

# MODEL RELOCATION PLAN FOR PROTECTED AREAS



ENVIRONICS TRUST

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## Final Report

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## MODEL RELOCATION PLAN FOR PROTECTED AREAS

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# MODEL RELOCATION PLAN FOR PROTECTED AREAS

## PREFACE

The faith reposed by the NTCA and years of our interaction with communities lead Environics to bid for the unenviable task of evolving a model relocation plan for communities in Protected Areas and particularly the Tiger Reserves. The responsibility it entails is severe.

This comes at a time when the debate over Resettlement and Rehabilitation is at its pinnacle, with Group of Ministers and several other State and Civil Society agencies are gripped with articulating several viewpoints and positions of various interest groups.

Today, the art, science and management of relocation must be in such a manner that it reduces the risks to the communities while ushering a better stream of benefits. Successful rehabilitation demands the political and social will to enable such an exercise to be carried out.

The relocation model emphasises the need for multiple levels and nature of efforts. The model also calls for concurrent institutional development.

Among the important departures are in the allocation of benefits, every adult women is considered as an independent family, thereby avoiding the potential for neglect of girls.

The proposal also seeks high quality of inputs in education, infrastructure and livelihood generation as these directly impact the successful outcome of relocation effort.

The model, as models will always be, is a framework to implement, but the success will depend upon the honesty of purpose in every location specific application - providing the basis for long-term development of the communities and satisfying the needs of every family displaced.

If it is a tall order, we propose the State to consider the resources it has and undertake only to that extent that it can satisfactorily deliver.

*Environics Team*

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The final report “Model Relocation Plan for Protected Areas” is a document that reflects upon the various facets of current practices and proposed process of relocation which we wish shall become a real model and create spaces for the tiger and the people. We are extremely enriched by the valuable suggestions and recommendations of the review committee constituted for the project. We would like to thank all the members of the review committee.

Our team sincerely thanks Dr. Rajesh Gopal, Director - NTCA for enabling the process of discussions among wide range of people and closely integrating the process by providing encouragement and support whenever needed. Our sincere thanks to Mr. Ganga Singh, Joint Director - NTCA and his staff for facilitating the administrative and logistics which were of immense importance in this short duration of the assignment.

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There have been quite a few people who without being the part of the team have been critical and suggestive in the process and sharing the larger contexts in the wildlife arena. We thank them all.

Envionics Team



## CHAPTER 1.0 INTRODUCTION AND SCOPE

### 1.1 INTRODUCTION: TOR - TERMS OF REFERENCE

National Tiger Conservation Authority (NTCA), Ministry of Environment & Forest (MoEF) assigned Environics Trust to evolve a model package for village relocation from Protected Areas and Tiger Reserves. The specific terms of reference is as follows:

1. An appraisal of village re-location done in the past from Tiger Reserves vis-à-vis implementable bottlenecks, special legislation enacted by States if any, and the present status of subsequent development in such areas.
2. Suggesting a model package for village re-location from protected Areas/Tiger Reserves based on:
  - The National Policy on Re-settlement and Re-habilitation for Project Affected Families
  - Recommendations of the Tiger Task Force constituted by the Prime Minister
  - Existing re-settlement and re-habilitation policies of National Corporations/Bodies
  - in-voluntary re-settlement policy in vogue in other tropical countries
3. The final report containing the assessment and model village re-location package should be submitted to the Ministry within three months of issue of this O.M.

### 1.2 THE PROCESS

The issue of involuntary relocation is itself a matter of controversy and several groups in the country are averse to the very idea of involuntary relocation of people from protected areas. Whilst there is a strong case for 'inviolate spaces' for the flagship species, the relocation plan has to contend with these voices and bring out a credible option for the displaced and the dissenters if it has to successfully resolve the current impasse.

A perusal of the Tiger Task Force report (2005) and the Project Tiger Status Report (2001) clearly reveals that there are innumerable discrepancies in the number of villages and the number of families that face involuntary relocation. Thus an important task would be to clearly identify the magnitude of the problem and the scales at which the relocation tasks have to be carried out.

The Forests and particularly the Protected Areas have multiple laws in vogue and accompanying rules in the context of several of them being also the home of the adivasis call for a rigorous analysis of the legal regime. The issue is further more important in the context of the proposed Forest Rights Bills and hence the solutions have to be proactive and understand the consequences of such legislation.



There is very little successful experience in actual relocation and resettlement over the past in relation to protected areas and to look for options means a review of various other situations of involuntary relocation and the options adopted. Even here the level of satisfaction of the actually displaced is not very encouraging and in most cases (industrial, mining, disasters) there is a tremendous lacuna in evolving the empathetic institutional and skill base for success. This calls for review of large number of situations and culling the experiences of the actual implementers and displaced people to evolve a set of suitable options.

The nature and capacity of forest and wildlife administration also varies across the nation and also faces temporal changes depending upon the leadership and political support. Further, a number of positions that are hitherto fore reserved for 'educated' may need to be analysed as the involvement and participation of the displaced in the new management regime is necessary to bring in the buy-in of the community. These aspects have an important bearing on the outcomes of the relocation plan and hence need to be analysed in a proper perspective to be able to evolve a model plan.

In the current context of economic reforms and globalization the nature of occupational and livelihood niches are undergoing a massive change and many traditional spaces for small-scale enterprises and income generation opportunities are shrinking while there are newer innovations like the Social Venture Capital Funds and Socially Responsible Corporate structures which need to be brought to bear on the nature of institutional development for successful economic rehabilitation of the communities displaced.

It has been seen in various situations of the displaced that the new location and the subsequent reconstruction of the societal life is a process that is time-taking and needs a good understanding of the community's socio-economic context and efforts have to be sustained over elongated periods. Institutional and Financial mechanisms have to reflect and cater to this need as any relocation is traumatic and demands very empathetic pursuit of rehabilitation.

Among several other aspects, one of the most critical is that every person relocated has to find a new world for existence and cannot be statistically treated. Several rehabilitation programmes have suffered from not considering every individual to be affected and the results have been that villages have been disrupted, families divided and a large number destituted in the end. This requires evolving mechanisms for understanding every displaced in the context of the family and the village and its demographics and opportunities that can enable them to grasp what all is there within their reach.

**Relocation without options for livelihoods is a non-starter and hence they have to be intimately and innovatively addressed.**

Studies and Evolution of Research leading to specific time bound actions have to be set in the contextual environment and any approach in the current context is bound by the prime target of achieving a pragmatic relocation process which can be translated to *positive changes to the quality of life of local communities and of the tigers.*





The precursor, Tiger Task Force presents its relocation agenda as a logjam<sup>1</sup> which confronts as an important issue to resolve in the relocation process. We therefore expressly state that the entire process will be driven with the basic objective of *'evolving a pragmatic process to enable relocation of nearly 1700 villages settled in inviolate tiger habitat and enable coexistence at improved quality of lives'* . Therefore as far as this task is concerned we will consider that there are a number of villages affecting or likely to affect tiger habitats, which need to be involuntarily relocated, and there are options available to local communities that could creatively produce a better quality of life. The task therefore is clearly to present all these options. This process of exploration is also likely to provide clues for several other settlements in Conservation Parks and Sanctuaries facing such a situation, which will be an additional desirable option.

*This clarifies the focus and closes a potentially deflective debate of whether people are first or tiger first.*

Guiding the process would be the recent National Rehabilitation Policy. This will be complemented with the experience of the displaced, apprehensions of the people facing such a situation, the experience of the Project Tiger Authorities and Staff in relocation aspects.

*This clarifies the question of norms. This would be the baseline for evolving the process. While the actual recommendations may be diverse or based on a framework of conventions, there is no intermediate debate.*

The third important aspect of the approach is the value the team posits that in the process of relocation and rehabilitation neither the community nor the tiger is transformed into a statistic.

*We will firmly work with the focus that in evolving the process, each life counts and anything less should not be attempted.*

### 1.3 METHODOLOGY

Three critical aspects, which will provide the basis for evolving the model, are;

- 1) Location and Livelihood
- 2) Administration and Management
- 3) Legal Regime and Current Judgements

#### Location and Livelihood

The issue of location and livelihood at that location is the most critical aspect for a successful relocation strategy. So the approach will extensively involve locational analysis and livelihood generation opportunities.

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<sup>1</sup> Tiger Task Force (p96) 'There is, therefore, no policy that seeks to end this logjam: people or parks, or people and parks.'



The choice of location often determines whether a community even initiates to respond to the idea of relocation. The factors governing relocation are often several intangibles and contextual, some based on myths and some based on reality of everyday lives. These have to be factored in the process of locality analysis.

In terms of livelihoods, the approach would be to conserve as many existing options possible in the relocation sites and explore alternatives that are or could be within their grasp.

### **Management and Administration**

Management and Administration of the entire process is the next critical aspect in the success of the relocation action plan. The analysis of existing institutional structures, the discharge of their roles and responsibilities and how the different management rules are actually administered on ground has to govern the basis for future design. The process therefore extends across all the institutions whether of the State or of the Communities and given the need for improved livelihoods, the markets.

The potential changes that are likely within the existing systems and the desirable structures have to be evolved based on the overall umbrella of the concept of *Free Fully Informed Prior Consent*.

### **Legal Regime and Current Judgements**

Many excellent initiatives when not framed within the legal regime and the current interpretations of the law become a non-starter or develop snags as they meet with litigations and irreconcilable delays in the process. There are far too many laws that impinge on the process and with growing globalisation a plethora of international Covenants also come into fore which need to be brought to bear on the process.

The approach therefore would be to properly embed the process within the framework of the existing laws and the current interpretation of the courts on relevant issues.

## **1.4 WORK PLAN**

The methodology adopted is guided by the time available for study, the current contextual realities and the team strength. Since longitudinal assessments are not possible in such short duration contracts maximum knowledge has to be gained on issues that will be affecting the communities and the tiger habitats over a long time.

The contextual realities have to be captured for all the locations and the implications of all the three critical aspects have to be captured in the methodological basis adopted.

