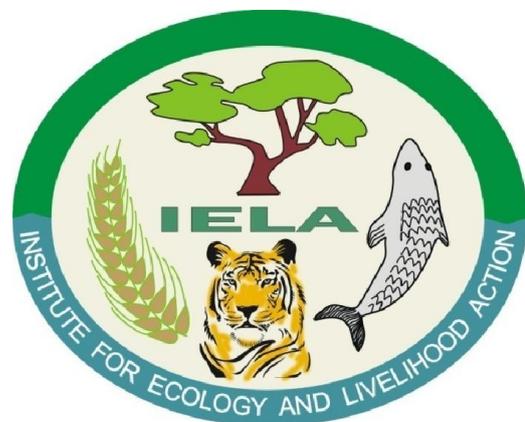


**Deliberate Deprivation of Forest
Resource Rights and Forced Eviction of
Indigenous Communities - Violation of
FRA, 2006 in Sariska Tiger Reserve,
Alwar, Rajasthan**

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Deliberate Deprivation of Forest Resource Rights and Forced Eviction of Indigenous Communities - Violation of FRA, 2006 in Sariska Tiger Reserve, Alwar, Rajasthan

1. BACKGROUND

Sariska Tiger Reserve came into the limelight when shortly after the turn of the century it was discovered that there are no tigers left in the forest¹. In the furore that erupted, as usual the local community (pastoralists who had been given rights by the King to graze in the Orans/Sacred Groves of Sariska) was accused of decimating the tiger. This led to them organizing themselves and with the passage of FRA, demanding their rights on the forest.

Till date the implementation of FRA has not been reported in 17 districts of Rajasthan including Alwar. Although at one hand the relocation plan of villages from the demarcated core/critical tiger habitat of Sariska Tiger Reserve describes fulfillment of the provisions of FRA in voluntary village relocation through gram sabha consultation and settlement of rights, on the other hand the role of tribal department in not including Alwar in the FRA implementation record creates doubts about the intention of the government in recognising the customary forest resource rights of the indigenous communities. Except in the village relocation from tiger reserves there is no official mention of the implementation of FRA in Alwar district.

KRAPAVIS, a local CSO based in Alwar which has played a role in mobilizing the pastoralists of the region have been in the forefront of highlighting the relevance of Orans as the gene pool of Rajasthan on one hand and their intimate relationship with the local communities on the other. In the course of documenting people's rights, it is clear that while the gram sabha may be the unit to settle the rights, the use rights of the pastoralists cross village boundaries and specific usage of the land has seasonal variations. This aspect though well known has been factored into the recognition process. Rather the process of displacement of people from the Tiger sanctuary is the dominant thrust. The resistance of the people on one hand and the complications that arose from some of the early experiences have put a temporary halt to this process. However in order to ensure that people have access to basic amenities, there is a need to press forward on the issue of the recognition of their rights.

2. DISTRICT DEMOGRAPHY AND FOREST RESOURCES

Total population of Alwar district is more than 3.6 million which is comprised of 82.2% rural and 17.8% urban population. The Scheduled Caste and Scheduled Tribe population constitutes 17.77% and 7.87% of the total population respectively. The principal communities are Gujjar,

¹ www.earthcarefilms.com/images/filming_tiger_crisis/.../Sariska.pdf, Ghazala Shahbuddin

Brahmin, Rajput, Meena and Meo while others include Ahir, Saini/Mali, Jatav, Koli etc. Jatavs form the majority of Scheduled Castes and Meenas dominate the Scheduled Tribes.

As per records of Dept of Forest the total area of forest in Alwar is 2115.0248 sq km (211502.48 Ha) that includes 90169.24 Ha under territorial division and 121333.24 Ha under Sariska Tiger Reserve. The area under STR is further divided in Core and Buffer Zone. The Core area covers 88111.24 ha whereas the Buffer zone collectively covers 24572 Ha forest land and 8650 Ha revenue land. Total notified forest area of the district constitutes 25.24% of the total geographical area of the district. As per available statistics per capita available forest area in Alwar district is around 0.06 Ha. The district's forest area constitutes more than 7.2% of the total forest area east of the Aravallis.

Alwar district has 2054 villages, out of them 2021 villages are inhabited and 33 villages are uninhabited. Of the total villages in the district 599 (> 29%) villages have forest as land use within the revenue area.

Forest area covered as land use in (599) villages is approximately 161904 Ha which is about 43% of the total geographical area of these villages and more than 19% of the total geographical area of the district.

3. SETTLEMENT AND RIGHTS

The land revenue settlement history of Alwar dates back to the medieval period while the available records date back to Mughal period (around 1566). The land revenue system evolved by Raja Todarmal during mughal period was in vogue in the Mewat area². Thereafter, it was during British time during 1859, Captain Impey brought out Summary Settlements for three years, 1859-60, 1860-61 and 1861-62 respectively. In December 1861, Captain Impey again proposed a 10 years' settlement for the period of 1862-63 to 1871-72. In 1872 Major Powlett prepared a Summary Settlement for four years and finally prepared first regular settlement in 1877 (also known as 16 years' settlement)³. The second regular settlement was done by Sir Michael O'Dwyer during 1899-1900 (also known as 20 years' settlement). The third regular settlement was started by Rai Bahadur Hoti Singh in 1920 and completed by Rai sahib Pandit Nand Lal Tikku in 1924. In 1935 Sir F.V. Wylie initiated the revision of third regular settlement with the help of Mian Uday Singh⁴ which delayed due to pending cases of demarcation of reserved and protected forest involving the revenue department and finally completed by Mr. Ram Pratap in 1947 (also called Yellow Book)⁵.

