-Will-We-Go-Ask-Tribals-Chitrakoot-Being-Served-Eviction-Notices>

In Kumbhalgarh Wildlife Sanctuary, Rajasthan which was accorded in-principal approval by the NTCA, about 162 villages are likely to be affected and tribals living in 20 tribal villages located inside the KWS face direct threat of displacement.<sup>71</sup> Thousands of families are expected to be displaced.

From the expansion of the Nauradehi and Durgavati Wildlife Sanctuaries as a combined protected area for Tiger Reserve in Madhya Pradesh, people from 90 villages around the sanctuary face displacement. Villagers from 22 out of the planned 90 villages have already been displaced.<sup>72</sup>

From the Dudhwa Tiger Reserve (Uttar Pradesh) 417 indigenous families (2,000 people) from the Surma Village are under the threat of eviction following the Order of the Allahabad High Court calling for their removal.<sup>73</sup>

From the Villiputhur-Megamalai Tiger Reserve, 4,000 people from Thevar Nagar and Netaji Nagar, Vandiyur, Madurai would be under threat of eviction<sup>74</sup>

From the Nadu Mudumalai Tiger Reserve, over 300 families would be threaten by an order of the Madras High Court to remove 'encroachments' along water bodies<sup>75</sup>

From the Shiwalik Forest 1,800 families Proposal would under threat of eviction to declare Shiwalik Forest a 'tiger reserve'<sup>76</sup>

### **3.2 Protected areas: India's open jails and restrictions on the right to liberty of movement, privacy, family, home (Articles 12 and 17 of the ICCPR)**

Those living in and around the protected areas, face gross human rights violations including restriction on freedom of movement, arbitrary arrest and detention, torture and ill treatments and sexual and gender-based violence, and extra-judicial killings at the hands of forest department personnel and other security forces deployed. They often suffer the violations for their livelihood - collecting honey, flowers, firewood, hunting or fishing in or near the tiger reserve or for opposing or resisting evictions. On February 21, 2024, Chief Minister of Odisha, India ordered withdrawal of over 48,000 cases against

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71. 'New Kumbhalgarh tiger reserve in Rajasthan to displace indigenous tribes', The New Indian Express, 25 August 2023, <https://www.newindianexpress.com/nation/2023/Aug/25/new-kumbhalgarh-tiger-reserve-in-rajasthan-to-displace-indigenous-tribes-2608556.html>

72. Protests Escalate as Tribal Villages Face Displacement from Nauradehi Sanctuary in Madhya Pradesh, 20 December 2023, <https://en.themooknayak.com/tribal-news/protests-escalate-as-tribal-villages-face-displacement-from-nauradehi-sanctuary-in-madhya-pradesh>

73. Forced Evictions in India: 2022 & 2023, Housing and Land Rights Network, New Delhi, 2024, [https://www.hlrn.org.in/documents/Forced\\_Evictions\\_2021.pdf](https://www.hlrn.org.in/documents/Forced_Evictions_2021.pdf)

74. Ibid

75. Ibid

76. Ibid

tribal community members related to excise (making country liquor), forest, and land encroachment.<sup>77</sup> These 48,000 cases expose the extent of the criminalization of traditional food habits such as making liquor, livelihood practices and habitation of Indigenous Peoples with the nature. If 48,000 cases are pending in one State i.e. Odisha alone, one can conjure up the number of cases pending against Indigenous Peoples in India.

Protected areas are not only about 'ensuring the ecological and environmental security of India', but also legally demarcating geographical areas to be governed by separate administration and law enforcement personnel. They are not prisons, but have all the features of open prisons where persons who are not convicted of any offense but have to live under constant surveillance or suspicion. The administrators of the protected areas are often designated as "Wardens," just like in prisons and other detention facilities.<sup>78</sup> Just like prisons, no one can enter the protected areas without the permission of the wardens or their subordinates.<sup>79</sup> The wardens further have separate law enforcement personnel under their command, whether forest guards or private rangers with the power to arrest, use of force and fire-arms, and even shoot to kill, all without any regard for the UN Code of Conduct for Law Enforcement Officials.<sup>80</sup>

Under Section 4 of the Wildlife (Protection) Act of 1972, the State Government can appoint a Chief Wild Life Warden, Wild Life Wardens and other such officers and employees as may be necessary for each protected area. These officers have been given a range of powers to control the protected areas under Section 33 of the Act and further can exercise powers of search, arrest and detention (section 50). The Act further provides for imposing penalties including imprisonment (Section 51) and actually overturns the presumption of innocence against a person who had been previously convicted of an offence under the Act while seeking bail if arrested (Section 51A), etc.<sup>81</sup>

The power of the authorities of the protected areas to impose restrictions on entry is of particular importance. Section 27 of the Wildlife Protection Act states that "(1) No person other than, (a) a public servant on duty, (b) a person who has been permitted by the Chief Wild Life Warden or the authorised officer to reside within the limits of the

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77. Odisha to withdraw 48000 minor cases against tribals, The Hindustan Times, Feb 21, 2024  
<https://www.hindustantimes.com/india-news/odisha-to-withdraw-48000-minor-cases-against-tribals-101708528998681.html>

78. The Wildlife Protection Act of 1972 is available at  
<https://www.indiacode.nic.in/bitstream/123456789/1726/1/a1972-53.pdf>

79. The Wildlife (Protection) Act of 1972 uses the terms such as Wardens.

80. UN Code of Conduct for Law Enforcement Officials is available at  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials#:~:text=No%20law%20enforcement%20official%20may,threat%20to%20national%20security%2C%20internal>

81. The Wildlife Protection Act is available at  
<https://tribal.nic.in/downloads/FRA/Concerned%20Laws%20and%20Policies/Wildlife%20Protection%20Act,%201972.pdf>

sanctuary, (c) a person who has any right over immovable property within the limits of the sanctuary, (d) a person passing through the sanctuary along a public highway, and (e) the dependents of the person referred to in clause (a), clause (b) or clause (c), shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.<sup>82</sup> Permission for entry can be given only for (a) investigation or study of wild life and purposes ancillary or incidental thereto; (b) photography; (c) scientific research; (d) tourism; (e) transaction of lawful business with any person residing in the sanctuary as per Section 28 of the Act.<sup>83</sup>

These provisions of the Wildlife Protection Act, 1972 have effectively come to mean that national human rights institutions cannot visit the reserved areas without prior permission of the authorities under the Act and therefore, the protected areas essentially operate as States within a State.

Under Section 27 of the Act, there is serious restrictions on entry in a sanctuary on (e) a person who has any right over immovable property within the limits of the sanctuary and their dependents shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28 relating to Grant of permit to enter or reside in a sanctuary.

There are severe restrictions from the state authorities and agents (contractors, private security agencies, eco-tourism promoters) on right to freedom of movement (security at the gates; requirement of permission for entry or exists; security checks of the bags; monitoring the visits of the relatives); violations of the right to privacy including through excessive surveillance; conducting searches without notice and prior information including at late night where women and girls are sexually abused by the forest and wildlife officials; control over cultural practices; limited access to development and welfare programs such as road, electricity, drinking water facilities, right to education, right to housing etc. Even for health emergencies, Indigenous Peoples living inside the protected areas are required to seek approval from the authorities for movement and pregnant women and ill persons suffer a lot including casualties.<sup>84</sup>

In September 2020, five Korku tribal families from the Pastalai who had refused to move out from the Melghat Tiger Reserve, Maharashtra were denied entry and exit to their village, Pastalai. Two tribal men namely Raju Dhandekar and his brother Gaju Dhandekar were arrested on 1 September 2020 by the Forest Department as they headed home to their village of Pastalai, inside the Tiger Reserve. Both men were charged with violating the Wildlife Protection Act of 1972 for allegedly destroying wildlife or forest produce inside

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<sup>82</sup>. Ibid

<sup>83</sup>. Ibid

<sup>84</sup>. Suhas Chakma, Protected areas: These “states within a state” require separate oversight human rights mechanisms, *Arizona Journal of Environmental Law & Policy*, Volume 14 Spring 2024 Special Issue, [https://indigenous.arizona.edu/sites/default/files/2024-05/%28second%29%20Chakma\\_Special\\_Issue\\_2024--Final.docx.pdf](https://indigenous.arizona.edu/sites/default/files/2024-05/%28second%29%20Chakma_Special_Issue_2024--Final.docx.pdf)

a sanctuary. They were released on bail the next day, but the bail order restricted them from returning home. On 9 November 2020, Gaju's wife, Phulwanti, was also arrested from her house in Pastalai. She was falsely charged for having two stumps of teak wood in her pile of firewood. Her bail order did not restrain Phulwanti from returning home, but forest guards allegedly did not allow her back into Pastalai.<sup>85</sup>

### **2.3 Protected areas: India's open jails and denied access to public services (Article 27 of the ICCPR)**

Under Section 33 of the Wildlife Protection Act relating to control of sanctuaries, the Chief Wild Life Warden is the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary, (a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary. The Section makes no reference to needs or rights of the inhabitants allowed to reside in the sanctuaries.

Indigenous Peoples are often denied access to development. As a part of strategy to force relocation, the authorities kept the people residing inside the protected areas bereft of any development or basic public facilities or essential services to force them to move out in the name of voluntary relocation.

