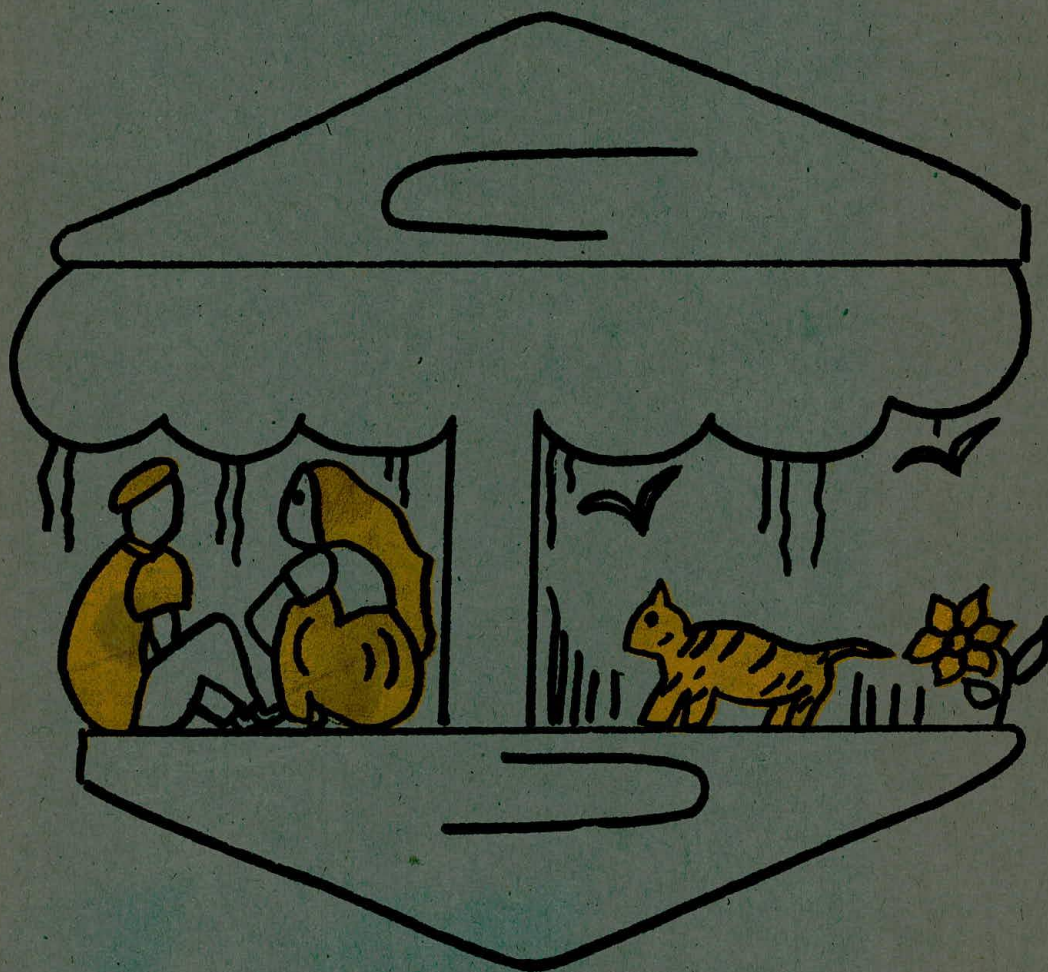


REPORT ON

National Workshop on declining access to and control over Natural Resources in National Parks and Sanctuaries



**Society for Participatory Research in Asia
and**

Rural Litigation and Entitlement Kendra

WORKSHOP DETAILS

Venue

Forest Research Institute, Dehradun

28-30 October, 1993

Organizers

Society for Participatory Research in Asia, New Delhi

And

Rural Litigation and Entitlement Kendra, Dehradun

RELEVANT MATERIALS

ON

NATIONAL PARKS AND SANCTUARIES IN INDIA

Prepared

By

PRIA

- * *NATIONAL PARKS AND SANCTUARIES IN INDIA:
SOME ISSUES OF CONCERN*
- * *ISSUES IN PARKS AND SANCTUARIES:
SOME OBSERVATIONS*
- * *A CRITICAL ANALYSIS OF THE LEGAL PROVISIONS OF SANCTUARIES AND
NATIONAL PARKS IN INDIA.*

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REPORT OF THE WORKSHOP ON "DECLINING ACCESS TO AND CONTROL OVER NATURAL RESOURCES IN SANCTUARIES AND NATIONAL PARKS BY THE PEOPLE"

INTRODUCTION

In the last few years what has surfaced as a significant issue is the conflict between parks and people. People's movement at the grassroots have been emerging not only in India but also all over the world, especially in the developing countries over the issue of state-sponsored conservation strategy in the form of wildlife sanctuary and national park. These struggles are certainly the manifestation of the assertion of the rights by the marginalised populace over the natural resources, which are the main source of sustenance for a large section of them. These collective social actions at micro level further posit macro questions with respect to priorities of the present development paradigm and conservation strategy. Hence, the serious implications of the issues both at micro and macro levels compel all the concerned persons to pore over the problem more deeply and diagnose all the dimensions of such 'conflictual conservation'.

History of Wildlife Sanctuary and National Park

The practice of conservation of wild species and eco-system has a long history behind it. It originated way back in 700 B.C. But the concept of national park emerged over a century ago and since then it has spread widely around the world. However, the consciousness to conserve and protect wildlife and biological diversity through vigorous legal support emerged first at the international level among the developed countries in the first quarter of this century.

It was strongly felt by the developed world that the fast pace of depletion of wild species including wildlife must be arrested urgently. The developed countries advocated that conservation of wildlife and biological diversity must be pursued as national priority. To operationalize their advocacy, various international bodies such as International Union for Conservation of Nature and Natural resources were formed and a number of other existing bodies included this in their agenda. The developed countries encouraged the 'less developed countries', through liberal financial aids, to adopt the conservation strategy and philosophy which accords utmost priority to 'wildlife interests' and completely neglects 'local people's interests'. Special efforts were made to popularize the concepts of wildlife sanctuary and national park.

The basic idea behind sanctuary and national park is to set apart an area as a protected one for exclusive preservation of wild animals, flora and fauna. Such areas are to be kept out of any kind of exploitation by human beings, even though they may be dependent on these areas for their sustenance.

Sanctuary and National Park in the World To-day

As a result of all these efforts to promote sanctuary and national park, their number grew enormously all over the world. In 1985 the International Union for Conservation of Nature and Natural Resources (IUCN) updated its list of protected areas (nature reserves, national parks, natural monuments, wildlife sanctuaries, and protected landscapes and seascapes). The list contains more than 3,500 sites in 136 countries and territories. A total worldwide area of more than 423 million hectares is designated as protected in this sense- equivalent to the combined land area of India, Pakistan and Bangladesh. About half of this area lies in developing countries and out of this almost 90 percent is in national parks or wildlife sanctuaries.

As per the 1985 UN list of national parks and protected areas, there are more than 1,400 protected areas in the tropics where most of the developing countries lie. These countries are also home for nearly 70 percent of the world's population which continues to grow rapidly. And a large section of this population depends on their surrounding natural resources for sustenance. These data unravel the gigantic dimension of the contradiction underlying the current protection strategy.

Dimension of Sanctuaries and National Parks in India

India became a part of the global effort of conservation of wild species and biological diversity and adopted the concepts of wildlife sanctuary and national park. The first national park in India was set up in the early 30s. Since then there has been enormous increase in the number of such protected areas as evident from the following table.

Increase in Sanctuary and National Park in India

Year	No. of Sanctuary	No. of National Park
1960	60	5
1975	126	5
1985	247	53
1989	411	69
1991	421	75 (18 Tiger Reserves)
—	633	147 (proposal)

As the table shows, within a period of 30 years the number of sanctuaries and national parks multiplied seven and 15 times respectively. Hence, more and more forest lands have come under protected zones.

Official source reveals that currently 3.5 percent of the total land in the country is under sanctuaries and national parks and it is proposed to increase this area to five percent. Calculations show that, at present, more than 19 percent of the total forest is under sanctuaries and national parks which directly covers the homeland of about one-fifth of the total tribal population in the country. With further increase in the number of such protected areas more and more tribals will have to concede their homeland and more and more people both tribal and non-tribal, dependent on forests will be deprived of their crucial natural resources.

The trend of growth in the number of sanctuary and national park in our country over the last three decades and the future plan makes one skeptical to ask; is it simply the pro-conservation mindedness of the government which is the sole causative factor of this trend?

Probably, certain broader socio-political factors are playing crucial role behind such conservation strategy.

Legal Provisions of Sanctuary and National Park

The Wildlife (Protection) Act which was enacted in the year 1972 provides legal provisions for the constitution and control of sanctuary and national park. As per Section 18 and 35 (1) of the Wildlife (protection) Act, 1972, the state government is empowered to constitute sanctuary and national park respectively. To quote Sec. 18, "The State Government, by notification may declare its intention to constitute an area other than area comprised with any reserve forest or territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geo-morphological, natural or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment". Sec. 35(1) states the similar criteria for the constitution of national park and empowers the State Government to declare a national park.

The basic difference between sanctuary and national park lies in the legal stringency. While sanctuary allows the retention of some rights of the people in the protected area, national park strictly prohibits all sorts of people's rights. The current philosophy does not see a role for permanent human settlement including forest dwelling tribals, even though some communities still maintain a hunter-gatherer economy and others have high forest resource dependency.

The Wildlife (Protection) Act, 1972, under the provisions of sanctuary and national park ignores the historically evolved symbiotic relations between forests and forest dwellers and drastically curtails their traditional rights to use forest resources. The Act does not encourage human habitation inside the sanctuary and park as it considers the local inhabitants as the major threat to wildlife and eco-system. People's interests and wildlife interests are perceived to be antagonistic to each other.

It was hoped that the Wildlife Protection Amendment Act, 1991 would convert the WPA, 1972, which was an Act of exclusion, to a devise of participation. It was expected that the amendment would take note of the symbiotic relation between the local people and forests, and accordingly rectify the legal provisions giving adequate space to the local interests and local participation. But the Amendment Act, 1991 belied all hopes of the people. Neither people's participation was considered nor their interests were given priority. However, it is mentioned in the new Act that, "....individuals and NGOS must take an active role in the implementation of the Act." The main role assigned to individuals and NGOS is to help the officials in detecting offenses or contravention of the rules.

Hence, the Act vests immense power with the government agencies to protect wildlife and the natural eco-system and does not consider it necessary at all to involve the local people in the process of the constitution of sanctuary and national park or in their management. The Act plays a role of alienating agent for the people who are dispossessed of their natural resource base.

Consequences of Sanctuaries and National Parks

In India the subsistence rural economy is mainly based on forests, agriculture and livestock, and very few tribal communities thrive on purely hunting and food gathering. Agriculture and livestock economy is also deeply linked with forests. Apart from the economy, the polity,

culture and religion of the communities living in and around forests have evolved in close interaction with the woods. So forests play a crucial role in the life system of those tribal, non-tribal and nomadic communities who have been historically living in close proximity with forests. One finds numerous instances of tribal uprisings in the history of India which emerged to protect their rights to access to and control over their natural resource, i.e. forests. It is also true that these people are deprived of the fruits of development.

During the British period, the process of alienation from forests for the forest-dependent communities began. The industrial and commercial interests were instrumental causative factors of such alienation. After independence, the same 'interests' were considered as national interests and continued to be pursued. As a result, the same process of alienation persisted. During the 1960s and thereafter, the Government vigorously pursued the interests of wildlife and wild species as national priority, and wanted to protect forests for that purpose with special legal apparatus of sanctuary and national park. This has contributed significantly to the process of further alienation of the people from their natural resource base.

As mentioned earlier, the provisions of sanctuary and national park proscribed the customary rights of the people. They face the situation of displacement from their social, economic, cultural and ecological milieu. Without providing any alternative, the local inhabitants are forced to give up their forest based culture, occupations and economy.

The people living in and around sanctuaries and national parks are neither allowed to collect timber from the jungle for constructing and repairing their huts and traditional community centers, nor to collect roots, fruits and tubers for consumption, nor even herbal plants which, for most of the people, are the only known and available medicines. The forest-dependents are forbidden to collect firewood from forests. What is far more serious is, they are prohibited from grazing their cattle inside the notified sanctuary or park area.

The main source of employment and income for the tribals is various minor forest produce. These minor forest produce play a major role in providing income and employment to the impoverished and marginalised tribals. The declaration of sanctuary or national park dispossesses them of this crucial source of income and employment.

Besides all these, when the illiterate tribal unknowingly contravenes any rule of sanctuary or national park, the innocent person faces the wrath of forest officials. The intricate rules and regulations of sanctuary and national park which are beyond comprehension of the ignorant tribals provide an opportunity to the forest officials to indulge in corruption and to extract bribe from the impoverished people.

Hence, all the above issues boil down to denial of people's access to and control over natural resources in sanctuaries and national parks. In this perspective of declining access to and control over natural resources by the people, it becomes imminent to critically examine the prevailing concepts of sanctuary and national park, to assess the rationale and philosophy of such conservation strategy in the light of empirical situations.

In order to understand the issues involved in the contemporary conservation strategy (especially national parks and sanctuaries) and to list out the problems faced by the local people, a national workshop was organised at Dehra Dun on October 28-31, 1993 by Society for Participatory Research in Asia, New Delhi, in collaboration with Rural litigation and Entitlement Kendra, Dehra Dun.

Keeping the objectives of the workshop in view, greater emphasis was put on the participation of grassroots groups who are directly involved in such issues. About twenty such groups from ten states, viz. Bihar, Gujrat, Karnatak, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu and Utter Pradesh participated in the workshop. Apart from these groups a few researchers, government officials and legal experts participated too.

28 OCTOBER 1993

Workshop Begins

The workshop was opened after the lunch on October 28 with the welcome address by **Shri Avdhash Kaushal, President of Rural Litigation and Entitlement Kendra, Dehra Dun**. The welcome address was followed by a brief introduction and delineation of objectives of the workshop by **Dr. Rajesh Tandon, Coordinator, Society for Participatory Research in Asia, New Delhi**.

Dr. Tandon in his introductory note stressed upon the issue of people's access to and control over natural resources. He pointed out, national parks and sanctuaries which is an essential component of India's conservation strategy, have proved to be a menace for the local communities living in and around these protected areas. More the number of such protected areas increases, more the people affected. The local communities are deprived of their crucial natural resources, the means of their sustenance. Hence, at this point of time we must strive to develop a deeper understanding of the issues related to people's access to resources in national parks and sanctuaries, Dr. Tandon said.

In the light of the above mentioned broad objectives he spelt the precise objectives of the workshop as follow;

1. to understand the nature and dimension of the problems posited by national parks and sanctuaries for the local population;
2. to understand government policies and laws with respect to national parks and sanctuaries;
3. to evolve some common future plan of action.

Inaugural Remarks

Prof. B. K. Roy Burman who is widely known for his erudite writings on tribal society and for his espousal of the cause of the tribals initiated the discussion with his insightful inaugural remarks. He commended the initiatives taken by the organisers of the workshop and several basic conceptual issues relating to rights of access to and management and control of the endowments of nature.

According to him, the concept 'right to control' does not fit into the spirit of the indigenous people's understanding of their association with the endowments of nature. While making this observation, he clarified that he was not using the term 'indigenous' in a chronological sense. By 'indigenous' he meant people who are rooted in their immediate environment, whose social organisation is woven round the management of their environment and whose cultural elaboration takes place primarily through interaction with the immediate physical and social environment. They also draw upon other sources, but if the same do not harmonise with their socio-cultural core, they experience a tension of adjustment. The indigenous people, such defined have a concept of custodial association- which is a combination of custodial responsibility and custodial right with the endowments of nature. Many indigenous people derive this custodial association from a sense of extension of self in the phenomenal world in all dimensions. Thus the custodial association is deeply rooted in their social philosophy.

The ecological concern of the indigenous peoples is basically a manifestation of their ethical world-view. It would not be correct to project this concern only in terms of control of resources. Nature is not just an ensemble of resources; in that case nature to human beings turns to be only a casket of commodities. It is denial of the sublime in the mind-set of humanity and the sublime in the manifestations of nature. The concept of 'control' also does not adequately represent the custodial relation. When primacy is given to the concept of control, it implies relegation to the background the essentially ethical relationship. Prof. Roy Burman further expanded his views that even in ethical relationship element of control is there as in case of custodial relationship among the members of a family. But if the element of control is too much in focus, it emphasises the power dimension and not the dimension of reciprocity, mutual reinforcement and empathy.

With this frame of man-native relationship expanded by him, Prof. Roy Burman observed that among the indigenous and tribal peoples there are basic forms of dependence on the natural resources. One is a sustainable ingratiating mode of subsistence; the one is sustainable convivial- custodial mode of production. The first form is found among primarily hunting and gathering people. While they draw upon the natural resources, frequently they do it after ritual expression of gratitude for the meaning of sustenance provided to them. Sometimes in their invocation they tell that as there is end of every thing, they are making use of the targeted object so that they can live for some time and take care of the surrounding so that the progeny of the targeted object can also continue to live till their time of death comes. This a moral argument! not the argument of the market in custodial-convivial mode of production, the right to expect the resources has its counterpart in the responsibility to replenish the same. At the same time labor appropriation takes place through bonds of kinship, neighbourhood, ceremonial friendship and other forms of social bonds cemented by egalitarian ethos. In this mode of production, surplus if any is redistributed through culturally prescribed obligatory action. Community rights in this sense is very much different from the concept of Common Property Resources. The former represents a structured normative relationship, the latter frequently means open access public resources, where the state power prevails over community norms. an ultimate analysis of the concept of CPR paves the way to green capitalism. One has therefor to be wary, while using the term and the concept.

It is only this holistic understanding of the situation that one can speak of the consequences of loss of right of social formations over the natural resources. It also means erosion of responsibility about the conservation and replenishment of natural resources. If environmental degradation takes place in such a context, the responsibility for the same pertains to those who through their hegemonic action, including unleashing unchecked and irresistible market forces destroy the social formations with the environment.