In between the settlement periods, as a measure to amend and consolidate the laws relating to forests and the transit of forest produce, the Alwar Forest Regulation of 1919 and The Alwar

² During Mughal period the area of Alwar together with Tijara, Narnaul, Rohtak, Gurgaon and Bharatpur was known as Mewat.

³ The first regular settlement was originally sanctioned for 16 years but eventually continued for 24 years in consideration of the famine of 1877-78 and a succession of lean years (Rajasthan district Gazetteer of Alwar by Maya Ram, 1968).

⁴ Forest Settlement Report of Alwar State, 1937 by Mian Uday Singh.

⁵ The Alwar State Forest Settlement Report (Yellow Book), 1947 by Ram Pratap.

Forest Regulation II of 1935 came into force. In both forest regulations of 1919 and 1935 certain rules consistent with recorded rights of individuals or communities granted under various categories⁶ of forests viz Reserved Forest, Protected Forest, Roondh and Bani, were enforced. The areas which remained opened to the exercise of rights in early period were closed to the exercise of all such rights by the forest department and customary fees were charged for grazing⁷ and removal of the forest produce.

The village community in Alwar had long been recognized subordinate propriety or Biswedari (Land Tenure) Rights although the state had the sovereign right over them as the superior owner. By the time of revision of third settlement 140000 Bighas (more than 35410 Hectare) of waste land and hills which were included in the forest after second regular settlement were restored to the Biswedars while the Roondhs and Bannis were kept as reserve forests and free from all rights. In the second regular settlement certain rights like grazing, grass harvesting, fuel-wood and timber collection were permitted but in 1947 settlement the rights granted 40 years back were abolished and revised rights were granted that included the following -

- i. Grazing (only cattle),
- ii. Cutting and removal of grass,
- iii. Collection of dead and dry wood for bonafied domestic requirements
- iv. Collection of green timber for housing material and agricultural implements
- v. Way along forest paths and forest roondhs
- vi. Use of existing water courses which pass through reserve forest and are maintained by the people
- vii. Collection of edible fruits of Tendu (Bidi Patta) and Dates
- viii. Other concessions granted in the past

After independence the govt of Rajasthan passed the Rajasthan Forest Act 1953, Rajasthan Land Revenue Act 1956 and the Rajasthan Forest (Settlement Rules) 1958. The present forest settlement is based on Rajasthan Forest Act 1953 and Forest Settlement Rules 1958 and has as not been revised since then.

According to Alwar Forest Working Plan 2012-13 to 2021-22 only 58.97% forest land has been settled till date.

4. SARISKA TIGER RESERVE SINCE INCEPTION TILL DATE

The management history of Sariska forest area dates back to princely states time when it was being preserved as the hunting ground of the kings of Alwar. There was separate department

⁶ Reserved Forests - Demarcated Forest Areas which by order of His Highness' orders were closed to all forest rights of the people; Protected Forests - Forest areas which were under control of the forest dept and in which Zamindars (Land Holders) had certain rights or privileges; Roondh - State's fuel and fodder preserves, also the hunting reserves of His Highness; Bani - Sacred Groves

⁷ The Alwar Forest Regulation of 1919 (Grazing Rules)

for the management of the Sariska shooting reserve, named 'Shikarkhana' (i.e. Dept. of hunting) and the special army was deputed to control and protect the area from poaching. There were forest blocks managed for big game hunting.

After independence the 456 sq. Km. forest area of Sariska was declared as a wildlife Reserve on 7th November 1955 under the Rajasthan Wild Animals and Birds Protection Act, 1951. At that time no human settlement was displaced from the area. later on the status of the area upgraded to Wildlife Sanctuary having area of 492.29 sq. Km vide notification dated 18 September, 1958 under the section 5 of the wild Animals and Birds Protection act, 1951. The status of WLS was again ratified under section 66(4) of the Wildlife (Protection) Act, 1972.

In 1978 the Sariska forest was notified as India's 11th Tiger reserve encompassing the area of 866 sq. Km under the Wildlife (Protection) Act, 1972. Thereafter on 27th August 1982 400.14 sq. Km area of the reserve was notified as National Park under section 35 of the Wildlife (Protection) Act, 1972.

In 2005 when the number of tigers in Sariska went to 'Zero', several guidelines were issued by the NTCA that also included demarcation of inviolate space for the breeding and viable population of tigers in the core areas as 'Critical Tiger Habitat'; in compliance to that the core area of STR was notified as CTH on 28th December 2007 under section 38V of the Wildlife (Protection) Act, 1972 and Wildlife (Protection) Amendment Act, 2006.

Currently the total notified area of STR is 1213.3324 sq. Km which is further divided in Core and Buffer Zone. The Core/Critical Tiger Habitat area covers 881.1124 sq. Km whereas the Buffer zone collectively covers 245.72 sq. Km forest land and 86.50 sq. Km revenue land.

After the 50 years of conservation efforts, the Sariska Tiger Reserve failed to have even a single tiger in 2005. It is assumed that the tigers were vanished even before 2005 but the officials continued misreporting about the number of tigers. And later when it went out of control to hide the facts the blame was put on forest dwelling communities, framing them as helpers and associates of poachers. Part of the failure of conservation was also accredited to mining, commercial extraction of trees and tourism. The ecological damage caused by the failure of Sariska project management system was ignored and never appraised.

5. NTCA PROVISIONS FOR CRITICAL TIGER HABITAT AND RELOCATION OF VILLAGES

5.1 Relocation Plan

The WPA, 1972 under section 38V 4(i) explains the identification of Core or Critical Tiger Habitats as inviolate space for holding the breeding population for tiger conservation). Furthermore the WPA (Amended) 2006 specifically provides for establishing the Core/Critical Tiger Habitat on the basis of scientific and objective criteria, in consultation with the Gram Sabha and an expert committee, without affecting the rights of the scheduled tribes or such other forest dwellers. The govt. of Rajasthan referring WPA provisions,

declared the 881.1124 sq km core area of STR as the Critical Tiger Habitat in December 2007⁸.