The proposed methodology involves:

### **1. Establishing Reference Locations**

The following seven parks have been short-listed based on the range of villages that need relocation, criticality and spread of habitat across the country. A minimum of 3, and if desirable, all of them will be used as reference sites.





| Tiger Reserve        | Villages <sup>2</sup> | Characteristics  | Key Species Estimates <sup>3</sup> |  |           |
|----------------------|-----------------------|--|------------------------------------|--|-----------|
|                      |                       |  | Tigers                             | Leopards                                     | Elephants |
| Namdapha             | 2                     | Wide range and great altitude variation of the Sanctuary (500 ft to 15000 ft)                            | 57                                 | Leopards , Clouded Leopards and Snow Leopard |           |
| Kalakad-Mundanthurai | 16                    | Southernmost of the Reserves. Diverse human population and activities                                    | 24                                 | 41   | 138       |
| Corbett              | 25                    | Tiger Project launch Reserve. A good example of sub-himalayan Tiger Habitat                              | 138                                | 109  | 746       |
| Panna                | 45                    | Critical link for Western and Eastern Populations  | 21                                 | 32   | -         |
| Simlipal             | 65                    | Eastern Uplands having some similarities between them and both of Western Ghats and North East           | 98 (99)                            | 115  | 449       |
| Pench (M.P & Mah.)   | 99,1                  | Large Contiguous Forests Across two States   | 41,8                               | 32,7   | -         |
| Nagarjuna Sagar      | 149                   | Largest Reserve in terms of Area   | 39                                 | 67   |           |
| Kanha                | 169                   | Largest number of Villages needing relocation and is the most representative of the Central Indian Fauna | 106                                | 71   | -         |

The reference locations would be where intense and complete documentation of the situation will be undertaken, probing into historical details and the current community dynamics and the status and prospects of relocation. The initial analysis for short-listing will also be used for piloting information collection and documentation modules for the three identified aspects.

## 2. Documentation and Information Processing

The data sets already available with Project Tiger will be assessed for identifying specific information on the three critical aspects identified and draw up the framework for information collection across all the reserves. Among these the management and administration at the apex levels and the interface with the legal

<sup>2</sup> Tiger Task Force Report

<sup>3</sup> Project Tiger Status Report



regime is likely to be available in Delhi and State Capitals. A data-base and interpretation cell will be based in Delhi to constantly update the information collected from evaluations from the consultancy and other secondary information relevant to the final analysis. State level and local information collection formats will be designed and piloted during the initial evaluation of the reference locations. The documentation will include:

1. Demographic Characteristics of the Community
2. Relocation Site Characteristics
3. Existing and Potential Livelihood Opportunities
4. Legal Status of the existing settlements and proposed sites
5. Administrative and Management Status
6. Perceptions and Aspirations related to Relocation.
7. Institutional Arrangements and Potential Designs

These data-sets will be meticulously collected for the reference locations and will be anchored by a member of the core team.

### **3. Visits by Core Team Members and Rapid Information Gathering**

Based on the initial findings of the Reference Parks, a checklist of important aspects will be evolved and the Status in all the Tiger Reserves will be evaluated by the members of the core team and the critical aspects will be reassessed based on reference location leads.

### **4. Analysis Workshops**

To evolve aspect specific and park specific recommendations a series of workshops will be organised involving relevant external participants to draw up the recommendations.

### **5. Report Production**

The Draft Final Report will be produced and a presentation made to the Project Tiger Authorities to highlight the important aspects and obtain feedback. These will be incorporated in the final report.

The focus of the assignment was on the process-based approach, which will look into various operational problems and experiences within the PA system as well as those in vogue in other contexts.

## **1.5 INCEPTION REPORT**

The inception report presented the conceptual basis and the operational ways by which a model relocation plan will be presented. Given the short duration of the assignment specific reference parks were identified and the secondary information from other areas were to be analysed. The inception report was submitted on 21.02.07. The Review Committee made specific suggestions as follows:

**Stage: Inception Report**

Following observations were made and communicated on 10.03.07

1. Social aspects in the methodology, which should highlight the existing relationship of local people (to be rehabilitated) with the Protected Area resources.
2. Nature of subsistence activities of people prior to their relocation and livelihood options to be made available after relocation should be included.
3. Methodology should highlight the problems, which may accrue on account of people making a departure from their traditional occupation owing to relocation.
4. Acceptability of the components contained in the relocation package to the target groups should also be given due importance.
5. Existing institutional structures should be evaluated, while suggesting proposals for future, vis-à-vis the relocated villagers to 'handhold' the process
6. Existing statutory provisions, recent legislations like amendments to the Wildlife (Protection) Act and creation of the National Tiger Conservation Authority, enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, directives issued by the Hon'ble Apex Court in the matter, State specific legislations and norms for land value and estimating cost of components in the package should be taken into consideration with the legal regime of the work.
7. Size of relocation package, its components, extinguishing of tenurial rights of people to be relocated from Protected Areas, measures to deal with encroachers, forest villagers, nomads and pastoralists should be taken into account while suggesting a package, which should be flexible.
8. In place of Corbett and Panna, the following Tiger Reserves/Protected Areas should be visited by consultants for an appraisal of relocation practices:-
  - a. Rajaji (Uttarakhand)
  - b. Kuno (MP)
  - c. Bhadra (Karnataka)
  - d. Nagarhole (Karnataka)
  - e. Simlipal (Orissa)
  - f. Sariska (Rajasthan)
9. Gains of biodiversity on account of relocation.
10. Livelihood security issues including ecotourism options, loss of social capital, land degradation, productivity of new site, options for next generation of rehabilitated people, overall quality of life.



The following suggestions to visit specific locations are accepted except that before the minutes of the review committee were available, the field studies in Panna were well under way. The other sites have been as suggested by the committee were visited and field studies conducted, except Nagarhole. The committee also suggested that the gains of biodiversity from relocation also be highlighted and specific instances have been highlighted.

## 1.6 THE INTERIM REPORT

The interim report presented the process underway and highlighted the experiences from field visits, the review of information from protected area relocation in other tropical countries and the legal spaces for relocation.

The Review Committee also provided a feedback on the work undertaken.

Dated May 18, 2007

Stage: Interim Report

### Observations of the Review Committee

1. The consultants should give due importance to the indigenous experience and lessons learnt in relocation of villages from protected areas within the country, based on field visits and local interactions
2. The proposed package should address the following categories of people normally residing in protected areas;
  - a. Revenue villagers
  - b. Forest villagers (Non Bhoomi Swamis)
  - c. Encroachers (Non Bhoomi Swamis)
  - d. Nomads (Non Bhoomi Swamis)
  - e. Lease Holders
3. The consultants should also look into the relocation package provided by the National Highway Authority
4. Scope for social integration with the existing locals at the relocated site should form part of “hand holding” beyond the relocation process.
5. The family unit should be explicitly defined
6. The relocation package should be simple and flexible
7. The benefits of relocation to the wildlife habitat and people should be highlighted through a cost benefit analysis
8. Scope for fostering a menu of livelihood options and sectoral integration should form part of “hand holding” beyond the relocation process



## **1.7 PRESENTATION OF FINDINGS**

A detailed presentation of the findings of the study was made to the members of the review committee and other representatives on 26th May 2007. The presentation highlighted the situation in the specific sites studied, the international experience with relocation of communities from Protected Areas, the rehabilitation package offered in other contexts such as communities displaced from infrastructure and power projects, and post disaster support. It also highlighted the legal aspects involved in relocation, particularly in the light of the amendments made to the Wildlife Protection Act and the Tribals and Other Forest Dwellers Act.

The presentation also raised important issues relating to institutional arrangements, potential for integration of the livelihood options through corporate mechanisms.

## **1.8 PRINCIPLES OF RELOCATION PLANNING**

The principle criteria in the design of the relocation plan would be to address the four key elements of sustainability at the specific Protected Area level and in the National Context. These criteria are:

### **Environmental Soundness**

The relocation process must be environmentally sound and to ensure this it has to be in the right location which does not impact the environment in the new location nor in the process of relocation the existing areas are affected. This demands meticulous planning of resettlement sites. One of the issues that has been witnessed and reflected in field visits and other reports has been the clearing up of all vegetation in the proposed sites. Whether this is done to overcome some interpretation of the law or as a measure to raise revenues from the existing vegetation from these areas the practice is detrimental to the environment. Several potential sites must be identified based on a set of criteria and after analysis of a portfolio of potential sites the best site should be selected instead of any available site or site convenient to the management alone.

### **Equity**

The relocation and resettlement process must be evaluated from the basis of equity and justice. The trauma of resettlement must be factored in and significant gains must accrue to families, as they are to compete with the outside world for resources and livelihood. The existing rights and the worth of their relinquishment must also be realized. There has also to be a broader justice in terms of the potential benefit streams as compared to other forms of displacement as the nature of impacts to people remains similar.

### **Self Reliance**

The resettlement plan must be participatory and not as just a matter of term, but in reality should enable the community to be more self-reliant in its basic resources and infrastructure. This would essentially translate into a hand-holding process that is



required to ensure that they are able to carry forward their lives in the new settlement and are able to find new opportunities and investments for the future.

### **Economic Efficiency**

One of the important questions being constantly raised is the financial resources and the source for it to undertake the task. The debate is polarized saying that the moment they are brought into the Revenue Village, the civil administration should take it up without any cost to the Reserve. The scheme currently in operation images the task of relocation as the job of the PA Management whereas the rehabilitation task would be a task of the civil administration. This may be economical for the PA Management in the short run but the task will remain incomplete.

Hence relocation plan has to be viewed from a larger perspective and specialized institutions may be necessary in ensuring that the communities displaced are sustainable in the long run.

### **1.9 RECOMMENDATIONS OF THE TIGER TASK FORCE**

The Tiger Task Force accepted the need for 'Inviolable Spaces' and conceded that one percent of the land mass or roughly 3200 sq km could be made so for wildlife. However the Task Force recommendations come with a caveat of several concurrently pursued agendas, relocation being one key element.

The Relocation Agenda clearly indicates the poor level of investments, both of finances and skills, in the resettlement and rehabilitation exercise, which is visible in every field visit. The Task Force sought;

- 1) To undertake an urgent and realistic review of villages needing relocation; either all the core villages or the villages which because of ecological imperatives need to be moved;
- 2) To speedily ensure the selection of villages needed to be relocated and a time bound action plan for completion of the relocation process keeping in view the experiences of past relocation;
- 3) To enhance the financial allocation for the relocation scheme to take care of all the needs of the displaced;
- 4) To ensure viable livelihood alternatives outside of the forest to enable them seek a different avocation rather than be dependent on the forests;
- 5) To ensure that all families are supported despite their status of rights;
- 6) To evolve mechanism for change in the land use category so that restrictions on resettled land does not hinder their further development and
- 7) To establish a Task Force for relocation within the NTCA.

These aspects have been considered in the analysis and design of the rehabilitation package.