In Noolpuzha Gram Panchayat, an indigenous village inside the Wayanad Wildlife Sanctuary,<sup>86</sup> a number of Indigenous Peoples from Noolpuzha Gram Panchayat opposed the relocation. For the Financial Year 2018-2019, the Noolpuzha Gram Panchayat authorities earmarked Rs 600,000/- to tar the road and another Rs 400,000/- lakh for compound wall of the only Lower Primary School in the light of the demands of those who stayed back at the settlement. The Panchayat stated that it is the duty of the Panchayat to ensure their safety and educational needs.<sup>87</sup>

On 29 January 2019, the Forest Department officials blocked the truck carrying construction materials to the LP school. Noolpuzha Gram Panchayat President Mr K

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<sup>85</sup>. India's Man-Tiger Conflict & The Trauma Of Illegal Relocation, Article 14, 19 February 2021, <https://article-14.com/post/india-s-man-tiger-conflict-the-trauma-of-illegal-relocation>

<sup>86</sup>. Relocation of tribes people in limbo, The Times of India, October 29, 2021, <https://www.thehindu.com/news/national/kerala/relocation-of-tribespeople-in-limbo/article37240537.ece>

<sup>87</sup>. Voluntary relocation project in Wayanad faces hurdle, The Times of India, 30 January 2019, <https://timesofindia.indiatimes.com/city/kozhikode/voluntary-relocation-project-in-wayanad-faces-hurdle/articleshow/67748834.cms>

Shoban Kumar however released the same. The police registered counter-cases against Mr K Shoban Kumar and the Forest Department officials.<sup>88</sup>

In 2013 forest officials filed a legal case against JK Thimma, one of the Jenu Kuruba tribals living in Nagarhole Tiger Reserve, for building a thatched house in his village. In 2018, the judge dismissed the false case, recognizing his right to build a house in the forest; acquitting him of violations of the Wildlife Protection Act and acknowledging that it was likely that the charges against him were false and in retaliation for his resistance to evictions.<sup>89</sup>

## **2.4 Patterns of extrajudicial, summary and arbitrary executions (Article 6 of the ICCPR)**

Hundreds of Indigenous Peoples have been killed inside the protected areas under suspicious circumstances victims of. extrajudicial, summary and arbitrary executions For example, in the Kaziranga National Park (Assam), as per media reports, more than 100 persons were killed during encounters between poachers and the forces of the Kaziranga National Park authorities over the years. Assam's Forest Department in a Report of 2014 claimed that hundreds of alleged poachers were shot dead in encounters over the years but not a single forest staffer had been killed in an encounter between 1985 and June 2014, thereby raising suspicions about the encounters. From 2014 to 2016 alone, at least 57 persons were killed – 27 in 2014, 23 in 2015 and 7 in 2016.<sup>90</sup>

### **Kaziranga National Park, Assam**

More than 100 extra judicial killings would have been perpetrated by the park authorities in the last 20 years in this park.<sup>91</sup> About 96 people would have been killed by armed parked rangers in Kaziranga over the past nine years, with 42 people killed between 2014 and 2015 alone.<sup>92</sup> In July 2016, a seven year old boy was traveling through one of the villages bordering the park would have been shot by one of the guards, sustaining a calf injury that has severely impacted his ability to walk. Other victims of alleged executions include Gaonburha Kealing (25) who was shot dead during an alleged encounter with forest officials on 26 December 2013 when he had gone to the forest in search of his

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<sup>88</sup>. Ibid

<sup>89</sup>. We can live with the Tiger, not the forest department! A Fact-Finding Report on Forced Evictions, Rehabilitation Betrayals and Fortress Conservation in Nagarhole, 22/05/2022, <https://countercurrents.org/2022/05/we-can-live-with-the-tiger-not-the-forest-department/>

<sup>90</sup>. Human Rights Violations in Kaziranga National Park, Counter Current, 22 June 2017, <https://countercurrents.org/2017/06/human-rights-violations-in-kaziranga-national-park/>

<sup>91</sup>. Human Rights Violations in Kaziranga National Park, Counter Current, 22 June 2017, <https://countercurrents.org/2017/06/human-rights-violations-in-kaziranga-national-park/>

<sup>92</sup>. Saving tigers, killing people, Aljazeera, 6 July 2018, <https://www.aljazeera.com/opinions/2018/7/6/saving-tigers-killing-people>

cattle;<sup>93</sup> (2) Rahul Kutum, a minor, and three others on 21 May 2010 with Kutum's post mortem report show his dead body carrying unnatural injury marks indicating "that both his hands were tied with rope like material".<sup>94</sup> In addition, a woman identified as Anjuma Khatun and a name identified Fakhruddin were killed when police opened fire to disperse protestors demanding compensation before they move out from the areas on 19 September 2016.<sup>95</sup>

### **Buxa Tiger Reserve, West Bengal**

According to the Forest Department of West Bengal, at least 13 tribals were killed in firing by forest department officials in Buxa Tiger Reserve in West Bengal from 2007 to 2018. The Forest Department described those killed as belonging to the timber mafia. However, rights bodies alleged they were innocent and poor tribals who merely entered the forest in search of firewood and minor forest produce.<sup>96</sup> Those summarily executed included Samen Rava who along with three other tribal youth, aged between 20-25 years, from North Poro forest village in Buxa Tiger Reserve had gone to the forest to collect firewood was shot dead by the Patrol Unit of the Forest Department on 8 February 2008;<sup>97</sup> Suraj Kharia (16) when he along with his nephew Sailesh Kharia (12) had gone to collect fodder for their goat on 21 January 2009;<sup>98</sup> Suresh Rava (22) who was shot at, beaten up and died in hospital on 13 November 2009 as per FIR lodged by the victim's family with the Kalchini police station;<sup>99</sup> Anil Kheria when he went inside the Moraghat forest for collecting firewood;<sup>100</sup> and Milan Rawtia, a tribal working with a tea garden, when he had entered the Taippo forest to fetch his cow who was shot at and declared dead at the hospital on

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<sup>93</sup>. Horns of a Dilemma, Hindustan Times, <https://www.hindustantimes.com/static/kaziranga-rhino-poaching/>

<sup>94</sup>. Ibid

<sup>95</sup>. 2 killed in police firing during Kaziranga eviction, The Times of India, 19 September 2016, <https://timesofindia.indiatimes.com/city/quwahati/2-killed-in-police-firing-during-Kaziranga-eviction/articleshow/54403631.cms>

<sup>96</sup>. 'Tribals falling victim to fire from forest guards', Hindu Businessline, 12 March 2018, <https://www.thehindubusinessline.com/news/national/tribals-falling-victim-to-fire-from-forest-guards/article64133957.ece>

<sup>97</sup>. Killing of tribal youth at the hands of the Forest Department in Buxa Tiger Reserve, North Bengal, condemned by NFFPFW, Forest Peoples Programme, 8 February 2009, <http://www.forestpeoples.org/en/region/india/publication/2010/killing-tribal-youth-hands-forest-department-buxa-tiger-reserve-north->

<sup>98</sup>. Killer jungles of North Bengal, Current News, <https://www.currentnews.in/killer-jungles-of-north-bengal/>

<sup>99</sup>. Ibid

<sup>100</sup>. 'Tribals falling victim to fire from forest guards', Hindu Businessline, 12 March 2018, <https://www.thehindubusinessline.com/news/national/tribals-falling-victim-to-fire-from-forest-guards/article64133957.ece>



21 June 2018.<sup>101</sup> On 30 December 2009, 21-year-old Satyen Rava was crippled for life after being shot at inside Rajabhatkhawa forest in Buxa Tiger Reserve when he went to look for some buffaloes they had lost a few days before. Satyen Rava was crippled for life.<sup>102</sup> In 2001, Hradong Rava's brother, 14-year old Sanatan Rava, was beaten to death by the then Range Officer. The case was 'hushed' up<sup>103</sup>. In 2000, Sadharan Rabha (14) was beaten to death and Hradong Rabha (24) was notably beaten and garrotted in 2005.<sup>104</sup>

### **Pench Tiger Reserve, Maharashtra & Madhya Pradesh:**

Tribal people relocated out of the Pench National Park on the Madhya Pradesh-Maharashtra border whose main source of livelihood is fishing have been executed for trying to go fishing.<sup>105</sup> Those killed include Roopchand Sonwane (40) who was beaten to death by Forest Department officials near Pench Tiger Reserve in Seoni district of Madhya Pradesh on 5 June 2018 when he was collecting firewood and in which eight forest officials were arrested for the murder;<sup>106</sup> Harinand Banwari and two others who were shot at pellets by forest department officials leading to the death of Banwari at Totladoh reservoir in Pench Tiger Reserve of Maharashtra<sup>107</sup> on 23 February 2015,<sup>108</sup>. On 2 July 2012 Baban Bannote who was shot dead when he entered the forest to fish at the Pench reservoir and his body recovered with 100 to 150 pellets embedded in his upper torso,

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<sup>101</sup>. *ibid*

<sup>102</sup>. Killer jungles of North Bengal, Current News, <https://www.currentnews.in/killer-jungles-of-north-bengal/>

<sup>103</sup>. NFFPFW condemns murder of a Rava Youth in Buxa Tiger Reserve, West Bengal, Press Release dated 17 November 2009 issued by National Forum of Forest People and Forest Workers, [https://www.forestpeoples.org/sites/default/files/news/2010/08/india\\_bengal\\_press\\_rel\\_buxa\\_reserve\\_nov09\\_eng.pdf](https://www.forestpeoples.org/sites/default/files/news/2010/08/india_bengal_press_rel_buxa_reserve_nov09_eng.pdf)

<sup>104</sup>. GU, N., Guha, T.L. , & Tatpati, M. (2018). Community based conservation amidst conflict in the Dooars region of North Bengal. Pune, Maharashtra: Kalpavriksh.