SESSION - I

Case Study Presentation

Betla Tiger Reserve

Prof. Roy Burman's deliberation was followed by case study presentations by grassroots groups. **Father George Monipally of Kishan Majdoor Sangathan** working in Palamau district of Bihar began with **Betla Tiger Reserve**. Betla Tiger Reserve covers an area of 1026 sq.kms. in Palamau district of Bihar. There exists seven villages in it's core and 105 in buffer zone. Official data put the figure of total human and cattle population of these villages at 65,000 and 45,000 respectively. The social composition of the population within the Tiger Reserve is predominantly tribal representing various ethnic groups like Munda, Kherwar, Chero, Birjia, etc., who had led a nomadic pattern of life style till the early part of this century. The official source admits that these people are extremely tolerant to wildlife and live in complete harmony with their natural environs.

Monipally points out that the harmonious relations between the people and their environs has severely been affected by the national park regulations. Implementation of the Wildlife (Protection) Act, 1972 and Project Tiger have repudiated the historically evolved symbiotic relation between people and nature. This has bred an attitude of animosity among the local people towards wild animals and other natural resources.

Earlier, inspite of harmonious relations, people used to hunt animals and cut trees. Behind such activities, the main motive was their survival interests and fulfillment of minimum needs. Even individual and community needs were never free to over exploit the natural endowments and not for any other purpose other than own requirements. There were effective traditional social norms regulating such activities and ensuring adequate protection and regeneration of natural resources. But the modern practices and laws have destroyed the age-old harmonious relations between the people and their environment and deprived them of the vital resources. At present, the people no more consider protection of wildlife and other natural resources as their responsibility.

The balance in man-nature relationship has completely changed. To-day, if a wild animal kills a human being, the government or the concerned department shows a cold feet. The poor aggrieved person has to run from pillar to post for a meagre sum of compensation which takes a very long time to trickle down to the aggrieved party. But in contrary, knowingly or unknowingly if some one kills an animal in a park or sanctuary, the person is immediately penalised. The nature of penalty depends on the whims of forest officials and ranges from cash to physical torture.

The people living in and around Betla Tiger Reserve have lost all their rights over forest and forest produce. The situation has worsened after the implementation of 1991 amendment of the Wildlife (Protection) Act, 1972. Citing an example he said that because of 1991 amendment, bamboo trimming has completely been disbanded. As a result, on the one hand, impoverished local people have lost an important source of income, on the other, this has increased the threat of forest fire. There are basically two reasons for increasing threat of fire; first, untrimmed bamboos are more prone to fire; second, while untrimmed bamboos catch fire it spreads wildly and often goes beyond control.

Palamau being a drought prone district neither has adequate irrigation facilities nor does have much avenues for income, especially for the lower sections. A large majority of poor in Palamau, by and large, depend on various natural resources for sustenance. In this context

one can very well assume the significance of forest for the sustenance of a large section of marginalised populace. Abrogation of rights to use forest under reference has cast disaster for them. An official source candidly reveals that the population inside the Tiger Reserve have no access to any irrigation schemes, hence, are completely dependent on rain which fails almost every year. Whatever little crop is raised is devastated by herbivores causing enough reasons for confrontations between the local inhabitants and forest officials.

Narrating the attitude and behaviour of the forest officials, Monipally expressed that the officials behaved like 'kings of the forest' ignoring the local people altogether. Even an official source admits that due to lack of interactions between officials and villagers during the last few years, the situation has turned worse and dissensions are visible everywhere.

Nanda Devi Biosphere Reserve Following the presentation on Betla Tiger Reserve, **Shri Omprakash Bhatt of Dasoli Gram Swaraja Mandal, Chamoli (U.P.)** recounted the human and social consequences of **Nanda Devi Biosphere Reserve**, another form of protection of biological diversity and ecosystem. It is claimed that the concept of biosphere reserve unlike national park and sanctuary takes care of people and their needs as well as natural ecosystem on the principle of equi-importance. But the presentation of Omprakash on Nanda Devi Biosphere Reserve explodes this 'official myth'.

The valley of Nanda Devi was first declared as a sanctuary in the year 1939. Later in 1982 the area was expanded to 630 sq.kms. and put under the category of national park. In the year 1988, Nanda Devi National Park was included in the category of Biosphere Reserve.

The delineation clearly brought out the role of traditional socio-cultural norms of the local communities in protection and preservation of the Valley. In the early 30s, the Valley was divided into two parts, upper and lower for the purpose of use and preservation. The upper part of the Valley was kept free from human activity, while the lower part was used for grazing of sheeps. Besides grazing, the local dwellers used to collect various herbal plants, fruits and other minor forest produce from the lower part. However, the main human activity in the Valley was grazing of sheeps

The communities had evolved a set of clearly defined norms regulating all human activities in the Valley including grazing. The main purpose behind such social regulations was to restrict over utilisation and to allow regeneration of resources in natural way. For example, shepherd were to use a particular portion of the valley for a particular period of time. During their (shepherd) stay in the Valley they were supposed to take care of injured animals. Peoples' experiences reveal that sheep grazing was helpful in regenerating various other small vegetation. For instance, while sheeps used to climb up in the valley, wild grasses were trampled letting other small vegetation to grow.

Religious sanctity was also attached to the Valley. Wasteful and unnecessary use as well as littering of the Valley was considered as a sin. Hence, all, especially the shepherds used to take all care to preserve the sacredness of the Valley. For example, they neither used to over exploit the valley nor did they leave it dirty.

Collection of herbal plants was also socially regulated through norms. People were permitted to pluck herbal flora during a particular time in the year. There were also social norms as to how to pluck the plant or any part thereof. If any body flouted any such norm, it was considered ominous for the whole village. And the flouter was penalised by the village community. In nutshell, earlier when the people had open access to and control over Nanda Devi, use was regulated by local communities making it sustainable and preservation was the priority.

The Valley witnessed a drastic change when Nanda Devi was discovered as a mountaineering pick. In 1934, for the first time the pick of Nanda Devi was conquered by a group of mountaineers. Since then, it has been receiving a large number of mountaineers and tourists every year.

These new activities affected the local economy and culture. People started giving up agriculture and took up tourism oriented economic activities such as petty business, guide for tourists, etc. With the introduction of these new activities, social, cultural and religious value of the Valley gradually eroded so also the social norms regulating use and preservation.

The situation further worsened with the declaration of national park. As the government took away all the rights of the local inhabitants including the right to access and movement, the historical linkage between the people and the Valley gradually broke off. The total life style of the people witnessed adverse change. Livestock economy had to be completely given up as grazing in the Valley was strictly forbidden. The new rules that of national park stopped tourism. As a result, the local people lost their new economic activities, too.

In short, the consequences are; loss of sources of income without any alternative; beginning of migration from adjoining villages to far off places in search of occupation and income; erosion of traditional socio-cultural mores and norms related to management and preservation of natural endowments and ecology, and sudden change in life style. The above account reveals that, in reality Biosphere Reserve does not adhere to the principle of equi-importance to human beings and biological diversity which the concept propounds.

Bhatt concludes that it is essential to preserve nature and natural resources but not at the cost of the poor marginalised people. The local people who are a part and parcel of nature and natural ecosystem should never be excluded from any conservation effort and their rights should not be ignored.

Phoolvari Ki Nal Sanctuary

Another presentation which added to our understanding was that of **Shri Nisar Ahmad of Astha Sangathan**, Udaipur (Rajasthan). Ahmad spoke about the problems faced by the local communities in Phoolvari Ki Nal Sanctuary is located in Udaipur district of Rajasthan. It was notified in the year 1983 as a sanctuary covering an area of 511.41 sq.kms. The local people remained ignorant of the notification for long as no effort by the government was made to inform them.

Within the Sanctuary, human settlements are as old as 500 years. According to 1991 Census, the total population inhabiting inside the sanctuary is more than 30,000 with 98 percent tribals. The rest two percent are outsiders who settled down inside the forest for petty trades in forest produce. All these forest dwellers are still leading the life of utter penury. They are deprived of the fruits of developments. They have been denied of basic facilities such as health and education.

Exploitation of Phoolvari Ki Nal by commercial interests has a long history behind it. During pre-independence period, Phoolvari Ki Nal was under three Jagirdars who leased it out to a contractor. The contractor exploited Phoolvari Ki Nal ruthlessly for extraction of Katha. After independence, the State came in and perpetuated commercial exploitation of Phoolvari Ki Nal right upto 1982, the year before it was declared as a sanctuary.

Converting Phoolvari Ki Nal into a Sanctuary had two major consequences. On the one hand, it terminated large scale commercial exploitation by the outsiders including the state, on the other, the local people were deprived of their traditional rights over forests and forest produce. This has had disastrous effect on the people as they were dependent on forest for sustenance for about nine months in a year. They lost this major source without any

alternative. All apart, repression and harassment of the pauperised forest dwellers by the forest officials have reached new highs.

As mentioned earlier, the local people are debarred from collecting various minor forest produce. Plucking of Tendu leaves which was another major source of income for the local people is also completely curbed. But, what has come to notice is that the local forest officials in connivance with contractors have been illegally plucking Tendu leaves from within the Sanctuary and smuggling out to Gujrat.

Sitamata Sanctuary

Following Phoolvari Ki Nal, there was another case study of a sanctuary named **Sitamata Sanctuary** presented by **Shri Goverdhan Yadav of Prayas** from the same State. Sitamata Sanctuary which has mythological significance for the local people came into the fold of 'official protected areas' first in 1979. The Sanctuary covers a total area of 422.94 sq.kms. spreading over two districts, viz. Chittaurgarh and Udaipur.

There are 42 villages settled within the Sanctuary. Out of these villages only 13 are revenue villages and the rest are 'encroached villages'. These 'encroached villages' are constituted mainly by the oustees of Mahi and Kadana dams constructed in Banswara district of Rajasthan sometime back in 1960s. These oustees who were not rehabilitated came to Sitamata in search of a piece of land where they could set up their hut. It was reported that these encroachments were facilitated by the local forest officials by taking regular bribes from the people.

The mainstay of the economy of these 42 villages is agriculture and they live in harmony with their environment. Along side agricultural activities, the people depend on minor forest produce. These insiders never fell tree for selling nor do they kill wild animals.

In the name of development there are only four primary schools and twelve hand pumps in all the 42 villages. Government health facility is virtually non-existent and the people are deprived of loans under Integrated Rural Development Programme as they do not have revenue land. Jawahar Rojgar Yojna is yet to reach the people. All such development plans and programmes are blocked by the rules of the sanctuary.

After Sitamata was declared as a Sanctuary and rules of sanctuary were enforced, whatever little rights the local people had were terminated. They are neither allowed to collect minor forest produce nor timber, nor are they allowed to graze their cattle inside Sitamata. Day by day harassment by the forest officials has been increasing.

Sariska Tiger Reserve

The story is repeated in case of **Sariska tiger Reserve** as evident from the presentation of **Shri Aman Singh of Tarun Bharat Sangh**, the group which has been actively working among the people in Sariska itself.

Sariska Tiger Reserve covers an area of 800 sq.kms. with three distinct and separate core zones. There are about 19 hamlets in the core zone, whereas within the buffer zone and on the periphery there are about 90 hamlets. The composition of population in these villages is mainly tribal. Meena and Gurjar are the two major tribes inhabiting this area. Their main occupations are animal husbandry and agriculture which are heavily dependent on the forest.

Traditionally these communities have been living in harmony with flora and fauna of the present day Park. Their main occupations are animal husbandry and agriculture which are heavily dependent on the forests. By careful collective protection of forests they are able to prevent drought in summer and floods in monsoon.

Since independence, Sariska has been given various names, viz. Reserved Forest, Protected Forest, Wildlife Sanctuary, Tiger Project, National Park, etc. With every new name different and contradictory laws have been enforced. These laws have later been proved to be repressive for the local inhabitants denying them their rights and rightful development. For example, when the Education Department opened a school in a village, the Forest Department issued an order to close it down claiming that these people were to be displaced soon.

The forest officials have been continuously torturing and tormenting the villagers by threatening them with eviction. Life dependent on forests became very difficult due to the forest officials' corrupt practices. For instance, according to Tarun Bharat Sangh's estimates, the forest officials used to extract ghee worth Rs. 80,000 per annum from a single village called Debi with 52 households only.

The forest guards are not only indifferent to the villagers, but also to the forest itself. All these have substantially contributed to the destruction of traditional norms of the people which were responsible for the protection and management of forests as community's common resources. Earlier, unnecessary feeling of a tree used to attract strict social sanctions from the village Gram Sabha.

Another serious problem which the forests of Sariska faced was the mining problem. An official information corroborates that Sariska faces the highest amount of mining problems primarily for dolomite compared to other Project Tiger Reserves. After a survey in 1989 it was clear that over 200 mines fell in the protected forest area and over 40 partly in the protected area. Because of mining activities, extensive damage and denudation has resulted. Agriculture is severely affected because of siltation and livestock economy has got a set back as the pastures are damaged. Water has become polluted.

It is one of the glaring contradiction in government's action. While, on the one hand, the government wants to protect the wild species and their habitat even by terminating there traditional rights of the people, on the other, industrial and commercial interests are allowed to exploit the same habitat. Hence, it makes the official priority clear.

Sariska represents one of the unique cases where the local inhabitants have successfully launched incessant struggle against the unjust practices by the forest officials as well as the industrial and commercial interests involved in mining. People's collective action succeeded in forcing the corrupt officials to stop harassment and financial extortion. And recently the Supreme Court gave a verdict legally banning all mining activities inside Sariska.

Mudumalai Sanctuary Adding to the richness of the presentations, **C.R. Bijoy** from Tamil Nadu threw light on the issues related to national parks and sanctuaries in South India, especially **Mudumalai Sanctuary, Nagarhole National Park and Indira Gandhi Sanctuary.**

Nagarhole National Park **Mudumalai Sanctuary** in Nilgiri district of Tamil Nadu was notified in 1954 but enforced in 1962 covering an area of 218.31 sq. kms. bordering Muthanga and Bandipur Wildlife Sanctuaries in Kerala and Karnataka. Above 1120 people predominantly Adivasi such as Chettis, Naiekas, Pariyas, Kurumas and non-Adivasis such as Christians and Nairs reside within the Sanctuary. Villagers were forced to sign papers stating that they had no objection to declaration of the Sanctuary.

Indira Gandhi Sanctuary

Coimbatore Zoological Park

The government claims that the lands within Mudumalai Sanctuary belong to the government. As a matter of fact, the people living therein have been in possession of those lands since long and have been cultivating them regularly. These lands, however meagre it is, are the crucial source of sustenance for the people. Officially these lands have not been recorded in favour of the user as none has ever bothered for records. After the Sanctuary was declared and the rules and regulations were enforced, the traditional possession of lands by the people was declared illegal and further leasing out of land was also stopped. This situation has pushed the poor tribals into the state of abject poverty. However, they have been continuing with cultivation.

Their crop is continuously and extensively damaged by wild animals. The people are helpless onlookers as they are strictly debarred from killing the animals. Nor the government is taking any action to redress the loss of the people. Cattle rearing which is one of the primary activities of the people, is greatly affected as neither grazing is allowed within the sanctuary nor the people are allowed to collect fodder from the forests. The local people are not in a position either to repair their shelters or to build new ones as their right to timber and bamboo has been withdrawn. Collection of minor forest produce which has been a traditional activity of the forest dwellers is branded as criminal activity. This has very adversely affected the local below subsistence economy, more so this has given a psychological blow to the local inhabitants.

With the establishment of the Sanctuary, the official developmental activities have completely stopped. For example, because of restrictions on movement, the Primary Health Care visitors no more visit the villages. No new school has been opened and the existing two schools have not witnessed any improvement since 1962. Water supply scheme has been dropped and no further electrification has been made. Bunding and check dams which have been constructed inside the Sanctuary for the benefit of the people as claimed by the government, either prevent water flow to the field essential for cultivation or cause flood by blocking water.

Bijoy further mentions that the situation is more or less similar both in **Nagarhole National Park and Indira Gandhi Sanctuary**. He observes that a new trend has been emerging in the South. Ecotourism and wildlife tourism are vigorously promoted by the government as a corporate venture in South India. The case he cited was **Coimbatore Zoological Park** which has faced vehement resistance from the local people as well as sensitive citizens. The proposed park which is a corporate venture is meant for tourism and protection of wildlife.

The area that is proposed for the project is to be fenced off from the adivasis - the forest dwellers, to protect the forest as well as the wildlife that would be introduced into the area. Covering at least two hillocks and part of the reserved forest, 95 acres of Poramboke lands and 130 acres of patta lands belonging to the Adivasis, this project proposes to develop the same Adivasi community by cutting of their life line. The Adivasis fear that the project with its allied activities would devour their natural endowments including the remaining bits of land and devastate their subsistence economy. This would be an attack on their culture, too. Social evils such as prostitution and alcoholism would be specific evils that would feed on them.

All the above depictions out of the direct experiences of the groups are unanimous on the point that national parks and sanctuaries as the modern mechanisms of protection and conservation of wildlife and its habitat have deprived a large section of people including tribal, non-tribal and various other nomadic communities of their traditional rights on their natural resources base, their sources of sustenance and made them subject to unheard of harassment, extortions and exploitation and suppression. One wonders, does the scenario in other parts of the country project a different situation or repeat the story.

Similipal Tiger Reserve

Shri Santosh Mohanty of **Social Research and Development Council**, working in Similipal Tiger Reserve in Orissa comes up with his experiences in Similipal.

Similipal Tiger Reserve of Khairi Tigress fame, located in Mayurbhanj district was first declared as a National Park in 1956 for the purposes of conservation and development of tourism. However, the rules of national park were practically enforced after the promulgation of the wildlife (Protection) Act, 1972. Currently, Similipal Tiger Reserve covers a total area of 2750 Sq. Kms. out of which 842.70 Sq. Kms. come under core Zone.