#### **SCOPE OF THE REPORT**

This report reviews the Resettlement Efforts in identified Protected Areas and undertakes a Comparative Analysis of Resettlement & Rehabilitation packages offered by various agencies in the country. It also briefly looks at the Involuntary Resettlement in other Tropical Countries. It analyses the Involuntary Resettlement in the Context of Recent legal developments and finally provides the details of the Proposed Model Relocation Plan.





## CHAPTER 2.0 APPRAISAL OF RELOCATION FROM PROTECTED AREAS

The consulting team visited the following protected areas and analysis has been done on the basis of the primary information from the field and the secondary information made available to the team by the respective park authorities. The emphasis has been to look into the Rehabilitation and Resettlement efforts in the respective protected areas and do a situational analysis of the proposed and existing resettlement colonies as well as the existing settlement in the protected areas. This whole section focuses on all these protected areas and describes the key analysis.

### Matrix Of Tiger Reserves/National Parks And Wildlife Sanctuaries Visited By The Consulting Team Their Key Features

| Site. No. | Nature of Protected Area       | State/District                      | R&R Status          |
|-----------|--------------------------------|-------------------------------------|---------------------|
| 1         | Panna Tiger Reserve            | Madhya Pradesh/Panna-Chattarpur     | Partial R&R         |
| 2         | Kuno Palpur Wildlife Sanctuary | Madhya Pradesh/Sheopur              | R&R completed       |
| 3         | Tadoba Andhari Tiger Reserve   | Maharashtra/Chandrapur              | Partial R&R         |
| 4         | Ranthambore Tiger Reserve      | Rajasthan/Swai Madhopur - Karauli   | Dialogues initiated |
| 5         | Sariska Tiger Reserve          | Rajasthan/Alwar                     | Dialogues initiated |
| 6         | Simlipal Tiger Reserve         | Orissa/Mayurbhanj                   | Partial R&R         |
| 7         | Bhadra Tiger Reserve           | Karnataka/Chikmanglaur              | R&R near completion |
| 8         | Rajaji National Park           | Uttarakhand/Dehradun-Pauri-Haridwar | Partial R&R         |

### Reference Site 1: Rajaji National Park

#### Background -

Rajaji National Park is located in the Himalayan state of Uttarakhand, nestled largely in the Shivalik ranges and beginning of the vast Indo-Gangetic Plain. It extends in different forest divisions of Dehradun, Siwalik and Lansdowne. It is also in the transition zone from lower to middle Himalayas. Rajaji N.P is an amalgamation of three sanctuaries viz. *Rajaji*, *Motichur* and *Chilla*. The national park has three major communities living in the park viz. [Gujjars, Taungyas and Gothias]<sup>1</sup>. Gujjars the traditional nomads and the Taungiya settlers are the two major communities, which have been living in and around the park for long. These

<sup>1</sup> Gujjars are the nomadic pastoralists migrating in and out of the park since over a century now. They came here as a dowry of Jammu princess married in Sirmaur (Himachal Pradesh). They have settled in the forest by making huts known as Dera. A particular path of land is allotted to a single Gujjar family, which is known as Khole. In this they are allowed to lop the leaves of certain fodder trees and is restricted between the months of November and March.

Taungiyas engage themselves in timber plantations (sal) and in return they were allowed to grow crops in the forest areas.



communities have their dependence on the park owing to their traditional systems of cattle grazing, selling milk and using minor forest produces for their survival.

Rajaji extends in the three districts of Dehradun, Pauri Garhwal and Haridwar enclosing an area of 822 Sq. Kms. Gujjars adapt to different climatic conditions during the course of the year and move with their belongings to the high altitude regions during summers.

These communities have been living under uncertainties of different kinds. The Taungiyas, settled earlier by the British and later used by the forest department helped raised good Sal plantations, which has been one of the gains of coexistence, but now they also face evictions from the park along with other communities. The grave concern is the old interlinkages that exist between the communities and the ecosystems, unprepared initiatives to disturb this interlinkage would definitely mean leading to a situation of deprivation.

### **Situation and Opinion of Existing Villages in the National Park**

#### **1. Forest Village - Hazara Taungiya**

The village has 175 households and the composition of communities include harijans, sikhs and nomads. The population of livestock is nearly 800. This village was settled in the year 1932 with 54 households. Around 6 bighas of land was allocated to the families. As the village has grown, there is no subsequent increase in the area of the village.

Apart from poor communication facilities, they are also not allowed to go to the forest. The people are of the view that they can be settled outside the park when their rights are protected. Non-applicability of government social schemes in the forest areas is also one of the major factors for relative underdevelopment. This community is involved in making of ropes from the wild bhabbar grass, which is commonly found this region. One family can make a rope worth of Rs. 70-80 per day. The other concern of the people is that often the animals, especially elephants enter into the fields and damage the standing crops.

Some of the top priorities of the people;

- Recognizing the village as a revenue village rather than a forest village so that the villagers can receive benefits of central and state government development schemes
- Minimum of 4 acres of cultivable land and right of access to bhabbar grass
- Ownership to the land and issuing of land records (pattas) to avoid any future problems related with land records.
- Creation of essential social infrastructure like school and health facilities
- Compensation (houses etc) shall be given to the households on the current family listing

The villagers have selected a place in Mari for there resettlement near Buggawala.



## 2. Rasoolpur Tongia

This village has 115 households listed and there are another 131 households, which have been left out of the family listing. The locals have created a list of 246 households and >18 yrs person is treated as a single family. Some of the concerns of the people have been listed below;

- Local people are not employed or kept on daily wages by the local forest department whereas they engage people from other adjoining villages for work.
- As such no primary employment opportunity exist and no effort has been made about improving their livelihoods by the State.
- The basic livelihood sources are agricultural labour or rope making. More people are concerned about livelihood support systems.
- Need to look for engaging local people and providing employment at the local level.

## 3. Teera Tongiya

Teera Tongiya is another forest village where 114 Taungiya families live. The agro-forestry activities have suffered due to ban on using forest resources after the Supreme Court order. The village has lost nearly 24 bighas of agricultural land due to re-demarcation of boundary by the forest department, which has constrained them further as no substantial economic activities are available.

### Resettlement Sites in Retrospect

#### 1. Pathri Resettlement Site

The Pathari site was chosen for rehabilitating 512 Gujjar families; the site is merely 22kms from Haridwar city. The UP construction corporation constructed housing for 512 families. Like most of the resettlement efforts in the country, the Gujjars have never felt this site like home. The land allotted to them is of poor quality for agricultural purposes with strata of coarse sand and boulders with little topsoil and no irrigation facility. One of the other factors which indicates the adhoc manner in tackling social issues is consideration of social fabric. The same area has also been used for resettlement of Tehri Dam oustees and there are often conflicts among the Gujjars and the Tehri Dam oustees as the site demarcations are not clear. The basic demand of Gujjars, who have large cattle population, for a veterinary facility has been neglected at the relocation site.

Around 20 families of Gujjars have established their shelters on irrigated lands near the canal due to scarcity of water in the colony. This relocation has also forced several of the Gujjars not to migrate during summers to the higher Himalayas, as they usually do. The community within themselves has developed apprehensions whether the spaces will be available to them when they come back from the Himalayas as people have been shifting in and around the relocation colony to find secure places for them and their cattle. The per capita cattle numbers have also reduced considerably as resources are not available easily for feeding the livestock.



## 2. Gandikhata Resettlement Site

Ganikhata is located 26 kms away from Haridwar on the Najibabad-Haridwar road. The Gujjars leased out the agricultural lands to the local people as they are more into livestock rearing and lesser interest in agricultural activities. Though the land is fertile, it has meant a little cash income for the community. This has given rise to conflicts as people have encroached upon the land of Gujjars.

### Reference Site 2: Simlipal Tiger Reserve

#### Background and Conservation History

Simlipal Tiger Reserve is situated in the tribal district of Mayurbhanj and the total landscape extends over 5000 sq kms, which makes it the important watershed of North Orissa. This includes Hathgarh forests in the southern part (District Keonjhar) and Kuldia Sanctuary in District Balasore. The existence of Melanistic Tiger, sighted and observed with camera trap method in the sanctuary, has been an added attraction. Apart from four villages in the core area of the Tiger Reserve, there are 61 villages in the buffer and hundreds in the transitional zone of the reserve. The park authorities have been promoting green brigades - 'Van Surkhya Samitis', - meant for promoting conservation values among the community and enrich the forests. The practice of '*akhand shikar*' has now been curbed and people are motivated for alternate means for performing their rituals.

One of the features of this reserve is that most of the communities living inside the park are tribals. There are four villages in the core of the tiger reserve, these are; Jenabil, Kobatghai, Jamunagarh and Bokua. The park authorities feel that these villages need relocation as soon as possible as the core area is the breeding habitat for tigers. Apart from the villages in the core, whose relocation will clear the way for declaring the region as National Park, there are several other villages which are critical, these are; Nir, Saruda, Budha Bada etc.

Around 20 years back there were 149 families residing in the core and nearly 72 families have been rehabilitated. As per recent enumeration, there are nearly 120 families still residing in the core area and require adequate steps to resettle them at the identified sites.<sup>2</sup>

#### Existing Settlements in the Core Area

| S. No | Village <sup>#</sup> | Families Resettled | Families Remaining | Human Population | Cattle Population | Resettlement Site |
|-------|----------------------|--------------------|--------------------|------------------|-------------------|-------------------|
| 1     | Jenabil              | 23                 | 52                 | 145              | 262               | Ambadia           |
| 2     | Kobatghai            | 8                  | 26                 | 115              | 235               | Do                |
| 3     | Jamuna               | None               | 14                 | 96               | 130               | Do                |
| 4     | Bakua                | None               | 28                 | 80               | 156               | Do                |
|       | Total                | 31                 | 120                | 446              | 783               |                   |

<sup>#</sup> all villages have pattas and are inhabited by tribal population, mainly Ho, Munda, Khadias.

<sup>2</sup> Report of the District Collector, Mayurbhanj, Orissa



### a) Jamunagarh

This village is situated in three different clusters of 3-4 households and this area falls under the National Park range. The communities are self sufficient in their food security as they grow vegetables, wheat, rice, maize, millets, gondli, mustard etc as the existing land is almost flat and moderately sloping. Water is also available in for irrigation. The place Gurgudia, which is approximately 20 kms away from Jamuna is the nearest destination for availing health and educational facilities by the families living in the village. People from this village have never visited the Ambadia resettlement colony as they are not interested in resettling at a newer place and this has not interested them to do any inquiries about the past rehabilitation. The village people are of the view that this is a sacred place of their ancestors and this has been culturally important place for them.

