

NGO files plea over buffer notification

Dipannita Das, TNN Aug 26, 2012, 02.17AM IST

PUNE: An intervention application filed by city-based NGO Kalpavriksh in the Supreme Court states that state governments are likely to bypass and violate the processes put down in the Wildlife Protection Act, 1972 and the Forest Rights' Act, 2006, in the [rush](#) to notify buffer areas around tiger reserves.

The apex court, in the Ajay Dubey vs. National Tiger Conservation Authority (special leave petition no(s).21339/2011) case, had issued a directive on July 24 asking state governments to notify the buffer areas within three weeks.

The application pointed out that in most states there was no consultation with the affected villagers, or a very cursory one with a few meetings. "This is conducive for greater mistrust and suspicion, hence more conflicts between the local people and the forest department. In such a rush, the notification is issued without proper scientific basis. All this could backfire on wildlife conservation too," the organization said.

The NGO has requested the Supreme Court to recognise these issues. Ashish Kothari, petitioner on behalf of Kalpavriksh, told TOI,

"If the court allows, we would like to argue for a review of this case through a proper process. Notification of buffer areas around national parks and sanctuaries is to curb destructive developmental activities. There are other options too like declaring areas as eco-sensitive or as biodiversity heritage sites, which can curtail destructive activities while allowing livelihoods to continue. All options must be considered using the best available knowledge and democratic processes."

In an earlier order on April 3, 2012, the apex court had directed states to issue the notification within three months. Taking exception to the fact that some states (including Maharashtra) had not done so, the court ordered them to issue them within three weeks, failing which contempt proceedings would be initiated, and state secretaries asked to pay Rs 50,000 fine, each.

Kalpavriksh's contention is that the short time was contrary to the provisions of the Wildlife (Protection) Act, 1972 which provides for specific conditions to be fulfilled prior to declaration of the buffer areas.

It states that the 'buffer and peripheral areas' are to be declared in such a manner that the rights of scheduled tribes as well as other forest dwellers are recognized. This requires full implementation of the Forest Rights Act, which has not been done in any of the core or buffer areas of tiger reserves.

"As per the Wildlife Act, the limits of a buffer area are to be determined on the basis of scientific and objective criteria developed on the basis of consultation with the gram sabha. An expert committee should be constituted and the buffer zone area should be identified keeping in view and recognizing the livelihood, developmental, social and

cultural rights of the local people. It should aim at promoting coexistence of wildlife and human activity. Hence, the notification process would take time," Kothari said.

Conservationists and environmentalists who participated in a national consultation on protected areas and forest rights recently in New Delhi had the same views. The group is part of 'Future of Conservation Network (FoC),' a network of ecological and social organizations and individuals committed to effective and equitable conservation of biodiversity.

Neema Pathak, a member of Kalpavriksh and of FOC, said the court had given very little time for identifying and notifying the buffer areas and holding consultation with gram sabhas. These areas have a significant human population, and the law mandates discussions with gram sabhas and formation of an experts' committee. "It is not clear if the amicus curae has informed the court about all aspects of the real situation. We have already sent a letter to the ministry of tribal affairs," she added.