There are about 65 villages inside the core zone and about 4000 villages in the periphery of Similipal Tiger Reserve. The population within the Park is predominantly tribal constituting of Kolhs, Bhatudi, Khadia, Mankadia and Ojhias. Khadia, Mankadia and Ojhias are considered as primitive tribes. Mankdias are still leading a primitive mode of life style and are basically nomads.

Till date, the people living inside Similipal Tiger Reserve are deprived of the fruits of development in post-independent India and thus leading wretched life. No major tribal development plan or sub-plan has even been implemented. The State Government once started implementing a Khadia-Mankadia Development Project but aborted in between.

In the name of civic facilities inside Similipal, practically nothing exists. There is no school, no health facility, no transport facility, no drinking water facility available within the core area of Similipal.

The impoverished forest dwellers solely depend on agriculture, as they have lost their rights to minor forest produce which used to yield some income for them. Agricultural output also does not meet the minimum need of food as every year crop is extensively damaged by wild animals. Neither the Forest Department compensates their damage nor does it allow them to ward off or kill animals.

While on the one hand, the local people are robbed of their traditional rights to forests and forest produce, on the other, business interests in connivance with the forest officials are freely operating within the area and expropriating the resources through mining, timber and ivory trade. The local people who protected against such illegal activities were falsely implicated and threatened of dire consequences by the forest officials.

It is clear from the above delineation that the human and social consequences of national parks and sanctuary are the same in every part of the country may it be South or East or North.

Konark Balukhand Sanctuary

As noticed in Sariska Tiger Reserve, that industrial and commercial interests gain precedence over conservation interests, there is another such instance in Orissa. It is the **Konark-Balukhand man-made Sanctuary**. **Mr. C.P. Krishnan** described the prevailing situations in Konark-Balukhand Sanctuary.

Back in 1917 massive forestation was done to raise this man-made Sanctuary with a view to protect the coastal settlements from high sea tide. This Sanctuary declared in 1935 covers an area of 71.72 Sq. Kms. The plant species are mainly salt resistant ones, such as Casurina. Large number of cashewnut plants have also been raised for the purpose of yielding revenue for the state and income for the local people. In 1992, more than 1,000 persons had got employment for about 95 days for protection and collection of cashewnuts. Sell of cashewnuts and firewood yielded 3.75 and 2.75 crores respectively for the State exchequer.

There are 17 villages inhabited by 680 families settled inside the Sanctuary. The main occupation of these people is fishing. Fishing is done in three rivers that pass through the Sanctuary as well as the sea. In the name of development what all exist for the people in the Sanctuary are two primary schools only. For middle school the child has to walk about 10 kms. Diseases like filaria, malaria are widespread in the absence of any health facility.

In 1991 all the three rivers passing through the Sanctuary were leased out for boating terminating the fishing rights of the local fishermen. Even the movement of fishermen's boats in these rivers was prohibited. As a result, the fishing communities are deprived of their primary occupation.

Recently the State Government has planned to set up a beach resort within the Sanctuary. The project proposes to acquire 2,227 acres and set up a complex of deluxe and economy hotels, helipads, gardens, a golf course, and even artisan villagers to bring wealthy Indians and Foreign Tourists "face to face with the native Oriya way of life". Hence, the Government wants to dereserve about 9 Sq. Kms. of the Sanctuary.

Things are also being made easy at the official level to suit the process of dereservation. Under Coastal Regulation Zone (CRZ) guide lines, the proposed site is already classified under CRZ-III instead of CRZ-I. The latter prohibits any new construction in areas that are ecologically sensitive and in national parks, sanctuaries and reserve forests, within 500 meters of a High Tide Level.

Such dereservation, as the conservationists predict, will cause extensive damage to the Sanctuary, beaches as well as the human settlements, and fear that the local fishermen might lose their occupation. The above presentation highlights a different issue related to national park and sanctuary, i.e. dereservation of protected areas for non-forest use. Such dereservation for industrial and commercial interests is neither good for the people's interests nor for conservation interests.

Delegates from the Centre for Environment Education, Ahmedabad raised certain broad issues related to forests and the need for its conservation. They point out that the causes of massive depletion of forests are primarily mismanagement, over-exploitation, separation of people from forests and change in attitude of people towards forest.

In order to arrest the trend of depletion and degradation of forests, protected areas are created of which national parks and sanctuaries are an integral part. Legal protection was accorded to these natural resources against the forces responsible for depletion of forests. Unfortunately, people or the local people - the forest dwellers were identified as enemy of forests, whereas the real enemy was somebody else.

Such wrong identification of enemy has caused alienation of the people from forests which has resulted in failure of all governmental protection measures. Sachin points out a dilemma that whenever protection or conservation measures are successfully implemented, it is noticed, people suffer, or the other hand, when the measures fail - forests suffer. However, he mentions that social and economic problems of the people living in and around protected areas are overlooked while formulating the protection strategy and administrative methods have been adopted to solve these problems. Moreover, the bureaucracy created for forest administration and protection has become the new centre of corruption. It is not only the bureaucracy but also the people have become corrupt and their moral standard has denigrated. The people have managed to use protected forests through unfair means either by giving bribes or by violating laws clandestinely.

Why did such conditions emerge? Sachin posited. He explained that agriculture has not been developed adequately to reduce the dependency of the people on forests which remained their primary source of livelihood. Hence, protection measures have deprived the people of their sources of livelihood and the people couldn't adjust to the new changing scenario. However, he said, protection mechanisms should take note of the basic rights of the people, both short-term rights and long-term rights. While short-term rights refer to immediate needs of minor forest produce, fuelwood, fodder and foods, etc., long term rights focuses on as to how people can enjoy their rights for a long time in a sustainable way. He concluded with the remark that people should be given greater say in protected area management.

Hingolgarh Sanctuary

Dilip Surkar of CEE, Ahmedabad, who is working on ecodevelopment projects for the villagers living in the periphery of **Hingolgarh Sanctuary** presented his point of views. Hingolgarh is a small sanctuary covering an area of 7 Sq. Kms. in the district of Rajkot in Gujrat. There is no human habitation inside the Sanctuary. Only six villages are settled in the periphery with about 10,000 human population and 6,000 cattle population.

Dilip holds the view that Sanctuary should not be opened to the villagers for grazing as such activity will certainly perish the remaining forest cover. Around Hingolgarh, these six villages possess large area of wasteland, something about 25,000 hectares. If the wastelands could be developed into grasslands, the villagers would not have to depend upon the forests at all for fodder and grazing. He further stressed that alternative fuel for cooking could further reduce the dependency of the people on the forest and save the precious resource. In nutshell, the point he wanted to drive home was that protection of natural resources such as forests was essential but at the same time people depending on these resources should be given alternative resources to fulfill their needs.

Rajaji National Park

After Hingolgarh of Gujarat, it was a case from U.P. - **Rajaji National Park**. In recent days, Rajaji National Park and the problems of Gujars dwelling inside Rajaji have created ripple in media. **Praveen** of Rural Litigation and Entitlement kendra (RLEK), Dehradun, which has been mobilising Gujars and working for their development, pointed out certain basic issues and contradictions confronting the Gujars and Rajaji as national park.

Rajaji National Park was proposed in 1983 and the final notification is yet to come. **Shri Avdhash Kaushal**, President of RLEK added that immediately after the declaration of intention of converting Rajaji into national park, the Government immediately enforced the rules and regulations of the park on Rajaji. Separate administrative structure was set up for that purpose. Gujars were totally kept out of the process and never given an opportunity to prepare their rights and claims.

Again without taking the Gujars into confidence, the Government planned their displacement and resettlement. Houses were constructed at a place called Pathri and Gujar were forced to shift there. This is known as the famous Pathri Resettlement Plan. Praveen remarked that this famous Pathri Plan was a fraud in the name of rehabilitation. Let other aspects, the plan took into account only 512 Gujar families whereas the total number of families living inside Rajaji whereas the actual number is six times more than that. It is because, Census has not be conducted for the Gujars for a long time. Moreover, Pathri Plan did not consider the social, economic and cultural needs of the people.

It is alleged by the Government that the Gujars who lead nomadic life and live on their livestock economy, were illegal trespassers in the jungle and use the resources without giving any tax to the government. Parveen asserts that the Gujars have been paying all sorts of taxes, viz. grazing tax, road tax, lopping tax, etc. Besides these taxes, they have been regularly

appeasing the forest official. Such appeasements have been in existence for such a long time that these have been more or less, institutionalised.

Pointing out the contradictory actions of the government, Praveen mentions that while the government wants to protect the habitat of animals by removing Gujars, at the same time Haridwar - Dehradun High Way and high powered electric lines pass through Rajaji and more so the oustees of Tehri dam are resettled inside.

Firoz Deen, a Gujar from Rajaji, narrated their plight. He said, "We are shelterless people without a permanent roof over our head. Though the government granted us some land, we are prohibited from constructing our houses after National Park rules came into force. Our right to jungle has been heavily curtailed and the permits canceled in spite of regular payment of taxes by us".

Binsar Sanctuary

Following Rajaji there was another case study of a sanctuary from U.P. itself, that is **Binsar Sanctuary**. **Mohan Pandey** of **Kishan Sangathan** in Almora district of U.P. briefly pointed out the consequent problems created by Binsar Sanctuary. The problems are by and large the same as other case studies pointed out. The rights to grazing, minor forest produce, timber, fodder, fuelwood and food of the local people have been terminated. The worst affected categories of people are the artisan castes whose main occupation is making resa or rope out of a particular type of grass available in the Sanctuary. Both cattle and crop are affected by wild animals. Pandey asserts that all these changes should transform the present life style of the local people and turn it towards worse.

29 OCTOBER 1993

*Kanha
National
Park*

Vivek Pawar of Ekta Parisad, Madhya Pradesh presented the case of **Kanha National Park**. Nestled in the ranges of the Satpura in Madhya Pradesh and abounding in Sal and mixed forest, Kanha was first declared a wildlife sanctuary in 1935. In 1955, Kanha was notified as a national park and in 1973 Kanha was accorded the status of Project Tiger. At present, Kanha has a total area of 1945 Sq. Kms. out of which 940 Sq. Kms. falls in core and the rest in buffer zone. Kanha receives a fairly large number of tourists, both from within home and foreign, every year.

Initially there were 44 villages within Kanha Tiger reserve, but till date 26 villages have been removed and the rest 18 are still within the Park area. Vivek points out that resettlement of the displaced villages has not been done properly and the people in the periphery have lost their 'Nistari rights'. Grazing of domestic animals has emerged as a great problem for the local people as a result of Park restrictions on grazing. Fire wood is also no less a problem. People are not allowed to take timber from forest even for their genuine needs of house construction and repairing.

He further mentions that unregulated tourism has been polluting the local culture of the tribals. The pauperised tribals are forced to buy a peaceful living and to fulfill minimum needs by paying regular bribes to the forest officials.

*Pench
Tiger
Reserve*

The story in **Pench Tiger Reserve** is no different from that of Kanha. **Gourishankar Yadav** of **Ekta Parishad** shared his experienced elated to the problems faced by the people in his development block called Bichhua in Chhindwara district of Madhya Pradesh.

Pench was first declared as national park in 1986-87 and was added to the Tiger Reserve network in 1992. Pench has a total area of 758 sq. Kms. out of which the core area is 293 sq. Kms.

In Bichhua block, Pench Tiger Reserve covers an area of about 28-30 sq. kms. About 15 to 20 villages in the same block fringe Pench. People in these villages have lost their traditional 'Nistari rights' under which they were entitled to various miner forest produce, timber and bamboo. Even the people are not allowed to fish in the rivers and rivulets inside Pench. As a result, the poor people have lost one of their very importance source of proteinous food, i.e. fish which they cannot afford to buy from the market.

Another major problem which the people have been made to live with is extensive damage to their crop and constant threat to human lives by the wild animals. Recently, Sri Yadav stated, the Park authorities have introduced red-faced langoor in Pench. These animals have become a new source of trouble for the people. These animals trespass into houses and damage household articles. The local people and their cattle are strictly prohibited from entering into the Park area. In case of any contravention, the person is usually challaned to Nagpur and the cattle to the distant 'Kanjhi house'. The problems in Pench are by and large the same as in Kanha Tiger Reserve.

*Sanjay Gandhi
National Park
Sitamata Sanc-
tuary Kanha
National Park*

So far it is noticed that in every protected area as presented above, the problems are of the same nature may be of varying intensity and impact. The local people are kept out of the process of constitution of protected areas and their management. The principle followed in conservation is basically protection from the people. Many a times the legal strictures for wildlife protection are violated by the government for vested interests and so-called developmental activities. The forest dwellers are not only deprived of their resource base but

also the official developmental programmes. The comparative study of three protected areas, viz. **Sanjay Gandhi National Park and Kanha National Parks (Madhya Pradesh) and Sitamata Sanctuary (Rajasthan)** presented by Dr. Nalin R. Jena of PRIA substantiates the above premises.

He points out that all the three protected areas have a good number of human settlement inside them and a large number around them. The population within these areas and around is predominantly tribal. The economy of these people is primarily based on agriculture and livestock. However, minor forest produce is an important source of income for them. He observes that practically no basic civic facility such as education and health exists for the people living inside these protected areas. Though, benefit of Integrated Rural Development Programme is given sparsely, no other tribal development programme or rural development programme has ever been implemented in these areas.

As per the relevant provisions of the Wildlife (Protection) Act, 1972, the notification of park or sanctuary has to be brought to the notice of the people through a proclamation published in local languages, and the people having rights and claims within the notified area are to be given opportunity to prepare their rights before the appropriate authority. But Jena finds that this provision has not been followed in any of the three protected areas.

The traditional rights of the people such as right to grazing, minor forest produce, timber etc. and the freedom of movement, freedom to carry traditional weapons have been abrogated. This has not only affected their livelihood but also their social, cultural, psychological and spiritual life. Jena further cited a number of management problems with respect to grazing and allotment of grazing compartments resulting in harassment and exploitation of the local people.

Forest depots as in case of Kanha have been set up to cater to the needs of the local people. But, Jena finds that the exorbitant price of forest depots usually falls beyond the purchasing capacity of the poor local inhabitants.

Agriculture, the primary source of sustenance is affected and human life as well as livestock are under constant threat from wild animals. No official effort is being made to improve the traditional agricultural techniques of the people residing the national park and sanctuary. Even the people are not allowed to dig wells on their revenue land for irrigation. Compensation schemes for damage to and loss of human life and cattle by wild animals are in vogue in Sanjay Gandhi and Kanha National Parks but not in Sitamata Sanctuary. But the process of availing compensation is so intricate and time taking that usually people prefer to forgo. Even if some body undergoes the procedure, he gets hardly one-fourth of the entitled money. In a way, as people complained, bribe exceeds the compensation amount.

Jena points that the attitude of the Park authorities towards the local forest dwellers is another matter of concern. He observes that the authorities maintain a stereo-type attitude and treat people as the biggest foe of forests, their natural resource base with which they have been living in harmony for ages.

He viewed that the modern conservation strategy in the form of national parks and sanctuaries has unleashed the process of alienation and pauperisation for the rural poor. However, the effect for various social categories is definitely different, poorer, landless section being the worst sufferer.

Ranthambore Tiger Reserve Ramveer Singh of World Wide Fund for Nature - India (WWF India) working in Ranthambore Tiger unfolded the problems of the people thereof. He said that Ranthambore suddenly suddenly notified as a national park catching the villagers living inside the park and all the 64 villagers in the periphery unaware. All the 12 villages existing inside the Park were displaced. An official source admits, "These people made the biggest sacrifice for Ranthambore National Park".

Displacement and restrictions on the traditional rights of the local people have psychologically delinked the people from the forest. People no more feel that the forest belongs to them. This is further strengthened by harassment and torture by the forest officials. By seeing the foreign tourists, the local people have formed an impression that the forests which, once upon a time, belonged to them, have been sold out by our government to America. This certainly reflects the sense of alienation the local people have been driven to.

WWF (India), Ramveer informed, has been working to solve the problems of the people through various developmental activities such as soil and water conservation, construction of biogas plants, implementing various income generating schemes and cattle upgrading for the affected villages.

Jaisamand Sanctuary Shri Keshulalji from Jagaran Jan Vikas Samiti, Udaipur closed the session on the first day with the case study on Jaisamand Sanctuary.

Jaisamand Sanctuary lies in Udaipur district of Rajasthan and covers a total area of 52 sq. Kms. It was first declared as Reserve Forest in 1964 and in 1983 it was accorded the status of a game sanctuary. It falls in two development blocks and is surrounded by 26 villages with about 1000 population in each village. The population is predominantly tribal, though Rajputs, Brahmins and other lower castes are also found. Though, the main occupation is agriculture, the tribal and lower castes people are heavily dependent on Jaisamant forest. Declaration of sanctuary has robbed the rights and means of survival of these impoverished people.

CONCLUSION

All the above presentations are unequivocally critical about the present system of conservation of wildlife pursued by the government. In all the national parks and sanctuaries as seen above the local people both living in and around such areas are deprived of their traditional rights over their natural resource base, especially forests and their primary means of sustenance. Though the degree of deprivation varies for various social categories, it is by and large absolute for the poorer sections. The situation of more or less 'absolute deprivation' of the local communities is further agonised by torture, harassment, suppression and exploitation by forest officials. All these have unleashed process of alienation and marginalisation for a large section of people both at the level of resources, culture and psychological affiliation of the people with the environment.

SESSION - II

Discussion of Legal Dimension and Customary Rights

Initiating the discussion, **Dr. Chhatrapati Singh**, a well-known legal expert reflected on certain fundamental legal issues, related to 'right' and shared his understanding on various other issues.