The villagers outrightly reject the idea of relocation if they are promised good compensation.

### b) Khadia

The Khadia tribals are the primitive tribal groups (PTG) of Orissa. There are 12-13 families residing in the village. Apart from the homestead lands provided to them, these communities do not possess land for agriculture and largely depend on forest resources like *bakhar*, *ararot*, *roots*, *honey*, *resin* etc. This is a very compact settlement in the core area. The people also suggested a resettlement site near Thakur Munda, which is more favourable to them.

### c) Jenabil

Jenabil village is a habitation of Ho tribes settled in small cluster of houses. Jenabil village has got 52 families residing in the tiger reserve and these families have houses spread over a large area. Though several of the families have shifted to the rehabilitation site, there has been difference of opinion among the families still to be rehabilitated as 'post rehabilitation' the situation of families in Ambadia is not exciting. Water availability at the rehabilitation is the most critical factor which stops to not to move out of the reserve. As Kanha Ho, one of the resident, says 'If we are provided with adequate facilities and infrastructure we are willing to move out to the resettlement site but we don't know the rehabilitation package and the facilities outside'.

As such there is no appraisal of the total range of livelihood sources as lot of it depends on the seasonal availability of resources in the forest and they feel it is undervalued in their compensation.

## Resettlement Of Villages

A resettlement site was chosen outside the tiger reserve after denotification of whole Ambadia Reserve forest (71.55 Ha) & part of Nabra R.F. (98.13 Ha) thus consolidating a total land area of 170 Ha. The denotification meant clearing of the forest of standing trees and allotting sites to the people for resettling in Ambadia. Ambadia is a place near to the Udala, which is a rural market place for nearby villages. There are two clusters of tribal communities who over the last 9 years have moved to this place from village Jenabil and Kobatghai. The forest department anchored the rehabilitation of families to the site. Out of the total



families 23 of them have been resettled from Jenabil village and 9 families from the Kobatghai villages. The host communities of small traders and petty businessmen have also raised some issues of incompatibility but tribals have managed to live here. Most of the people resettled here are engaged as agricultural or casual labour.

The resettlement site is a vast open site with some trees near the settlement. The major reason for partial movement of families to the site has been the lack of water facilities for irrigation and drinking. Though the district administration has been investing in lift irrigation schemes, wells and ponds but there has not been successful as proper assessment of the water table and the depth to which they need to drill were not undertaken before initiating a project which has led to abandonment. This has also caused a setback to the resettlement process as several of the people from Jenabil and Kobatghai are not convinced about the quality and nature of facilities provided to their co-community members and hence are apprehensive to accept the resettlement in the existing conditions. Most of the villages have pattas of land, which were given to them several decades ago.

The standard 2-acre of land was provided to the people in Ambadia. Off late, these communities have adapted to the conditions but have been demanding proper water facilities, which would also attract other families still residing in the core of the tiger reserve. This has also not led to any biodiversity gains in the vacated areas as other families in the reserve often take up the lands vacated. Grazing of animals has been one of the key concerns of the park authorities whereas no such special provision has been made in the resettlement colony.

The communities are benefited from medical and educational facilities near Udala. There is no mechanism for their grievances to be addressed. For example, Biro Kishor Majhi's, a family of elder couple, whose house has only two bulbs have their electricity bills are running into thousands due to faulty meter but he has been unable to resolve the issue and is being threatened of confiscation of property.

### Key Findings

1. No institution other than forest department has been seriously involved in the process of rehabilitating these communities. This has not been able to guarantee success as once moved out of the tiger reserve the Forest Department has very little say as this involves other State government and district agencies. Close and long term dedicated involvement of agencies with inclination towards social aspects of resettlement is clearly required..
2. The new R&R policy of the state government needs to translate into actual benefits to the family. Now that the loss of land is to be compensated by an equivalent amount, the task of search for suitable land has fallen on the shoulders of the villagers as the availability of suitable land is the most critical issue.
3. The process of resettlement is incomplete despite the active efforts of the tiger reserve office in close association with the District Magistrate.
4. One of the key bottlenecks has been lack of availability of finances which has not given enough confidence to the authorities to assure compensation package to the villages for accepting resettlement outside the park.
5. Some of the problems that are occurring at the resettlement sites are very new to the people like billing problems. As the people are exposed to new





facilities there is a lack of follow up or assistance provided to them to deal with such kind of issues.

6. The people living in the core areas of the Tiger reserve possess land pattas and hence cannot be termed as encroachers.
7. Not much emphasis has been given on the income generation activities, as this requires different skills with the government agency.
8. Most of the people resettled in Ambadia are involved in labour works or small contract works.
9. The forest officials have been that of trying different approaches and strategies to convince people to resettle outside the park but their interface has been based only on the provisions under the management plans.
10. When people have been partially moved out from original inhabited villages, the remaining members are using the lands thus vacated and this issue has to be dealt with by the forest department.

### Reference Site 3: Panna Tiger Reserve

#### Background

Panna Tiger reserve is enclosed between the districts of Panna and Chhatarpur in the north central highlands of India in Madhya Pradesh. The striking feature of this reserve is its linkages in the eastern and western populations of wild animals through the NE-SW running Vindhyan ranges, which spread over Panna and Chhatarpur. Ken is an important perennial river, which flows through the reserve. Panna was declared as 'Panna National Reserve' in the 1981 and was designated as 'Panna Tiger Reserve' in the year 1994. The other noticeable feature is that this reserve has no buffer zone and the peripheries are quite permeable in terms of their form and access.

The Gangau dam build between 1911-15 is located within the tiger reserve and is a trusted source of irrigation of agricultural tracts. As per the Evaluation Report<sup>3</sup>, there are 125 identified villages in the proposed buffer zone extending over an area of 1000 sq kms in the North and South territorial divisions of Panna and Chhatarpur. Panna finds its place on the world map due to its diamonds. The National Mineral Development Corporation has been mining diamonds near the Hinauta Range of the Panna Reserve. Mining of diamond itself is an environmental hazard apart from the related externalities of noise, waste dumps and labour colonies near the vicinity but widespread mining of the Vindhyan Sandstones and its encouragement in the vicinity of the park is an important detriment. This activity alone reduces the conviction of the people in the seriousness of conservation and need for their relocation.

| S.No. | No. of Villages in Core | No. of Villages in Buffer | Human Population | Cattle Population |
|-------|-------------------------|---------------------------|------------------|-------------------|
| 1     | 13                      | Nil (no buffer exists)    | 6000             | >7000             |

*The population figures are approximate and are obtained from secondary sources*

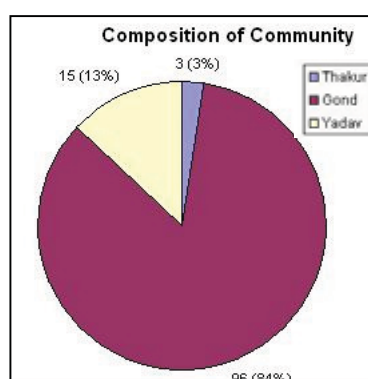
<sup>3</sup> Evaluation Report of Tiger Reserves in India, Project Tiger Authority, MoEF, GoI



## State of R&R Initiatives in Panna

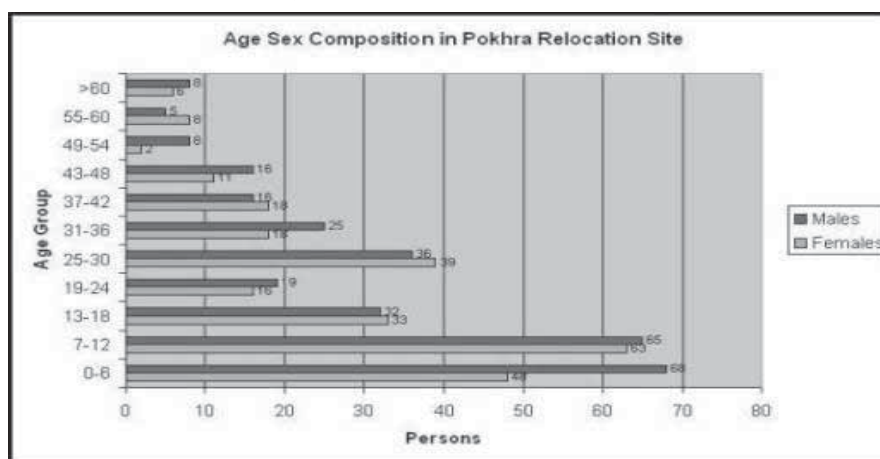
There are two rehabilitation sites - Kishanpura Nai Basti (Pokra) and Janwaar Nai Basti. Out of 1565 families identified for resettlement only 260 families have been moved to these two sites. Pokhra is nearly 38 kilometers away from the district headquarters. Around 125 households have been moved to Pokhra from Pipartola and Surajpura villages. Still there are around 20 households who have not opted for resettlement outside their original habitats. Kaneri is one village, which has 40 households, but none of them has agreed to move away from their habitations. A few are relocated in Janwaar Nai Basti where Jhalar and Khamaria villages are relocated.

There have been several shortcomings in the rehabilitation process due importance needs to be given to the lives, social structures and economic background of the individuals. Around 15 Gond tribals of Surajpura got no land and are in a state of despair. Whatever little has been allotted to them is a disputed land and hence they don't have right to access. Similarly in Janwaar Nai Basti site, the tenure rights to agricultural land has been mentioned in the letter by the Ranger but its legality is not understood by the local communities and is being questioned as there are differences in what officials from different departments communicate to them.



The majority of the population is of Gond tribals followed by Yadav's and Thakurs (see figure on the left). Uncertainty further prevails on several accounts for the tribals as there is a crunch of economic opportunities, the only seasonal employment being working as daily wagers in nearby mines, this income source also ironically dries during the rainy season as the mines are closed for this period; adjoining area is a reserved forest and no access; water availability is very poor at the site, the only source in the vicinity is 3kms far at another resettlement colony of the people from Bengal and is locally known as *Bengali colony*.

