

## Eviction Slip

by Mark Dowie | April 2008

*While many governments now involve indigenous groups in environmental conservation, India is on the verge of creating what might become the largest mass eviction for conservation ever. Groups like India's Adivasis have come to be called "conservation refugees." But many conservationists now say conservation initiatives are doomed to fail without them. (Art by [Emily Hunt](#))*



In the spring of 2003 about 8,000 tribal people and low-caste farmers living in the Kuno area of Madhya Pradesh, India, were summarily uprooted from the rich farmlands they had cultivated for generations and moved to 24 villages on scrub land outside the borders of a sanctuary created for a pride of six imported Asiatic lions. "I'll never forget when we left," recalled village headman Babulal Gaur. "Even the men cried that day. Is it fair to do this to 1,600 families for a few lions?" By then almost 500 villages occupied by a total of 300,000 families around India had experienced similar forced relocation to protect the habitat of tigers, rhinos and Asiatic lions residing in the 580 national parks and sanctuaries that have been created in India since the colonial period.

Wildlife conservation in India has generally emulated the early American (Yosemite/Yellowstone) model which regarded forests as pristine wilderness, excluded human beings from national parks and other protected areas, and saw its aboriginal people as "marauders," "poachers" and "encroachers," all the while sanctioning the lifeways and hunting practices of elite sportsmen and urban tourists. Throughout rural India, tribal *Adivasis*, ancient forest dwellers who occupy thousands of villages, are routinely blamed for declines in local biodiversity. As a government training manual for foresters instructs its students:

Forest dwelling communities are invariably inveterate hunters and have in most areas practically annihilated game animals and birds by indiscriminate hunting and snaring. It is surely time

to instill in the tribal mind a respect for the basic game laws of the country.

In the past three decades 28 major relocations of Adivasis have been documented, seven more are known to have occurred, but not officially recorded, and there are several more in early planning stages. There are no hard numbers available, but estimates of conservation refugees in India range from 100,000 to 600,000, with millions more slated for future forced, voluntary and induced displacements.

### Fig Leaves

The Nagarhole National Park (now Rajiv Gandhi National Park) in the state of Karnataka is part of the larger Nilgiri Biosphere Reserve, one of 440 such reserves existing in 97 countries. Several Adivasi communities have inhabited the Nilgiri Reserve for centuries, including the reclusive Cholanaikans, the last surviving hunter-gatherers on the Indian subcontinent.

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When the Nagarhole Park was officially constituted in 1983 there were about 9,000 other tribal peoples living in 58 small hamlets throughout the park. There were the Jenu Kurubas, a honey gathering tribe, the Hakki Pikki bird trappers, the Betta Kuruba bamboo artisans, the Yeravas, a fishing tribe, and the Soligas, goat herders. There were also about 25,000 other Adivasis living outside but near the Park who relied heavily on the Nagar Hole forests for their survival. In violation of UN policy for Biosphere Reserves, which calls for equal protection of forests, birds, agriculture and human wellbeing, the Indian government began pushing the Adivasis out. During the 1970s, 6,000 were evicted.

Anger arose among the Adivasis, who had begun to organize nationally and express their disapproval more boldly. In response, the Indian Forest Policy statement of 1988 recognized the role of Adivasis in the conservation and sustenance of India's forests. However, evictions continued from the Nagar Hole, albeit in less violent and forceful ways.

While the alleged purpose of the evictions was wildlife conservation, teak and eucalyptus plantations eventually replaced more than 40 of the evacuated hamlets. As it has in Botswana, Kenya and elsewhere, conservation in India has become a convenient and respectable cover for less savory motives when the very same national government that removes native people from their land in the name of conservation has no compunctions about giving up ecologically sensitive areas to large-scale development projects.

The fig leaf of conservation was eventually spread to cover a World Bank-funded eco-tourism lodge proposed by the Taj Hotel Group. In December of 1996 Adivasis filed for an injunction with the Indian High Court and called for a general strike in the Nagar Hole to stop the Taj project. A month later the High Court found the Taj Group in violation of conservation laws, a ruling that was upheld on appeal. The half-finished, abandoned structures of the Taj in the Nagar Hole represent one of the very few Adivasi victories anywhere in India.

However, people who were allowed to stay in the reserve after construction was halted were subjected to severe restrictions on both their lifeways and food security. No cultivation of any kind was allowed, despite the fact that local Adivasi farming practices never cut down trees, plowed land or used pesticides or fertilizers. All hunting was banned and no livestock or pets were allowed. The gathering of tubers, mushrooms and wild vegetables was forbidden, and most sacred sites and burial grounds were placed off limits. However, these limitations did not seem to satisfy all conservation NGOs.