Dr. Singh stressed that the historical linkage of the people with the forests has been disjointed, because of various reasons. However, it is a matter of fact that the forests have been degrading and depleting at a very fast pace in our country. In this context, he posited, what is the value of rights, if forests would be completely destroyed? Hence, what should be the priority; rights or the resource? He cited that in Koraput district of Orissa and Nagaland people were granted rights over forests but what resulted was complete destruction of forests. Therefore, conservation of resources is as crucial as protection of rights, he added. He observes that the forest dwellers should continue to live where they are, but if jungle is destroyed, the human habitation resettled in the jungle would also be destroyed. He pointed out that the real issue is : to save people to save forests and to save forests to save people.

Dr. Singh explains that over the years, the institutional system as well as life style have changed. Patterns of use of natural resources and consumption have also significantly changed. And under these circumstances, simply granting of rights may not solve the problems faced by the people and resources as well.

Another important question which he addressed referred to ownership of natural resources. According to him, the notion of property attached to endowments of nature has been the cause of its destruction. Hence, he advocated that ownership right over natural resources as property should be replaced with 'trusteeship'. The Gandhian concept of trusteeship should be adopted for natural resources. In other words, the members of the trustees shall as custodian of natural resources rather than the owners. The members may be confined to some representatives of the community or may encompass the whole community.

As far as the question of the habitat of the tribals or forest dwellers is concerned, he viewed that they should be given the freedom to choose the option whether to continue their present way of life in the same environment or to come out of it for the modern way of life. In the light of this concept of "freedom to choose" new laws should be framed which must take these options into consideration. He speculates, it might so happen that after some decades, these forest dwellers might leave their ancestral villages and go to developed areas.

Dr. Chhatrapati Singh's deliberation evoked a debate especially on the notion of 'trusteeship.' Prof. Roy Burman says that the concept of trusteeship does operate at the grassroots level but not at national and global level. He queried, "What should be the procedure to operationalise 'trusteeship' at a global level?". Anil Agarwal posited, "Should an individual considers himself the owner of his property or a trustee of his personal property? Who will implement trusteeship?" Highlighting the current trends, he remarked that the institutions such as government which are supposed to act as trustee in real sense, are not doing so. George Monipally contested that no tribal has ever claimed any property ownership over natural resources as private property. In today's context, he says that natural resources have become commodities in the market economy and in this system 'trusteeship' does not hold any meaning.

Responding to the variety of quarries and reactions, Dr. Singh said that the solution is not simple, single and ready-made. To put trusteeship into practice would take a long time. He mentions that the modern laws in our country are anthropocentric, i.e. man-centered. This certainly is a Western contribution to our legal system. But the Indian tradition is not anthropocentric rather accords equal rights to all the species.

Mr. Mohammed Hassan, the Conservator of Forest, Rajaji National Park raised a fundamental question. "Do we need wildlife at all?" He said that without wildlife, Europe has developed and without Tiger China has attained high level of development. Hence, he asked, "Is protection of wildlife essential for development of human society?" Quoting various examples and stressing the usefulness of the biological chain of the nature for the very existence of all living beings Dr. Singh argued that conservation of wild species is very much essential for the progress of human race. Responding to Hassan's argument, Bharat Dogra says, it is the prime responsibility of human beings to protect the wild species and under any ethical standard, human beings are not allowed to destroy any wild specie. Conservation and protection of wild species is good for development of human race. But, he remarks, wildlife protection has now become the fancy of those elites who are responsible for their destruction. The present elitist approach to wildlife conservation should be given up and the common people should be involved in such conservation, Bharat Dogra suggested. Bittu Sehgal added that the forest-dwellers were the real protector of forests.

The discussion was followed by a discourse by **Dr. D.N. Tiwari, Director General, Indian Council for Forestry Research and Education**, Dehradun. Dr. Tiwari propounds that our Constitution provides for development of downtrodden sections of our society. The Constitution propounds that no citizen in the country shall be deprived of his/her source of livelihood. Article 46 and 48A testify this. The motto of the Constitution is that no one in the country should face hardship in making a livelihood. National parks and sanctuaries are of course follow the same spirit and are not created to deprive the people of their sources of livelihood. The fundamental principle on which such concepts are based on is "ethnobotanical", or equi-importance to wild species including plants and animals and human beings. However, to attain equality what is much required is the support of science and technology.

Speaking about the Gujar and Rajaji National Park, he says that it is a long looming problem which requires urgent solution. The present leadership must look into solutions acceptable to both Gujar and the government. The local people should be involved in planning and implementing eco-development programme. The problem lies, he pointed out, in the unilinear approach of various parties, involved in the conflict. For example, those who are in favour of the Gujar's cause are only speaking about them and the other party is doing the opposite.

In order to resolve such problems what is most required is diversification in approach and thinking. Without creating awareness among the common people and educating them, it is not possible to chalk out the solution and evoke their participation.

Concluding the session Dr. Tandon in his remarks highlighted and submitted the following points for further discussion.

- Earlier the local communities used to live in harmony with their environment.
- Their social, cultural and political formations developed in such a way that supported a sustainable livelihood and helped in conservation of environment.
- Traditional science emerging out of people's own life experience has been ignored by the modern science.
- Is conservation of natural resources Knowledge and expertise possible without the traditional science of the local people?

SESSION - III

Discussion on Present Government Policies and Practices

The post-lunch session facilitated by Anil Agarwal had two major presentations, one by **Shri H.S. Panwar, Director, Wildlife Institute of India**, Dehradun and the other by **Shri Mohammed Hassan, Conservator of Forest, Rajaji National Park**.

H.S. Panwar has been a prudent forest administrator and the key personnel in giving the shape to the well-known Kanha Tiger Reserve as its Director. He views that the real issues are overlooked and the non-real issues are given serious attention. Destruction of forests and trouble for the people are caused by the outside forces and internal fictions.

Anchoring the theme of his lecture to "**People and Protected Areas: Policies and Practices**", he began by differentiating the problems of forest dwellers or forest villages from that of plain dwellers or villages of plain.

Panwar explains that the structure of settlement in a hilly village is different from that of a plain village or a village located in the plain area. The pattern of life style and the mode of earning livelihood are different. The household settlement in forest villages is scattered and the livelihood of the people is heavily dependent on nature and natural resources. But in this century especially in the last five decades, the situation has drastically changed. Population has tremendously increased and land use pattern has changed. As per the statistical information, human population has increased three times and cattle population has multiplied by one-and-a-half times. At the same time, one finds rapid depletion of natural resources and decrease in productivity.

If one talks in mathematical language, the earlier balance equation between natural resources/forests and human and cattle population was one : one. But with the above mentioned changes over the years the ratio, today, is one : six. In other words, the balance between natural resources, and their users has been seriously disturbed this imbalance has also created imbalance in demand supply equation which is primarily responsible for all kinds of malices, today, our society is facing. Poverty, scarcity of resources and corruption are the symptoms manifesting the original malices. Hence, the real issue is this being imbalanced relation between ecology and human beings.

In view of the present deplorable situation, Panwar strongly advocates the needs to protect and conserve natural resources and wildlife. This protection and conservation has not only a moral basis, but also a scientific basis. A very pertinent question he posited, "Who will protect and conserve forests- local communities or government? Can absolute community control over forest protect and conserve the natural resources?" Citing the example of community control over forest in North-eastern states he points out that more forests in these states were in unreserved category and under community control. The result over the years has been massive degradation of unreserved forests which were under community control. This situation cannot be brushed aside altogether while addressing the question of 'control' for use, protection and conservation. Hence, protection, regenerating and conservation has to be on the basis of caring and sharing of jungle both by the people and the government.

Beside, this principle of caring and sharing what is needed is alternative arrangement for the fulfillment of local needs and participatory approach for the management of protected areas.

Productivity of lands of the adjoining villages of protected area must be increased and various development programmes should be implemented in these villages. The eco-development programme designed for protected areas in our country takes care of the development of the communities living in and around protected areas. Ecodevelopment programmes basically aim at developing an alternative mechanisms of need-fulfillment.

The seminal argument which be proffered is the imbalance between the natural resources and human and cattle population, or in other words, imbalance in demand and supply ratio for natural resources is the cause of all problems. This situation has to be reversed through protection, conservation and regeneration of natural resources on the basis of 'caring and sharing' principle both by the people and government.

H.S. Panwar's discourse was followed by another insightful presentation by **Mr. Mohd. Hassan**, Conservator of Forest, Rajaji National Park, U.P. Hassan points out that in earlier days wildlife was meant for hunting, but in contemporary period, the stress is on saving wildlife for saving eco-system. In the early 1980s, protection of Shivalik eco-system emerged as a crucial issue. Over the years, Shivalik eco-system as one of our most fragile eco-systems has been witnessing increasing human interferences resulting in massive degradation. The life style of Gujars has been changing rapidly the past three decades moving from sustainable life style to unsustainable life system. Of course, the market forces have a major role in such change. Moreover, the activities of Gujars such as lopping for their animals are so excessive and cadres, that the consequence is perceptibly adverse. As a consequences of all these, the rivers and streams are getting widened and often changing their courses affecting the landmass as well as the human habitation.

In view of such situation, Shivalik eco-system has to be protected and conserved keeping it free from human activities and interferences. Hence, the Gujars are to be shifted from Rajaji and rehabilitated somewhere else in the interest of Shivalik ecosystem.

Both these presentations were followed by a brain storming session of discussion. Many a crucial questions emerged and insightful remarks and observations were made. The important quarries and remarks are mentioned below:

- What is the impact of lopping? Has there been by systematic and scientific study made to assess the impact of lopping?
- The research done or to be done to share the impact of lopping on ecology should involve the local people, in case of Rajaji, Gujars.
- Has there been any research done to find out the ways for quick regeneration in case of lopping?
- How far the new 'modern scientific management system' is compatible with and as efficient as the 'traditional system of management'?
- How did we reach this situation for national parks and sanctuaries or the situation for absolute conservation? What are the reasons?
- What kind of compensation schemes have been formulated by the government to compensate the loss of the local people. How is it going to take care of the psychological and cultural shock which the people will get because of their displacement from their traditional homeland and deprivation of resource base?
- Is eco-development a feasible concept in our country?

The eco-development plans are made here and sent to "Washington" for approval. It is the World Bank and IMF who are the deciding authority what and how the plan should be. Nor, even the Ministry of Environment and Forests does have the decision making power.

- What is the future plan of the government with regard to national parks and sanctuaries in India, in general, and U.P., in particular?

This wide range of queries indicates the amount of ambiguity national parks and sanctuaries are shrouded with; and the urgent need on the part of government to explain and explicate the laws, plans, policies and practices. H.S. Panwar, suggested that Wildlife Institute of India can take up the relevant issues for research and the findings can be used to do the necessary for rectification of the situation..

The session was closed with the brilliant remarks made by Anil Agarwal. He emphasises that people and resources should be together. Separation would certainly cause disaster for both, Which is the present state. He points out that the Gujar issue is an issue of development and of management, i.e. management of natural resources by the local people. In case of protection of Rajaji National Park, the Gujars do intend to protect it so also the government. When the intention is the same, then the important question arises, who's the appropriate political agent to protect and manage forests? Anil Agarwal views that the Gujars are the best political agent to do so, as traditionally they have been managing their surrounding environment. Not only they have homogenous community which is a positive factor for management, but also they have developed institutional forms and social norms for the same purpose.

He further points out that cultural diversity is as important as biological diversity and both are inextricably related to each other. Hence, protection of biological diversity should never be done at the cost of cultural diversity. Cultural diversity can be preserved by recognizing the traditional rights of the local communities and by giving them control over the natural resource on which their life system is dependent, for management.

Local management of resources is a logical corollary of our national sovereignty. Because national sovereignty can practically exist by giving space to community sovereignty. Hence, the choice of use of resources and also of life style should be left to the people themselves.

He argues that in national parks and sanctuaries what is required is a transformed eco-system rather than a pristine one. Hence, absolute protection of forests in the form of national parks and sanctuaries as it is practised now, is not relevant in any sense. Management by local communities will certainly take care of this. Further more, such management is time and cost effective as well as beneficial for the people and resources.

SESSION - IV

SMALL GROUP DISCUSSION

After this session began small group discussion. Participants again sat together at 6.30 P.M. After analysing the day's deliberations, it was felt that there is a need for more indepth discussion on certain issues. The group identified two areas for an indepth discussion, viz. (i) issues, their causes and (ii) possible solution from people's perspective. The problems may arise due to government policies, Acts, etc., due to lack of sensitivity on the part of government officials at the lower level. Possible solutions might be withdrawal of anti-people rules and regulations, involvement of people at the planning and implementation stage, etc. The participants were divided into three groups on the basis of number counting and each group was asked to deeply discuss the issues, their causes and possible solutions and then to prepare group report accordingly.

Each group was involved in indepth discussion on this issue. Discussion in some groups began with analysing the participants' own situations. In some other, they discussed more about the reasons of the problems vis-a-vis government policies as to how restrictions to collect Minor Forest Produce within the newly declared sanctuaries and national parks affect the people; how restrictions on traditional grazing rights affect the villagers?

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Group discussion continued till 9.30 P.M. on the previous day and again started at 8.45 A.M. next morning and continued till 10.15 A.M.

After nearly four hours of small group discussion, participants again sat together to listen and discuss collectively the causes of these problems and possible solutions. The session started with group presentation followed by brief clarification on particular presentation.

After all the three groups presented their reports, discussion started on the issues. The reports are given below followed by the seminal points as emerged from these group reports.

SESSION-V

Group Report Presentation and Discussion Discussion on Follow-up Strategy

GROUP - 1

Causes of the problem

1. The laws, policies and working plans related to national parks and sanctuaries are full of flaws.
2. The laws which were framed by the Britishers are still in vogue and they have been made stricter further.
3. One-sided approach of the government to conservation, complete negligence of the forest dwellers in case of conservation, and lack of coordination and gap of communication among various government departments.
4. The laws and policies related to national parks and sanctuaries are formulated at the Centre but implemented by the States which creates a lot of confusion and problems.
5. The one sided and short sighted approach of the government has disturbed the peaceful mutual relation among forest dwellers, wild animals and government.
6. The approach of the government has been anti-poor but pro-rich.
7. Lack of education and awareness among the forest dwellers have also contributed to the problem and callousness of the government and outside people towards their education and awareness are also responsible for such situation.
8. Lack of employment opportunities and other means of livelihood for the local people have kept them dependent on the forest.
9. Negligence of developmental activities by the government for the people living in and around national parks and sanctuaries is the cause of their socio-economic backwardness which is a major factor of causing the conflict between local people and park.
10. The rehabilitation plans and compensation schemes are full of flaws.

Solutions

1. The protected areas should be declared as tribal areas and development administration as well as conservation should be done by them.
2. Initiatives should be taken to study the related laws, policies and plans and required amendment should be brought in.

3. Those legal provisions which are responsible for causing problems should be understood and efforts should be made to bring about necessary amendments or to repeal them.
4. People's rights on the local environment should be acknowledged.
5. Efforts should be made for collective awareness, education and development.
6. Sincere efforts should be made for social, economic and cultural development for the local people.
7. It is essential to bring about changes in the attitude of the forest officials towards forest-dwellers by making them interact with the forest-dwellers with a purpose to understand their problems and way of life.
8. The government and political parties should be influenced through people's organisations to pay heed to the problems of the tribals.
9. The role and activities of voluntary organisation and people's groups with regard to the above suggestions must be demarcated and determined..

GROUP -2

Causes of the Problem

Group-2 identified the causes of the problems related to national parks and sanctuaries and classified them into four major categories as mentioned below:

As identified below, the legal provisions of national parks and sanctuaries have imposed various kinds of restrictions on the local people and their rights.

1. Restrictions :

- On collection of Minor Forest Produce.
- On Movement of local people in and around the protected areas.
- On grazing.
- On collection of fuelwood.
- To visit religious sites within the protected area..

On the whole, restrictions on the rights of the people have deprived them of their vital sources of sustenance.

2. Management :

The following are the management related problems which should be seriously looked into:

- Compensation for the loss of the local communities;
- Displacement of forest dwellers from their homeland;
- Lack of mutual interaction between people and the forest officials.
- Illegal grazing, felling and poaching by the outside people and forces which unlawfully usurp the rights of the local people contribute to the problems.
- Use of unlawful methods by the forest officials to solve the problems also aggravate the same problems.
- Flaws in the methods of declaration of protected area.

3. Psychological :

Followings are the causes of psychological problems:

- because of displacement ;
- moral degradation of the displaced people;
- breaking the relationship between people and forest;

4. Laws and Policies:

- Ambiguous conservation law
- Lack of information on law related matters
- Understanding the value of rights of the people
- Imposition of law on the people.

Solution::

- Organisation and unity among the people.
- Necessary modification of relevant laws.
- People's participation in forest management (Park and Sanctuary Management)
- Law should recommend and accept the practice of people's participation in management of national parks and sanctuaries.
- People's participation should be devoided of politics.

- Spread of environmental education among the people and officials or 'learning from each other' approach should be adopted.

GROUP - 3

A. Causes of the Problems

1. The group discussion identified the anti-people law of national parks and sanctuaries as the cause of the problems.
2. Suppression of the people by the local forest officials has aggravated the problems.

Suggestions for Solution Group-3 suggests a two-pronged approach to solve such an intricate problem. The approach should take long-term and short-term aspects into consideration.

A. Long-term activities

1. People should have right over forests. Local people should be the deciding authority with regard to management, use and conservation of forest.
2. No law or policy related to forest should be formulated without taking the local people into confidence.

B. Short-term activities

1. The local people should be given the right to minor forest produce, hunting of animals, and other forest produce for their own use.
2. Life and property of the local people should be made secure from the threats of wild animals such as tiger, lion, bear and elephants.
3. Customary rights (Nistar rights, etc.) of the people should be granted.
4. Attention should be given to the development of local people in and around protected areas.
5. The problem of displacement should be solved properly.

C. What should be done?

1. The local people should be made aware about the anti-people laws of sanctuaries and national parks.
2. People's movement should be launched against the anti-people laws.
3. The government should be made aware of the problems through repeated submission of memoranda, etc.

- D. Efforts should be made for national coordination and formulation of uniform strategy in the context of national parks and sanctuaries.