It was time when FRA also came into existence in which section 4(2) (a to f) provide for satisfying several conditions before modifying the recognized forest rights in critical wildlife habitat of National Parks and Sanctuaries. The conditions to be satisfied include 'establishment of the fact that the activities and presence of the right holders is irreversibly damaging and threatening the existence of the said species, and concluding that other reasonable options such as co-existence is not possible'. The provisions under FRA also include ensuring the free informed consent of Gram Sabha in written regarding the areas concerned to the proposed resettlement and the package offered for a secured livelihood.

In February 2008 the NTCA issued a set of guidelines for implementing the centrally sponsored schemes of Project Tiger. At the same time it also drew a relocation plan⁹ to move around 750 villages located in the 28 Tiger Reserves in the country to make inviolate space for the breeding and viable population of Tiger. These villages have to be relocated outside the Tiger Reserves through a phase-wise plan of relocation. The state forest departments were to submit the relocation plan in the format¹⁰ prescribed by the NTCA.

5.2 Criterion for Selection of Village

The selection of village for relocation is based on the following criteria -

- (a) Magnitude of the effect of village on core area or proposed core area
- (b) Willingness of people
- (c) Availability of relocation site

5.3 Relocation Package

The relocation package prescribed by NTCA offers two options -

Option-1: Payment of the entire package amount of Rs. 10 Lakhs per family without involving any rehabilitation process or

Option-2: Relocation/rehabilitation package @ Rs. 10 Lakhs per family (consolidating five categories as percentage of total package) - Agriculture land (2 Ha) procurement and development (35%), settlement of rights (30%), homestead land and house construction (20%), Incentive (5%) and community facilities (10%).

5.4 Cut-Off Date

The cut-off date for the package is the date on which actual socio-economic survey is carried out for the purpose of identification of persons to be relocated and their rights and assets.

⁸ Govt. of Rajasthan Gazette Notification (extraordinary) F3(34) Forest 2007, dated 28 December, 2007.

⁹ Format for Preparation of Village Relocation Plan from Core/Critical Tiger Habitats. F.No. 3-1/2003-PT (relocation) of National Tiger Conservation Authority, MoEF, Govt. of India, February 2008.

¹⁰ See Annexure - 1 and 2

5.5 Committees for Relocation Monitoring / Implementation¹¹

For monitoring/implementation of the relocation process two Committees were prescribed at state and district level respectively.

The state level monitoring committee includes Chief Secretary of the state as the chairman and Chief Wildlife Warden as the member secretary. Other members include additional chief secretaries, principal secretaries and secretaries of the relevant government departments including forest and tribal area development. Besides these, representatives of various tiger conservation foundations of the state have also been nominated non-official members.

The district level implementation committee includes District Collector as the chairman and DCF/Deputy Director of the Tiger Reserve as the member secretary. Other members include officers of related government departments and chairmen of the Eco Development Committees adjoining the tiger reserve.

5.6 NTCA Protocol/Guidelines for Voluntary Village Relocation in Core / Critical Tiger Habitats

In 2011 the NTCA issued protocol/guidelines for voluntary village relocation in notified core/critical tiger habitats of tiger reserves¹². The guidelines aimed to ensure that all necessary statutory procedures required for the effective implementation of relocation are undertaken, and the rights of forest dwellers are respected and the process of recognition and determination of their rights is completed simultaneously to the process of conservation and protection of tigers and their habitats.

The NTCA has also tried to establish the compatibility of section 38V of the WPA 1972 (relating to relocation from core/critical tiger habitats) with the section 4(2) (a) to (f) of the FRA, 2006 and established difference in the meaning of 'critical tiger habitat' (as mentioned in the WPA 1972 and amendment of 2006) with that of 'critical wildlife habitat' (mentioned in the FRA, 2006), viewing the tiger separate from other wild animal species.

NTCA thrusts on the provisions laid down in the WPA, 1972 (section 38V) subsequent to the 2006 amendment as specific to the tiger conservation and argues the better compatibility of the said act with the FRA 2006.

The NTCA guidelines also included guidelines for identification/notification of core/critical tiger habitat in tiger reserves and village relocation with a checklist of steps and documents for various stages. Step-II (establishing the core/critical tiger habitat for creating inviolate area for tiger involving relocation of families/villages from such areas) expects fulfillment of the provisions contained in section 4 & 6 of the FRA and section 38V (5) of WPA, 1972.

¹¹ See Annexure - 3

¹² F. No. 15-4/2010-NTCA (Part-III) Additional Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger Relating to New components, Govt. of India MoEF, NTCA, dated 28th November 2011.

Provisions under the guidelines (point 6.1.1 - recognition / settlement of rights) direct the authorities to comply with the provisions of section 6(i) of the FRA while recognising and vesting the rights of people during relocation process. It includes complying with provisions of constituting SDLC, DLC and State Level monitoring Committee as prescribed under the FRA.

In April 2012 the Supreme Court directed all states to demarcate and notify Buffer Zones around each of the tiger reserves as mandated under the Wild Life (Protection) Amendment Act, 2006 (read with section 38V 4(ii) of the original act of 1972) as well as a pre-requisite for the preparation of the Tiger Conservation Plan. The court order came in the light of pending notifications of Buffer Zones in 11 states including Rajasthan.

While the Core Zone / Critical Tiger Habitat is supposed to be kept inviolate for conservation, the Buffer Zone surrounding it helps in ensuring the integrity of the habitat with adequate space for dispersal of tigers. The Buffer Zone is also aimed at promoting co-existence between wildlife and human activity along with restrictions on land use and certain commercial activities including tourism and mining.

