

Press release
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Supreme Court's Order on Tiger Reserve Buffers Encourages Illegalities

The interim order of the Supreme Court on the matter of tourism in core areas of Tiger Reserves, has created a situation of serious illegalities. In their rush to notify buffer areas, which the Court directs should be done within three weeks, state governments are bypassing and violating the processes laid out in the Wild Life Protection Act and the Forest Rights Act. The Amicus Curae (Raj Panjwani) does not seem to be adequately informing the Court on these violations.

In the matter of Ajay Dubey vs. National Tiger Conservation Authority, Special Leave petition No(s).21339/2011, Justices Swatanter Kumar and Fakkir Mohamed Ibrahim Kalifulla ordered that states that have not yet notified Tiger Reserve buffer areas under the Wild Life Act, should do so within three weeks. In an earlier order of 3 April 2012, the Court had ordered states to carry out such notification within three months. Taking exception to the fact that some states had not done so, the Court ordered them to carry this order out within three weeks, failing which contempt proceedings would be initiated against them, and the State Secretaries would be fined Rs. 50,000.

These time frames make a mockery of the due process that has to be carried out for identifying and notifying buffer areas. This is because such areas have significant human populations, and the law mandates that:

- there be consultation with Gram Sabhas and an expert committee,
- the buffers be 'aimed at promoting co-existence between wildlife and human activities', and
- there be 'due recognition of the livelihood, developmental, social and cultural rights'

In a number of states that followed the Court's earlier orders, the buffers were notified within 7 days, a period in which the above process is impossible to carry out. The same will happen in the attempt to implement the current orders. There is serious lack of consultation with affected villages, or very cursory consultation with a few meetings in a fraction of villages. There is serious lack of scientific process to identify buffers. There is also no guidance on how to achieve co-existence between wildlife and communities. Even where villages have objected to the process or to the notification of the buffers, their views have been ignored.

¹ 'Future of Conservation Network (FoC)' is a network of ecological and social organizations and individuals committed to effective and equitable conservation of biodiversity. FoC's objective is to foster dialogue and engagement in complex conservation issues, and help tackle the increasing threats that both biodiversity and people's livelihoods face.

The assurance that traditional and livelihood activities of villagers will not be affected is also hollow. Already in many areas, such restrictions are coming into place. In the Buffer of Corbett Tiger Reserve (Uttarakhand), land use conversion is being prohibited, a move that may be justified to stop haphazard development of tourist resorts but is also impacting normal village level processes. In the Buffer of Tadoba Tiger Reserve (Maharashtra), transit and sale of non-timber forest produce is being restricted, and even people's access to their own villages is being hindered through new gates and rules in the buffer area. All this is creating a situation of hostility, antagonism, and resentment, which will backfire on conservation itself.

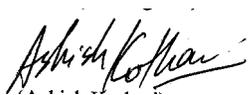
Additionally, this is happening in the context of serious violations of both the Wild Life Act and Forest Rights Act in protected areas across the country, e.g.:

- Critical tiger habitats have been notified without the scientific process and consultations mandated in the Wild Life Act, and without completion of the process of recognizing rights under Forest Rights Act
- These Critical Tiger Habitats have included not only existing core areas, but also buffers, leading to current situation of having to notify additional buffers in areas with significant forest and non-forest (revenue, private) land that people depend on or own.
- People are being displaced from several tiger reserves, without first recognizing their rights under the Forest Rights Act.

In 2011 and 2012, both the Ministry of Environment and Forests and the Ministry of Tribal Affairs have issued circulars to state governments that no relocation should be carried out without first completing the process of the Forest Rights Act. These continue to be ignored by state governments and the National Tiger Conservation Authority.

Additionally, such relocation is often forcible and not 'voluntary'. Communities are not being informed that they do have the option of staying on with full forest rights; and where they resist displacement, their access to basic facilities such as power, health services, and right of passage are being denied. Situations are being created in which villagers are forced to ask for relocation, and this is being shown as 'voluntary'!

We urge the petitioners in the stated case, the Amicus Curae, and the Supreme Court to take cognizance of these serious violations, and create a situation in which tiger reserves including their cores and buffers can be managed in ways that integrate wildlife conservation and livelihood security, and are democratic. Any rushed process that does not follow due process, will only backfire on the tiger.



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