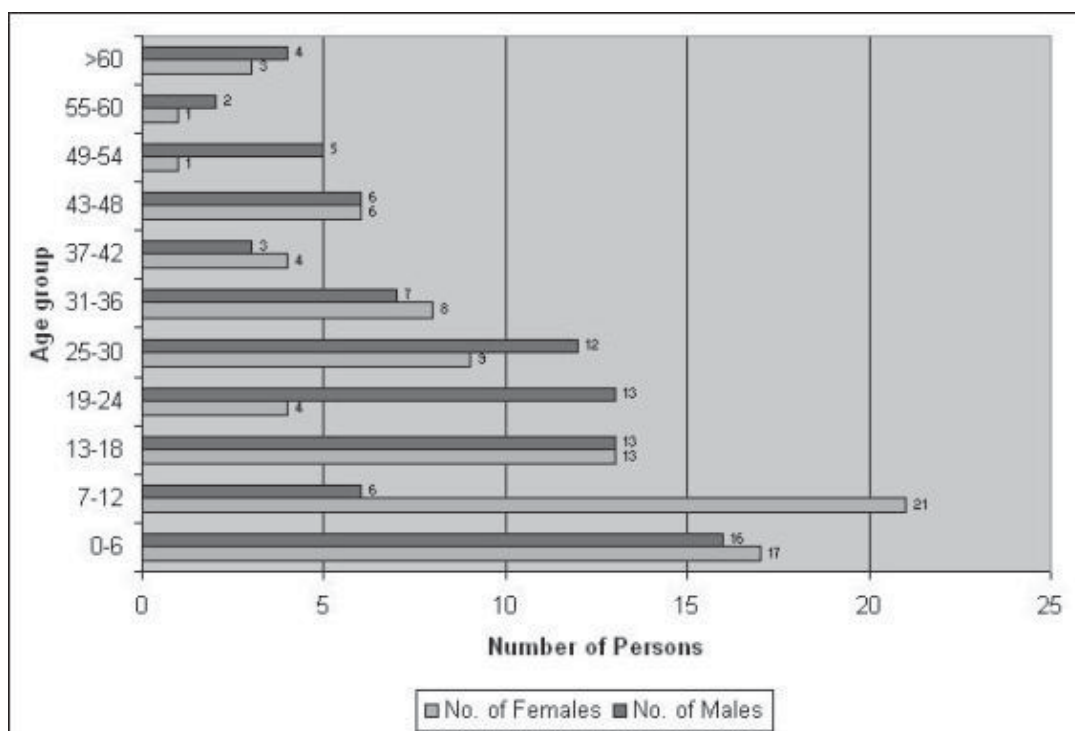
The further discouragement for the resettlers has been that they are not provided with electricity connections, even though they paid the required amounts. The nearest available health facility is at Ramkheria which is 10 kms far from the site.



AGE-SEX COMPOSITION OF THE RELOCATED POPULATION IN THE VILLAGE REVEALS A HUGE UNDER-12 POPULATION AND HENCE THE NEED FOR A LONG TERM MEASURE TO FULFILL THEIR NEEDS.



The compensation paid to them comprises of Rs. 36,000/- and transportation grant of Rs. 2000/-, which is also not evenly spread across the families. The displaced people claim that they are provided with degraded land, which is non-productive



and is stony. Although there is a provision of Rs. 36,000/<sup>4</sup> to level and make land available for cultivation, there has been nothing promising in such conditions.

AGE SEX COMPOSITION IN JANWAAR EXTRACTED FROM THE DOOR TO DOOR SURVEY. IT IS PERTINENT TO OBSERVE THAT A GOOD PERCENTAGE OF POPULATION IS IN THE RANGE OF 0-6 YEARS. NEARLY 31% OF THE POPULATION IS LIKELY TO BE SCHOOL GOING (BETWEEN 7-18 YEARS). THIS GROUP FORMS NEARLY 50% OF THE TOTAL POPULATION AND WITH THE CURRENT SITUATION OF THE RELOCATED FAMILIES IN DOLDRUMS, THIS SUPPOSEDLY PRODUCTIVE POPULATION SEES NO BRIGHT FUTURE.<sup>5</sup>

### From Resettlement Sites

Thakur Rajender Singh got a cheque of Rs 18 Lakhs for his 20 acres of land but till now it has not been honoured and what he got was only Rs. 36000/- for construction of house. He is living with his three brothers as a joint family

Daya Ram, a Gond tribal did not received even Rs. 36,000/- for his house. Instead he was given a temporary hut by the forest department

Ache Singh, a Gond tribal neither got land nor money to construct his house, infact he has been a lone warrior like several others who have put in hard labour to make it possible to erect a small hut.

<sup>4</sup> This amount has to be spent by the Department for leveling of land and is not meant as a direct land grant for the displaced under the BOTDS. This scheme has been taken off by the Central Government.

<sup>5</sup> The consulting team found that an investment of Rs. 7000-8000 per annum is sufficient for schooling as these cost norms are prevailing in Navodya Vidyalayas.



## Key Findings

- There exists no recorded stock of livelihood dependence prior to the rehabilitation of families, but the interactive sessions with the community and groups are indicative of diminishing quality of life, first on account of the environment, secondly on account of the livelihood patterns and nutrition.
- At some points pressure tactics by the forest department in pushing people out of the park have been practiced - the demolition of school is one such sad example.
- The provision for raising fodder for the livestock under the BOTDS has not been implemented which must have started well before the rehabilitation. This has also led to depletion of productive cattle.
- The institutional involvement in the process of rehabilitation is too weak and is only handled by an unwilling forest department.
- The presence of adolescent population in the villages that need to be relocated is another concern, which need adequate handling in terms of nutrition, protection as well as development.

## Reference Site 4 - Kuno Wildlife Sanctuary

### Background and Relocation History

The Kuno Wildlife Sanctuary was earlier in the Morena District of the state, but after reorganization, it is located in the Vijaypur Tehsil of the Sheopur District of Madhya Pradesh. Kuno wildlife sanctuary has been in the spotlight for the relocation of the Asiatic lion a few years back when the government thought of relocating the Gir lion to Kuno, which was found suitable for its relocation on account of rich prey population as well as the landscape of the sanctuary. As a preparatory measure to relocate the lion, around 24 villages settled within the sanctuary were relocated to sites sufficiently away from the park. This region is a home to Sharayia tribes which are predominantly forest dependent communities. Even though the relocation of lions to the sanctuary is pending, human relocation has almost been completed, in absolute numbers. The first move to relocate the villages got initiated in the year 1998 and two villages' Khalai and Barair were relocated and by now all the villages have been moved out of the sanctuary which comprise of 1545 families.

### Revisit to Kuno R&R

Even though the relocation of villages has been completed outside the park, there are issues of concern in the whole process as acknowledged even by the officials. The relocation has never been planned and it is not considered necessary to set in place basic requirements before rehabilitation and some that are not too critical. The practice of clearing off the forests before handing over land to people is making people devoid of any biological wealth available at the new site. The CCF also feels that such policies have pushed the families to a bad start.

The issue of land is critical and what has been provided is largely unproductive and hard land. In the village of *Taparpura*, 22 households have been share cropping a little patch of productive land. The coping strategy of the people has been to organise themselves and jointly produce on this land despite its scarcity, but this also has been posing continuous constraint in terms of survival of the households as far as year round food security is concerned. Some of the people have settled along



the Agraa Talaab due to scarcity of water and land quality at the relocation site; the forest department gave 2 bighas of land around this talaab but to a very limited number of families. Some of the villagers of Palpur village have still not received their compensation amounts.

The site where these families have been relocated is a drought prone area with cleared forests. The tribals who used to indulge in hunting, gathering and subsistence agriculture at their original places have been forced to agriculture based livelihoods which with lack of irrigation facilities and degraded landscape, is almost a nightmare. With no regular livelihood opportunities available at the relocated site, the compensation amounts have been used up for survival needs. This has obviously meant that these households are in dire poverty no compensation for the loss of livelihood and lack of compatible sources of livelihoods with respect to the traditional and suitable areas of development for the tribals. Owing to problems at the relocation sites, many of the families have moved back to the forests, raising serious doubts on efficacy of the process.

### **Key Findings**

As much is talked about the benefits of the Kuno Rehabilitation package, there are several issues which needing Redressal;

- Land selection, environmental situations and livelihood issues have left much to be desired. A mere increase in the quantum of land has not improved the situations.
- The tribals depended on CPRs which are they are denied at the relocated sites and also their primary linkage has been cut off due to regulations over access to right to these resources. This has also pushed them into a challenging environment.
- The survival and dietary intakes now are based on the cash available with the tribals, as natural resources availability is constrained. This has increased their vulnerability.
- Fuelwood and fodder are two resources, which are primarily needed for livestock rearing and doing several household works. The rehabilitation package did talk about plantations but nothing emerged as such and people started abandoning their cattle.
- The people were given land @ 2 ha per adult male and female households and giving tenure rights to the land holder may have resulted in changing the status of the tribals from encroachers to owners but it did little to improve the livings or to maintain living standards as were in the sanctuary.

### **Reference Site 5 - Bhadra Tiger Reserve**

#### **Background and Relocation History**

Bhadra Wildlife Sanctuary extends over an area of 492 sq kms and is situated in the midst of Western Ghat in Chikmagalur and Shimoga districts of Karnataka. It is also known as Bamboo Valley. The notification in 1998 resulted in upgradation of this Sanctuary to Project Tiger Reserve as it portrays rich ecological faunal population. A dam has been constructed across Bhadra River near Lakkavalli. The sanctuary is well drained by River Bhadra and its tributaries. The reserve consists of two main



ranges, Muthodi and Lakkavalli. Originally there were 736 families reported in the core of the reserve spread across 16 enclosure villages.

The rehabilitation process started around year 2000-2001. A rehabilitation project was prepared by Deputy Commissioner, Chikmagalur in the year 1992 to acquire 861 acres of revenue land<sup>6</sup>. A large chunk of land was identified near Malali Channena Halli and Balehalli-Kelagur in the Tarikere and Chikmanglaur Taluk. The site is located on the main Shimoga-Bangalore Highway and is spread on either side of the road. The total land identified and acquired was 826.29 Acres. The land belongs to Tungabhadra Sugars, as this is a rich sugarcane belt also. The land had been taken on lease of 100 years, which has been repossessed. The land is suitable for paddy and sugarcane cultivation and irrigation facility at the site is available from the Bhadra Dam area.

| S.No. | Villages                     | No. of Families |
|-------|------------------------------|-----------------|
| 1     | Hebbe                        | 97              |
| 2     | Hebbe Kurukalumane           | 07              |
| 3     | Kanchigar Colony             | 07              |
| 4     | Madla                        | 159             |
| 5     | Madla Vaddihatti             | 51              |
| 6     | Heggarmathuvani              | 68              |
| 7     | Hipla                        | 98              |
| 8     | Karuvane                     | 52              |
| 9     | Kesave                       | 60              |
| 10    | Muthodi                      | 36              |
|       | <b>TOTAL</b>                 | <b>635</b>      |
| S.No. | Villages to be Rehabilitated | No. of Families |
| 1     | Paradeshappanamutt           | 22              |
| 2     | Sirgola                      | 1               |
| 3     | Hunsekatte                   | Vacated         |
| 4     | Bidare, Madhuguni            | 26              |
| 5     | Balegadde                    | 20              |
|       | <b>TOTAL</b>                 | <b>69</b>       |

Around 635 families from ten villages have been relocated and resettled in M.C.Halli resettlement site. The remaining families are distributed in six villages, out of which Hunsekatte has moved out on their own, as these were encroachers on the forestland. One of the other striking features of the Bhadra relocation is that all the families are non-tribals. One household from village Sirgola (Mr. Diwakar Bhatt) has moved to the court against the rehabilitation but the court has denied stay inside the reserve.