6. VILLAGE RELOCATION FROM SARISKA TIGER RESERVE

The first relocation of villages from Sariska dates back to 1966-67 when village Slopka and Kalighati were relocated. Thereafter relocation of village Karna ka Bas and Kiraska took place in 1976-77. Apart from cash compensation villagers were also allotted land in Bandipul, Sirawas and Dulawa roondhs whose status was changed from reserved forest to revenue land for the purpose of relocation. The original Kiraska land was converted to reserved forest land and villagers were granted limited rights to access the area for pilgrimage at sacred sites and use the public road. But soon after finding the lack of promised amenities and fertile land at the new site people felt jockeyed and returned back and settled near to an existing village Kundalka as a separate hamlet named ‘Naya Kundalka.’ In 2002 relocation of village Bhagani, Kankwari and Umri was partly attempted.

Since then the relocation process was decelerated and again gained impetus after the extinction of tigers from STR in 2005. It was interpreted by the govt. that the presence of people in the tiger reserve was the prime reason for the disappearance of the tigers, contending that the tigers could never have been poached without involvement of the local residents. People were held responsible for degrading the forest and providing safe haven for the poachers involved in the illegal hunting of tigers. The lack of effective protection due to a crumbling administrative structure and prevalent corruption was completely sidelined¹³. The failure has focused on translocation of tigers and village relocation as the only possible tool to secure wildlife reserve¹⁴.

¹³ Shahabuddin, Ghazala, Ravi Kumar and Manish Shrivastava (2007). Creation of ‘Inviolable Space’: Lives, Livelihoods and Conflict in Sariska Tiger Reserve. *Economic and Political Weekly*, 42(20), pp. 1855–1862.

¹⁴ Meena M.L. (2015). Relocation and Livelihood Concerns of Sariska Tiger Project, Rajasthan: a Pride or plight? *Space and Culture, India*, 3(2), pp. 72-80.

According to timeline chart provided by the NTCA a total of 94 villages had to be relocated from both tiger reserves (STR & RTR) in Rajasthan. The state forest department prepared a Voluntary Village Relocation Plan following the NTCA guidelines and provisions of National Rehabilitation and Resettlement Policy, 2007 and Rajasthan State Village Relocation Policy 2002. In pursuance of the NTCA guidelines, the State Level Monitoring Committee and District Level Implementation Committee for monitoring village relocation and rehabilitation were constituted in February 2012. Till March 2014 the state forest department had sent proposal for relocation of 31 villages, 19 from RTR and 12 from STR.

There are 175 villages reported to be situated in and around STR. Out of these, 29 villages¹⁵ inhabited by 2409 families are located within the CTH area whereas 146 villages inhabited by about 12000 families are situated within the Buffer area. All villages in CTH have to be relocated by 2021-22 as per the phase-wise plan¹⁶; two villages namely Bhagani and Umari have already been relocated and 11 more villages comprising 493 households in the Core Zone-I have been scrutinized for relocation on the priority basis.

The priority 11 villages include Kankwari, Haripura, Bhagani, Dabali, Deori, Kraska, Kundalka, Raikamala, Sukola, Umari and Lilunda. The total population of these villages is approximately 3200 and the community is dominated by Gujjars (approx. 86%). Other communities include Meena (7.6%), Meo (3.2%), Bawaria (1.7%) and rest others. Traditionally most of them are pastoralists and their livelihood depends on selling of milk, milk products and livestock trade¹².

The first completely relocated village is Bhagani whose all 21 families were relocated to the new site at Bardod Roondh in 2008. Village Umri was shifted to Majupur reserved forest in 2011 and village Rotkyala was shifted in 2012-13. Relocation of Kankwari, Devri, Dabli, Sukola, Kraska and Haripura is in process.

Diversion of 222.67 Ha forest land at Nangla Roondh (Reserved Forest) in Behror Tehsil was notified in August 2006 for relocation and rehabilitation of forest villages Bhagani and Kanakwari. Similarly diversion of 181.97 Ha forest land at Majupur Reserved Forest Block in Alwar forest division was notified in July 2008 for relocation and rehabilitation of forest villages Umri and Devri. Furthermore, final sanction for diversion of 350 Ha forest land of Tijara Roondh is awaited for relocation of Haripura village and remaining households of Kiraska village.

Progress of village relocation till December 2014 is given below -

¹⁵ See annexure - 4

¹⁶ See annexure - 5

Table-1: Progress of Village Relocation from Sariska Tiger Reserve (as on 31-12-2014)

S. No.	Village Name	No. of Families	Consent Given			Relocated Families	Under Progress	Remaining
			Option-I	Option-II	Total			
1.	Bhagani	21	-	21	21	21	-	-
2.	Umri	85	31	54	85	85	-	-
3.	Rotkyala	51	50	1	51	51	-	-
4.	Dabli	126	125	-	125	111	14	1
5.	Sukola	46	14	-	14	14	-	32
6.	Kankwari	170	39	95	134	132	2	36
7.	Kraska	200	119	-	119	113	6	81
8.	Haripura	74	9	-	9	7	2	65
9.	Devri	181	60	23	83	63	20	98
Total		954	447	194	641	597	44	313

Raw Data Source - Tiger conservation Plan of Sariska Tiger Reserve (2014-15 to 2023-24)

7. GRAM SABHA CONSULTATION IGNORED, ARBITRARY DECISION MAKING

7.1 Arbitrary Declaration of Critical Tiger Habitat

In fact, not in its essence but to a great extent both Wildlife (Protection) Amendment Act 2006 and FRA 2006 obligated significant improvement in the process of relocation of communities from the Critical Tiger / Critical Wildlife habitats and settlement of their rights before the displacement. Amidst of all legitimate process prescribed by the NTCA, the state authorities seemed least bothered to comply with them and arbitrarily demarcated the CTH areas and asked people to vacate the land without exploring the option of co-existence as required by the law.

