

Concern about forest rights Vs wildlife protection

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The 28th Standing Committee (SC) meeting of National Board For Wildlife (NBWL) expressed concern over serious flaws in the implementation of Scheduled Tribes and Other Traditional Forest Dwellers under the (Recognition of Forest Rights)- 2006 by the Ministry of Tribal Affairs Ministry (MoTA).

This clash of interest between Wildlife Protection Act-1972 and Forest Rights Act is according to the members is causing increasing encroachments in the Protected Areas (PAs) across the country.

Raising the issue prominently in the 28th meeting of SC-NBWL, member Kishor Rithe pointed out that this is a “grey area” which certainly needs to be addressed as it is adversely impacting the conservation in Protected Areas.

He pointed out that people first register the claims before gram sabha. Then they start girdling trees, setting fire, ploughing the forest land to make Forest Department unable to take any action by showing that “their claim is pending”. “No encroachment should be treated as an encroachment till pendency of claim”, pointed out

the members.

According to the members, the circulars and guidelines of MoTA do not ensure compliance of the provisions of Wildlife Protection Act 1972 (Sec-20, 27(3), 29 and impose bar on accrual of fresh rights. These cause damage to the boundaries of PA and destruction of wildlife habitats.

MoTA has not ensured any mechanism to restore forest lands where claims have been finally rejected by the district administration In Maharashtra alone, large number of claims for “individual rights” has been rejected by District Level Committees (DLCs) chaired by district collectors which are basically fresh encroachments made after the cut off date of December 13, 2005.

Rithe said that in order to ensure the compliance of Sec-20, 27(3), 29 of WPA 1972, certain priority actions need to be taken, he felt. This includes issue the notification of Critical Wildlife Habitats (CWH) under Sec 2 (b) of FRA 2006. Before considering any Individual Forest Rights (IFR) the claims regarding Community Forest Rights (CFR) must be settled to minimize encroachments.

However, any genuine “individual right” that exists at the time of issuance of notification of sanctuary/National Park under Wildlife Protection Act 1972, must be granted, noted the members.

In a letter to MoEF, Rithe has said that the states and Union Territories should report fresh encroachment incidents after 13th December 2005 from the PAs to the SC-NBWL along with the action taken report.

The MoTA should be asked to issue advisory to ensure that implementation of FRA 2006 should not violate Sec-20, 27(3), 29 of Wildlife Protection Act 1972. To add to the above, the members pointed that “wildlife corridors” connecting PAs are also badly affected due to growing fresh encroachments and immediate action needs to be taken.