In 1993, the World Wide Fund for Nature-India (WWF-I) petitioned the Indian government to enforce its own Wildlife (Protection) Act. The Act, which was passed in 1972, prescribes procedures for setting up and managing the country's protected areas, which at the time included about 80 national parks and 443 sanctuaries which made up about 4.8% of India's land mass, a little more than half the current area under protection.

India's protected areas harbor the remains of the nation's biological diversity, and perform critical ecological functions like regulating hydrological cycles, stabilizing river catchments, protecting soil and maintaining land productivity. India's agriculture would be seriously threatened if those areas did not exist, and its climatic patterns much more erratic. And industrial and commercial forces would have long ago occupied these habitats were it not for the protected status granted them by the Wildlife (Protection) Act.

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WWF's petition focused on the fact that vital enforcement procedures were not being implemented in most protected areas, and that state governments were often allowing them to be opened for industrial development. Darlaghat Sanctuary in Himachal Pradesh, for example, was denotified to host a cement factory. Very few protected areas had adequate management or equipment. The whole situation was becoming as bad for wildlife as it was for people. This was a suit that had to be filed.

However, there remained the question of land and tenure rights in protected areas. Neither was mentioned in the WWF suit. In national parks all human activities had to cease; in sanctuaries, certain activities were allowed to continue, but only if they were shown to be of use to wildlife conservation. In August 1997, at the behest of WWF-I, the Indian Supreme Court ordered all state governments to complete settlement procedures within one year.

That order was a clear victory for WWF and was regarded worldwide as a landmark event in the history of conservation. However,

the ill-defined rights of Adivasis and local villagers remained a major problem in the management of India's protected areas. Unfortunately the order caused nothing but trouble. When government officials issued unclear and confusing notices of new regulations inside protected areas, villagers interpreted them as attacks on their right to reside in traditional settlements.

Almost four million people were at that time living inside India's formally protected areas, and alongside several million others in surrounding towns and villages. Most of them resided there before the protected areas were created, and all were heavily dependent on local natural resources for fuel, fodder, medicines, fish, water and non-timber forest products. "To pass an order that denies all 'rights and concessions' to such people is virtually like telling them to pack up and go," proclaimed Indian sociologist Ashish Kothari. "Both the WWF petition and the learned judges' order are, to put it bluntly, devoid of any sense of grounded reality. Even if the procedure for inquiry was to be done properly, it could be grossly unjust to villagers."

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Strangely enough, this all happened as the government of India was, at least rhetorically, endorsing and agreeing to abide by an agreement of the Convention on Biological Diversity, which called for full participation of indigenous peoples in the management of wildlife conservation. The agreement commits all signatories to recognize the rights of local communities to participate in conservation planning, to respect their land and resource rights, and to seek prior consent to any resettlement of people in protected areas.

The Indian government was also ignoring its own 1990 report on Scheduled Castes and Tribes, which includes a clear framework to deal with the livelihood consequences of conservation for displaced Adivasis and other forest dwellers. And they were in violation of Article 338 (9) of the Indian Constitution, which provides protection for tribal welfare and stipulates that the Commission for Scheduled Tribes should be consulted in conflicts over resettlement. Bijoy Panda, a tribal activist in Madhya Pradesh, called the Adivasis "azaad desh ke gulaam log" (slaves of a free nation).

Ashish Kothari has predicted growing demands from Adivasis to do away with protected areas and unpopular wildlife laws. There would also, he said, be more acts of subversion and deliberate violation of conservation laws, such as poaching and theft of timber. "Never mind the issue of human rights and social justice," he said. "Even from a purely conservation point of view, these moves are suicidal." He turned out to be right.

Increased resentment rose toward conservation, which often expressed itself in the setting of forest fires, colluding with poachers and undermining conservation in any way possible, similar in many ways to responses of the Maasai and other African pastorals to being pushed out of their grazing lands. A 2005 report commissioned by the Prime Minister called the situation as "truly a war within, imploding inside reserves and taking everything in its wake."

In Semarsot, Kanha and other sanctuaries of Madhya Pradesh, each village was sent a form which families were to use to claim compensation. As most tribal villagers cannot read, they were dependent on interpretations of the notice offered by non-government organizations, forest staff, or the few semi-literate people in their village. Misunderstandings were rampant. In many places, villagers thought the notices were for eviction. History had given them ample reasons to believe that.

The Wildlife Protection Act and the Forest (Conservation) Act have set the stage for what might become the largest mass eviction of indigenous peoples in any one country.