It does not appear by any fact that public consultation with regard to declaration of CTH took place. Rather people were straight forward given two options under relocation package with a cut-off date to accept one option in agreement to the relocation plan OR OTHERWISE after cut-off date they will not be given time for any option and will be automatically considered for the option of payment of lump sum Rs. 10 Lakh and will be displaced!

The WPA prescribes that the limits of the CTH and the Buffer Zone should be demarcated on the basis of scientific and objective criteria in consultation with the Gram Sabha and an expert committee constituted for the purpose. But this process has never been followed. In the process of gram sabha consent for relocation, the authorities consulted only an independent ecological and social scientist familiar with the area and concluded that other reasonable options of co-existence were not available.

The declaration of Buffer Zone was again done in the same arbitrary manner as in the case of CTHs. This arbitrary attitude appears to be integrating the Core and Buffer areas and offering

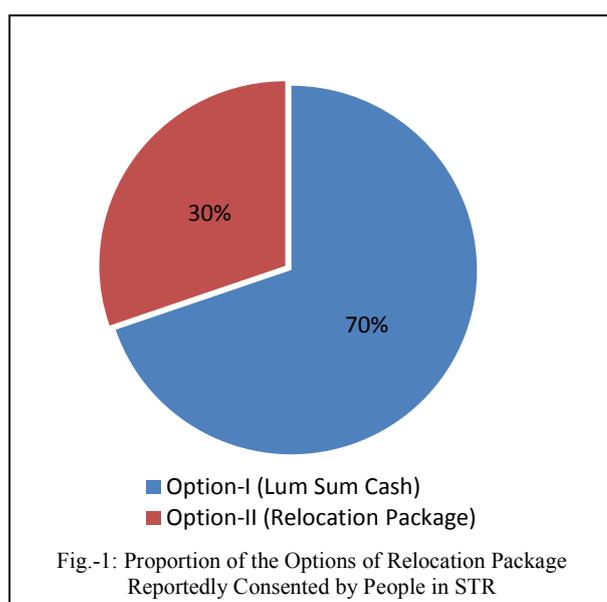
a changed situation in terms of livelihood, interactions with forests and defining certain activities as non-compatible to suit the inviolate principle.

7.2 Consent for Relocation (under FRA 2006) - from Gram Sabha or Individuals?

It is reported that consent of respective Gram Sabha has been obtained for 10 villages for relocation. The official record says ‘Some of the gram sabhas are not giving consent for relocation. Therefore, if some families are willing to relocate, individual consent to these families should be sufficient’. This intention of authorities ignoring gram sabha consultation in case of community disagreement is further substantiated by the official record of consent obtained for relocation of 10 villages. The authorities have considered consent from both gram sabha and individuals as a sign of agreement to relocation plan which is evident from the table below -

Table-2: Consent under FRA 2006 from Gram Sabha for villages

S. No.	Village Name	Gram Sabha	Consent from Gram Sabha
1.	Umri	Talab	Yes
2.	Devri	Talab	Yes
3.	Rotkyala	Akbarpur	Yes
4.	Dabli	Akbarpur	Yes
5.	Kankwari	Rajore	Individual Consent
6.	Haripura	Bhangdoli	Individual Consent
7.	Kraska	Madhogarh	Yes
8.	Kundalka	Bhangdoli	Yes
9.	Sukola	Madhogarh	Yes
10.	Rekamala	Bamanwas Kankad	Yes



In fact, in absence of the further details of the official record regarding gram sabha consent as well as proportion of consent given for option I & II of the relocation, it appears that the comparatively more cumbersome process of recognition and settlement of rights in option-II (30% of the total package) was better to be avoided and the authorities individually motivated the people to accept the lump-sum package under option-I (See figure-1)

8. PROVISIONS OF FRA VIOLATED IN VILLAGE RELOCATION AND RECOGNITION OF RIGHTS

The provisions of section 4 of the FRA, 2006 refer to the recognition, restoration and vesting of forest rights and related matters and provisions of section 6 refer to the authorities and procedure for vesting of forest rights. In the process of village relocation both of these sections have been deliberately sidelined and the authorities insisted on their 'own procedure' of village relocation. If the village relocation had been based on FRA compliance, there would have been reporting of FRA implementation in the district which has not been done since beginning.

8.1 Forced Eviction

To know the ground truth, meetings with village communities were conducted with the help of KRPAVIS and ultimately based on visible facts it was realized that the provisions of FRA have never been intently adhered to.

The FRA provisions for recognition/settlement of rights before village relocation have never been complied with before as well even after they were made mandatory in NTCA guidelines. Villagers were never informed about the provisions of FRA and 'Free Consent' of relevant Gram Sabha (as per provisions of FRA) for relocation was never sought. Similarly the process of rights recognition also appears to be unrealized in true sense.

The relocation of villages is contrary to the social and cultural attributes of the inhabitant people. These villagers have been living in Sariska forest from time immemorial in harmony with the tigers. In fact their livestock has been serving as a good proportion of the prey base of the big cats. The local people have demarcated parts of the forests as *Dev-Van* (Forest of God) and/or 'Orans' (Sacred Groves) for their conservation through concerted efforts. Most of these sacred forests have more diversity of species and safety to wildlife. It is beyond of understanding that how these villagers can be held responsible for degrading their forest resources which is their lifeline¹³!

The government has failed to take into consideration the role of the neighboring urban centres and peripheral villages that are more responsible for the degradation of the habitat as compared to these traditional forest dwellers.