The site offered to the people for relocation is capable of giving two crops in a year and people have been successfully cultivating paddy and sugarcane crops, apart from coconut trees nearby their housing clusters. The administration has taken steps to regularize the encroachments and provide land to the landless also which has given strength to the programme. The compensation was worked out as given in the table below:

<sup>6</sup> Brief Note on Bhadra Rehabilitation Project, Field Director, Bhadra





| Rehabilitation Scheme | A. Land Grants                     |   |
|-----------------------|------------------------------------|---|
|                       | Wetland/Plantation land            |   |
| 1                     | 5 acres and above                  | 5 acres @ Rs. 1000/acre                                       |
| 2                     | 1-5 acres                          | 3 acres @ Rs. 1000/acre                                       |
| 3                     | Less than 1 acre or landless       | 1 acre @ Rs 1000/acre   |
|                       | <b>B House Site (at free cost)</b> | Land holdings inclusive of extent of encroachment regularised |
| 1                     | 5 acres and above                  | 90'X60'   |
|                       | 1-5 acres                          | 80'X50'   |
|                       | Less than 1 acre or landless       | 50'X40'   |
|                       | <b>C Transportation Cost</b>       |   |
|                       | <b>Lumpsum grant</b>               | Rs 5000/family  |

Source: Note on Bhadra Tiger Reserve Rehabilitation Project, Field Office, Chikmanglaur

### Evaluation of Critical Concerns of Villages in the Tiger Reserve

*Paradeshapanamutt* village has 22 families and earn their livelihood through agriculture and fruit bearing trees, which fetch them sufficient income. The composition of families is largely in two classes i.e. landholders and landless, 12 families are landless and there are three widow households. All the families are divided/nuclear families and no joint family exists in the village. The following key concerns have been listed below;

- **Religious Place having Cultural Importance & Integral to the People:** One of the central attractions is the Siddheshwara Temple, which is one of the major considerations by the people not to move away from their settlement. This religious place is a common place for people to visit on several occasions and holds importance. *'Madhu Kumar' - Priest in the temple says "people from 48 villages come to this temple and the importance of this temple shall not be diluted"*
- **Valuation Method Excludes Livelihood Options:** Another reason that is holding back the people is their dissatisfaction with the compensation being offered to them. The community believes that their assets (large number of standing trees) have not been evaluated before reaching to a conclusive statement on compensation. The people have moved to the court pleading for fair compensation to the villagers. Some people have trees numbering in thousands!
- **Fear of Getting Separated in New Environment:** People also have concerns over their community being asked to settle at two different places (Hambi and M.C.Halli). The sites offered to them are far from their fields, which shall be reconsidered. Also they feel that the village shall not be separated and no inequity shall be there with landless and widow families.
- **Regulations Imposed:** The sale and transaction of any kind related to land is seized by the district administration, which people think is not justified as some people who are capable to do so are also constrained by the provision.

*Balegadde* village, once in the territorial forest division is now within the reserve, which was due to the sighting of elephant in the forest division. This instance was



noticed only once by the villagers but the authorities took a decision to include the division within the reserve and hence resettlement issue occurred. Twenty families have patta lands and are settled here and are majorly engaged in farming activities.

The people have no problems from the wildlife and even they are not encroaching the wildlife habitat. The group of people met during the visit do not want to move out of the place, instead would like to sacrifice their lives in their village.

### Key Findings

- A good site with developed linkage and potential for economic opportunity has been the key to rehabilitation in the Bhadra case.
- Once good land based activities are ensured at the resettlement site and the transition time to adapt to new situations is quick. This has given a boost to the people to grow crops very quickly. This was further facilitated due to provision of good canal water for irrigation from the existing sources like Bhadra Dam.
- All class of people i.e. landholders, landless were considered for house site as well as agricultural land. Though there are irregularities as soon as the land subject is introduced, undue advantages are taken by a few but there are no clashes as the most destituted were also considered. Irregularities also occur due to mismatch of processes of forest department and revenue department.
- The places like Muthodi - Kesave are under regeneration and grasses are growing. There is no proven biodiversity gain but the large tracts of land that were vacated by the people have cleared way for the wild animals to expand their habitat.
- Shortage of labour for the forest officials to conduct several tasks during the fire season has been a concern. Either the forest staff has to put in hard work in their limited salaries and less off days or they have to engage labour at higher costs including hosting them in the forest.
- Apart from the key villages in the core area of the reserve, there are some other critical villages which the park authorities feel are critical viz. *Ulawati, Kaske and Madalgoad*; these all are revenue villages and depend on fuelwood from the forest.
- The revenue department is only giving 'Utilisation Certificate' of the expenditures to the forest department but this has to be shown as expenditures under the proposed heads. This has invited strict action from the CAG.

### Reference Site 6 - Tadoba Andhari Tiger Reserve

The Tadoba Andhari Tiger Reserve extends over an area of 625.40 sq. km, which includes 116.55 sq. km of Tadoba National Park and 508.5 sq.km of Andhari Sanctuary. Buffer zone of Tadoba Andhari Tiger Reserve is 352.02. Sq. km.

There are six villages inside the Buffer Zone, which have to be rehabilitated to the identified sites outside the reserve. The core zone of the reserve is free from any human and cattle population. The department has identified 4 such relocation sites, which are also forest compartments under different ranges. Currently Botezari and Kolsa villages have partially moved to the relocation sites.



### Villages in Core of Tiger Reserve and Proposed Relocation Site

| S.No.        | Settlement                  | Population  | Families   | Relocation Site                                      |
|--------------|-----------------------------|-------------|------------|--|
| 1            | Kolsa                       | 550         | 206        | Compartment No. 524, Chandrapur Division             |
| 2            | Botezari                    | 250         | 107        | Do   |
| 3            | Palasgaon                   | 338         | 115        | Do   |
| 4            | Rantoladhi                  | 465         | 127        | Compartment No.186, Bhramपुरi Division               |
| 5            | Jamni                       | 500         | 196        | Compartment No.42, Chaimur Range, Bhramपुरi Division |
| 6            | Navegaon                    | 500         | 125        | Compartment No. 29 in Bhramपुरi Division             |
| <b>TOTAL</b> | <b>Six villages in core</b> | <b>2603</b> | <b>876</b> | <b>4 Relocation sites identified</b>                 |

Source: Management Plan and Field Interactions

Note: The population and family figures are approximate as per management plans and village sarpanch.

### Status of R&R in Tadoba Andhari Tiger Reserve

The forest department is anchoring the R&R initiatives outside the reserve. The major source of livelihoods is agriculture for almost all the families. Kolsa is one settlement, which has partially moved to the site. There is a provision for 2 acre land for landless and 4 acre land for land holders but the patches of land identified for the people are not fit for farming and need time to harness due to which people are facing problems as no other backup is provided to them. Moreover irrigations are not developed properly at the site. As far as shelter is concerned, the forest department is constructing houses for the resettlers but the people have been complaining of size variations and no consideration of their houses at their original habitation, valuation has also not been done. As per rough estimates around 40% of the people have moved to the relocation site.

*Botezari* is another settlement, which has moved to the relocation site; now only 5-6 families remain to be relocated to the identified site.

*Rantoladhi* village is dissatisfied with the resettlement process and refuse to shift outside the reserve. The land compensation must be given on actuals and not on standard acre unit and also people do not want their houses to be constructed by the contractors. Looking at the other sites where relocation has started, people want interim financial support as long as their lands become suitable for cultivation.

*Palasgaon* is one of the settlements, which is also proposed for relocation in Compartment No. 524, the same site where Botezari and Kolsa are relocated. People are ready to move out of the reserve but have identified another site (Compartment No. 11) instead of proposed site. The villagers have identified new site on the grounds that mostly the land is not suitable at the proposed site and whatever little was suitable has been given to villages of Kolsa and Botezari. The proposal for choosing a different site has been given to the forest department.



Uncertainty in decision-making to resettle has forced the people of *Jamni* to stay in their original settlements. Now people are not ready for relocation. However they had given a charter of demands to the forest department in the year 2002, which included subsistence allowance for each family and good irrigated land but no action was taken then.

*Navegaon* village has identified an alternate site, which is 12kms away from the presently proposed site. The people are ready to move if they are given developed agricultural land or finances to make it suitable for cultivation. Another important aspect these people have touched is adoption of similar design of houses existing in the village.

### Key Findings

- There are similar grievances and suggestions from all villages regarding housing stock being developed. Often, the original living arrangements, which are incorporated in, the housing designs are neglected, which has been the case here.
- Land and water figure out as one of the prime concerns of the people as lands are not homogenous and need development which is a time consuming activity and need support to raise the land as well as livelihood support to the families

### Reference Site 7 - Sariska Tiger Reserve

#### Background

Sariska is spread in 886 sq.kms including 492 sq. kms of the notified Sariska Wild Life Sanctuary and 374 sq. kms. of adjoining area of Alwar, Rajgarh and Sariska forest ranges. The 492 sq kms constitute 397.05 sq. kms of reserve forest and 94.94 sq.kms as protected area. There are 28 settlements within the park spreading in the 11 ranges in which 11 villages are within the core area of the park.

Maximum concentration is of *Gujjar* villages in the reserve alongwith a small population of *Minas*. As per the recent surveys by the forest department a total of 2780 *Gujjar* families exist with 76 families of *Minas*, but now most of the *Mina* families have migrated from the park for better economic opportunities.