The group reports were discussed, debated and analysed minutely. A careful analysis of all the three group reports reveals that the main causative factors of the problem in reference are located in three areas, i.e. laws, management, and development. All the three groups are unanimous on the view that the present set of laws meant for creation and management of protected areas in our country is responsible for the emergence of the problems. They point out that the existing laws are not only ambiguous or beyond the comprehension of illiterate and ignorant local people, but also inappropriate to our indigenous conditions, where a large section of people draw their sustenance from the natural resources in the areas which are declared protected. Further more, the laws deprive the local inhabitants of their traditional privileges and customary rights and, oftener than not, displace them from their ancestral homeland. The laws and policies of the government reflect one-sided approach of the government towards conservation. The prevailing practice protects only the interests of wildlife undermining the interests of marginalised and pauperised section.

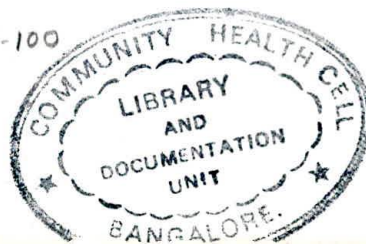
Management identified as another major cause of the problems, is a very complex problem in itself. The whole management system of protected areas is also based on one-sided approach. 'Wildlife interest' is accorded primacy over 'people's interest', the basic survival interests. The most crucial issue related to management is absence of local people's participation. The local dwellers are neither involved in management nor are they allowed to use the resources which they have been doing for generations. The management operates on the perception that the local people are the enemies of forest. Hence, the management bureaucracy behaves in a despotic way considering its responsibility to fence off the protected areas from the people. The traditional knowledge of the people with respect to conservation is discarded as scientifically irrelevant. Hence, one finds very glaring schism between the people and management bureaucracy in their mutual interaction and understanding. Further more, management does not intend to compensate the loss of the people in any form.

Another area where lies the cause of the problem, is development of the forest dwellers and other communities dependent on the surrounding natural resources that are protected in the form of national park and sanctuary. It is pointed out that by the sheer spatial location of the forest dwellers, they remain as the peripheral groups and out of the periphery of official development. Even after four decades of independence, these groups are still leading hard and miserable life and languishing in perennial penury. Their agriculture is dependent on monsoon and based on out-dated, unproductive techniques. No education and health facility by the state is provided to them. Lack of education, awareness and alternative employment opportunities makes 'exclusive protection' an antagonistic concept and a survival question for the local people.

The suggestions for solution advanced by the groups are related to the broader areas, viz. laws, management and development, where the causes of the problems are located. As suggested, the prevailing laws for protected areas should be thoroughly studied, understood and analysed in the light of the problems generated at the micro level, and the laws should be modified accordingly. People's interests should be taken care of by such laws. The existing policies and plans of the government on protected areas should be reviewed and revised to pave way for harmonious co-existence of people and wild species. The laws and policies must not consider the local people as the enemy of forests and wildlife.

Similarly the existing management pattern needs drastic change. The management should be participatory involving local people as significant partner. In the whole management

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system local people's participation and people's needs should be given primacy. The despotic attitude of the forest bureaucracy should be changed and made people-friendly.

For development purposes, protected areas should be given special status and special development programmes keeping in view the social, cultural and economic development, should be implemented for the communities residing in and around the protected areas. The local people should be imparted education relevant to their context and protection and conservation of the natural resources crucial for their sustenance as well as the well-being of wider society.

Suggestions for solution also included the role of voluntary organisations. It was recommended that the voluntary organisations must mobilise and conscientise people for sustainable conservation and against the prevailing anti-people mechanisms of protection of natural ecosystem. They should study the present laws and identify lacunas and influence the government to amend the laws and formulate people-friendly policies.

After this exercise was over, the participants sat down to chalk out a tentative follow-up strategy, specific roles and responsibilities of each of us. After discussion, the following points were agreed upon.

Discussion of Follow-up Strategy

Salient Features of Follow-up Strategy

1. The study and analyse laws related to all natural resources.
2. Forest related issues should be looked from human rights point of view.
3. Case studies of people living in and around protected areas.
4. Movement to elaborate and get constitutional acceptance of the Right to Resources.
5. Efforts to understand land-use patterns and causes of change around protected areas and to identify and articulate acceptable and sustainable land-use.
6. Efforts to inform the people about international and national funding for protected areas.
7. **Campaigns to:**
 - a) Establish management committees constituting of local people (including women)/Govt./NGOs for each protected area.
 - b) Ensure that government policies are determined by people-centered and people-managed mechanisms.
8. Establishment of a National Support Group to promote pro-people protected area (PA)policies and oppose anti-people PA policies.

9. Propose recommendations for pro-people PA policies to be formulated and adopted by the government.
10. Campaign to remove restrictions on sustainable use of forest resources by local people.
11. Dissemination of information about policies of international monetary institutions like the World Bank and IMF and also multinational companies working towards conservation of natural resources.
12. Reduce urban consumerism.

It was felt that for framing a follow-up strategy we need more time to discuss various aspects vis-a-vis our roles. So it was decided that PRIA would circulate the group discussion reports and points of follow-up strategy among the participants for more specific suggestions and comments. PRIA will also prepare the workshop and circulate among the participants as well as some other interested groups and activists working on this issue. After getting suggestions from the participants another meeting may be organised for a specific and concrete follow-up strategy. Meanwhile, individual groups will work in their area and any need arises for support, we will also provide that.

*Concluding
Remarks*

After the tentative follow-up strategy was chalked out, debated, discussed and agreed upon, Anil Agarwal delivered concluding remarks. He emphasises that environment has to be saved for the poor. Any action may be that of state, which affects the environment of poor is not ethical as environment is the source of life for him.

However, environmentalism or the approach to environment is different for all social categories, especially for rich and poor. Environmentalism for rich is protection without interference and use, but for poor environment makes sense in terms of its sustainable use. The government has adopted elite environmentalism which propounds 'absolute protection'. In the light of this, the present movement by the people against elite environmentalism is very crucial. This movement possesses the potentiality to check the ongoing process of present official environmentalism from getting consolidated.

Agarwal points out that in a country like ours protection of natural resource is not the key issue, rather its regeneration. It is because natural resources play a very crucial role in providing sustenance to a large section of people. To attain a good quality of life we have to use and develop every inch of land. Quoting the examples of Sukhomajri and Ralegan Sidhi, he mentions that during the last one decade in some villages people have developed their own resources and established their own rights over them. They have been managing them very successfully.

This manifests that the common people are gradually getting more and more conscious of their rights and their protection. This is a process which is to be understood, advanced and joined.

Going back to history, he cited that our earlier management system was feudal. And this feudal system, after independence, should have been democratised but instead, it has been centralised. This centralisation has alienated the people from their resources and deprived them of their traditional rights. In past, in spite of macro feudal system of management, at the micro level, there existed a system of internal and people's management. The common people used to manage their resources. The old tradition which had developed over a long period of time stands destroyed today. We must recognise the roots in our history and value our traditions.

Agarwal advocates that natural resources should be put under the control of and management by the local people who will be free to decide about the protection and use of those resources.

The workshop was concluded at 2.00 p.m. on 30 October, 1993. On 31 October, 1993 the participants were taken to Rajaji National park for a face-to-face interaction with the Gujars. At a place called Mohand in the district of Dehradun about 1500 Gujars gathered and shared their plights with the participants.

DOON DECLARATION ON PEOPLE AND PARKS

1. The primary strategy of conservation of flora, fauna and wildlife in our country today is the setting up of National Parks and Sanctuaries. Nearly 450 sanctuaries and 80 National Parks (including Tiger Reserves) have already been created. It is proposed by ministry of Environment and Forests to substantially increase this number to nearly 650 sanctuaries and 150 National Parks in the next few years.
2. This conservation strategy of creating protected areas has already affected many people, forest-dwellers and tribals. The MOEF has accepted that six lakhs tribals and forest-dwellers have already been displaced. According to our estimates, nearly 20% of tribal population is affected by these National Parks and Sanctuaries. This figure is likely to double in the next few years with the creation of more National Parks and Sanctuaries.
3. The situation of widespread degradation of our natural resources, forest and wildlife has obtained primarily due to indiscriminate and unsustainable use of these resources for commercial, industrial and whose interest as part of our Government post-independence development strategy.
4. Local forest dwellers and tribals have been the major agents of protection and conservation of our forests and wildlife. They have developed insights and valuable knowledge and ecological preservation and sustainable use of such resources. They have created institutional mechanism and norms to ensure that people live in balance and harmony with nature.
5. The protection of our forest flora-fauna and wildlife is critical for conservation of biological diversity in the country. This is a common purpose among tribals and forest dwellers, environmentalists, voluntary organisations and social activists, Ministry of Environment and Forests and management of National Parks and Sanctuaries.
6. However, the current strategy of achieving this purpose has led to widespread displacement, harassment and neglect of forest dwellers, nomads and tribals of those areas. Wildlife (Protection) Act, 1972 and its amendment in 1991 deny peoples customary rights over such flora and fauna and prohibit their access to the natural resources on which their survival livelihood depends.
7. There is an urgent need for redefining the strategy of conservation through protected areas to include local people and tribals, and not to exclude them. This has been widely recognized and emphasized nationally and internationally. AGENDA 21 adopted at the Earth Summit at Rio in June 1992 clearly underscores the crucial role of knowledge and practices of indigenous people in conservation of bio-diversity. It recommends that management of protected areas should involve local people and tribals in an active process.
8. Likewise, Delhi Declaration issued by the First Ministerial Conference on the Forest-Forum for Developing Countries (held at Delhi during September 1-3) clearly recognizes "the importance of the involvement of people at the local level in the conservation, management and sustainable development of forest resources."
9. More than 50 social activists, people movements and voluntary organisations working on such issues in 17 National Parks and Sanctuaries in the states of U.P., Bihar, M.P., Orissa, Gujrat, Rajasthan, Karnataka, Tamilnadu and Kerala have attended a National workshop on "Declining Access to and Control over Natural Resources in National Parks and Sanctuaries" held at Forest Research Institute, Dehradun during October 28-31, 1993. The workshop was jointly organised by the Rural Litigation and Entitlement Kendra (RLEK) Dehradun and Society for Participatory Research in Asia (PRIA), New Delhi.
10. The deliberations conducted in this workshop addressed several issues raised above. Our analysis of experiences at local levels and the policies and programmes of the Government has convened that

significant changes are needed in the policies and strategies of conservation currently being adopted. Hence, we ask the government to ensure that effective conservation of flora-fauna and wildlife in our country must be based upon the following :

- (a) Recognition of customary rights of local people (including Nomads) living inside and around such areas on use of natural resources;
- (b) Amendments in wildlife Protection Act (1972) and 1991 Amendment to bring it in convince with the National Forest Policy 1988 whereby rights of tribals, nomads and forest-dwellers are recognised in particular, rights over grazing and collection of minor forest produce;
- (c) Amplification and transparency in rules and procedures for awarding immediate and just compensation in the case of damaging cattle and crop damage by wildlife;
- (d) Local people be made primarily responsible for the management of National Parks and Sanctuaries;
- (e) Local contribution with local people inside and around such areas be carried out in planning for the creation of protected areas;
- (f) Strict vigilance of such protected areas be carried out with the active involvement of local people, social activists, voluntary organisations, environmentalists media and others so that they are not diverted for use by commercial, industrial and tourism interests.

(Avdhash Kaushal)
President, RLEK
Dehradun

(Dr. Rajesh Tandon)
Coordinator, PRIA
New Delhi

October 30th, 1993.

PROGRAMME SCHEDULE OF THE WORKSHOP

28-10-93.

10.00 A.M.-11.00 A.M. : Arrival and Registration
11.00 A.M.-1.00 P.M. : Visit to Forest Research Institute
1.00 P.M. : Lunch

3.30 P.M.-7.45 P.M.

Welcome Address : Sh. Avdhas Kaushal
RLEK, Dehra Dun
Self introduction by the Participants
Purpose and Objectives of
the Workshop : Dr. Rajesh Tandon
PRIA, New Delhi
Inaugural Remarks : Prof. B.K. Roy Burman

SESSION - I

Case Study Presentation

1. Betla Tiger Reserve : Father George Monipally
Bihar Kishan Mazdur Sangathan
Palamau, Bihar
2. Nanda Devi Biosphere Reserve : Sh. Omprakash Bhatt
Uttar Pradesh Dasoli Gram Swaraj Mandal
Chamoli, Uttar Pradesh
3. Phoolvari Ki Nal : Mr. Nisar Ahmed Khan
Rajasthan Astha, Udaipur, Rajasthan
4. Sitamata Sanctuary : Sh. Govardhan Yadav
Rajasthan Prayas, Deogarh, Rajasthan
5. Sariska Tiger Reserve : Sh. Aman Singh
Rajasthan Tarun Bharat Sangh, Alwar
Rajasthan

- | | | |
|--|---|--|
| 6. Mudumalai Sanctuary
Nagarhole National Park
Indira Gandhi Sanctuary
Coimbatore Zoological Park
Tamil Nadu | : | Mr. C. R. Bijoy |
| 7. Similipal Tiger Reserve
Orissa | : | Sh. Santosh Mohanty
SRDC, Mayurbhanj, Orissa |
| 8. Balukhand Sanctuary
Orissa | : | Mr. C.P. Krishnan |
| 9. Protection Strategy
Hingolgarh Sanctuary | : | Sh. Sachin Sachdeva
Sh. Dilip Surkar
CEE, Ahmedabad, Gujarat |
| 10. Proposed Rajaji National Park
Uttar Pradesh | : | Sh. Praveen Kaushal
RLEK, Dehra Dun |

29-10-93.

9.00 A.M. - 10. 30 A.M.

CONTINUATION OF CASE STUDY PRESENTATION

- | | | |
|---|---|---|
| 1. Binsar Sanctuary
Uttar Pradesh | : | Sh. Mohan Pandey
Kisan Organisation, Almora
Uttar Pradesh |
| 2. Kanha National Park
Madhya Pradesh | : | Sh. Vivek Pawar
Ekta Parisad, Madhya Pradesh |
| 3. Pench National Park
Madhya Pradesh | : | Sh. Gourishankar Yadav
Ekta Parisad
Madhya Pradesh |
| 4. Experiences from Three
Protected Areas (Kanha,
Sanjay Gandhi National Parks
and Sitamata Sanctuary) | : | Dr. Nalin Ranjan Jena
PRIA, New Delhi |
| 5. Ranthambore National Park
Rajasthan | : | Sh. Ramveer Singh
World Wide Fund for
Nature-India, New Delhi |
| 6. Jaisamand Sanctuary
Rajasthan | : | Sh. Kesulalji Badla
Jagarn Jan Vikas Samiti,
Udaipur, Rajasthan |

SESSION - II

DISCUSSION ON LEGAL DIMENSION AND CUSTOMARY RIGHTS

11.00 A.M. - 1.30 P.M.

- | | | |
|--|---|--|
| 7. Law and Wildlife Protection in India | : | Dr. Chhatrapati Singh
Centre for Environmental Law
WWF-I, New Delhi |
| 8. Government's Approach to Wildlife Protection in India and People's Rights | : | Dr. D. N. Tiwari
Director General
Indian Council of Forestry Research and Education in India, Dehradun |

SESSION - III

DISCUSSION ON PRESENT GONT. POLICIES AND PRACTICES

2.30 P.M. - 6.00 P.M.

- | | | |
|---|---|---|
| 9. National Parks and Sanctuaries in India: Rationale, Policies and Practices | : | Sh. H.S. Panwar
Director,
Wildlife Institute of India, Dehradun |
| 10. Rajaji National Park Uttar Pradesh | : | Mohd. Hassan
Conservator of Forest
Rajaji National Park, Dehradun |

SESSION - IV

6.30 P.M. - 9.30 P.M.

Small Group Discussion

30-10-93.

8.45 A.M.-10.15 A.M.

Small Group Discussion Continued

SESSION-V

10.30 A.M. - 12.45 P.M.

Presentation of Reports by Groups

12.45 P.M. - 2.00 P.M.

Discussion on Follow-up Strategy

Concluding Remarks

:

Dr. Anil Aggarwal
Centre for Science and Environment
NEW DELHI

31 October, 1993.

*Day-long visit to Rajaji National Park for face-to-face interaction with the Gujars.
Meeting with Gujars at Mohand in the district of Dehra Dun District.*

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NATIONAL PARKS AND SANCTUARIES IN INDIA : SOME ISSUES OF CONCERN

Protected areas, such as national parks and wildlife reserves or sanctuaries have long been recognised as playing a crucial role in conserving biological diversity. Over 130 nations have established almost 7000 legally protected land surface (Mc Neely, 1992). But the establishment of a protected area often places restrictions on the use of the areas' resources by local people. Local residents often perceive protected areas as restricting their rights and ability to earn a living. This situation has frequently led to conflicts with Park managers and to 'illegal' and 'destructive' encroachment (wells, and Brandon, 1993).

The purpose of this paper is to raise certain crucial issues related to the conflict between state-sponsored conservation of wildlife through national park and sanctuaries and the local people.

WHY CONSERVATION

It is an undeniable fact that 'conscious conservation' of natural resources is essential at this juncture of development of human society to arrest the fast pace of their degradation and depletion. The World's biological resources- its species, habitats, and eco-systems are under threat from growing populations, unsustainable consumption patterns, pollution, wasteful resource use, and global change. By damaging the highly diverse ecosystems that support the world's species, we alter hydrological cycles and climate and degrade soil- building and pollutant-absorbing mechanisms (The World Resource Institute, 1992). It is definite that if the current process of degradation and depletion goes unhindered the existence of the planet and human society will be in jeopardy soon. The problem is ubiquitous and as serious in the developing countries as in the developing countries.

In order to avert the crisis and to save the earth and the human civilization from heading towards a catastrophe, various efforts were made both at the global and national level. As a part of such efforts in the first half of this century the very idea of conscious conservation of natural resources and areas vital to the long-term progress and sustenance of human society through systematic intervention was conceived. However, conservation of natural areas and wild species has a very long history.