While the notices never mentioned the e-word, activists like Kothari believed that massive displacement could nonetheless become the unintended outcome of the process. "Once final notification is issued," he pointed out, "no one will be allowed to collect non-timber forest produce. For a tribal whose life and livelihood depends on things from the forest like fruits, gum, honey, leaves, thatch, etc., this is like telling the urbanites that they may continue to live in their houses, but without the use of water, electricity or the kitchen. For forest dwellers, this is tantamount to forcible displacement."

Kothari was right again about the increasingly violent response to forced resettlement. In Madhya Pradesh, 20,000 tribals rallied to protest against what they considered an unfair abridgment of their rights, and a mass sit-in was organized in front of the Vidhan Sabha in state capital of Bhopal. Conflicts between forest staff and people turned to open clashes and villagers began poisoning wildlife to eliminate the *raison d'être* for protected areas. Eventually the entire protected area network of India came under attack as

local people became increasingly hostile to all conservation efforts. Not all protests were violent. In Phoolwari ki Nal Sanctuary, Rajasthan, one village filed a petition to the high court asking for the sanctuary notification to be quashed. But violent or nonviolent, the Indian government had created a public relations nightmare.

The Wildlife Protection Act of 1972 and the Forest (Conservation) Act of 1980, later fortified by the WWF lawsuit, have set the stage for what still might eventually become the largest mass eviction of indigenous peoples in any one country. Millions of people are still threatened with displacement. “Even while the rest of the world moves towards environmental policies that reconcile wildlife conservation with human rights and justice, India is headed in completely the opposite directions,” warns Ashish Kothari.

The Forest Act froze about 22 percent of India’s land for conservation. Land claims of mapped and demarcated forests have been ignored. In fact, some of the areas set aside weren’t forest at all. A May 2002 court order mandated the government to record all encroachments on forest lands, whereupon the Ministry of Environment and Forests issued an order to every state to evict “encroachers” in the nation’s forests, with no consideration to be given to the age or tenure of a community.

Eventually the tense state of affairs in India’s forests reached the attention of Delhi. In early 2005 The Scheduled Tribes (Recognition of Forest Rights) Bill was drafted by the Tribal Affairs Ministry and introduced in the Indian parliament. If passed, the bill would recognize Adivasi rights to ancestral forest lands and resources, and grant 2.5 hectares of forest land to each Adivasi, even if their current residence is in designated wildlife reserve. Communities would also be entrusted with some conservation responsibilities.

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Affecting about 68 million people, 8% of the country, the bill was severely criticized by the Ministry of Environment and Forests, which feared that it would hinder efforts to preserve India’s dwindling forest cover. Social groups were also concerned that the bill would harm the livelihood of forest dwellers who are not considered to be part of Scheduled Tribes. Conservationists were apoplectic, saying it would cause irreparable damage to forest ecosystems and lead to class conflict throughout the country. In May 2005, the Indian cabinet removed the bill from their agenda. However, after extensive debate and discussion, and some refinements that aren’t so popular with tribal people or their supporters, the Act passed into law on December 18th, 2006. Rules and amendments are being devised, after which the Recognition of Forest Rights Act will be enforceable.

## **Sariska**

In early 2005, a national debate erupted in India over the future of its national animal, the Royal Bengal Tiger. Media reports of a “tiger crisis” led to the creation of several “Project Tiger” sanctuaries around the country. As one might expect, the sides taken on the status and protection of tigers were, on the one hand, wildlife conservationists intent upon saving a truly magnificent species from extinction, and on the other, anthropologists and tribal activists intent upon preserving the cultures of tribal people, 325,000 of whom still live inside the core and buffer zones of tiger reserves.

Indian wildlife conservation, which was still strongly influenced by WWF-International and other foreign conservation NGOs, has persistently embraced a model of western practice that focuses on individual endangered species—‘mega-charismatic metavertibrates’—like elephants, rhinos or tigers, rather than on whole habitats or eco-systems. Prominent Indian conservationist Valmik Thapar insists that tigers can only be saved “in large undisturbed, inviolate landscapes” unoccupied by human beings. “As far as I am concerned,” he wrote, “tigers and forest dwellers cannot co-exist.” Following Thapar’s advice, the entire Gujjar community of Sariska, a formerly posted tiger sanctuary, faced the prospect of total eviction and relocation, a process that had slowly begun over a decade before the creation of “Project Tiger.”

No one questions that Gujjar villagers, a traditional grazing community, have had an adverse impact on the wildlife conservation potential of the Sariska reserve or that at least some of this pressure on forests will have to be removed to save it. That is obvious to even the untrained eye. The question in Sariska is why relocation of the Gujjars was selected as the first option for solving the problem, without input from villagers, when so many other options were available for consideration. Moreover, the number one cause of tiger depletion throughout India is poaching by organized networks of smugglers, none of whom live in the forests.

