

Tigers over Tribal Rights

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Indigenous communities around the world who have relied on and considered themselves custodians of the land have long confronted existential challenges in the face of privatization, extraction, and development. Often villainized by state discourses that portray or even criminalize those who resist as opponents of state development, those impacted now also face threats to their livelihoods from the language and legislation of conservation.

The experience of indigenous Adivasi communities who have been forcefully displaced from regions designated as tiger reserves in Chhattisgarh and across India serves as a pressing, and chilling, example of the devastating impact that occurs when indigenous rights are pit against rather than incorporated into conservation efforts. Coerced to relocate, these groups experience violations of countless fundamental rights, ranging from rights to food and housing, to their rights to practice their religion, protect their culture, and secure their livelihoods.

The Situation in Chhattisgarh

The Achanakmar Wildlife Sanctuary was [designated](#) as a tiger reserve in February 2009. The expanse of land, covering 914 square kilometers, encompassed 25 villages mostly populated by an indigenous community known as the Baigas, who have long lived in this region and consider themselves to be protectors of the forests. The designation is provided for under a [conservation program](#) titled “Project Tiger,” launched in 1973 to ensure the preservation of a viable population of Bengal tigers in their natural habitats. However, the program includes the precondition that villages located in the core area of the reserve be relocated to provide “inviolable space” for the tigers.

By December 2009, the Chhattisgarh government had already facilitated the relocation of six villages, [displacing about 249 families](#), out of the designated protected zone. This was despite a lack of evidence that the presence of these villages was harming the tigers in the reserve. Promises made leading up to the relocation included a fixed compensation package and basic amenities in the new place of settlement, such as 5 acres of agricultural land, accommodation, schools, healthcare, and better livelihood opportunities. Many felt they were forced to take this offer, as forest officials started to put [pressure](#) on them by refusing access to the forest, shutting down schools in the region, and threatening to bring elephants to chase the Adivasi villagers out. Under coercion, the villagers accepted the relocation package, but when they were moved, the [promises of compensation fell away](#), with many families forced to stay in temporary huts built by the forest department and each household given only a small amount of cash barely sufficient to meet daily needs.

The Lived Realities of Displacement

The reality of life after displacement has been one of [great difficulty for villagers](#) moved out of the reserve's land, increasing their vulnerability to exploitation, pushing them to poverty, chronic malnourishment, starvation and ill health, including serious psychological trauma. Whereas previously many villagers relied on agriculture and forest products for their incomes and livelihoods, their relocation and the state's prohibition of such conduct has left them with [few means to support](#) themselves. Those living in villages around the outskirts of the park are not able to continue their practices of entering the reserve to collect bamboo and firewood. Many have taken jobs as contract labor at construction sites in urban areas, a form of labor that is dangerous and outside the skills of these formerly forest-dwelling communities.

The process of displacement from the Achanakmar Wildlife Sanctuary is far from completed. The 19 villages remaining within the territory of the reserve now also face imminent relocation and live with the daily fear of eviction from their homes and way of life. The process for resettling 16 of these villages is [already underway](#), while the land-diverging proposal for the remaining three villages is pending with the central government.

Adivasi Activism in Response to Conservation Plans

More than 200 villages are likely to be impacted by a new project to create a tiger corridor between Achanakmar and Kanha reserves. In response, Adivasi communities have been raising concerns about frequent threats to vacate their homes. From March 17 to 19 in 2018, over 300 Baiga villagers from around 20 villages [marched over 70 kilometers](#) in western Chhattisgarh. Prior to the march, three organizing members were [detained and questioned](#) by the police, which many understood to be an act of intimidation. The organizers were [given assurances](#) that there were no plans for such a tiger corridor, but many continue to fear government pressure and possible eviction.