The arbitrary declaration of CTH and Buffer zones as well as bypassing the gram sabha consent for village relocation and validating individual consent is total violation of the section 4(2) (a) to (f) and section 4(5) of the FRA 2006 as well as guidelines of 2012 (Clause V of guidelines on the implementation of the said act).

From the above facts it is inferred that although the NTCA specified the relocation as 'Voluntary' but that has rather been as 'Forced'.

8.2 FRA Implementation neither Done nor Reported!

The state tribal department which is responsible for implementation and coordination of the FRA, 2006 has been silent on reporting the FRA implementation in the Alwar district.

Although the relocation process after 2005 corresponds with the enactment of the FRA, 2006 but since beginning there is no record of Alwar district in the progress report of FRA implementation. Furthermore, nonexistence of any claim under FRA in the district record has also been mentioned in the working plan of Alwar forest division¹⁷. The Tiger Conservation Plan of Sariska Tiger Reserve also does not mention anything about FRA implementation except exploring the way for relocation of villages under relevant provisions of the said act and the WPA, 1972.

The NTCA guidelines for recognition/settlement of rights before village relocation necessitate fulfillment of the provisions of section 6 of the FRA. The procedure of vesting of forest rights under FRA is a three-tier process in which the Gram Sabha at the first stage is given the authority to initiate the process and after verification forward the case to the Sub-Divisional Level committee. The SDLC at the second stage, has the authority to examine the resolution of Gram Sabha and prepare the record of forest rights and forward the case to the District Level Committee for the final decision. The DLC as the third and final stage, approves the record of forest right.

There is no record of constitution of Forest Right Committees (FRCs) as well as SDLCs and DLCs with respect to villages in and around STR as per provisions of FRA (Only few FRCs were constituted through proper Gram Sabha meetings and resolutions passed by the majority of participants through the intervention of KRAPAVIS).

The State Level Monitoring Committee and District Level Implementation Committee constituted under NTCA protocol/guidelines for monitoring village relocation and rehabilitation can't be considered compatible with SLMC and DLC prescribed under FRA because the nature of membership of the committees is entirely different in both cases. The committees for monitoring/implementing village relocation process do not have any representation from the affected village community and/or PRI representatives and the rights of decision are entirely vested upon the government officials, which does not meet the provisions of section 6 of the FRA in any way, neither in delegation of authoritative powers nor in the procedure for vesting of forest rights.

8.3 Compatibility of WPA 1972 and FRA 2006

The section 4(2) (a to c) of the FRA has explicitly mention about modification or resettlement of the forest rights recognised in Critical wildlife habitats of National parks and Sanctuaries, provided the resettlement of the right holders and their rights are not affected for the purpose of creating the inviolate areas for wildlife conservation except in case certain conditions are satisfied, namely -

¹⁷ Forest working Plan of Alwar District (2012-13 to 2021-22) pp. 195-196.

- (a) The process of recognition and vesting of forest rights is complete in all areas according to section 6 of the FRA;
- (b) Established by the concerned agency of the state government in exercise of powers under the Wildlife (Protection) Act 1972 that the activities or impacts of the presence of the right holders upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat; and
- (c) The state government has concluded that other reasonable options such as, co-existence are not available

The section 13 of the FRA also provides that the said act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

The NTCA appeared adamant to rejecting the aforementioned provisions of the FRA in their originality, although the provisions of conservation of critical wildlife habitat (which includes tiger as an integral part as well) as prescribed under WPA 1972 are duly recognized under the FRA.

One would question, 'why NTCA required comparing various sections and terminologies of WPA and FRA and their interpretation?' Why it was required to distinguish the tiger from rest of the wildlife and derive its 'own' justification to the difference between phrases 'core or critical tiger habitat' and 'critical wildlife habitat'? Why NTCA wants to consider the tiger separate from other wild animal species and wants to frame the separate phrase dedicated to the tiger only? Can't the 'critical wildlife habitat' be considered to declare an area as the 'Core Habitat' for a species (here is the tiger) which would also accept and recognise the integrity of other wild animal species with the apex species? Does the Critical Tiger Habitat include only tiger and no other species of animals make part of its ecology?

8.4 Rights Recognized - Unrecognized!

During village meetings it came into notice that the certificate of rights to the displaced people under relocation plan is issued by the DCF, Sariska Tiger Reserve¹⁸ which is established violation of the of FRA provisions under section 4 and 6. As per the FRA provisions the certificate of recognition of rights should be issued by the District Collector after due process of verification of the claim at Gram sabha and SDLC respectively.

Moreover, it was also reported that residents of Devri village did not even get the letter of rights that their neighboring residents of village Umri had received.

8.5 Inadequate Package

The compensation package is unchanged since it was in 2008 and the villagers expect it to be revised. Villagers blame the forest department alleging that the promises made to them

¹⁸ See Annexure - 6 (Specimen of Letter of Right Issued to the Relocated Villager)

regarding the new site were not fulfilled. They were neither provided the basic amenities at the site, nor was the land fit for cultivation.

8.6 Relocation Package Option-II (Settlement of Rights - 30% of the package value)

It is unclear that what procedure did the govt. authorities followed in recognition of rights under option-II of the relocation package. Except reporting of gram sabha consent under FRA 2006 there has been no record of recognition of rights under the said package. Again, this fact substantiates the assumption on why there has been more proportion of option-I in the consent for relocation package (read with point 7.2 mentioned above). Therefore it proves the failure or avoidance of the recognition of rights under section 4 of FRA.