<sup>105</sup>. Tribal fishers to move court after one of them is killed by forest staff in Pench National Park, Down To Earth, 6 July 2012, <https://www.downtoearth.org.in/news/tribal-fishers-to-move-court-after-one-of-them-is-killed-by-forest-staff-in-pench-national-park-38623#:~:text=Following%20the%20incident%2C%20the%20tribal,mounting%20violent%20attacks%20on%20them.>

<sup>106</sup>. Madhya Pradesh: Eight forest department officials arrested for killing villager, burning his body, Scroll.in, 7 June 2018, <https://scroll.in/latest/881801/madhya-pradesh-eight-forest-department-officials-arrested-for-killing-villager-burning-his-body>

<sup>107</sup>. Illegal fisherman shot dead, The Times of India, 24 February 2015, <https://timesofindia.indiatimes.com/city/nagpur/illegal-fisherman-shot-dead/articleshow/46348977.cms>

<sup>108</sup>. Illegal fisherman shot dead, The Times of India, 24 February 2015, <https://timesofindia.indiatimes.com/city/nagpur/illegal-fisherman-shot-dead/articleshow/46348977.cms>

face, head and palms, and both eyes had been pierced with pellets.<sup>109</sup> In January 2012, 17 fishermen were allegedly injured by the forest guards of Maharashtra<sup>110</sup>.

### **Nagarhole Tiger Reserve, Karnataka**

In the last few years at least 8 Indigenous persons have reportedly shot dead by the Forest Dept officials without criminal conviction in any of these cases and compensation was not paid to the families. From 8<sup>th</sup> to 11<sup>th</sup> April 2023, a Fact-Finding Committee of activists, academics, researchers and journalists were informed that at least eight tribals were shot dead by the Forest Department officials without criminal conviction in any of the cases.<sup>111</sup> Those extrajudicially executed include (1) 30-year-old tribal man identified as Maasthi belonging to Jenu Kuruba tribe who died due to alleged torture by the forest department officials in Nagarhole Tiger Reserve on 18 April 2023 after being caught when he and two others had gone for fishing in the reserve;<sup>112</sup> (2) 49-year-old tribal man, Kariyappa, who died due to alleged torture in custody of the Forest Department officials in Mysuru district on 12 October 2022 after being taken into custody in connection with a case of hunting and possessing deer meat on 10 October 2022 with injury marks on his body, indicating torture;<sup>113</sup> and (3) Basava (38), a Jenu Kuruba tribe member, was shot at and injured by the forest guards in the Hunsur wildlife range of the Reserve<sup>114</sup> and succumbed to his injuries in February 2023.<sup>115</sup>

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<sup>109</sup>. Tribal fishers to move court after one of them is killed by forest staff in Pench National Park, Down To Earth, 6 July 2012, <https://www.downtoearth.org.in/news/tribal-fishers-to-move-court-after-one-of-them-is-killed-by-forest-staff-in-pench-national-park-38623#:~:text=Baban's%20body%20was%20recovered%20by,the%20boat%2CE2%80%9D%20says%20Banwari>

<sup>110</sup>. Ibid

<sup>111</sup>. Fact-Finding team finds grave violations of Adivasi rights in Nagarhole Tiger Reserve, Counter Current, 14 April 2023, <https://countercurrents.org/2023/04/fact-finding-team-finds-grave-violations-of-ativasi-rights-in-nagarhole-tiger-reserve/>

<sup>112</sup>. Tribal man found dead, kin point finger at Nagarhole forest guard, The New Indian Express, 21 April 2023, <https://www.newindianexpress.com/states/karnataka/2023/Apr/21/tribal-man-found-dead-kin-point-finger-at-nagarhole-forest-guard-2567937.html>

<sup>113</sup>. Karnataka: Tribal man in foresters' custody dies of suspected torture in HD Kote, The New Indian Express, 13 October 2022, <https://www.newindianexpress.com/states/karnataka/2022/Oct/13/karnataka-tribal-man-in-foresters-custody-dies-of-suspected-torture-in-hd-kote-2507545.html>

<sup>114</sup>. Adivasi man shot by forest officials in Karnataka, later accused of sandalwood theft, The News Minute, 4 January 2022, <https://www.thenewsminute.com/karnataka/ativasi-man-shot-forest-officials-karnataka-later-accused-sandalwood-theft-159464>

<sup>115</sup>. Fact-Finding team finds grave violations of Adivasi rights in Nagarhole Tiger Reserve, Counter Current, 14 April 2023, <https://countercurrents.org/2023/04/fact-finding-team-finds-grave-violations-of-ativasi-rights-in-nagarhole-tiger-reserve/>

### **Similipal Tiger Reserve, Odisha**

On 1 June 2023, Jagannath Hembram, a 26-year-old tribal, was found dead in the Similipal National Park in Odisha in a fake encounter by the forest staff, who mistook him for a poacher.<sup>116</sup> Talabandh's Range Officer Shailendra Kumar Das said forest personnel undertook an operation in the core area on Wednesday night, during which they encountered a group of hunters armed with bows and arrows. Jagannath's brother Kaluram lodged a police complaint, alleging that he was killed in a "fake encounter" by the forest staff, who mistook him for a poacher.<sup>117</sup>

### **Jaldapara Wildlife Sanctuary, West Bengal**

In 2008, Sardhu Cheria, a poor tribal from the Mendabari village within the Jaldapara Wildlife Sanctuary, West Bengal was shot in the leg and left unattended for more than a day inside the jungle. He died because of excessive bleeding. No case was registered and an unofficial compensation of Rs 50,000 was allegedly paid to his family.<sup>118</sup>

### **Barwanapara Wildlife Sanctuary, Mahasamund District**

Families from the Rampur Village that that decided to stay Barwanapara Wildlife Sanctuary have faced brutal oppression: they were threatened by the forest department to vacate their houses. The villagers are not allowed to bathe in the pond in the village. They are furthermore disallowed access to tendu patta, mahua, and other forest produce which they ought to be allowed to use. If they try to acquire forest produce in a clandestine manner, it is seized from them and they are beaten in turn. The compensation of Rs. 2000/- (27 US dollars) was declared in return for not picking tendu. On 15 January 2018, the Forest Department officials entered Rampur village and physically assaulted members of tribal families, harassed women, and destroyed the devsthal (sacred site), with the aim to forcefully evict them. On 18 January 2018, forest officials physically assaulted and abused a resident of Rampur village and his family for refusing to relocate. He was arrested and detained for 10 days. When his wife and children tried to rescue him, they were beaten up as well. An unconscious Rajkumar was then taken to the hospital, before

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<sup>116</sup>. Tribal man found dead with bullet wounds in Similipal, locals blame forest personnel, The Print, 1 June 2023, <https://theprint.in/india/tribal-man-found-dead-with-bullet-wounds-in-similipal-locals-blame-forest-personnel/1607170/>

<sup>117</sup>. Tribal man found dead with bullet wounds in Similipal, locals blame forest personnel, The Print, 1 June 2023, <https://theprint.in/india/tribal-man-found-dead-with-bullet-wounds-in-similipal-locals-blame-forest-personnel/1607170/>

<sup>118</sup>. Killer jungles of North Bengal, Current News, available at <https://www.currentnews.in/killer-jungles-of-north-bengal/>

a complaint was registered against him and he was shown to be arrested by the police. He was again intimidated to sign documents which he could not read, for he is illiterate.<sup>119</sup>

## **2.5. Patterns of torture and ill treatment, sexual gender-based violence & arbitrary arrest and detention and threats (Articles 7 and 9 of the ICCPR)**

There are regular reports of torture and ill treatment, sexual gender-based violence & arbitrary arrest and detention and threats in the protected areas.