There are 16 revenue villages located inside or on the outskirts of buffer zone, under the forest settlements rules all the villages have rights and concessions for grazing domestic cattle. The settlements of the *Gujjars* called as *Gwadas*, according to the park authority there are 7 nos. is there. Also there are 200 villages in the periphery of park, which depend on forest resources. This has been a conflict zone. As per ACF, there are more than 1400 cases registered against the villagers.

*Gujjars* largely depend on their livestock, which include cattle (cow, buffalo) and goat for livelihoods and a very little on agriculture. Milk and other products form a basic economic source as well as selling of goats in the nearby villages which substantiate their economics. For instance, in Kankwari village only three families



out of 123 families is cultivating land. Gujjars don't possess a valid proof of their land holdings and are thus referred to as encroachers.

| Name of Villages  | No. of families |
|---|-----------------|
| Bhagani - 21, Kankwari - 123, Umari -54, Kiraska - 167  | 365             |
| Rekamala, Dabli, Sukola, Rotkela, Devari, Haripura, Lilunda, Naya Kundalka  | 528             |
| Berawas, Nagalhadi, Kushalgarh, Kalachara, Madhogarh, Indok, Kundalka, Kanyavas, Mitravat, Rajor (including Mandalwas), Garh & Dabkan | 1494            |
| Loj Nathursar, Raika, Panidhal, Duarmala, Bera  | 425             |
| <b>Total: 28</b>  | <b>2812</b>     |

The coexistence in the park has also invited several recurring problems for the inhabitants like crop damage by wild animals, domesticated animals as prey of the tiger, lack of physical development owing to policies, absence of qualified staff for educational facilities. Apart from this, remoteness of these villages, marriages have become a difficult task, which is a growing social concern.

### R&R - In Retrospect

Kankwari village was chosen as the first village for relocation in the first phase at Bardoth, located 82 kms from the village. Karat, Pilapari and Kakwari are the three clusters of Kankwari, the first two clusters have agreed for relocation on the package offered to them where as the third cluster Kakwari has laid certain conditions before they accept relocation to the identified site. These are;

- Provision of permanent house and higher package as the current provisions are less.
- Salvage material to be picked by households
- Borewells for each 20 Bigha of land for irrigation purpose
- Regularisation of lands at relocation site (currently they are treated as encroachers)
- Adequate facility of water, health and education.

Bardoth relocation site is spread in 222 hectares of forestland and 125 families planned to be relocated here. Bagani with its 21 families has given its acceptance for moving to this site and 6.5 bigha land has been allotted to them. The site is favourable to the community as it is located near to the highway, which gives them opportunity to avail facilities like education and health. Water resources have been developed at the relocation site with three borewells. The people are also encouraged by the provision water and electricity connections under Swajaldhara and Kuteer Jyoti schemes respectively. The issue of land titles needs to be resolved.



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## **Reference Site 8 - Ranthambore Tiger Reserve**

### **Background**

Ranthambore Tiger Reserve comprises of Ranthambore National Park, Keladevi Sanctuary and Sawai Mansingh Sanctuary. The Ranthambore N.P. is located at the junction of Aravalis and Vindhya in eastern Rajasthan in a gentle to steep topographic conditions. Devpura irrigation dam is a source of water for the wildlife. Parts of Kaladevi Sanctuary are marked by 'Khojs', which are most suitable habitat for wildlife.

There are 4 villages in the core zone of the reserve with a total of 350 families. The conservation history of the reserve suggests efforts done in the past, for instance Lakarda Village Site in range Kudera was relocated in the year 1976. After long the forest guards have witnessed Tiger movement from past few years. It is also indicative of the fact that the biodiversity gains in such situations is not a quick overnight process, it is a natural regenerative process running at a much lower pace in space and time.

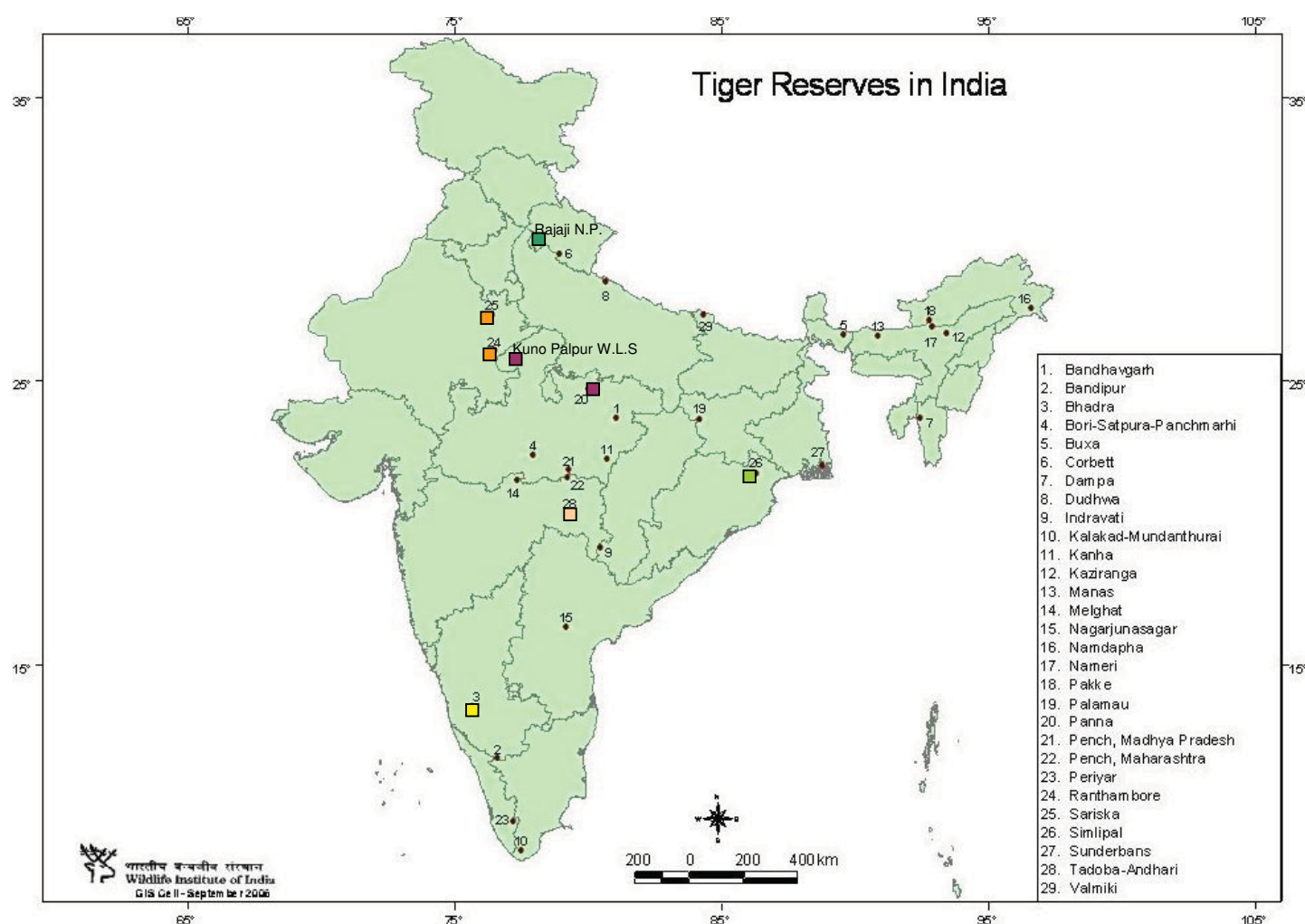
### **Village Relocation and Resettlement Sites**

Padra Village represents the only relocated village, which was moved to a relocation site 'Ganesh Nagar'. Around 76 families have been relocated and rest 36 are still in the village. Due to land scarcity, the remaining 36 families have not moved to the relocation site, and a new site 'Talwara' has been identified and also shown to the families. The basic demand of the families has been that developed cultivable land shall be provided to them.

Padra is predominantly a Gujjar community. The Ganesh Nagar colony has not been given the status of revenue village and this has been one of the demands of the people. This relocation site is also a tale of unfinished tasks and unfulfilled promises, though the people themselves developed their housing but no proper arrangements have been made for irrigation facilities. The three borewells installed for irrigation are lying defunct due to non-availability of electricity in the colony. There is one drinking water well available in the colony but that too is also not sufficient. Though the land provided to the relocated families was good but non-availability of water has turned to be a negative factor for taking advantage of available land resource.

More Dhungri village in the buffer is a contrast to the relocation of villages from the core. This is a self-sufficient village, which has to be relocated. The village has good irrigated land as it is in close vicinity to Mansarovar lake and people are not willing to part away with their lands on availability of existing package to them.





MAP SHOWING TIGER RESERVES IN INDIA AND REFERENCE SITES VISITED BY THE CONSULTING TEAM FOR EVALUATION  
[MAP SOURCE: WILDLIFE INSTITUTE OF INDIA]



## GLIMPSES FROM THE FIELD



Pathri Rehabilitation Site for Gujjars from Rajaji National Park, Uttarakhand



People from Buggawala (fringe village) in dialogue with the team



Cattle in a Gujjar Village



Demolished Gujjar House



Typical Gujjar Settlement 'Dera'



Different Age Groups Involve Themselves in Weaving Ropes from Bhabbar Grass in the Region



Different Clusters of 4-5 houses of village Jamuna spread in the core area of the Simlipal Tiger Reserve



The interspersed spaces between housing units form a distinct feature of Tribal lifestyles: A picture of housing units in village Jamuna. While allocating land, the aspect of use of spaces is

often not kept in mind.