8.7 Tiger Conservation Plan to Boost Tiger Tourism

The latest tiger conservation plan of Sariska is not proactive in forest resource development. Rather it is dedicated to develop the reserve as tiger safari park to boost the revenue generation. Government regulated display of tigers to tourists is given prime importance than community oriented conservation and management of the entire wildlife of the reserve. Invasion of alien invasive species and resultant change in floral composition and feeding habits of animal species is being ignored.

In STR-Tiger Conservation Plan the authorities have deliberately described the relocation plan and supporting official notifications have also been described. The official notification of diversion of reserve forests for relocation and rehabilitation of villages outside the Sariska national Park were also included. But there is no information regarding official records of Gram Sabha consultation for voluntary village relocation, recognition of rights of displaced people, proceedings of Gram Sabha, SDLC and DLC as per provisions of FRA and the certificate of recognition of rights under FRA by the district collector.

Format for preparing a Village Relocation Plan (NTCA Guidelines)

1. Introduction
 - 1.1 Name of the Tiger Reserve
 - 1.2 Name of the village
 - 1.3 Total area of the village
 - 1.4 Legal Status : Revenue / Forest / Other category
 - 1.5 Summary
 - 1.5.1 Number of families (category-wise)
 - 1.5.2 Total human population
 - 1.5.3 Total livestock population
 - 1.5.4 Proposed site for relocation (in case of **option-II**)
 - 1.5.5 Area of the proposed site and its legal status
 - 1.5.6 Total allocation required
2. Details of families identified.
3. Details relating to settlement of rights.
4. Details of incentives provided.
5. Description of relocation site (in case of **option-II**), with a map showing the layout of homestead land, houses and community facility.
6. Details of proposed work at the relocation site:
 - 6.1 Agriculture land (procurement / development)
 - 6.2 Transportation
 - 6.3 House building
 - 6.4 Pasture / woodlot
 - 6.5 Access road
 - 6.6 Irrigation
 - 6.7 Drinking water facility
 - 6.8 Sanitation
 - 6.9 Electricity
 - 6.10 Telecommunication
 - 6.11 Community centre
 - 6.12 Places of worship
 - 6.13 Burial / Cremation ground
7. Other related details:
 - 7.1 Access to forest resources
 - 7.2 Access to irrigation facility
 - 7.3 Access to Anganwadi / School
 - 7.4 Access to Hospital
 - 7.5 Access to fare price shop
 - 7.6 Access to telecommunication facility
8. Details of livelihood support and handholding.
9. Grievance redressal system.
10. Monitoring and evaluation (State level)
11. Cost Table and Phasing

Checklist of Village Relocation Process (NTCA Guidelines)

Stage	Y / N	
I	Notification of Core/Critical habitat? If yes, copy of notification	
	Certificate that village is within core area of Tiger Reserve	
	Consent of villagers, Gram Sabha obtained	
	Survey and Master List	
	Record of Rights	
	Village Relocation Proposal drawn up with involvement of district administration	
	Certificate that the detailed relocation plan has been formulated on the basis of voluntary consent of beneficiaries	
	Indicative time frame within which relocation will be completed	
II	Collector committee constituted	
	Cut-off dates	
	Rights and property evaluation by committee	
	In case of option II: where relocated land is forest land, copy of forest clearance received from FC Division of this Ministry, and certificate stating that terms and conditions of FC have been complied with	
	District level and state level monitoring committees established?	
III	Joint account created for beneficiary and spouse	
	Money deposited into JA, with fixed deposit plan, passbooks to beneficiaries	
	MoU between FD and beneficiary	
	Individual files of beneficiaries maintained at Range Office, Tiger Reserve Office and Collector Office	
	Collector certificate to beneficiaries	
	Handholding procedures and Monitoring Committee	

State and District level Relocation Monitoring / Implementation CommitteesState level Monitoring Committee

- | | |
|---|--------------------|
| 1) Chief Secretary of the State | - Chairman |
| 2) Additional Chief Secretary, Forests | - Member |
| 3) Additional Chief Secretary, Panchayati Raj and Rural Development | - Member |
| 4) Additional Chief Secretary, Water Resources | - Member |
| 5) Principal Secretary, Public Works | - Member |
| 6) Principal Secretary, Medical and Health & Family Welfare | - Member |
| 7) Principal Secretary, Agriculture | - Member |
| 8) Principal Secretary, Primary Education | - Member |
| 9) Principal Secretary, Animal Husbandry | - Member |
| 10) Principal Secretary, Revenue | - Member |
| 11) Principal Secretary, Tribal area Development | - Member |
| 12) Principal Secretary, social Justice & Empowerment and Social Security | - Member |
| 13) Secretary, Energy | - Member |
| 14) Principal Chief Conservator of Forests & HoFF | - Member |
| 15) Nominated Non-official members of various Tiger Conservation Foundations of State | - Members |
| 16) PCCF & Chief Wildlife Warden | - Member-Secretary |

District level Implementing Committee

- | | |
|---|--------------------|
| 1) District Collector | - Chairman |
| 2) CEO, Zila Parishad | - Member |
| 3) Deputy Conservator of Forest | - Member |
| 4) Executive Engineer, Irrigation | - Member |
| 5) Executive Engineer, Public Works | - Member |
| 6) Chief Medical & Health Officer | - Member |
| 7) Deputy Director, Agriculture | - Member |
| 8) District Education Officer | - Member |
| 9) Deputy Director, Animal Husbandry | - Member |
| 10) Executive Engineer, PHED | - Member |
| 11) District Officer, Social Justice & Empowerment and Social Security | - Member |
| 12) Executive Engineer, JVVNL | - Member |
| 13) Manager of Concerned Lead Bank | - Member |
| 14) Chairman of the Eco Development Committees Adjoining Tiger Reserves | - Member |
| 15) DCF / Deputy Director of the Tiger Reserve | - Member Secretary |