History of Wildlife Sanctuary and National Park

The practice of conservation of wild species and natural resources has a long history behind it. It originated way back in 700 B.C (Dixon, et,al, 1990). Reserves for hunting and riding were set aside for Assyrian noble men as far back as 700 B.C, and open spaces were reserved for the use of the ruling class in ancient Rome and Medieval Europe (Runte, 1979). These early protected areas were meant to serve the recreational and hunting needs of the royalty.

The practice of protecting outstanding natural areas for their scenic beauty and for recreation and enjoyment by the general public came into being later. The first "National Park", Yellowstone, was proclaimed in the United States in 1872. The growth of national park movement continued slowly until World War II. After the end of the war, however, the number of parks around the world began to increase sharply (ibid). However, the idea of protecting entire eco-systems to preserve biological diversity only developed later.

Most of these early parks were established in countries that today are considered developed. The establishment of parks in developing countries did not occur until much later. The first national park in Asia, for example, was Corbett National Park, established in India in 1935. But after the World War II, especially in 1960s and after, protected areas mushroomed in the developing countries.

Sanctuary and National Park in the World today

In 1985, the International Union for Conservation of Nature and Natural Resources (IUCN) updated its list of protected areas (nature, reserves, national parks, natural monuments, wildlife sanctuaries, and protected landscapes and seascapes). The list contains more than 3,500 sites in 136 countries and territories. A total worldwide area of more than 423 million hectares is designated as protected in the sense-equivalent to the combined area of India, Pakistan and Bangladesh. About half of this area falls in developing countries and out of this almost 90 percent is in national parks or wildlife sanctuaries.

As per the 1985 UN list of national parks and protected areas there are more than 1,400 protected areas in the tropics where most of the developing countries lie. These countries also have nearly 70 percent of the world's population which continues to grow rapidly. And a large section of this population depends on their surrounding natural resources for sustenance. These data unravel the gigantic dimension of the contradiction underlying the current 'protection strategy'.

One wonders, looking at the trend in the growth of protected areas all over the world, as to what are the causative factors of such growth? Why 'conservation' assumed such international importance? Is it a sincere effort to reverse the historical and current process of exploitation and expropriation of natural resources? It is necessary here to have a cursory look at the trends of the exploitation of natural resources.

Trends of Exploitation of Natural Resources: A Brief Historical Account

Industrial revolution in Europe was nurtured on the natural resources. The colonial political structure and economic relations between the colonial and colonised countries facilitated the process of appropriation of all natural resources of the colonised countries by the colonisers. It is the

industrial and commercial interests of the colonial countries which appropriated the natural resources. Even after the colonial phase, industrial and commercial interests both international and national remained as the main actors in exploitation of natural resources. The local commercial interests joined hands with them.

The erstwhile colonial countries after gaining political independence also heavily exploited their natural resources to re-build their economy. Long-term sustainable development and use was sacrificed for short-term and immediate benefits. Even the poor and marginalized categories of people became a party to the unthoughtful exploitation of natural resources. The cost of such exploitation was externalized by the same exploiter, and the marginalized people internalised it (Shiva, 1989)

Emergence of the modern concepts of conservation

However, in mid- 60s, it was strongly felt by the developed world that the fast pace of depletion and degradation of naturalness and of wild species must be arrested urgently. The developed countries advocated that conservation of wildlife biological diversity and the total ecosystem must be pursued as international and national priority. To operationalize their advocacy, various international bodies such as International Union for Conservation of Nature and Natural Resources (IUCN) were formed and a number of other existing bodies included 'conservation' in their agenda. The developed countries encouraged the 'less developed countries' through liberal financial aids, to adopt the conservation strategy and philosophy which accords utmost priority to 'Wildlife interests'. Special efforts were made to popularise the concepts of wildlife sanctuary and national parks.

Michael P. Wells (1993) in his paper stresses that a new trend of combining conservation of biodiversity with economic development to solve the problem of poverty through local people's participation has been recently added to the perspective of conservation. And, to this end International Development Agencies have financed an increasing number of efforts in conservation the late 1980s. The World Bank has stated in a recent forestry

policy paper that it will stress new approaches to management of protected areas that incorporate local people into protection, benefit sharing, and planning. Experimental programmes to test alternative approaches to the participation of local people will also be financed (World Bank 1991,65). The Global Environment Facility (GEF) has recently emerged in very influential role, committing \$300 million to more than 50 developing countries biodiversity projects during its three-year Pilot Phase (1991-94) which is being administered by the World Bank, UNDP and UNEP (Reed, 1993).

From the above information one can understand the dimension of international and especially the developed World's interest in conservation of biodiversity of which protection of Wildlife is an essential part. However, it is emphasised to involve local people's participation in protection efforts which is of recent origin.

Here the crucial questions which automatically arise, are; what are the political economic causes for which developed world and their development agencies are pursuing conservation in developing countries so vigorously ? Is it *in situ* 'conservationism' which has motivated them ? These questions are certainly to be posed in the context of the role of the institutions like World Bank in the economic development of the developing countries, and the long history of relationship of North and South in terms of resource (natural resources) utilisation (Siva 1992). One has to probably go beyond the skin of conservation to understand the whole issues of politics of development, especially the politics of conservation.

National Parks and Sanctuaries in India

India has a long tradition of wildlife and wildland conservation. The ancient Hindu scriptures or Vedas directed people to protect their environment and wildlife. In about 242.B.C, the Emperor Ashoka's fifth Pillar edict gave protection to fish animals, and forests. And before that in the treatise on statecraft called the Arthasashtra (attributed to Kautilya in 300 B.C), there is clear reference to the establishment of "abhayaranyas" or forest sanctuaries (Gee. 1962 ; Rao, 1988 ; Singh, et al. 1990).

However, the philosophy behind these early conservation concepts is different from that of the modern concept of national park and sanctuary. The former philosophy was primarily based on recreation and entertainment of the ruling class whereas the later is proclaimed to be much more wider and advocates comprehensive development of human society through conservation of natural resources and sustainable development. The modern concept of national park and sanctuary is based on this wider philosophy and backed by state laws. At this juncture of development, one has to examine both the philosophy of national parks and sanctuaries and their operational dimension in the empirical situation. Before doing this, it is important to find out the trend of growth of such protected areas in India.

Dimension of Sanctuaries and National Parks in India

India became a part of the global effort of conservation of wild species and biological diversity and adopted the concepts of wildlife sanctuary and national park. The first park , Corbett National Park in India came into being in 1935. Since then there has been enormous increase in the number of such protected areas as evident from the following table :

Sanctuary and National Park in India

Year	No. of sanctuary	No. of National Parks	Total
1	2	3	4
1960	60	5	65
1975	126	5	131
1985	247	53	300
1989	411	69	480
1991	421	75	496
—	633	(20 tiger reserves) 147	780 (proposed)

As the table shows, within a period of 30 years the number of sanctuaries and national parks multiplied seven and 15 times respectively. Hence, more and more forest lands and wetlands have come under 'Protected zones.' Official source reveals that currently 3.5 percent of the total land in the country is under sanctuaries and national parks and it is proposed to increase this area to five percent. Further calculations show that, at present, more than 19 percent of the total forest is under sanctuaries and national parks which directly covers the homeland of about one-fifth of the total tribal population in the country.

While the government takes the credit for setting up a large network of protected areas, the local people living in and around these protected areas are relentlessly waging struggles against these protected areas some time leading to eruption of violence and overt conflict between the park management and the local communities. Recently two forest guards were murdered in Kanha National Park and it is alleged that the local people were the culprits. This kind of conflict is not confined to India only, but common to, by and large, all developing countries (Reti, 1986)

The crucial questions which arise here ; why there is a contradiction between the local people and conservation or 'people's interests' and 'wildlife interest' ? Is the contradiction inevitable ? In other words do the local communities essentially have to sacrifice their traditional rights and the sources of livelihood for the long-term interest of conservation. Is it ethical that in a poor country like ours, where a large section of rural population are substantially dependent on their surrounding natural resources for their sustenance, any conservation strategy should deprive them of their crucial resources without giving them alternatives ?

These questions which relate to the traditional rights of the people have to be posited in the context of the historical trend of exploitation and conservation of natural resources.

This requires us to historically discern the trends of conservation strategy pursued in India. For this purpose we will briefly highlight the trend explicit in our forest conservation strategy.

Trends of Conservation in India

While India's biological heritage has been slowly eroded over the millennia, the society has been evolving a number of practices to preserve this diversity. In the hunting-gathering state itself, protection was extended to totemic animals. Early Indian literature, including the Hindu epics, the Buddhist Jatakas and the Panchatantra and the Jain strictures against violence to even lowly life forms, are eloquent proof of the respect accorded to Wildlife in ancient Indian Culture (Centre for Science and Environment, 1982).

During the Pre-British period in India, the main charge on the forests was the needs of the local people for their use only. At that time there was only customary regulations on people's rights over forests and forest produce (Kulkarni, 1986). The religio-cultural norms and customary regulation were the 'laws' regulating exploitation of forest resources by the local people. These 'normative laws' are still found in many places in India. Lohar (1991) reports that in the Western Ghats, temple forests are the finest surviving examples of tropical evergreen forest diversity. They escaped the axe because they are preserved in the name of gods and goddesses of local origin. Such instances are found in Rajasthan and other parts of the country also. One finds innumerable instances of successful conservation, and management of community forests in India.

Near the temple of Rudranath in the Himalayas, several scores of hectares are dedicated to the guardians of the God. In these Alpine pastures and Rhododendron forests, no lopping, grazing or even tramping with shoes is permitted. In Kerala, coastal evergreen forest now survive only in small pockets dedicated as sacred groves to serpent deities (Centre for Science and Environment, 1982). Conservation of natural resources and wild species is embedded into Indian culture.

But after the advent of the British, industrial and commercial interests charged on the forests. The forests were viewed as revenue generating resources and valuable contributors to the industrial revolution in Europe. As a result, laws were enacted to protect forests from local interests entrusting the state with the legal authority to exploit forests and forest resources. To this effect, the first Forest Act was formulated in 1865 which was modified and re-enacted in 1878 and 1927. All these Acts declared forests as state property, and extinguished the traditional rights of the local people (Kannan, 1983).

After independence there was some rethinking on the issue of forest policy. The new national forest policy was issued as a Government of India Resolution in 1952. It was declared that the forest policy should be based on paramount 'national needs' (Kulkarni, 1983). 'National needs' were defined in terms of industrial and commercial development which would strengthen the national economy. 'National needs' did not include the needs of the poor local populace substantially dependent on the forests for their sustenance. Adivasis living in and around forests were discouraged from using forests. The government tried to obtain more and more revenue from the forests and for that purpose forests were diverted for the use of industries.

The National Commission on Agriculture (1976) too undermined the sustenance value of the forests for the tribals. The commission does not treat the Adivasis' need for timber for houses, for leaves used for thatching, for fruits, flowers and roots used as food, for seeds collected from forests to extract edible oil (ibid). The National Commission further said that the tribals "rights and privileges" have brought destruction to the forests and so it is necessary to reverse the process (CSE, 1985). The Forest Bill 1980 also accorded high priority to commercial and industrial needs as national needs rather than the social needs of the local people (Kannan, 1983).

In nutshell, after independence, a very important natural resource, i.e., forest was nationalised. All the forest policies which have been formulated and promulgated since then undermined the symbolic relationship between the tribals and forests and overlooked their customary rights (ibid). Barring the National Forest Policy 1988, in all other policies the thrust has been to conserve the forests excluding the people and completely undermining their historical linkage with and essential stakes in the forests.

Policy Contradictions

Though, the National Forest Policy, 1988 strongly envisages people's involvement in the development, management and protection of forests and recognises the dependency of the tribals on the forests yet one finds a contradiction in the policy itself. The policy states that the requirements of fuelwood, fodder, and small timber such as house-building materials of the local people are to be treated as first charge on forest produce. The policy further envisages it as one of the essentials of forest management that the forest communities should be motivated to identify themselves with the development and protection of forests from which they derive benefits. At the same time, the policy (sub-Section 3 of section 3) pronounces "For the conservation of total biological diversity, the network of national park, sanctuary, biological reserves and other protected areas should be strengthened and extended adequately" (Ministry of Environment and Forest, 1988). In contrast to, the essence and strategy of the National Forest Policy, 1988 declaration of national parks, sanctuaries and biological reserves as per the Wildlife (Protection) Act, 1972, neither involves the people in development, management and protection of forests nor does grant them their customary rights (Natraj Publishers, 1992).

The Wildlife (Protection) Act, 1972 (WPA) is essentially a prohibitive and regulatory apparatus rather than a positive agent of change. The Act proscribes the traditional rights of the people thereby ignoring their survival needs anchored to forests. The WPA further excludes people from the process of constitution of sanctuary and national park and their management snapping the symbolic relationship between the forest dwelling communities and forests. The social, cultural, political, spiritual and above all sustenance values of forests and forest produce do not figure as priority on the agenda of 'state-sponsored conservation'.

The WPA is based on the assumption that the people are the enemies of wild animals, flora and fauna. Hence, the conservation strategy must equip the state agencies responsible for protection with sufficient legal provisions to protect 'interests of wild animals' from the threat posed by the 'interest of local people'. These two interests, i.e., 'interest of wildlife and interest of local people' are considered to be conflictual, thereby generating an arena of conflict which is not there. This has resulted in overt conflict between the local communities living in and around these protected areas and the 'protectors' which ultimately results in degradation of habitat and destruction of wildlife. This is the problem faced not only by India, but more or less by all the developing countries (Reti 1986; Dang, 1991; Stephan and Thora Amend, 1992).

Park- people Interface

In many places in our country, the conflict has taken the shape of organised struggle and a good number of such struggles have adopted violent means to assert their traditional rights over the endowments of nature, especially forests and wetlands. Very often conflicts over the use and control of natural resources become law and order problems and result in physical confrontations between the people and the authorities (Kothari, et al., 1989). The major reasons proffered by the officials for these clashes are: illicit felling of trees, poaching, illegal grazing, encroachments and other forest offenses (ibid).

Hence, one has to look beyond the legal definition of forest offenses and explore the causes and analyse them within the context of existential situation of the local communities. The traditional rights of the people which they have been enjoying through generations are all of a sudden declared 'illicit' without the knowledge of the local people. They are branded and hounded as law breakers while they try to exercise their rights. The important question which arises here is, why do such situations occur?

Causes of Conflict

There is a multiplicity of causative factors of the conflict arising out of the contemporary conservation strategy in the country in the form of national parks and sanctuaries. It is also a complex task to pin point the causes and to generalise them as they are situation and region specific and interlinked with the pattern of development and resource use.

Changes in the pattern of resources use :

Use of resources is very much interlinked with the process and paradigm of development. In pre-British India the natural resources were exploited primarily for livelihood. In post-independent period, the country set its goals for economic growth through industrialisation. Modern science and technology was adopted. Hence, new demands were made on resources by the expansion of the modern utilization patterns of natural resources. As a result, the communities living in those regions rich in natural resources and supporting themselves on the local resources are facing serious problems of survival.

While the above delineation relates to the pattern of utilization of natural resources in terms of consumption, there has emerged another patterns of modern utilization, i.e. conservation for the protection of wilderness, wild species, biological diversity and eco-system. While the former pattern of utilization alienated the local communities from their surroundings natural resources, the later also perpetuates the process of alienation. Hence, the conflict between the people and protected areas is not only a micro phenomenon but has a macro dimension which relates to the macro development model.

Changes in the pattern of land use:

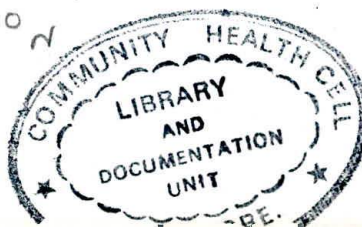
Though the pattern of land use is also related to the pattern of resource use, yet it requires to be analysed independently. Land is crucial to rural life and economy in India. Land is the primary sources of substance, social status and power in rural India.

Basically, there are three land components of the village ecosystem, that is, cropland, grasslands and forest lands. The social and economic effects of destroying a grassland or a forest are far more drastic in India than, say, in the Western world. The change in the pattern of land use affects the rural people, more so the rural poor.

Conservation in the form of national parks and sanctuaries in India is also a change in the pattern of land use. Under the legal provision of national parks and sanctuaries, this change is affected within a short period severing the symbiotic relation between the local communities and the land. Such drastic change without any alternative has varying effects on different categories of people. The poor remains the worst sufferers.

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The crucial question which arises here for all of us to examine; how far such drastic change in the pattern of land use is ethical in view of the rural poverty which needs to be seen in the context of the biomass scarcity prevailing in the country - the shortage of food, fodder, firewood, artisan's raw materials, timber etc.? How far 'sustainable conservation' in the present form is compatible with rural development?

While both the above issues focus on the macro aspects of the problem, the micro aspects are nevertheless important as they directly relate to the survival needs of the people. The following discussion highlights the immediate and more direct causes of conflict.

Human Population in and around National Parks and Sanctuaries

Unlike the Western countries, in India one finds a large section of people living within these forests and sometime in dense forest. For them forest is the only source of livelihood. A study report that 10 sanctuaries have a population density higher than the national figure and some national parks have very high density, for example, Bansda in Gujarat has 0.56 persons per hectare (Kothari., et al., 1989).

At the same time, a large number of people are found to be inhabiting the areas adjacent to parks and sanctuaries. Kothari, et al. 1989 finds that more than 80 percent of their sample sanctuaries and national parks reported human habitation within a 10 km radius of the boundary. The population density in the periphery for Ramnabagan sanctuary (West Bengal) and Karnala Sanctuary (Maharashtra) is as high as 26675 and 2232 persons per hectare respectively.

Displacement :

This high density of population indicates the crucial importance of the resources for the people for their various needs. But the principles of management of such protected areas consider the people and their needs as biotic pressure on the protected zones. The principles further propose that the protected areas must be kept free from such biotic pressure which is the major threat to habitat of wild animals. Hence, the law imposes restrictions on the presence and movement of human beings inside the protected areas.