### **Melghat Tiger Reserve, Maharashtra**

On 25 August 2022, three tribal youths namely Ankush Mavaskar, Anand Kasdekar and Pappu Chavan were detained and subjected to torture and degrading treatment, including branding with hot iron rod by Forest Department officials in Amravati district. The victims had gone for fishing in the Melghat Tiger Reserve and were detained by the forest department officials.<sup>120</sup> The forest officials registered a case against them under Sections 27/29/31/50/51(1)(c) of Wildlife (Protection) Act 1972.<sup>121</sup>

In September 2020, five Korku tribal families from the Pastalai who had refused to move out from the Melghat Tiger Reserve, Maharashtra were denied entry and exit to their village, Pastalai. Two tribal men namely Raju Dhandekar and his brother Gaju Dhandekar were arrested on 1 September 2020 by the Forest Department as they headed home to their village of Pastalai, inside the Tiger Reserve. Both men were charged with violating the Wildlife Protection Act of 1972 for allegedly destroying wildlife or forest produce inside a sanctuary. They were released on bail the next day, but the bail order restricted them from returning home. On 9 November 2020, Gaju's wife, Phulwanti, was also arrested from her house in Pastalai. She was falsely charged for having two stumps of teak wood in her pile of firewood. Her bail order did not restrain Phulwanti from returning home, but forest guards allegedly did not allow her back into Pastalai.<sup>122</sup>

### **Mudumalai Tiger Reserve, Tamil Nadu**

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<sup>119</sup>. Struggles for the right to live in forests declared protected areas in India, All India Forum of Forest Movements, November 2021, [https://www.wrm.org.uy/sites/default/files/2022-03/Struggles-to-live-in-forests-Protected-Areas-India\\_spread.pdf](https://www.wrm.org.uy/sites/default/files/2022-03/Struggles-to-live-in-forests-Protected-Areas-India_spread.pdf)

<sup>120</sup>. Tribal men burnt with hot bars for illegal fishing in Maharashtra's Amravati, Hindustan Times, 26 August 2022, <https://www.hindustantimes.com/cities/mumbai-news/tribal-men-burnt-with-hot-bars-for-illegal-fishing-in-maharashtra-s-amravati-101661525579914.html>

<sup>121</sup>. Case No. 3163/13/3/2022 registered by the National Human Rights Commission of India on 27 August 2022, <https://hrcnet.nic.in/HRCNet/public/CaseStatus.aspx>

<sup>122</sup>. India's Man-Tiger Conflict & The Trauma Of Illegal Relocation, Article 14, 19 February 2021, <https://article-14.com/post/india-s-man-tiger-conflict-the-trauma-of-illegal-relocation>

On 4 December 2020, a tribal identified as Samiyappan was allegedly tortured by the Mudumalai Tiger Reserve (MTR) Forest Department officials in Tamil Nadu to force him into confessing to an offence he had no role. In a video that had gone viral on social media, the victim was seen claiming to have been subjected to third degree methods to force him to confess poisoning wild dogs. The victim could be seen speaking from a government primary health centre at Masinagudi, where he was undergoing treatment after attempting suicide. According to reports, MTR officials took ten persons, including Samiyappan, to Anaikatti forest guest house on 4 December for questioning in connection with the death of five wild dogs at Vibuthimalai in September 2020. While three were arrested and two slapped with fine for offences under the Wildlife Act, five persons, including Samiyappan, were released.<sup>123</sup>

### **Amrabad Tiger Reserve, Telangana**

On 27 March 2021, 24 tribals, including 16 women belonging to Lambada tribe, were allegedly stripped and beaten by the Forest Department officials after they were found collecting Mahua flowers from the Reserve. The victims were also allegedly stripped by the officials. Following protest by the tribals, the Telangana State Human Rights Commission (TSHRC) directed the Forest Department to submit a report. The victims sustained injuries on their head and limbs. K. Patya (48), one of the victims, who received injuries on his head, stated *"After collecting flowers, we were sleeping in the forest when officials suddenly attacked us in the middle of the night. They forced us to strip and they started beating us. They even beat up a 70-year-old woman."*<sup>124</sup>

### **Buxa Tiger Reserve, West Bengal**

A large number of villagers who have spoken out against forest department officials have charges pending against them.<sup>125</sup> Forest dwellers are routinely harassed by the forest department and the police. In December 2020, a tribal youth, Upen Rava was illegally detained by forest officials after he was found in the Buxa Tiger Reserve. About 100 villagers marched to the forest office demanding transfer of the officer involved in the illegal detention.<sup>126</sup>

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<sup>123</sup>. India: Annual Report on Torture 2020, NCAT, 18 March 2021, <http://www.uncat.org/wp-content/uploads/2021/03/IndiaTortureReport2020.pdf>

<sup>124</sup>. 'Stripped, beaten up by forest officials': Battered Nagarkurnool tribals in Telangana seek justice, The New Indian Express, 31 March 2021, <https://www.newindianexpress.com/states/teelangana/2021/Mar/31/stripped-beaten-up-by-forest-officials-battered-nagarkurnool-tribals-in-teelanganaseek-justice-2283766.html>

<sup>125</sup>. GU, N., Guha, T.L. , &, Tatpati, M. (2018). Community based conservation amidst conflict in the Dooars region of North Bengal. Pune, Maharashtra: Kalpavriksh

<sup>126</sup>. Forest office ransacked over detention of village youth, The Telegraph, 30 December 2020, <https://www.telegraphindia.com/westbengal/forestofficeransackedoverdetentionofvillageyouth/cid/1802088>

## **Rajaji Tiger Reserve**

On 1 January 2018, Amit, an informer of poaching activities in Rajaji Tiger Reserve in Uttarakhand, was arrested under false charges of fishing in the Rajaji Tiger Reserve. He was targeted as he was the hindrance between the poachers and forest officials. He was detained for about a month. He was also beaten and given electric shocks by a wildlife warden and two range officers. They forced him to give his thumb impression on a blank paper. It was later used in a fabricated statement, which showed his involvement in poaching activity. On 30 March 2018, Amit was again sent to judicial custody on charges of illegal entry in forest area. "The officials tried to delay and misguide the probe by giving contradictory statements and sometimes refusing to show up for inquiry".<sup>127</sup>

## **Tadoba- Andhari Tiger Reserve**

On 15 December 2011, a leading activist from the community organization Vidharbha Jungalwasi Adhikar Bachao Sanghathan (Save the Vidarbha Forest Dwellers' Rights Organization, VJABS) was detained along with two villagers from Kolsa village. Criminal cases were filed against them and they were kept in custody for 3 days without any information as to why they had been arrested. Upon being released on bail, it came to their knowledge that they had been arrested in relation to activities which had happened three months earlier. According to the activists, on the evening of 18 September 2011, forest officials asked Kolsa villagers to hold a meeting regarding the relocation of the village from the Tadoba- Andhari Tiger Reserve. The villagers requested that the meeting be held the next morning instead, which the forest officials refused. Police officers lodged complaints against some villagers on grounds of interference with government officials carrying out their work. The villagers confirmed that the forest officials then attempted to break community resistance by luring some families into relocating.<sup>128</sup>

## **Nagarhole Tiger Reserve, Karnataka**

A number of Jenu Kuruba families were reportedly beaten and harassed whenever they attempted such a comeback. In the last three decades, indigenous communities have faced a huge amount of death threats, harassment, false criminal charges aimed at silencing their leaders and stopping them from organising themselves for their rights.<sup>129</sup> In

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<sup>127</sup>. When forest officials help poachers hunt down protected animals, Down To Earth, 14 March 2019, <https://www.downtoearth.org.in/news/forests/when-forest-officials-help-poachers-hunt-down-protected-animals-63436>

<sup>128</sup>. Struggles for the right to live in forests declared protected areas in India, All India Forum of Forest Movements, November 2021, [https://www.wrm.org.uy/sites/default/files/2022-03/Struggles-to-live-in-forests-Protected-Areas-India\\_spread.pdf](https://www.wrm.org.uy/sites/default/files/2022-03/Struggles-to-live-in-forests-Protected-Areas-India_spread.pdf)

<sup>129</sup>. See 'A FACT-FINDING REPORT ON FORCED EVICTIONS, REHABILITATION BETRAYALS AND FORTRESS CONSERVATION IN NAGARHOLE: 15-18 MAY 2022' at

March 2021, the Jenu Kurubas held a major protest against attempts to evict them and to demand their rights to live in their tiger reserve. The Forest Department retaliated by targeting leaders of the protest with false criminal charges. In May 2021, the police registered a case against six Jenu Kuruba leaders on the charges of “assaulting and using criminal force” against forest officials after a forest ranger tried to stop one of the leaders (JK Thimma) from repairing his house.<sup>130</sup>

### **Dudhwa Tiger Reserve, Uttar Pradesh**

In August 2020, a Tharu woman was allegedly molested and hurled abuses by the Deputy Director of Dudhwa National Park, Manoj Kumar Sonkar while she was rearing goats in the forest. Earlier in July 2020, forest officials clashed with tribal members from Kajaria village after forest officials came to the village and allegedly fired shots in the air, molested a few women and beat up youngsters of the community. FIRs were lodged in both the cases. In April 2016, 75-year-old Bhanduram of Jayanagar village was arrested allegedly on false charges.<sup>131</sup> In 2012, Nivadha, a woman leader, was beaten up with a baton by forest guards while she was in the forest collecting firewood with another group of women<sup>132</sup>. In 2011, a group of villagers were victims of tortures including sexual violence by forest officials for having refused to pay the parallel tax—locally known as *galla* or *hafta* (illegal taxes) collected illegally by the forest officers to permit grazing of cattle.<sup>133</sup>

### **2.6 Lack of redress, rehabilitation, resettlement and compensation (right to effective remedy Article 2 of the ICCPR) and rights to equality before the courts and tribunals (Article 14 of the ICCPR).**

Thousands of Indigenous Peoples, who have been forcibly evicted from reserve forests in the name of conservation, have not been provided proper rehabilitation, resettlement and adequate compensation.

