

Govt to move SC to protect rights of tribals

ChetanChauhan, Hindustan Times
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The Ministry of Tribal Affairs will ask the Supreme Court to review its interim order on declaring core and buffer areas in 41 tiger reserves in India after reports of tribals and forest dwellers being harassed in the name of implementation of the court order.

Seven states have notified core and buffer areas in tiger reserves since the Supreme Court, in July, asked them to create the distinction and report the action within three weeks. The court had also imposed a ban on tourism in core areas in the same order. However, before complying with the court order the state governments failed to take people living in forests into confidence as required under watershed Forest Rights Act (FRA).

“Restrictions have been imposed on movement of forest dwellers,” said Tushar Dash, a forest rights activist after a national consultation on the issue was held this week in Delhi. “Boundaries are being erected without settling of the rights of people living inside tiger reserves in violation of FRA”.

Tribal Affairs minister Kishore Chandre Deo told Hindustan Times that a decision was taken on Tuesday to plead in the case. “We will bring to the notice of the Supreme Court that certain processes are to be followed as mandated under different laws to declare critical wildlife habitats (core area). People cannot be moved out without settling their rights,” he said, after holding discussions with senior officials of his ministry.

The Forest Rights Act clearly states that critical wildlife habitats cannot be notified without scientific process and settling the rights of the people living in the forests. The Wildlife Protection Act makes consultation with forest dwellers mandatory for declaring the habitats.

In these seven states, none of the processes listed in different laws was followed. The forest department officials had apparently acted in haste after the Supreme Court said that a fine of Rs. 50,000 will be imposed on state forest secretaries, if they fail to comply with the interim order within three weeks.

Ashish Kothari of NGO Kalpvariksh said such a time-line makes mockery of the due process that has to be carried out for identifying and notifying buffer areas to promote co-existence between the wildlife and humans. “It is impossible to notify buffer zones with due process in seven days as these states have done,” he said.

Many forest right activists believe that the Supreme Court order is being used by the state forest departments to usurp the recognition of the rights of those living in the forests. What has not happened since January 2008 --- when FRA was implemented --- the forest departments want to do in three weeks under the grab of the court order.

Deo’s ministry has recently notified simplified guidelines for implementation of FRA to ensure that poor tribals and forest dwellers are not harassed. Lakhs of claims of rights have been rejected because of improper interpretation of the guidelines.

States where core and buffer zone notified in seven days

Maharashtra, Tamil Nadu, Andhra Pradesh, Arunachal, Bihar, Madhya Pradesh and Jharkhand

Where these states have failed?

Critical wildlife habitats have to be notified on scientific lines and after consultation with locals under the Wildlife Protection Act

Approval of the Gram Sabhas to notify the habitats as mandated under Forest Rights Act has not been done.

Traditional forest rights of those living in tiger reserves have not been settled before issuing the notification, a requirement under FRA.

Its adverse impact?

Movement of tribals has got restricted

Tribals not being allowed to collect non-timber minor forest produce from forests

Tribals fearing forceful relocation.

Source: <http://www.hindustantimes.com/India-news/NewDelhi/Govt-to-move-SC-to-protect-rights-of-tribals/Article1-914059.aspx>