In October 2021, the National Tiger Conservation Authority (NTCA), tasked with the management of Project Tiger and other tiger reserves in India, [approved](#) the establishment of another tiger reserve in the north of Chhattisgarh, encompassing the combined area of the Tamor Pingla Wildlife Sanctuary and the Guru Ghasidas National Park. This will be the fourth reserve in the state. The former Chhattisgarh chief minister had cleared the proposal in 2017, but the original plans were stalled in the face of massive protests across the region, in which the local population – a large proportion of which were Baigas who rely on cultivation – [refused to consent](#) and made it clear that they did not wish to be relocated from the area.

National Legal Frameworks Just for Show?

The Indian Constitution includes [provisions](#) protecting the rights of Adivasis, recognized as “Scheduled Tribes”, calling for consultation with Gram Sabhas (village councils) to make important decisions including any relocations or land acquisitions. The contours of what these councils are meant to consent to are further detailed in specific legislation preserving the rights of Adivasi communities. The 2006 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, more commonly known as the [Forest Rights Act](#) (FRA), was passed

in 2006 to recognize the individual and community rights of forest-dwelling people to their territories, including the sustainable use of forest products. While the act allows for resettlement from “critical wildlife habitats”, certain conditions must be met, including free, prior, and informed consent to resettlement and a proposed rehabilitation package. The [Wildlife \(Protection\) Act \(WLPA\)](#) was also amended in 2006 to require that Scheduled Tribes or other forest dwellers must not be resettled or have their rights affected in order to create tiger conservation areas unless, among other conditions, the consent of the community was gained in assessing that the community is irrevocably harming the wildlife such that coexistence is not possible.

Over the last several years, the protections afforded by the Act have been steadily eroded. Survival International, a human rights organization campaigning for the rights of indigenous and tribal peoples, [investigated](#) evictions from nine tiger reserves in seven states across India in which failure to secure free, prior and informed consent, sidelining Gram Sabhas and insufficient resettlement packages were among many practices which violated the Constitution, FRA and WLPA.

Not only has state practice evaded proper application of the legal protections, but a 2019 Supreme Court decision even [upheld the eviction](#) of almost 1,000,000 tribal and forest dwellers across 16 states. In the petition, a group of national conservation associations questioning the validity of the FRA demanded that those whose claims over traditional forest lands were rejected should be evicted as a consequence. Three UN special rapporteurs sent a letter to the Indian government calling for a moratorium on forced evictions, raising concerns about the “serious impact on the lives, culture, lands, territories, and security of millions of tribal persons affected [...]”. The court placed a stay on its own order, which remains pending as states submit their arguments as to whether due process had been followed in rejecting the claims.

The court’s decision illuminates an alarming trend in the country. Legislation such as the FRA – since further weakened by [amendments to India’s Forest \(Conservation\) Rules](#) that allow easier corporate bypass of consent – could come to create a mechanism for targeting communities that seek to access their rights through the law.

International Commitments Ring Hollow

India has enshrined the rights of indigenous communities to their lands and territories in national legislation, is a signatory to the [International Covenant on Civil and Political Rights](#) and has voted in favor of the [UN Declaration on the Rights of Indigenous Peoples](#), which requires compensation as well as free, prior and informed consent before forcible removal of indigenous people from their lands. Failure to meet these obligations has existential implications for the millions who are wrenched from their homes and livelihoods in India, as well as indigenous and tribal communities across the world who call upon their governments to meet their obligations. It is the commitment of communities to caring for and preserving the lands they live on that has contributed to the prospering of these pristine ecological zones, which then come to be designated as worthy of preservation. The irony of the violence wreaked upon these same communities in the name of ecological

preservation runs especially deep in Chhattisgarh, a state rich in mineral resources that was carved out in part for the purpose of state-facilitated resource extraction.

It is important that conservation efforts are interpreted in consideration of, rather than in competition with, legal frameworks protecting indigenous rights. Otherwise, as is the case for the displaced Adivasis in Chhattisgarh, the law may not only fail to protect but can rather mask or even facilitate state encroachment on the most fundamental of rights.