Some of the illustrative cases of denial of proper rehabilitation, resettlement and compensation are given below:

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[https://assets.survivalinternational.org/documents/2151/Joint\\_Fact\\_Finding\\_Report-\\_Nagarhole\\_pdf\\_report.pdf](https://assets.survivalinternational.org/documents/2151/Joint_Fact_Finding_Report-_Nagarhole_pdf_report.pdf)

<sup>130</sup>. We can live with the Tiger, not the forest department in India, a Fact-Finding Report, 25/05/2022, <https://countercurrents.org/2022/05/we-can-live-with-the-tiger-not-the-forest-department/>

<sup>131</sup>. Villagers in UP's Dudhwa Tiger Reserve Face Human Rights Violations, Eviction Notices, Land Conflict Watch, 20 October 2016, <https://www.landconflictwatch.org/conflicts/dudhwa-national-park>

<sup>132</sup>. Dudhwa National Park and the fight for forest rights, UP, India, Ejatlas, 14 October 2021, <https://ejatlas.org/conflict/struggle-for-forest-rights-into-the-core-of-dudhwa-national-park-uttar-pradesh>

<sup>133</sup>. Will Injecting Petrol Into Anus Of Dalits Help Save Royal Bengal Tiger?, Sabrang, JULY 5, 2016, <https://sabrangindia.in/will-injecting-petrol-anus-dalits-help-save-royal-bengal-tiger/>

### **Case 1: Tribal families of Nagarahole Tiger Reserve, Karnataka**

On 12 July 2019, the Government of India informed parliament that 1,803 families were living in notified Core area of Nagarahole Tiger Reserve in Karnataka.<sup>134</sup> Of these, 635 families from 22 villagers were relocated as on 31 December 2021, according to a statement given in parliament on 14 December 2023.<sup>135</sup>

The evicted families have been living in deplorable conditions in resettlement colonies without access to basic amenities.

In January 2022, about 40 tribal families belonging to Jenu Karuba tribe, who were evicted 10 years ago from Nagarahole Tiger Reserve, returned to the reserve to demand proper compensation and rehabilitation. They were not given land to cultivate and financial help while the forest and revenue departments blame each other for negligence. The lands were not cultivable while many suffered health problems.<sup>136</sup>

### **Case 2: Displaced tribals of Satpura Tiger Project, Madhya Pradesh**

On 12 July 2019, the Government of India informed parliament that 4,110 families were living in notified Core area of Satpura Tiger Reserve in Madhya Pradesh.<sup>137</sup> Of these, 635 families from 22 villagers were relocated as on 31 December 2021.<sup>138</sup>

Hundreds of tribals displaced from Satpura Tiger Reserve in Madhya Pradesh were not provided rehabilitation and compensation as on 2 June 2022. About 200 tribal families displaced from five villages from the reserve were on hunger protest demonstration from April 2022 demanding the promised rehabilitation and compensation.<sup>139</sup>

### **Case 3: Displaced tribals from Madhumali Tiger Project, Tamil Nadu duped of compensation**

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<sup>134</sup>. See Lok Sabha Unstarred Question No.3405, 12.07.2019 at <https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pqals>

<sup>135</sup>. See Rajya Sabha Unstarred Question No. 1325, 14.12.2023 at <https://sansad.in/getFile/annex/262/AU1325.pdf?source=pqars>

<sup>136</sup>. Evicted tribal families seek compensation after 10 yrs, The Times of India, 19 January 2022, <https://timesofindia.indiatimes.com/city/mysuru/evicted-tribal-families-seek-compensation-after-10-yrs/articleshow/88983712.cms>

<sup>137</sup>. See Lok Sabha Unstarred Question No.3405, 12.07.2019 at <https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pqals>

<sup>138</sup>. See Rajya Sabha Unstarred Question No. 1325, 14.12.2023 at <https://sansad.in/getFile/annex/262/AU1325.pdf?source=pqars>

<sup>139</sup>. Rehab displaced Satpura tribals, Diggy urges CM, The Times of India, 4 June 2022, <https://timesofindia.indiatimes.com/city/bhopal/rehab-displaced-satpura-tribals-diggy-urges-cm/articleshow/91994323.cms>



The relocation from Mudumalai Tiger Reserve in Tamil Nadu is a case of lies, deception and dubious land deals. At least 21 tribal families displaced from the reserve stated that the forest officials in connivance with property dealers duped them of the money they received for relocation. These tribals were paid Rs. 400,000 as the first installment of the compensation to leave their home inside the reserve to create inviolate space for tigers and elephants. But land brokers, in connivance with the forest range officer and an advocate, extracted the amount from the tribals by fraudulently selling them *poramboke* land which cannot be owned by anyone. These 21 tribal families were collectively cheated of Rs. 20 million. On 3 September 2019, they filed a first information report (FIR).<sup>140</sup> On 11 December 2023, the tribals took part in a day-long fast, demanding that the government take corrective steps to undo the effects of their illegal resettlement from within the Mudumalai Tiger Reserve.<sup>141</sup>

#### **Case 4: Failure to provide land to 39 PVTG families displaced from Madhav National Park, Madhya Pradesh**

In 2000, the state government of Madhya Pradesh evicted about 100 Sahariya families belonging to Particularly Vulnerable Tribal Group (PVTG) from the Madhav National Park to create an “inviolable zone” for wild animals including the plan to introduce tigers in the park. The government had promised to compensate the displaced families with land and money, and ensure basic civic amenities in their new settlement, called Naya Balarpur. Each family was to get five acres of agricultural land with proper irrigation facilities and monetary compensation. However, out of 100 families, only 61 families got some land whereas the rest 39 were told to “adjust with the others” until the authorities could work out a solution. In 2017, the Madhya Pradesh Human Rights Commission ordered the government to compensate the displaced tribals and give land to the 39 landless families. However, the 39 families were not provided land as on 18 February 2020. Apparently, the state’s officials discovered the land they were distributing was not revenue land but forestland, which could not be given away for cultivation.<sup>142</sup>

In the last two decades of their displacement, save for the allotment of land to some of the families, the promises remain unfulfilled. Even the land given to the 61 families is mostly barren, and without irrigation facilities. Since their land is not fit for farming, the displaced tribals are compelled to work as labourers or stone miners. At least 30 tribals died after afflicted with silicosis and TB. The new settlement area lacks basic amenities.

<sup>140</sup>. Nilgiris tribals allege they were duped of compensation, Down to Earth, 14 October 2019, <https://www.downtoearth.org.in/news/governance/nilgiris-tribals-allege-they-were-duped-of-compensation-67231>

<sup>141</sup>. Tribals relocated from Mudumalai Tiger Reserve stage protest, The Hindu, 12 December 2023, <https://www.thehindu.com/news/cities/Coimbatore/tribals-relocated-from-mudumalai-tiger-reserve-stage-protest/article67627338.ece>

<sup>142</sup>. ‘Village of widows’: How Madhya Pradesh devastated an Adivasi community, NewsLaundry, 18 February 2020, <https://www.newslaundry.com/2020/02/18/village-of-widows-how-madhya-pradesh-devastated-an-ativasi-community>

There is no piped water and half the village is without sanitation facilities. They did not even receive the money to build their huts at once, but in installments over a period of time. These displaced families have been waiting for their entitled pieces of land and proper rehabilitation for two decades. They have lost their families, livelihood, culture, identity.<sup>143</sup>

### **3. The legal framework on the rights of Indigenous Peoples to FPIC against displacement from the protected areas**

India has enacted strong legislations like the FRA and the Wildlife Protection Act recognizing the right to free, prior and informed consent of the Scheduled Tribes and other forest dwellers against displacement and any relocation without arriving at conclusion that other reasonable options of co-existence are not available.

Furthermore, Section 4(2) of Forest Rights Act, 2006 provides that "*the forest rights recognised in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the stipulated conditions are satisfied*".<sup>144</sup> Section 38V((5) of the Wildlife Protection Act<sup>145</sup> also provides similar rights as provided under the FRA.

However, various statutory committees like the Forest Advisory Committee (FAC), Regional Empowered Committee (REC), Standing Committee of National Board for Wildlife (SC-NBWL) and Expert Appraisal Committee (EAC) have been on a spree to relocate Indigenous Peoples from the Tiger Reserves and other wildlife sanctuaries.

In 1973, the Government of India launched the 'Project Tiger' to protect the endangered tigers in the country. An amendment of the Wildlife Protection Act in 2006 set up the National Tiger Conservation Authority (NTCA) to ensure better implementation of Project Tiger. The Project which began with nine tiger reserves covering 18,278 sq. km expanded to 55 reserves presently, covering 78,735.5966 sq km, accounting more than 2.30% of geographical area of India. Out of the total area, 43,513.0166 sq km forms the core area, whereas 35,222.58 sq km is the buffer zone.<sup>146</sup>

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<sup>143</sup>. Ibid

<sup>144</sup>. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is available at <https://www.indiacode.nic.in/bitstream/123456789/2070/1/200702.pdf>

<sup>145</sup>. The Wild Life (Protection) Act, 1972 is available at <https://tribal.nic.in/downloads/FRA/Concerned%20Laws%20and%20Policies/Wildlife%20Protection%20Act,%201972.pdf>

<sup>146</sup>. List of Tiger Reserves, NTCA, <https://ntca.gov.in/tiger-reserves/#tiger-reserves-2>

The tiger population has shown significant growth, surging from 2,967 in 2018 to 3,682 in 2022 as per the latest government data on tiger population in the country.<sup>147</sup>

However, the brunt of the wildlife conservation has been faced by the indigenous tribal communities and traditional forest dwellers because of the non-compliance with the Forest Rights Act and the Wildlife Protection Act.