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rights, India is headed in completely the opposite direction.

Gujjars and tigers have coexisted in Sariska for thousands of years. The decline in tiger population is a consequence of development—large dams, iron mines and the shifting appetites of distant elites—not the lifeways of forest dwellers whose habitats have likewise been threatened by the same phenomena. “Why then punish one victim to save the other?” asks Indian historian Ramachandra Guha.

In almost every respect, the relocation of Gujjars was badly planned and executed, and evictees were compensated at unbearably low rates. Those relocated inside the forest still had access to firewood, water and livestock fodder. But for years they faced an uncertain future about the permanence of their new residence. Some evictees have returned to their original villages in search of better soil and water, forsaking schools, clinics and other amenities built in relocation communities. The outcome, in a word, has been chaos. However, relocation has continued despite the real threat of pushing another traditional community into utter destitution, while accomplishing next to nothing for endemic wildlife.

“Conservationists who believe that wildlife can be protected in such circumstances are living in a fool’s paradise,” according to Ashish Kothari. “Even while the rest of the world moves toward environmental policies that reconcile wildlife conservation with human rights and justice, India is headed in completely the opposite direction.”

Kothari, through his organization, Kalpavriksh, has proposed a participatory approach to environmental planning that would have the central government, NGOs, scientists and tribal communities working together in the design and management of conservation initiatives like the Tiger Project. He is also lobbying the government to improve the terms and rules of the Scheduled Tribes Act. “In a decentralized natural resources governance structure,” Kothari suggests, “the state should become a facilitator rather than a ruler” and people living in and around parks and sanctuaries should become “frontline defenders of the forests and protected areas, rather than being seen as antagonists.”

Kothari is part of a global network of pioneers, many of them prophets-without-honor in their own countries, pushing for community-based co-management of conservation, and community-conserved areas (CCAs) where local communities decide on their own to conserve local biodiversity for political, cultural, spiritual or ethical reasons. There are thousands of de facto CCAs in India, but few have been officially recognized as conservation initiatives. CCAs have, however, been officially recognized by the International Union for Conservation of Nature (IUCN) and other international organizations as a powerful tool to protect wildlife and the livelihood of indigenous communities.

The Indian tribal experience with conservation has been mixed. While some of the most brutal forced evictions have occurred on that continent during and since the colonial era, there have also been signs that federal and provincial governments are beginning to realize that sound and sensitive governance of resettlement projects can pay off for all involved. Take for example the Melghat Sanctuary and Tiger Reserve in Maharashtra, which became a wildlife sanctuary in 1967 and a tiger reserve in 1973, part of which was spun off into a national park in 1987. Between 1999 and 2002 three Adivasi villages (92 families) were voluntarily relocated outside the tiger reserve. By all accounts the entire project was well managed. Communication with the villagers was open and transparent. However there remain 19 villages that opted not to move from the sanctuary and 58 more in the tiger reserve that could be forcibly moved at some point in the future. And as this article goes to press, the villagers that did move voluntarily still have not been fully compensated.

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Forest dwellers and their supporters regard the 2006 passage of the Scheduled Tribes and Other Traditional Forest Dwellers Act (also known as The Recognition of Forest Rights Act) as a heartening but imperfect triumph, and look forward to some significant amendments in future legislative sessions. For example, while the Act does stipulate that the tens of millions of tribal people who have resided in the forests for 3 generations (75 years) or more may remain in their homelands, it does not fully recognize the land tenure of forest communities, or delineate a process for doing so. As Pradeep and Senthil Kumar, both officials in the Indian Forest Service, observe: “It is natural for any human to have an attachment to his or her land, but in the absence of tenure rights it can hardly be expected that people develop a sense of ownership to forest land, and, consequently, care about forest conservation. Insecurity of tenure forces people to think on short-term horizons and focus on immediate and exploitative benefits. Once tribal people secure their own land they will have the incentive to protect the forests.”

Nor does the Act recognize the tacit ownership of non-timber forest products by inhabitants of the forests. But worst of all is the continued lack of protection from eviction following the creation of new protected areas. The irony of the Forest Rights Act is partly in its name, but more so the shortcomings that could lead to conditions that prove opposing conservationists right. They predicted disastrous ecological consequences if the bill passed. Strangely enough, some human rights advocates now agree with them, but argue that the only way to stop an eco-catastrophe is to amend the law giving more rights of ownership to the Adivasis. The tribal world is watching.

Mark Dowie is an investigative historian living in Willow Point, California. The above is excerpted from his forthcoming book, tentatively entitled *Refugees from Conservation: Global Conservation's Hundred Year Misunderstanding With Native People* (MIT Press 2008).

Photo Illustration by [Emily Hunt](#)