

The Declaration of Critical Tiger Habitat and relocation of Chenchus from the Nallamala region - A Brief note

During and after the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of forest rights) Act 2006 by the Indian parliament, the wildlife and conservation lobbies advocated for the declaration of many forest areas in the country as protected areas for the wildlife to live without human presence. Accordingly the Forest rights act 2006 contained some procedure for the purpose. As per that, detailed processes of scientific enquiry, socio-economic survey, participatory decision making by the local native communities etc. have to be taken up before concluding that the relocation of the people is the single most option for the survival of wild animals and notifying any forest area as Critical Wildlife Habitat / Critical Tiger Habitat. But many forest areas in the country were notified as CWHs / CTHs without following any of the mandatory processes described in the Forest Rights Act 2006. Before the Act came in to force on 01-01-2008 with rules, many areas were declared as CWHs / CTHs.

In the same way, 2527 sq. km (as per Compartment areas) in the Nagarjuna Sagar - Srisailem Tiger Reserve of the Nallamala region of Andhra Pradesh is declared as Nagarjuna Sagar - Srisailem Tiger Reserve Inviolable Area (NSTR-I) (Critical Tiger Habitat) on 20-12-2007 before the Forest Rights Act 2006 came in to force on 01-01-2008.

Before that, Ministry of Environment and Forests (MoEF), Government of India, formulated guidelines for the declaration of CWHs / CTHs on its own, bypassing the implementation of the Forest Rights Act 2006. When the issue was raised in the Parliament during November 2007, MoEF expedited the process and the government notified rules for the Forest Rights Act 2006 on 01-01-2008. During November 2007, a team of concerned individuals went to Nallamala forest areas of Mahabubnagar district and brought out a brief status report on the issue of relocation of Chenchus. A letter was also submitted to the Chief Minister to direct administration to follow the Forest Rights Act 2006 strictly in the said case. Afterwards on 18-02-2008, during a workshop on the implementation of Forest Rights Act 2006, the Secretary, Tribal Welfare, Government of Andhra Pradesh assured of respecting the Act in all circumstances. But in recent times, again the state forest department is trying to relocate Chenchus from the area.

The said notification dated 20.12.2007 (G O MS No. 148) declaring 2527 sq. km as Nagarjuna Sagar-Srisailem Tiger Reserve Inviolable Area (NSTR-I) in Nagarjuna Sagar - Srisailem Tiger Reserve in Mahabubnagar, Prakasham, Guntur and Kurnul by the Environment, Forest, Science & Technology (For II) Department of the Government of Andhra Pradesh under Section 38V(i) of The Wildlife Protection Act 1972 as amended in 2006 is illegal as they violate the (a)

The Wildlife Protection Act 1972 as amended in 2006 (WLPA) and (b) The Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 as under:

The Expert Committee under 38V(4) i of the WLPA 2006 is to determine the boundaries of the critical tiger habitat, areas that are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers and consult the local inhabitants including public hearings. No such consultation has been made.

38V(5) (i) of WLPA 2006 stipulates that the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and other forest dwellers should have been completed in the said areas prior to declaration of the area as CTH. This has not even been initiated and therefore violating both WLPA 2006 and FRA 2006.

38V(5) (ii) and (iii) of WLPA 2006 stipulates that the consent of the Scheduled Tribes and other forest dwellers in the area along with consultation with an ecological and social scientist is required to decide that the activities of the STs and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and threaten the existence of tigers and their habitat and that other reasonable options of co-existence are not available. This too has not taken place.

Resolution of the Gram Sabhas concerned that recognition and vesting of rights in the affected area is complete is mandated in 4(vi) and 2(a) of the "Guidelines to notify critical wildlife habitats" of MoEF. No such consent has been obtained.

No resettlement or alternative package including the facilities and land allocation at the resettlement location, for providing for livelihood for the affected individuals and communities fulfilling the requirements given in the National Relief and Rehabilitation Policy and the head wise budget allocation, the time line for the completion of the resettlement or alternative package nor the informed consent of the Gram Sabhas concerned, and of the persons affected, to the resettlement programme has been obtained as required under 38V(5) (iv), (v) and (vi) of WLPA 2006 in the CTH.

Further, the said notification is in total violation of The Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 in its entirety.