Human habitation inside national parks and sanctuaries is not desirable. Hence, efforts are made to displace the people from inside these areas. The recent case of proposed displacement in point is Rajaji where efforts were made to displace the Gujars from their traditional homeland.

A large number of national parks especially those covered by 'Project Tiger' have cleared the core area from human habitation. However, study on the consequences of such displacement are almost nonexistent. However, our observations of the displaced families in Kanha National Park reveals that, the displaced families are not at all happy with their present rehabilitated living condition and the resettlement package. They categorically said that their lives inside the park was much better than the present one. However, the problems are numerous.

Hence, it can be said that a large section of marginalized people sacrifice their homeland and means of livelihood for the interests of wild animals and biological diversity.

Restrictions on rights :

Grazing :

The legal provisions of national parks and sanctuaries impose various kinds of restrictions on different traditional rights of the people. In case of national park grazing rights and rights to extraction of timber and minor forest produce are completely terminated whereas in sanctuary such rights are considered. Kothari, et al., (1989) finds that 39 percent of 14 National Parks and 73 percent of 101 Sanctuaries (which they studied) allow grazing.

However, even granting of such right involve a lot of complications. The poor people have to pay tax of varying amount for their cattle heads. And usually barren lands are earmarked for grazing. If per chance, the cattle go out of the demarcated area, the cattle are seized by the forest guards. The poor man has to get rid of the problem by greasing the palms of the guard. This is very frequent as we find in Sanjay Gandhi National Park (M.P), Sitamata Sanctuary (Rajasthan) and Kanha National Park (M.P) P.A. Azeez finds in Bharatpur National Park that the declaration of national park led to the transition of a predominantly livestock-based economy to an agrarian one.

Right to timber and minor forest produce :

The traditional rights of the local people to timber required for house construction and repairing, for making agricultural implement and also the right to the crucial minor forest produce are legally invalidated in national parks and sanctuaries. These activities are considered as harmful to habitat of wildlife.

Minor forest produces (MFP) play a crucial role as a large number of people-tribals, non-tribal and nomadic, depend on minor forest produce for survival. Minor forest produce covers everything except timber and firewood ; flowers like Mahua, seeds like sal, leaves like sal and tendu, resins, bamboos, lac, fruits like mango and Mahua and so on. Studies in Orissa, Madhya Pradesh, Himachal Pradesh and Bihar indicate that over 80 percent of the forest dwellers depend on the forests for between 25 percent and 50 percent of their food. During the lean months, Nahna mangoes, other fruits, tubers, roots, leaves, wild animals and birds are their ugly food for survival. In Orissa, for example, 13 percent of the forest population depends exclusively on MFP. Another 17 percent is landless and depends on daily wage labour, but collection of MFP is primary for them. For another 39 percent, MFP collection is a subsidiary occupation (CSE, 1985). The declaration of national park and sanctuary dispossesses the pauperised group of people of this crucial source of income and employment. The Gujars in Rajaji National Park are not only struggling for their homeland but also for 'Bhabhar' grass which yields cash for them.

The people living in and around these protected areas are also not allowed to collect timber from the jungle for constructing and repairing their huts and "ghotuls", or collect roots, fruits and tubers for consumption. As we find in Sitamata Sanctuary in Rajasthan, the tribals are not allowed to construct new houses on their own land nor even to repair their dilapidated huts.

In nutshell, in the name of conservation, the already marginalised communities are further marginalised and rendered destitutes. By uprooting these communities from their traditional homeland, and their native socio-cultural milieu, and by destroying their, by and large, self-sufficient economy, they are exposed to outside exploitation.

Threats posed by Wildlife

There is another dimension of the problem which is not a direct consequence of the law but emanates from the protected areas. The Status Report on Management of National Parks and Sanctuaries in India (Kothari, et al. 1989) reports " One of the major problems inherent in the management of India's national parks and sanctuaries is that very often some of the wild animals sought to be protected adversely affect the interests of the local people. Wild animals causing injury to or death of human beings and cattle, and damage to the crops, are common examples of this. Such incidents occur frequently in and around a number of parks and sanctuaries."

Though, some of the parks and sanctuaries have compensation scheme for such damage, yet the repercussions of such damage for the poor person is very severe. Instances are found by us that in some areas people have given up cultivating wheat and other Rabi crops because of regular damage done by the wild animals. As a result, already poverty stricken families loose their food crops and starve. As far as compensation is concerned, it involves legal intricacies and bribe to the officials. Hence, in most of the cases, even if the person is aware about the compensation scheme, simply forgoes it.

It is clear from the above discussion, the present practice of that wildlife interests against the 'people's interests'.

Government Efforts for Conflict Resolution

The official strategy to resolve the conflict between the local people and the protected areas is two pronged : one public awareness about the usefulness of the protected areas through extension and education programmes; two, by creating an alternative source of need fulfillment for the local people which has been known as eco-development (Deptt. of Environment, undated). The national Wildlife Action Plan as a method of conflict resolution recommends to involve local people and people's groups (NGOs) in operationalising the strategy (ibid).

It has been a common experience that there exists hardly any effective extension and education programmes to educate the local people. A study reports that out of 43 national parks and 170 sanctuaries, none of the parks and only 4 percent of the sanctuaries are found to have extension officers, similarly 20 percent of the parks and 12 percent of the sanctuaries reported educational programmes for villages. (Kothari, et al., 1989). As far as involving people and people's organisation is concerned, the story is not different.

Even though, the wildlife Action Plan (undated) stresses emphatically upon people's participation in the management of national parks and sanctuaries and also in evolving an alternative source of fulfillment of the local communities, people are yet to be treated as "friends of conservation".

Conclusions

As one analyses the historical trends of exploitation of natural resources in the country and the present trend of conservation in the form of national parks and sanctuaries, what surfaces as common to both the trends is the perpetuation of the process of alienation for the common people. While industrial and economic growth became the 'national goal' the marginalised sections of people who were traditionally dependent on their surrounding natural resources for their survival, had to internalise the costs by forgoing their rights. Today, while 'conservation' of flora, fauna, ecosystems or the vital natural resources assumed high priority in national agenda, the same section of people are forced to bear the cost.

While the official ideology envisages that the goal of conservation is sustainable development, in reality it has unleashed the process of deprivation for a large number of people. It is further clear that sustainable development through conservation is devoided of an essential component, i.e. sustainable use. There are many such contradictions which keep lurking in mind while reflecting on the nature of conservation strategy, specially in the form of national parks and sanctuaries, in India.

Hence, it is thought appropriate to raise some of the crucial questions for poring.

- How far the concept of national park and sanctuary as legally defined by the Wildlife (Protection) Act, 1972 is suitable to the socio-economic matrix of Indian Society? How far it is ethical to make the poorest of the poor pay for wildlife and biological diversity conservation?
- How far conservation through national parks and sanctuaries as it exists today, can take care of the immediate survival needs of the people historically dependent on these natural resources, and effectively contribute towards alleviation of poverty on long-term basis?
- Does national parks and sanctuaries not violate the fundamental principle of social justice and 'right to livelihood'?

- As far as the management is concerned, given the present experiences, is it possible to manage these protected areas on the principle of 'absolute protection' as practised today?
- Is it possible for the present structure of administration which has been working on the principle of bureaucratic imposition, to manage these protected areas on a participatory basis?
- How does the conservation of wildlife and its environment solve the crisis of survival of forest communities?

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ISSUES IN PARKS AND SANCTUARIES

SOME OBSERVATIONS

In this paper, some issues related to park-people interface as empirically observed in three protected areas - Sanjay Gandhi National Park (M.P.), Kanha National Park (M.P.) and Sitamata Sanctuary (Raj.) are briefly presented.

SANJAY GANDHI NATIONAL PARK (SNP)

Sanjay Gandhi National Park, one of the biggest national parks in the country spreads over two districts - Sidhi and Sarguja in Madhya Pradesh. Though it was declared as a national park in 1981, it came into force in 1983 with the establishment of a separate administrative structure.

The Park has an area of 1939.012 Sq.Km. out of which 11,671.7 hectares are revenue land.

KANHA NATIONAL PARK (KNP)

The area comprised in the Kanha National Park has been known to be rich in wildlife since time immemorial, and has mythological importance for the local people. As early as 1953 two separate sanctuaries were constituted with an area of 550 Sq.Kms. together. Kanha was declared as a National Park in 1955 and it came under the fold of PROJECT TIGER in 1973. At present Kanha has a total area 1945 Sq.Kms. out of which 940 Sq.Kms. falls in core and the rest in buffer zone.

SITAMATA SANCTUARY (SS)

Sitamata sanctuary in Rajasthan falls in two districts, Chittorgarh and Udaipur. This forest cover was declared as a Sanctuary in 1979 and covers an area of 422.94 Sq. Kms. Earlier during the erstwhile estate time, it was an hunting ground for the then King of Pratapgarh. The area was rich in wildlife during those days and was famous for Tigers, Sambhar and Cheetal.

SOCIO-ECONOMIC PROFILE OF THE PEOPLE

As per the data available from the office of the director, there are 52 villages inside SNP.

The total population inside SNP is 20,657 whereas the number of villages within 10 Kms. radius of the park is numerous. Out of the people living inside the Park, majority are tribals, constituting 61 percent of the total population, scheduled castes constitute 12 percent and the rest 27 percent belong to general category.

The economy of the people residing inside the Park is primarily based on agriculture and livestock. As there is no irrigation facility agriculture is solely dependent on monsoon. The main crops cultivated by the people are corn, rice, kodo, medo and kutki. Agricultural produce does not provide them sustenance for more than six months and agricultural activities do not provide them employment for more than a maximum period of four months.

Until now, 25 villages have been displaced from inside the KNP and resettled outside. However, 19 forest villages still exist with a human population of 4259 and cattle population of 5059. The population is predominantly tribals, specifically Gond and Baiga.

Agriculture is the main source of livelihood for these people. Collection of minor forest produce, viz., collection of *Tendu* leaves, *Mahua*, *emblica* fruits, *harra*, *bahera*, *chironji*, roots, tubers and medicinal, resins and grasses, is an important source of income.

SS present a different case in terms of human settlement. There are 41 villages inside the Sanctuary, out of which only 13 are revenue villages and the rest are 'encroached' villages. As stated by the Forest Department, encroachment is the most serious problem faced the Sanctuary. Before its declaration as sanctuary in the year 1972-75, many people who came as labourers for Jakham Dam construction from Banswara and Dungarpur districts settled inside the forest and broke open the forest land for cultivation. However, it was found that, in subsequent period, the oustees from Mahi and Kanada dams also came to Sitamata and settled. The population is predominantly tribal called Meena.

The main occupation of the people is agriculture and collection of minor forest produce is an important source of income for them.

DEVELOPMENT INSIDE THE PARK

The standard indicators of development, viz. health, education and other development programmes are adopted to find out the level of development of the communities inhabiting inside the protected areas.

- As found in all the three protected areas, there was no health facility available to the people in their areas.

- One hardly finds any primary school existing for the villages inside the protected areas.

- As found, a handful of people in SNP and KNP have received loans under Integrated Rural Development Programme (IRDP). But none from the encroached villages has received any loan under Integrated Rural Development Programme . No other tribal development programme or rural development programme has ever been implemented in those areas.

AWARENESS ABOUT THE SETTING UP OF THE NATIONAL PARKS AND SANCTUARIES

As per the relevant provisions of the Wildlife (Protection) Act, 1972, the notification of park or sanctuary has to be brought to the notice of the people through a proclamation published in local languages, and the people having rights and claims within the notified area are to be given opportunity to prepare their rights before the appropriate authority either for continuation of the rights or compensation for the same.

In case of SNP, and SS, it was found that the people were neither informed nor given any opportunity to prepare their rights before the appropriate authority.

HUMAN DISPLACEMENT

In SNP, already three villages have been displaced. The displaced families were neither given land nor houses for resettlement. The only compensation given to them was little money.

In case of KNP, 25 villages have already been displaced. Though, the people were promised to be given equal size of land holding, it was not done. The people complained that they were given half of their land holding and the quality of the land was infertile in comparison to their earlier holdings. The people also said that the quality of their present life is much worse than the earlier life.

RESTRICTIONS OF GRAZING

The traditional right of the people to graze their cattle in the forest has been seized by the new legal set up of protected areas in all the three areas, i.e. SNP, KNP and SS. Though grazing compartments have been allotted to the people, very often the demarcation is ambiguous and the lands in the compartments are more or less barren. If cattle go out of the compartment, the owner has to pay heavy fine. In some cases, physical torture is also reported by the people. It also becomes an opportunity to extract bribes from the people.

Taking the advantage of the legal restrictions and ignorance of the poor illiterate people, it was found that the lower rung forest officials are indulged in appropriating cash and kinds from the poor forest dwellers.

RESTRICTIONS ON CARRYING TRADITIONAL WEAPONS

The weapons traditionally used by the forest dwellers for their protection and as the tools of their sustenance are mainly axe, bow and arrow. These weapons for the tribal life are not the symbol of destruction but of creation. They also connote social, cultural and spiritual symbolism. These weapons are a significant part of their social identity. To prohibit the tribals from carrying their traditional weapons amounts to alienating them from their socio-cultural life and social identity.

In the cases of all the three protected areas, the people have been debarred from carrying their traditional weapons.

IMPACT ON AGRICULTURE

It was found that the people in all the three protected areas were neither allowed to dig wells on their field nor to harness water from nearby water sources for irrigation.

The worst consequence has been damage of standing crops by wild animals. It is commonly reported that extensive damage of standing crop is a regular feature. In the periphery of KNP, a large number of people have given up Rabi cultivation. Sometime the farmer has to lose the whole field.

No compensation is given for such damage of crops in any of these protected areas.

In case of SS, it was reported that sometime the forest officials themselves completely trampled the standing crops. Recently, this has happened to a farmer who lost the crop over eight acres of land.

THREAT TO HUMAN LIFE AND LIVESTOCK

It is observed that, though there is constant threat to human life and livestock, the people are not at all perturbed. This threat has never disturbed the everyday life and activities of local people. Their relationship with nature and wilderness is a harmonious one, rather than inimical and antithetical towards wild animals as the Forest Department perceives.

It is found that compensation schemes for damage to and loss of human life and cattle are in vogue in SNP and KNP but not in SS. But the process of getting compensation is so intricate and time taking that usually people prefer to overlook. Even if some one undergoes the complicated cumbersome procedure, he gets hardly one-fourth of the entitled money. In a way, as people say, bribe exceeds compensation amount.

PEOPLE'S RIGHTS TO 'MINOR FOREST PRODUCE', FUELWOOD AND TIMBER.

In SNP, it is noticed, except *Tendu* leaves the people are not allowed to collect all other minor forest produce or non-timber forest produce. However, some of the people informed that the lower level forest officials allowed people to collect minor forest produce on the payment of Rs 10/- per each household.

In KNP, the right of the local people to minor forest produce is completely terminated. So is the case in SS. The poor tribals complained that minor forest produce including *Tendu* leaves in KNP and SS worth crores of rupees go waste without any benefit either to the government or the local people.

Stringent restrictions have been imposed on the people with regard to collection of fuelwood. The *Nistar rights* of the people have been canceled after the declaration of national parks and sanctuary. The Forest Department allows the people at a particular time in a year and allocate some specific forest areas for collection of firewood. The people complaint that such permits are usually given during agricultural seasons and the forest patches which hardly have any wood are allocated for this purpose.

As far as timber is concerned, the prohibition is very strict. In none of the three protected areas, felling timber either for house construction or repairing is allowed. In SS it was found that the people are living in almost dilapidated houses as repairing of the house is strictly prohibited.

In KNP, there are some forest depots to cater to the needs of the local people. But it was reported that, the exorbitant price at forest depot usually falls beyond the purchasing capacity of the local people.

Another major consequence was noticed, i.e., the effect on local artisans. There are certain caste groups who live on making baskets and other household items out of bamboo. These castes have been forced to give up their traditional caste occupation. As a result, they have turned landless agricultural labourers and are forced to starve as sufficient employment is not available locally.

It was also observed that the trend of migration from the periphery of the protected areas to the nearby towns is on increase. It can be logically correlated with the consequences of national parks and sanctuaries.

ATTITUDE OF THE PARK AUTHORITIES TOWARDS THE PEOPLE

The Park authorities reflect the typical stereo-type attitude towards the local people. The forest dwellers are thought to be the biggest foes of forest, their natural resource base. The general feeling among the officials is that the local people inhabiting inside the Park are the destroyers of the forest resources because of their ignorance and selfish attitude and interests. They further allege that the people are so apathetic towards conservation of forest that they do not bother for regeneration of the resources. Hence, they hold the view that maintenance of the Park in cooperation with the people is a misnomer. The only way Park can be effectively maintained is by evicting the people from within the Park.

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A CRITICAL ANALYSIS OF THE LEGAL PROVISIONS OF SANCTUARY AND NATIONAL PARK IN INDIA

Introduction

It is an undeniable fact that 'conscious conservation' of natural resources is essential at this juncture of development of human society to arrest the fast pace of their degradation and depletion. It is definite that if the current process of degradation and depletion goes unattended, the existence of the planet and human society will be in jeopardy soon. The problem is ubiquitous and as serious in the developing countries as in the developed countries.

In order to avert the crisis and to save the earth and the human civilization from heading towards a catastrophe, various efforts were made both at the global and national level. As a part of such efforts, in the first half of this century the very idea of conscious conservation of natural resources through systematic intervention was conceived. And the modern concept of national park emerged during this period, albeit it is claimed that national park existed as far back as 700 B.C. (Dixon et al., 1990).