Out of the 55 tiger reserves across the country, no tigers were found in five Tiger Reserves namely, Sahyadri Tiger Reserve in Maharashtra, Satkosia Tiger Reserve in Odisha, Kamlang Tiger Reserve in Arunachal Pradesh, Kawal Tiger Reserve in Telangana and Dampa Tiger Reserve in Mizoram. The Dampa Tiger Reserve in Mizoram was the only one across the country to record zero tigers in both 2018 and 2022 census.<sup>148</sup>

A total of 5,670 tribal families were displaced from these five Tiger Reserves which have no tigers as on date! These include 2,752 families from the Kawal Tiger Reserve in Telangana notified in 2012,<sup>149</sup> 157 families from the Satkosia Tiger Reserve in Odisha notified in 2007,<sup>150</sup> 227 Chakma tribal families from the Dampa Tiger Reserve, Mizoram;<sup>151</sup> and 2,534 families<sup>152</sup> from the Sahyadri Tiger Reserve, Maharashtra notified on 5 January 2010.<sup>153</sup>

#### **4. Comptroller & Auditor General of India finds non compliance with the FPIC & proper rehabilitation and resettlement**

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<sup>147</sup>. Dholpur–Karauli tiger reserve in Rajasthan approved, The Economic Times, 22 August 2023, <https://economictimes.indiatimes.com/news/india/dholpur-karauli-tiger-reserve-in-rajasthan-approved/articleshow/102950607.cms?from=mdr>

<sup>148</sup>. Five tiger reserves have zero tigers, yet get ‘good’ rating, The Times of India, 1 August 2023, <https://timesofindia.indiatimes.com/city/nagpur/five-tiger-reserves-have-zero-tigers-yet-get-good-rating/articleshow/102294634.cms>

<sup>149</sup>. Kawal sanctuary in Andhra Pradesh declared tiger reserve, Down To Earth, 12 April 2012, <https://www.downtoearth.org.in/news/kawal-sanctuary-in-andhra-pradesh-declared-tiger-reserve-37950>

<sup>150</sup>. Lok Sabha Unstarred Question No.3405, 12.07.2019, <https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pgals>

<sup>151</sup>. Lok Sabha Unstarred Question No.3405, 12.07.2019, <https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pgals>

<sup>152</sup>. See Lok Sabha Unstarred Question No.3405, 12.07.2019 at <https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pgals> & Rajya Sabha Unstarred Question No. 1325, 14.12.2023 at <https://sansad.in/getFile/annex/262/AU1325.pdf?source=pgars>

<sup>153</sup>. Tigers to roar in Sahyadri again, 8 from Chanda to be shifted, The Times of India, 16 October 2023, <https://timesofindia.indiatimes.com/city/nagpur/tigers-to-roar-in-sahyadri-again-8-from-chanda-to-be-shifted/articleshow/104448790.cms>

The Comptroller and Auditor General of India (CAG), the supreme audit institution of India, established under Article 148 of the Constitution of India, mandated to audit all receipts and expenditure of the Government of India and the State Governments, including of autonomous bodies and corporations substantially financed by the government in their audit reports found systematic non-compliance and violations of the free, prior and informed consent and the right to rehabilitation and resettlement from the protected areas as provided under Section 4(2) of Forest Rights Act, 2006.<sup>154</sup> Some of the findings of the CAG are given below:

### **Karnataka**<sup>155</sup>

The Comptroller and Auditor General of India in its "*Report No.6 of 2017 - Administration of National Parks and Wildlife Sanctuaries Government of Karnataka*" noted delay in recognition of rights under the FRA and stated that "*it is imperative that villagers living inside the PAs are rehabilitated by providing grant of rights to tribals and other traditional forest dwellers*". The CAG observed "*slower settlement of rights under Forest Rights Act (FRA), 2006 and sluggish rehabilitation and relocation works*".<sup>156</sup>

The CAG also noted that "*it is well recognised that the local communities are put to a lot of hardship after notification of any area as National Park or Sanctuary*".

The CAG further observed "*Thus, it is evident from the above information that, though the families are willing to come out of the Protected Areas, the process of rehabilitation is delayed due to delay in acquisition of land for rehabilitation and non-completion of valuation by Revenue authorities. The delay in the process of rehabilitation would further delay the consolidation of habitat of key species like tiger and elephants, besides requiring developmental activities like maintenance of roads, power lines, schools and other infrastructure inside Protected Areas, the cost of which could be more than that required for onetime payment towards rehabilitation / relocation of these villagers outside Protected Areas.*"<sup>157</sup>

During scrutiny of Management Plans and progress of rehabilitation, the CAG noticed that rehabilitation and resettlement were not taken up as planned. The scrutiny revealed that a total of 992 families were planned to be rehabilitated during 2014-16. However, only 333 families were rehabilitated which indicates a shortfall of nearly 66 per cent. In Nagarhole Tiger Reserve, the CAG observed that in spite of availability of land and funds, the

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<sup>154</sup>. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is available at <https://www.indiacode.nic.in/bitstream/123456789/2070/1/200702.pdf>

<sup>155</sup>. Report No.6 of 2017 – Administration of National Parks and Wildlife Sanctuaries Government of Karnataka, 21 June 2017, CAG, <https://cag.gov.in/ag2/karnataka/en/audit-report/details/31134>

<sup>156</sup>. Ibid

<sup>157</sup>. Ibid

relocation of 195 applicants were still under progress indicating slow progress in the matter.<sup>158</sup>

Most importantly, the CAG observed unscientific rehabilitation of the tribals. It said "*In case of Chamarajnagar-Talamalai corridor at Punjur of BRT Tiger Reserve, there was unscientific rehabilitation of tribals during 1990 from Biligiri Ranganathaswamy Hills to this corridor. Since this is an ecologically high priority corridor, these settlements have to be relocated once again to secure the corridor. However, as seen from the Tiger Conservation Plan (TCP), no action has been initiated in the matter.*"<sup>159</sup>

### **Maharashtra<sup>160</sup>**

In its report "*Performance Audit of Report No 2 of 2019 Economic Sector Government of Maharashtra*", the CAG while examining the management of Tiger Reserves in Maharashtra, found that 19 villages were relocated from Sahyadri Tiger Reserve till January 2010. However, five villages could not be rehabilitated due to non-availability of alternate land as in November 2018. The report also revealed that the civic amenities required to be provided to affected persons in 19 relocated villages were not completed. Most importantly, the report revealed that 596 affected families from six villages who were relocated to Kolhapur were allotted only 78.55 hectare of land against requirement of 572.65 hectare for their rehabilitation. Therefore, there was a shortfall of 494.10 hectare of land.<sup>161</sup>

## **5. 'No' to Indigenous Peoples' habitation but 'yes' to unregulated tourism and other development projects inside Tiger Reserves**

According to the Wild Life (Protection) Act, 1972, no construction of commercial tourist lodges, hotels, zoos and safari parks shall be undertaken inside a sanctuary or National Park except with the prior approval of the National Board for Wild Life. The Ministry of Environment, Forest and Climate Change has issued guidelines for sustainable eco-tourism in forest and wildlife areas which are aimed at promoting a better understanding of nature and wildlife conservation while generating income and opportunities for local communities in an ecologically, culturally, and economically sustainable manner. Guidelines for

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<sup>158</sup>. Ibid

<sup>159</sup>. Ibid

<sup>160</sup>. Report No.2 of 2019 – Economic Sector, Government of Maharashtra, 2 July 2019, CAG, [https://cag.gov.in/uploads/download\\_audit\\_report/2019/Chapter\\_2\\_Performance\\_Audit\\_of\\_Report\\_No\\_2\\_of\\_2019\\_Economic\\_Sector\\_Government\\_of\\_Maharashtra.pdf](https://cag.gov.in/uploads/download_audit_report/2019/Chapter_2_Performance_Audit_of_Report_No_2_of_2019_Economic_Sector_Government_of_Maharashtra.pdf)

<sup>161</sup>. Ibid

establishment of tiger safaris in buffer and fringe areas of tiger reserves have been issued by the National Tiger Conservation Authority.<sup>162</sup>

Though the Wildlife Protection Act provides for identifying “areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers”, various statutory committees like the Forest Advisory Committee (FAC), Regional Empowered Committee (REC), Standing Committee of National Board for Wildlife (SC-NBWL) and Expert Appraisal Committee (EAC) had granted permission for diversion of lands for infrastructural projects such as roads, railways, pipelines, transmission lines, etc. The SC-NBWL approved diversion of 325 hectares in 2019, 595 hectares in 2020 and over 770 hectares in 2021 (as of July) while several projects are in the pipeline waiting to be cleared.<sup>163</sup>

The guarantees provided under Section 4(2) of Forest Rights Act, 2006 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*” have been blatantly violated for the unregulated tourism and other development projects inside the Tiger Reserves.

## **6. CAG findings about unregulated tourism and other development projects inside Tiger Reserves prior to 2020**

### **Case 1: CAG findings on tiger reserves in Madhya Pradesh<sup>164</sup>**

The CAG in its ‘Audit Report Economic Sector (Non PSUs) for the year ended 31 March 2014’ on the ‘Working of Tiger Reserves, National Parks and Sanctuaries’ in Madhya Pradesh observed various instances of violations of the Wildlife Protection Act and Guidelines issued by National Tiger Conservation Authority (NTCA) such as establishing (i) a petrol pump, (ii) Interpretation Complex and Forest Rest houses being run on commercial basis by the Forest Department, (iii) Baghira hut was being run by Madhya Pradesh State Tourism Development Corporation, (iv) Staff colony and other residential quarters/ offices inside Kanha Tiger Reserve.