Villages in Critical Tiger Habitat of Sariska Tiger Reserve

S. No.	Name of Village
1.	Bhagani
2.	Umari
3.	Devri
4.	Rotkyala
5.	Dabli
6.	Kankwari
7.	Haripura
8.	Kraska
9.	Sukola
10.	Kanyawas
11.	Naya Kundalka
12.	Rekamala
13.	Lilunda
14.	Berawas
15.	Nangalheri
16.	Kalachara
17.	Kushalgarh
18.	Madhogarh
19.	Indok
20.	Kundalka
21.	Mitrawat
22.	Rajore
23.	Garh
24.	Dabkan
25.	Loj Nathusar
26.	Raika
27.	Panidhal
28.	Duharmala
29.	Bera

Phase-wise Plan of Relocation of Villages from Sariska Tiger Reserve

Year	Name of Village	Reason of Priority
2014-15	1. Devri	Form part of existing tiger territories. All villages in process of relocation
	2. Dabli	
	3. Kankwari	
	4. Sukola	
	5. Kraska	
	6. Haripura	
2015-16	7. Kundalka - Sarunda	Form part of existing territories of tigers and needs to be relocated on priority
	8. Raikamala	
	9. Lilunda	
	10. Kanyawas	
	11. Naya Kundalka	
	12. Panidhal	
	13. Bera	
2016-17	-	Completing relocation of above 13 villages
2017-18	14. Mitrawat	Will form part of territories of litters of existing tigers
	15. Raika	
	16. Dabkan	
	17. Loj Nathusar	
	18. Duharmala	
2018-19	-	Completing relocation of above villages
2019-20	19. Indok	Will form part of territories of litters of existing tigers
	20. Rajore - Mandalwas	
	21. Madhogarh	
	22. Garh	
2020-21	-	Completing relocation of above villages
2021-22	23. Kushalgarh	Will form part of territories of litters of existing tigers
	24. Nangalheri	
	25. Kalchara	
	26. Berawas	
2022-23	-	Completing relocation of above villages
2023-24	-	Completing relocation of above villages

Source - Tiger conservation Plan of Sariska Tiger Reserve (2014-15 to 2023-24)

Specimen of Letter of Right Issued to the Relocated Villager

कार्यालय उप वन संरक्षक, बाघ परियोजना सरिस्का

क्रमांक / 12474 दिनांक 8/9/11



-: अधिकार पत्र :-

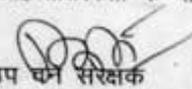
बाघ परियोजना सरिस्का में बसे गांव/गुवाडों के विस्थापन एवं पुनर्वास के लिये मौजपुर रुंध, तह0 लक्ष्मणगढ़ जिला अलवर में 181.97 हैक्ट0 आरक्षित वन भूमि (राजस्व खसरा नं0 4, 5, 6, 7, 8, 9) चिन्हित की जाकर भारत सरकार के पत्र क्रमांक एफ 8-141/2006-एफसी दि0 29.04.08 से उक्त प्रयोजनार्थ उपयोग हेतु अन्तिम स्वीकृति प्राप्त हुई है। विस्थापन के संबध में राज्य सरकार के आदेश क्रमांक एफ-11(2) वन/99 दिनांक 02.11.02 एवं भारत सरकार के पत्र दिनांक 29.04.08 द्वारा जारी दिशा निर्देश एवं जिला विस्थापन समिति की बैठको में लिए गए निर्णयो की पालना करते हुये श्री सुल्तान पुत्र ख्याली गूर्जर के गांव उमरी से विस्थापित होने की एवज में मौजपुर रुंध तहसील लक्ष्मणगढ़ में 60'x 90' = 5400 sq.ft. का आवास के लिए आवासीय भूखण्ड व 6 बीघा भूमि कृषि कार्य हेतु आवंटित की जाती है। जिसका आवास भूखण्ड मय कृषि भूखण्ड सं0 27 है। उक्त भूमि का मानचित्र एवं माप पुष्ठ पर अंकित है। मानचित्र अनुसार सीमा विवरण निम्नानुसार है:-




उत्तरी सीमा AB	- 159.40 मीटर	सीमा से लगता हुआ	रोड
पश्चिमी सीमा BC	- 97.37 मीटर	सीमा से लगता हुआ	भूखण्ड सं0 सड़क/31
दक्षिणी सीमा CD	- 164.40 मीटर	सीमा से लगता हुआ	भूखण्ड सं0 21
पूर्वी सीमा DA	- 45.74+51.83 मी.	सीमा से लगता हुआ	28, 29

उक्त आवंटन निम्न शर्ताधीन किया जाता है:-

- इस वन भूमि को आवंटी स्वयं व परिवार के निवास एवं कृषि कार्य एवं पशुओं के लिये चारा उगाने के लिये ही उपयोग में ले सकेंगे। इस भूमि को उक्त कार्य हेतु आवंटी को निरन्तर उपयोग में लेने की अनुमति रहेगी। आवंटी के स्वयं के द्वारा ही कृषि कार्य करना अनिवार्य होगा।
- उक्त भूमि पर सिंचाई हेतु कुआं, टैंक के अतिरिक्त अन्य स्थाई ढांचा नहीं बनाया जायेगा।
- इस भूमि का विक्रय नहीं किया जा सकेगा। यह भूमि उत्तराधिकार के द्वारा ही हस्तान्तरित होगी।
- उक्त शर्तों का उल्लंघन करने पर आवंटन निरस्त करने का अधिकार अधोहस्ताक्षरकर्ता के पास सुरक्षित रहेगा।



उप वन संरक्षक
बाघ परियोजना सरिस्का

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http://www.cseindia.org/challenge_balance2012/broken_promises.htm