National parks and sanctuaries in India

India has a long tradition of wildlife and wildland conservation. The ancient Hindu scriptures or Vedas directed people to protect their environment and wildlife. In about 242 B.C. the emperor Ashoka's fifth pillar edict gave protection to fish, animals and forests. And before that, in the treatise on Statecraft called the Arthashastra (attributed to Kautilya in 300 B.C.), there is clear reference to the establishment of "abhayaranyas", or forest sanctuaries (Gee, 1962; Rao, 1988; Singh et al., 1990).

However, the philosophy behind these early conservation concepts is different from that of the modern concept of national park and sanctuary. The former philosophy was primarily based on recreation and entertainment of the ruling class whereas the later is much more wider and advocates comprehensive development of human society through conservation of natural resources, and their sustainable development. The modern concept of national park and sanctuary is based on this wider philosophy and backed by state laws.

Briefly, national park and sanctuary are those land mass and water bodies which are constituted as protected areas under a set of laws for the purpose of protecting biological diversities, especially wildlife and their habitat. As evidenced from various parts of the world today, these laws have created a new arena of conflict, the conflict between the local people and the law enforcement agencies of the state (Reti, 1986). These conflicts are the manifestations of the assertion of the interests of the local communities in their surrounding natural resources and also the contradiction between the people's interests and the laws. Hence, a crucial question which arises here is, how far the laws enacted to constitute and manage national park and sanctuary in our country take care of various interest constellations existing in the to-be-protected areas or in the protected areas ?

The above question emerging out of the empirical situations provides the impetus to examine the laws enacted and enforced in our country to constitute and manage national park and sanctuary. This requires us to historically discern the trends of conservation strategy pursued in India. For this purpose, we will highlight the trend explicit in our forest conservation strategy.

Trends of Conservation Strategy in India

During the pre-British period in India, the main charge on the forests was the needs of the local people for their use only. At that time there was only customary regulation on people's rights over forests and forest produce (Kulkarni, 1986). The religio-cultural norms and customary regulations were the 'laws' regulating the exploitation of forest resources by the local people.

But after the advent of the British, industrial and commercial interests charged on the forests. The forests were viewed as revenue generating resources and valuable contributors to the industrial revolution in Europe. As a result, laws were enacted to protect forests from local interests entrusting the state with the legal authority to exploit forests and forest resources. To this effect, the first Forest Act was formulated in 1865 which was modified and re-enacted in 1878 and 1927. All these Acts declared forests as reserved and state property, and extinguished the traditional rights of the local people (Kannan, 1983).

After independence there was some rethinking on the issue of the forest policy. The new national forest policy was issued as a Government of India Resolution in 1952. It was declared that the forest policy should be based on paramount 'national needs' (Kulkarni, 1983). However, 'national needs' did not include the needs of the poor local populace substantially dependent on forests for their sustenance. Adivasis living in and around forests were discouraged from using forests. The government tried to obtain more and more revenue from the forests. The National Commission on Agriculture (1976) too disregarded the sustenance value of the forests for the tribals. The Commission does not treat the Adivasis' need for timber for houses, for leaves used for thatching, for fruits, flowers and roots used as food, for seeds collected from forests to extract edible oil (ibid). The Forest Bill 1980 also accorded high priority to commercial and industrial needs as national needs rather than the social needs of the local people (Kannan, 1983).

It is quite evident that till the beginning of 1980s, neither the local people were involved in the process of law making nor their participation was evoked in implementation, nor was their forest-based sustenance given priority. However, the policies formulated in the later half of the 1980s and thereafter, e.g. the New Forest Policy, 1988 and the Joint Forest Management did recognise the necessity and importance of people's participation in the management of forests.

In the backdrop of the above elucidation, the legal provisions promulgated for the protection of wildlife and their habitat through national parks and sanctuaries are taken up for a critical analysis.

Legal provisions for protection of Wildlife in India

The Indian Forest Acts of 1865 and 1927 and their amendments provided considerable protection to wildlife by means of the systems of reserved and protected forests (Singh and Rodgers, 1990). The Constitution of India under the Directive Principles of State policy exhorts government and citizens to protect wildlife³ (Article 48 and 51A). But the Wildlife (Protection) Act 1972 was the first uniform comprehensive legal attempt to ensure protection of wildlife and their habitat through out the country. It is the Wildlife (Protection) Act 1972 which provides for creation of national parks and sanctuaries.

The rationale for WPA was that there were certain species of animals which were gravely endangered and for which special provisions including stringent punishment, had to be provided for and parameters for the establishment and maintenance of protected areas such as national parks and sanctuaries which would then be uniformly applicable through out the country, had also to be provided (Natraj Publishers, 1990).

Salient features of the Wildlife (Protection) Act, 1972

It is enunciated that the Wildlife (Protection) Act, 1972 (hence forward mentioned as WPA) was an out come of the problems and practices prevailing at that time. Hunting was very much an approved past-time and indeed, shooting of tigers was a status symbol. Moreover, wildlife and forests were then totally a state subject under the Constitution of the country.

The WPA has three main objectives as follow;

1. to provide uniform legislation for protection of wildlife through out the country;
2. to prevent hunting of and trading in wildlife or any product thereof;
3. to set the parameters for the establishment and maintenance of protected areas such as national parks and sanctuaries.

In order to attain these objectives the Act proposes an administrative structure constituting a Director of wildlife preservation and other officials appointed by the Central Government (sub-Sec. 1 of Sec. 3 of WPA); a Chief Wildlife Warden, Wildlife Wardens and other officials at the state level appointed by the state government (sub-Sec. 1 of Sec. 4 of WPA) and the Wildlife Advisory Board (sub-Sec. 1 of Sec. 6). The Act clearly defines the power and functions of the Center and state level officials.

Through the Act the Center establishes its control over flora and fauna and indirectly over the forests by subordinating the state authority over these natural resources. However, in 1976 through an amendment of the Constitution, forestry and wildlife protection were placed on the concurrent list of subjects, giving the Central Government a decisive role in these matters.

The other salient features of the Act deal with hunting of wild animals; protection of specified plants; declaration of sanctuary, national park and other closed areas; establishment of Central Zoo Authority and recognition of zoos; regulating and prohibiting trade and commerce in wild animals, animal articles and trophies; and prevention and detection of offenses.

Legal Provisions of Sanctuary

Sections 18 to 34 of the Wildlife (Protection) Act, 1972 deal with sanctuary.

Notification of Sanctuary

The Act provides that an area can legally be earmarked as a wildlife sanctuary with a notification by the state government. As Sec. 18(1) reads, "The State Government, by notification declare its intention to constitute an area other than area comprised with any reserve forest or territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geo-morphological, natural or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment".

Though the state government is vested with the power to declare any area as a sanctuary, yet when any part of territorial waters or reserved forests is to be included, the state government shall have to obtain prior concurrence of the Central Government.

It is clear from the procedure of notification that the Act does not provide any scope for public consultation before notification. People's participation in the very process of identifying an area for the protection of wildlife and habitat does not figure on the agenda of the government- sponsored conservation and protection

activities. The local communities who have been living inside the notified area drawing their livelihood solely from the surrounding natural resources, all of a sudden, find that they have been estranged from their age-old rights over the natural resources.

The Procedure of Proclamation

After the legislative action of notification, the implementing authorities come in. As the very first step of implementation, the Collector who is the chief revenue officer of a district, proclaims the notification for the knowledge of the public of that area (Sec.21).

The only procedure of proclamation as laid down by the WPA is through publication of the notification in regional language(s) in every town and village in or in the neighbourhood of the notified area. The proclamation basically has two functions; (1) it inform the local people about the notification and about the approximate situation and limits of the sanctuary; (2) it initiates the process of rights acquisition by stipulating that within two months from the date of publication of proclamation the 'interested persons' shall have to prepare their claims and rights in writing (cl. b. of Sec.21).

We find in our study of Sanjay National Park in Madhya Pradesh that though the Park was notified in the year 1983, yet the people are not aware of any such proclamation.

It is a matter of fact that the sanctuaries and national parks are inhabited mainly by tribals and illiteracy is widespread among them. As a result, the proclamation remains out of their reach. Furthermore, there are no tribal newspaper which may be used for such proclamation.

Some of the areas are so remote and difficult to reach that it may not be feasible on the part of the Collector to publicise the notice in those areas.

Determination and acquisition of people's Rights

Specifically, Sections 19, 20, 21(b), 22 and 25 of the WPA, 1972 deal with the rights of the people comprised within the limits of the sanctuary.

To quote Sec.19, "When a notification has been issued under Sec. 18, the Collector shall inquire into, and determine the existence, nature, and extent of the rights of any person in or over the land comprised within the limits of the sanctuary".

While chapter-1 of the WPA includes a comprehensive list of terms referred to in the Act and their definitions, the term 'right' which is very crucial from the point of view of the common people is neither included in the list nor defined anywhere. Hence, the term 'rights of person' has been subject to much ambiguity.

Furthermore, as apparent from Sec.19 as quoted above, the Act only considers rights in or over the land comprised within the limits of the sanctuary. Hence, legally landless labourers, artisans, forest land cultivators are assumed not to possess any 'right' within the limits of sanctuary even if they have long history of inhabitation in that area and their life system is inextricably linked with the land.

It is commonly found that a sizable number of tribal families 'own' land without any legal document. They have been cultivating those lands for decades but they have not bothered to legalise those. This may be because of their illiteracy or because the procedure to legalise land is too complicated and involves the village Patwari who demands bribe for doing the job. Moreover, in the country the last Land Settlement was done in the 1920s and 1930s. During the settlement, such lands under occupation were issued 'pattas'. It can be assumed that those tribals who could not get their lands legalised or who started cultivating some lands after the settlement without any 'patta' do not have any right over the lands.

The traditional rights of the tribals to collect minor forest produce, and other forest produce which are crucial for their sustenance are not recognised as 'rights' under the Wpa, 1972.

After inquiring into the claims as prepared by the interested persons, the Collector shall proceed to acquire rights under Sec. 24. With regard to acquisition of rights, Sec. 24 mentions the power and functions of the Collector and Sec. 25 provides acquisition proceedings.

As the Act lays down, if the government wants to declare any area as a sanctuary, it has to first notify and then to proclaim the notification specifying the possible limits of the area and requiring the person(s) to prepare their claims before the specified authority within two months after the proclamation.

The acquisition of rights under the WPA is considered as acquisition for public purpose. As the Cl. 2 of Sec. 25 reads, "The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose". The Act does not define the term 'public purpose' at all. Even though, the Land Acquisition Act, 1894 (with amendments of 1984), provides a list of 'public purpose', yet there is a lot of scope for abuse (Vaswani et al., 1990).

Compensation

It has been noticed in our country that for efficient and effective management of sanctuaries and national parks, human habitations are displaced from their home lands. Hence, in the case of physical displacement, compensation becomes very important.

The Act does not provide any specific guidelines with regard to compensation for the Collector or for any other official vested with the power and responsibility to settle the claims of the people. However, with respect to compensation Cl. b. of sub-Sec. 2 of Sec. 24 reads, ".... the Collector may either proceed to acquire such land or rights, except where by an agreement between the owner of such land or the holder of rights and the Government the owner or the holder of such rights has agreed to surrender his rights to the Government, in or over such land, and on payment of such compensation, as is provided in the Land Acquisition Act, 1984 (1 of 1984)".

The entire deliberations on the rights and acquisition of rights in the Act does not recognise the traditional customary rights of the indigenous people and undermines the social, cultural, political and spiritual values which the local inhabitants attach to their natural resources. The Act dispossesses them of their resource base on which their life system has been traditionally dependent.

Declaration of Sanctuary

As per the provisions provided in the Act, an area can finally be declared as a sanctuary, "when a notification under Sec. 18 has been issued and the period for preferring claim has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government", (Cl. a of sub-Sec. 1 of Sec. 26-A). Hence, according to the law, the government and its agencies can not enforce the restrictions and prohibition on the people and their rights unless all the claims are settled and the final notification is issued. However, it is a very ticklish matter and needs to be examined at the empirical level.

We find in our study of Sanjay National Park that after the first notification the Forest Department and the Park Authorities have started imposing various restrictions on the people.

Restrictions and Prohibition

The Act legally curtails the rights of free movement of the local inside the sanctuary. The Act allows five categories of people who can rightfully move in and through the sanctuary area (sub-Sec.1 of Sec.27). The provision pronounces, "No person other than (a) a public servant on duty, (b) a person who has been permitted by the Chief Wildlife Warden or the authorised officer to reside within the limits of the sanctuary, (c) a person who has any right over immovable property within the limits of the sanctuary, (d) a person passing through the sanctuary along a public highway, and (e) the dependents of the person referred to in Cl.(a), (b) and (c).

It is explicit from the above quote that once a sanctuary is declared vide Sec. 26-A, the local people who have been residing and moving around in the area for centuries are robbed of their 'fundamental right' of movement on their ancestral land.

The Act puts restriction on inhabitation inside the sanctuary. The WPA minutely details out the type of person(s) who can legally enter and reside in the sanctuary for specific purposes (Sec.28). It implies that human settlements of local tribals inside the sanctuary are not legally allowed. The WPA does not provide any legal protection to the forest dwellers with regard to their ancestral settlements.

The Act strictly prohibits any kind of destruction, exploitation or removal of any wildlife from a sanctuary and any activity causing damage to the habitat of any wild animal or deprive any wild animal of its habitat in the sanctuary (Sec.29). This provides ample scope to the government to put any restriction on the local people. The simple act of plucking a twig for the purpose of brushing teeth by any person can amount to damaging habitat.

The Act also prohibits entry into sanctuary with weapon. To this effect Sec.31 reads, "no person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer. The implication of this provision is quite serious for the forest dwelling tribals. Under this provision, the tribals are forbidden from carrying their traditional weapon such as axe, bow and arrow. These instruments for the tribals are not the symbol of destruction but the source of life. These are also traditional cultural items of the tribal societies and represent their religio-cultural symbolism. Hence, such prohibition amounts to utter disrespect for their social, cultural and religious values.

What has direct and more serious implication for the tribal life and economy is the provision concerning grazing and movement of livestock. Under the provision of sanctuary, as Cl. (b) of Sec. 33 reads, "The Chief Wildlife Warden may regulate, control, or prohibit, in keeping with the interests of wildlife, the grazing or movement of livestock".

Provisions of National Park

Section 35 deals with declaration, management and maintenance of National Parks. Sub-Section 1 of Sec.35 reads, "Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geo-morphological, or zoological association or importance, needed to be constituted as a National Park for the purpose of protecting, propagating, or developing wildlife therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park".

All the Sections dealing with determination and acquisition of rights and also acquisition proceedings in the case of sanctuary are applicable to National Park as well. However, Cl. (c) of sub-Sec.(2) of Sec. 24 does not apply to National Parks. The Clause reads, "The Collector may allow, in consultation with the Chief Wildlife Warden, the continuance of any right of any person in or over land within the limits of the sanctuary". Hence, the Act makes it clear that under no circumstance can any one retain any sort of right over land within the area of National Park.

Another provision of the National Park which has significant implication for the marginalised forest dwellers is concerning grazing rights. To quote the relevant section (sub-sec.7 of Sec. 35), "No grazing of any livestock shall be permitted in a National Park and no livestock shall be allowed to enter therein except where such livestock is used as a vehicle by a person authorised to enter such National park".

The fundamental difference between sanctuary and national park is the legal stringency. While in case of a sanctuary the Act allows some scope for leniency with regard to retention of some rights within the limits of the notified area, in case of national park no such scope exists.

Wildlife Protection Amendment Act, 1991

The Amendment Act, 1991 belied all hopes of the people. Neither people's participation was considered nor their interests were given priority. However, it is mentioned that, "... individuals and NGOS must take an active role in the implementation of the Act". The main role of individuals and NGOS is mooted as helping the officials in detecting offenses or contravention of the rules.

Another area where individuals and NGOS are allotted a role is assisting the Chief Wildlife Warden in the task of stock verification and marking. Hence, the amendments provided a role of assisting in policing to the people and NGOS.

Conclusions

It is clear from the above enunciation that the WPA is essentially a regulatory apparatus rather than a positive agent of change to serve social needs. The Act prescribes restrictions and prohibitions for the people and their traditional rights to protect the interest of wildlife.

The WPA excludes people from the process of constitution of sanctuary and national park and their management, thereby snapping the historical linkages of man and nature. The symbiotic relationship between tribal society and forests is grossly undermined. The social, cultural, political, spiritual and above all sustenance values of the forests and forest produce do not figure as priorities on the agenda of state-sponsored conservation.

The Act is based on the assumption that the people are the enemies of wild animals, flora and fauna. Hence, the conservation strategy must equip the state agencies responsible for protection with sufficient legal provisions to protect the 'interests of wild animals' from the threat posed by the 'interest of local people'. These two interests, i.e. 'interest of wildlife' and 'interest of local people' are considered to be conflictual, thereby generating an arena of conflict which is not there. This has resulted in overt conflict between the local tribals and wildlife and their so-called protectors. A study on Similipal National Park in Orissa concludes that the official perception of people and wild animal relation is based on the wrong premise of conflict. The relation, which has evolved historically, is rather amicable and based on co-existence. The study finds that the major threat to wildlife emanates from outside of the park and sanctuary rather than from the local inhabitants (Concerned Scholars, n.d.).

The WPA asserts that local interests and priorities should be subservient to the interest of wildlife which is, at the moment, considered as 'national interest' and global priority.

As a corollary to the above premise held by the government, the Act does not provide any scope to people's participation either in the process of constitution of such protected areas or in their management.

Another major shortcoming of the legal provisions of sanctuary and national park is that, the Act prescribes all sorts of restrictions and prohibitions for the people, but does not deter the government from acquiring land

within sanctuary and national park for other purposes. One finds numerous examples such cases in our country where the government has acquired land within the protected areas to construct hydro-electrical projects and roads, to set up factories and other kinds of state enterprises and to do mining.

It is obvious that the WPA also follows the same trend of conservation as discerned in the beginning of our discussion. How far and how long such trend can be pursued in the democratic socio-political set up like ours where a large section of population live in a state of abject poverty and depends on their surrounding natural resources for their sustenance, is a serious question to be addressed immediately.

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