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<sup>162</sup>. See Lok Sabha Unstarred Question No. 1768, 31 July 2023, <https://sansad.in/getFile/loksabhaquestions/annex/1712/AU1768.pdf?source=pqals>

<sup>163</sup>. ‘Tiger habitats overlooked in rush to grant nod for infra projects’, The Times of India, 29 July 2021, <https://timesofindia.indiatimes.com/city/nagpur/tiger-habitats-overlooked-in-rush-to-grant-nod-for-infra-projects/articleshow/84840063.cms>

<sup>164</sup>. The report ‘Audit Report Economic Sector (Non PSUs) for the year ended 31 March 2014’ is available at: [https://cag.gov.in/uploads/download\\_audit\\_report/2015/Madhya\\_Pradesh\\_Report\\_1\\_2015\\_Chap\\_2.pdf](https://cag.gov.in/uploads/download_audit_report/2015/Madhya_Pradesh_Report_1_2015_Chap_2.pdf)

Furthermore, high tension electric lines in total length of 501.30 km were passing through the four Tiger Reserves (TRs) including Buffer Zone of Kanha Tiger Reserve. Out of 366.20 km, insulation of 158.60 km electric lines passing through Bandhavgarh, Pench and Kanha TRs only was planned during the period 2009-10 to 2013-14. Out of 115 reported deaths of Tigers in the State during 2014-18, 16 were through electrocution, making it the second biggest cause of deaths after territorial fights. Similarly, out of 209 deaths of Leopards, 21 were killed during the same period by electrocution. This problem was supposed to be addressed by insulation of open electric lines or by installing Earth Leakage Circuit Breakers in sensitive forest areas.

## **Case 2: CAG findings on tiger reserves in Karnataka<sup>165</sup>**

In its report, 'Administration of National Parks and Wildlife Sanctuaries in Karnataka' (Report No. 6 of the year 2017), the CAG found various instances of violations of the Wildlife Protection Act and NTCA Guidelines<sup>166</sup> such as

- In Biligiri Rangaswamy Temple (BRT) Tiger Reserve, against the ceiling of 14 vehicles per day, 32 trips were being operated daily; in Bandipur TR, against carrying capacity of 20-22 trips per day (660 trips per month), 1,004, 683 and 853 safari trips were operated during the months of May, August and October 2015 respectively which exceeded the permissible carrying capacity.
- Further, in Bandipur TR vehicles used for safari were emitting sound beyond permissible levels. However, no action was taken to ensure that only vehicles emitting sound within permissible levels were used for safari purposes.
- As many as 51 resorts / hotels were found to be functioning in and around six sampled Protected Areas, many were running without regulation/approval, thereby creating significant impact on the wildlife and its habitats. In Bandipur Tiger Reserve, out of 19 resorts/ hotels were found to be functioning, only six had been approved by the Department.
- In BRT Tiger Reserve, four hotels/ commercial establishments were functioning inside enclosures contrary to Wilderness Tourism Policy, and 11 resorts were functioning within 0.5 to 10 km from the Tiger Reserve and all of these did not have the approval of the Forest Department.

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<sup>165</sup>. Report No. 6 of the year 2017 'Administration of National Parks and Wildlife Sanctuaries in Karnataka' is available at

[https://cag.gov.in/uploads/download\\_audit\\_report/2017/Chapter\\_5\\_Commercial\\_activities\\_in\\_and\\_around\\_the\\_Protected\\_Areas\\_and\\_Eco-tourism\\_of\\_Karnataka\\_Report\\_No\\_6\\_of\\_2017\\_on\\_National\\_Parks.pdf](https://cag.gov.in/uploads/download_audit_report/2017/Chapter_5_Commercial_activities_in_and_around_the_Protected_Areas_and_Eco-tourism_of_Karnataka_Report_No_6_of_2017_on_National_Parks.pdf)

<sup>166</sup>. Ibid

- In addition, five coffee plantations are present in the core area / critical tiger habitat of the BRT Tiger Reserve. These plantations are functioning on leased lands and are using the forest roads for transportation of timber and labourers and creating pressure on Tiger Reserve which is not conducive for wildlife conservation.

### **Case 3: CAG findings in tiger reserves in West Bengal<sup>167</sup>**

In 'Audit Report (Economic Sector) for the year ended 31 March 2016', the CAG observed mushrooming of tourism activities posing threats to endangered species including tigers. The CAG findings include diversion of forest land for construction of tourist facilities without permission of the competent authority in violation of the Wild Life (Protection) Act, 1972, non involvement of local people in implementation of wildlife conservation and management programmes, and non-utilisation of fund generated from tourism activities for the welfare of forest dwellers and wildlife conservation.<sup>168</sup>

### **Case 4: CAG findings on Kerala<sup>169</sup>**

In Kerala, the CAG in its 'Audit Report (Economic Sector) for the year ended 31 March 2017' found un-regulated tourism activities in core area in the Periyar Tiger Reserve (PTR) in contravention of the Normative Standards for tourism activities in Tiger Reserves issued by the NTCA, which include tourist vehicles entering core area unaccompanied by forest staff/authorized guides often went close to wild animals leading to confrontation, unauthorized trekking by tourists, setting of fire and littering. The report further noted that out of 18 major threats identified by the PTR in Tiger Conservation Plan (TCP), Sabarimala Pilgrimage ranked the first, which attract millions of devotees every year, leading to habitat degradation.<sup>170</sup>

Further, four high tension power (HT) lines passes through the core of PTR, leading to fire incidents due to sparks including death of animals by electrocution. However, no preventive measures were taken though the risk of fire from HT lines was identified, which led to repeated fire incidents damaging the forest ecology.

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<sup>167</sup>. 'Audit Report (Economic Sector) for West Bengal for the year ended 31 March 2016' of the CAG is available at

[https://cag.gov.in/uploads/download\\_audit\\_report/2017/Chapter\\_2\\_%E2%80%93\\_Performance\\_Audit\\_%E2%80%93\\_Report\\_No.1\\_of\\_2017\\_%E2%80%93\\_Economic\\_Sector\\_Government\\_of\\_West\\_Bengal\\_1.pdf](https://cag.gov.in/uploads/download_audit_report/2017/Chapter_2_%E2%80%93_Performance_Audit_%E2%80%93_Report_No.1_of_2017_%E2%80%93_Economic_Sector_Government_of_West_Bengal_1.pdf)

<sup>168</sup>. Ibid

<sup>169</sup>. 'Audit Report (Economic Sector) for Kerala for the year ended 31 March 2017' of the CAG, is available at

[https://cag.gov.in/uploads/download\\_audit\\_report/2018/Report\\_No\\_6\\_of\\_2018\\_Economic\\_Sector\\_Government\\_of\\_Kerala.pdf](https://cag.gov.in/uploads/download_audit_report/2018/Report_No_6_of_2018_Economic_Sector_Government_of_Kerala.pdf)

<sup>170</sup>. Ibid



### **Case 5: CAG findings in tiger reserves in Maharashtra<sup>171</sup>**

In its report "Performance Audit of Report No 2 of 2019 Economic Sector Government of Maharashtra", the CAG while examining the management of Tiger Reserves in Maharashtra, found a number of violations including tourist facilities in core areas, road construction/ widening /up-gradation, linear projects, death of tigers due to electrocution, etc, thereby causing massive impact to the wild life and habitats as given below.<sup>172</sup>

In Melghat Tiger Reserve (MTR), an Interpretation Complex Centre and a Forest Rest house were run in the core area by the Forest Department on commercial basis. Due to these facilities, a number of small food stalls had also come up in adjoining area. While in Tadoba-Andhari Tiger Reserve (TATR), a forest staff colony and forest Rest Houses were found in the core area. A new cement concrete road was constructed (March 2016) which passes through the core area of TATR. Required permission from NTCA for the said construction was not found on record. Further, in the core area of TATR, the department upgraded an existing road at a cost of Rs. 3.86 crore which was not allowed. A tourism complex of the Forest Development Corporation of Maharashtra Limited (FDCM) spread over an area of 17.60 hectares consisting of 14 suites and 32 bed youth hostel, canteen facility along with maintenance staff in NNTR was actually surrounded by the core area but had been demarcated outside the critical tiger habitat.

The audit noted that in TATR operation of vehicles per day exceeded on 93 occasions during 2012-17 as against norms of 122 vehicles and the excess ranged between two and 51 vehicles per day. Further, it was noted that visitors did not maintain the prescribed distance of minimum of 20 meters during wildlife sighting. The report revealed that the commercial activities cause hindrances in free movement of animal upto the water source in TATR.

Further, it was noted that the buffer area was fragmented due to highways and railway lines resulting in animal deaths, and high tension electric lines passing through tiger reserves were not insulated. HT lines having a total length of 282.914 km were passing through in all the TRs. Death of eight tigers due to electrocution was reported during 2012-18.

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<sup>171</sup>. Report No.2 of 2019 – Economic Sector, Government of Maharashtra, 2 July 2019, CAG, [https://cag.gov.in/uploads/download\\_audit\\_report/2019/Chapter\\_2\\_Performance\\_Audit\\_of\\_Report\\_No\\_2\\_of\\_2019\\_Economic\\_Sector\\_Government\\_of\\_Maharashtra.pdf](https://cag.gov.in/uploads/download_audit_report/2019/Chapter_2_Performance_Audit_of_Report_No_2_of_2019_Economic_Sector_Government_of_Maharashtra.pdf)

<sup>172</sup>. Ibid

## **7. Unregulated tourism and other development projects inside Tiger Reserves from 2021**

The tourism and other development project activities continue unabated. Some emblematic cases are highlighted below:

### **Case 1: Road projects in Rajaji TR, Uttarakhand**

In 2021, a total of six road projects involving an area of 139 hectares in Rajaji Tiger Reserve in Uttarakhand were approved for diversion in close vicinity or in the eco-sensitive zone (ESZ) of the reserve affecting important tiger and elephant corridors.<sup>173</sup>

### **Case 2: Limestone mining and highway projects in Mukundra Hills TR, Rajasthan**

In 2020, in Mukundra Hills Tiger Reserve (MHTR) in Rajasthan, 10 projects were approved for diverting 81 hectares from the tiger reserve and its surrounding corridors. An area of 54 hectares was diverted for nine limestone mining projects in Chechat lying in the surrounding tiger corridors. Besides, for development of an eight-lane Greenfield highway, a section of which runs through MHTR, 27 hectares forest was diverted from within the tiger reserve. Outside the tiger reserve, this project diverts area from Barkalaji reserve forest which acts as a tiger corridor lying contiguous to the MHTR. The tiger reserve area to be diverted has 0.8 density of forest and is rich in biodiversity in the entire stretch with very good quality of vegetation.<sup>174</sup>

### **Case 3: Clearance for limestone mining and skywalk projects in two TRs, Maharashtra**

On 25 April 2023, the Standing Committee of the National Board for Wildlife (NBWL) in its 72nd meeting granted clearance for limestone mining project in the corridor between Tipheshwar Wildlife Sanctuary and Tadoba-Andhari-Kawal Tiger Reserve in Maharashtra. The meeting also cleared the world's first single cable bridge skywalk project in Chikhaldara hill station in Amravati, in which land from buffer area of the Melghat Tiger Reserve will be used.<sup>175</sup>

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<sup>173</sup>. 'Tiger habitats overlooked in rush to grant nod for infra projects', The Times of India, 29 July 2021, <https://timesofindia.indiatimes.com/city/nagpur/tiger-habitats-overlooked-in-rush-to-grant-nod-for-infra-projects/articleshow/84840063.cms>

<sup>174</sup>. Ibid

<sup>175</sup>. Limestone mining project approved in tiger corridor, The Times of India, 20 May 2023, <https://timesofindia.indiatimes.com/city/nagpur/limestone-mining-project-approved-in-tiger-corridor/articleshow/100369018.cms>

The Birla group's Reliance Cementation Company Private Limited (RCCPL) proposed to mine limestone in the tiger corridor in the Mukutban forest range in the Zari-Zamni tehsil in Yavatmal district. Of the mining lease spread over 572 hectares, 467 hectares is reserve forest in the tiger corridor. Similarly, City and Industrial Development Corporation, a state government company, proposed to use 0.9286 hectares of land from the Melghat Tiger Reserve buffer area for the construction of a rope suspension bridge (skywalk) connecting Hurricane Point and Goreghat Point at Chikhaldara, Amravati. The clearance paved the way for both the projects.<sup>176</sup>

On 21 October 2021, the then Chief Minister of Maharashtra Uddhav Thackeray constituted a Committee to reexamine the mining proposal considering the threat to the tiger corridor. The Committee in its report had suggested 'avoidance' is the best mitigation strategy. However, with change in government, the project was cleared in the 19<sup>th</sup> meeting chaired by Forest Minister Sudhir Mungantiwar.<sup>177</sup>

#### **Case 4: Clearance for road project through tiger corridor in Andhra Pradesh**

In February 2024, the National Board for Wildlife (NBWL) had recommended the use of more than 40 hectares of forest land from the tiger corridor connecting the Nagarjunasagar Srisailam Tiger Reserve (NSTR) and the Sri Venkateswara National Park in Andhra Pradesh for the development of expressways, economic corridors and inter-corridors under the second phase of Bharatmala Pariyojana.<sup>178</sup> According to the minutes of the meeting of the NBWL, the length of the road passing through the tiger corridor under the project is about five kilometres. Three tunnels, four minor bridges, seven viaducts and two culverts have been suggested as mitigation structures in the project proposal. The length of the animal passage is around three kilometres on both sides. The Member-Secretary, National Tiger Conservation Authority (NTCA) had informed the Standing Committee of the NBWL that the mitigation measures suggested under the proposal appear to be adequate and therefore, it may be recommended.<sup>179</sup> The corridor connecting the NSTR and the Sri Venkateswara National Park, known as the Nagarjunasagar-Sri Venkateswara NP Corridor, passes through forested habitats and includes three protected areas - the Gundla Brahmeswaram Wildlife Sanctuary, the Sri Lankamalleswara Wildlife Sanctuary and the Sri Penusila Narasimha Wildlife Sanctuary.<sup>180</sup>

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<sup>176</sup>. Limestone mining project approved in tiger corridor, The Times of India, 20 May 2023, <https://timesofindia.indiatimes.com/city/nagpur/limestone-mining-project-approved-in-tiger-corridor/articleshow/100369018.cms>

<sup>177</sup>. Ibid

<sup>178</sup>. Centre gives green signal to road project in Andhra Pradesh tiger corridor, Business Standard, 28 March 2024, [https://www.business-standard.com/india-news/centre-gives-green-signal-to-road-project-in-andhra-pradesh-tiger-corridor-124032800826\\_1.html](https://www.business-standard.com/india-news/centre-gives-green-signal-to-road-project-in-andhra-pradesh-tiger-corridor-124032800826_1.html)

<sup>179</sup>. Ibid

<sup>180</sup>. Ibid

### **Case 5: Diversion of forest land for construction of underground pipeline and pump house in core area of Amrabad Tiger Reserve, Telangana**

On 13 February 2023, the State Board of Wildlife, Telangana approved diversion of forest land for laying of underground pipeline and pump house in Nambapuram and Rayabaram Reserve Forest in the core area of Amrabad Tiger Reserve, Telangana to lift water from N. Sagar Reservoir for irrigating 4100 acres of land. The Forest Department recommended the project as no tree felling is involved and the pipeline will be laid underground and with the conditions that to reduce the impact of the proposed project on wildlife habitat, a mitigation plan was prepared and approved by Chief Wildlife Warden (CWW) for Rs164.00 lakh. The mitigation plan includes installation of solar bore wells and construction of PTs to store water, management of natural grasslands, development of base camps for patrolling in interior forests, creating awareness among public and fire management.<sup>181</sup>

### **Case 6: Diversion of land in tiger corridor in Kagaznagar division for laying of OFC by Airtel, Telangana**

On 13 February 2023, the State Board of Wildlife, Telangana approved diversion of 1.1188 hectares of land in tiger corridor in Kagaznagar forest division for laying of OFC by Telesonic Networks Ltd (Airtel) over a length of 22.077 km with a width of 0.45 mts. The OFC line passing over 6.79 km falls under existing Right of Way and 15.279 km does not have Right of Way. The proposed OFC line is underground, along the road and no felling of tree is involved. However, to minimize the impact on wildlife habitat mitigation plan is recommended by CWW at a cost of Rs.25 lakh to be funded by the company.<sup>182</sup>

### **Case 7: Diversion of land for irrigation project in core area of Kawal Tiger Reserve, Telangana**

On 13 February 2023, the State Board of Wildlife, Telangana approved diversion of 3.17 hectares of land falling in core area of Kawal Tiger Reserve for laying pipeline for an irrigation scheme. Under the proposed project 8723.17 Mts length with a width of 3 to 5 meters width of forest land in Kawal Dasturabad and Kaddam RF in Kawal Tiger Reserve would be required for laying of the pipeline. The tiger reserve have presence of important fauna like Panther, Wild Dog, Sloth Bear, Gaur, Pangolin, Paradise Fly Catcher, Hornbill, etc. During execution of the pipeline work there will be disturbance to wildlife and wildlife habitat. To minimize the impact of the project, the DFO has proposed wildlife mitigation plan at a cost of Rs. 81.38 lakh to be funded by the user agency for components like

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<sup>181</sup>. Minutes of the 6<sup>th</sup> Meeting of the State Board for Wildlife, Telangana, dated 13.02.2023 is available [https://forestsclearance.nic.in/writereaddata/Sec\\_Letter/0\\_0\\_04\\_May\\_2023\\_103927137\\_minuts\\_Minutesof6thSBWLmeeting.pdf](https://forestsclearance.nic.in/writereaddata/Sec_Letter/0_0_04_May_2023_103927137_minuts_Minutesof6thSBWLmeeting.pdf)

<sup>182</sup>. Ibid

Protection, Habitat Improvement, monitoring, awareness and education. The Board recommended the project subject to the conditions laid down.<sup>183</sup>

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<sup>183</sup>.Ibid