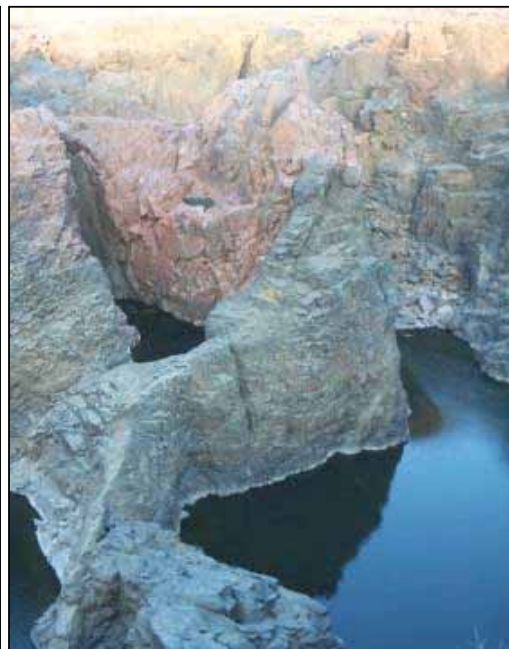
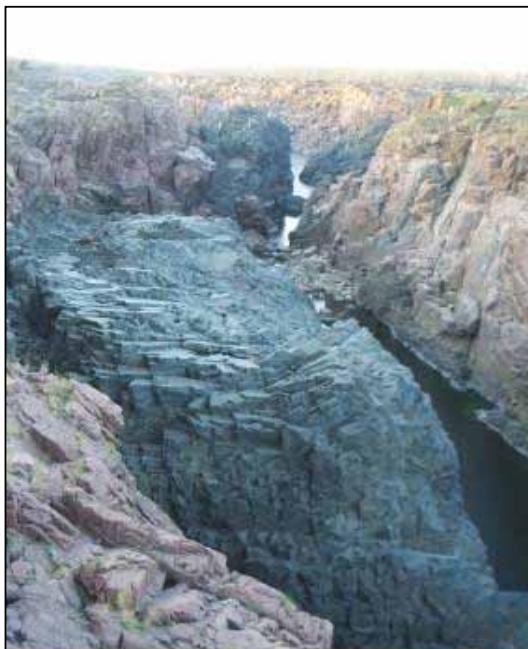




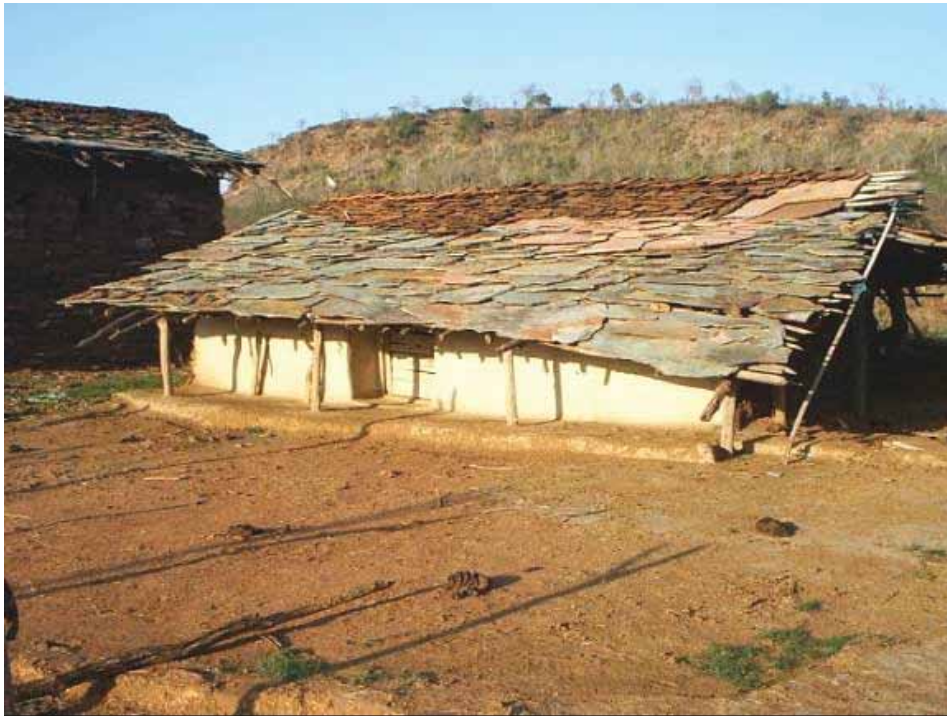
A view of Jenabil village - fertile agricultural fields spread in large areas. These areas also have good water availability for irrigation.



Left: A dugged up pond beside the resettlement colony but is lying idle due to wrong site selection for the same. Right: A well and temporary shed are seen in the background



River KEN in flowing through the Panna Tiger Reserve, It is also home to Ghariyals (Long Snouted Crocodile) and Maggar (Marsh Crocodile).



One of the Model Houses given by Panna Tiger Reserve



Relocation Site of Krishna Pura (Pokhra)



Resettled Village - Krishna Pura Pokhra



JHALAR - A demolished School Building & An Abandoned House





Relocated people of Pokhra working as mine labourers in an operational diamond mine in Itwaan Village



Cluster of Houses in Village Ganguao & Village Pipar Tola along the banks of KEN



BHADRA- These are the patches of land from where the villages of Muthodi and Karvane were relocated. Natural regeneration is taking place over the last 2-3 years



The famous Siddheshwara Temple in Paradeshapanamutt village, the communities from villages visit this temple on different occasions.



A Housing cluster in MC Halli resettlement site. Different category groups have been given land & house at this site



Left - Agricultural fields spreading out on the land. Good irrigation facilities are available as the water from Bhadra reservoir is available throughout the year.

Right - Another view of the housing cluster, still some land development works are under progress like roads, community infrastructure etc





One of the houses in the resettlement site & a street view



A dense cluster of trees standing by the side of agricultural fields. Coconut trees are in abundance

An Anganwadi for the children opened recently in the resettlement site and is operational





Land provided to the people in Ganesh Nagar relocation site. Water has been one of the prime concerns here, as irrigation facilities are not developed.



A house constructed by the people themselves in the relocation colony



Lakarda village, which was relocated in 1976 (Kudera range), the tiger movement is noticed here from last few years.



In Ranthambore, Tigers at Rest!



## CHAPTER 3.0

### REVIEW OF R & R POLICIES

#### 3.1 INTRODUCTION

Though the Land Acquisition Act (1894) still is the basis for land acquisition for various purposes, over the past few decades pressure from civil society and changes in the government and other institutional policies have led to a number of institutions and governments evolving R & R policies and processes. A detailed review of the policies and entitlements of different Resettlement and Rehabilitation policies has been undertaken. The major ones have been tabulated for comparison and presented.

#### 3.2 BENEFICIARY ORIENTED SCHEME FOR TRIBAL DEVELOPMENT<sup>1</sup>

This scheme was launched during the year 1989-90. It is 100% centrally sponsored scheme to be implemented by the State/Union Territory Govt. The objectives of the scheme is the re-habilitation of the tribal and other families under relocation plan, to shift the families from inside the protected areas to outside it.

*Under the BOTD scheme, the State Forest Department of the relevant state, represented by the management of the PA from which displacement was to take place, was usually the authority entrusted with carrying out the resettlement and rehabilitation exercise on the ground. Typically, a Relocation Plan was developed by the Forest Officer in charge of the PA, and village displacement and resettlement was carried out using the Relocation Plan as the base document.*

As part of the resettlement and rehabilitation package, every male above the age of 18 years was considered a separate family and was entitled to compensation worth Rs. 1 lakh, as detailed below

##### Rehabilitation Package under the BOTD Scheme

| Expenditure Heads   | Specified norms (Rs. per family) |
|---|----------------------------------|
| Land Development (for 2 hectares per family)              | 36,000                           |
| House construction (on 5,000 sq. feet of land per family) | 36,000                           |
| Community facilities                                      | 9,000                            |
| Fuel and fodder plantation                                | 8,000                            |
| Pasture development                                       | 8,000                            |
| Transport of household goods                              | 1,000                            |
| Cash incentive for shifting                               | 1,000                            |
| Miscellaneous expenses                                    | 1,000                            |
| <b>TOTAL</b>  | <b>Rs. 1,00,000</b>              |

<sup>1</sup> Adapted from RELOCATION FROM PROTECTED AREAS - Retrospect, Prospects and Best Practice Principles (A note by Samrakshan, Shodh, Kalpavriksh, CSD)"





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## Main Strengths of the BOTD Package

The BOTD package is significantly better in many respects than earlier packages adopted in R&R projects across the country since Independence. It has the following advantages, which usually work in favour of the displaced households:

1. Land for all: The BOTD package does not -headed households, are entitled to 2 hectares of land at the relocation site. This compares favourably with the provisions of the National Policy on Resettlement and Rehabilitation (NPRR 2004, which enjoins upon the state to give land to displaced people *subject to its availability*, and allows for cash compensation in case land is not available).
2. Quantum of land: Also, by identifying each adult male as a separate family, the package may succeed in allocating to each extended suffer from the obvious lacunae of "land for land" type compensation packages, which have had a history of marginalizing the most vulnerable strata of rural society, particularly the landless. All adult males, as well as femalehousehold a quantum of land sufficient to meet basic livelihood needs. Of course, the net impact on the displaced people depends upon the size of their original operational holdings before displacement.
3. Tenure issues: Getting legal ownership of land is also likely to improve security of tenure for the relocated people, many of whom are classified as encroachers inside the Sanctuary. This, *ceteris paribus*, is likely to have a positive impact on the willingness of displaced households to invest in land improvement measures.
4. Common Property Resources: By making financial provision for development of fuel and fodder lots at the relocation site, the BOTD package recognizes at least in part the importance of forests and commons to the livelihood of the poor (especially for Adivasis, pastoralists and women). Accordingly, it seeks to re-establish this access at the relocation site through development of alternative sources of fuel and fodder.

## Drawbacks of BOTD Package/Process

However, against these strengths of the R&R package and its implementation, some major gaps and weaknesses need to be positioned, in order to ascertain the net impact of the package.

1. The resettlement and rehabilitation (R&R) package offered under the BOTD scheme arbitrarily fixes the upper value of compensation payable to each household at Rs 1 lakh. This does not take into account the original income level and livelihood pattern of the household being displaced. Thus, there is no guarantee, a priori, that the package will be able to compensate adequately for lost livelihoods. For instance, the BOTD rehabilitation package has been administered to the Sahariya of Kuno Wildlife Sanctuary as well as the households displaced from the Nagarhole National Park in Karnataka. No prior assessment was made of the pre-displacement livelihood in any of the above cases.



2. With the application of a generic package such as the BoTD under varying field circumstances, it cannot be ensured that the package compensates each family for loss of various livelihood resources and is adequate for recreating livelihood at the new site. In case of Kuno, for instance, the amount earmarked for 'land development' activities was used by the Sanctuary Management to pay for clearing and deep ploughing of land, and removal of stones and boulders. Given the prevailing cost structure in this region, the earmarked amount left little or no surplus for provision of irrigation facilities, and for a range of soil and water conservation measures that were necessary for enhancing productivity of the degraded land allotted to displaced families.
3. The Forest Department is usually unable to evolve effective coordination mechanisms with various departments of the district administration to access the financial and human resources available under other state agencies and schemes for the benefit of the displaced households. Thus, isolation of the displaced households from the mainstream development processes tends to continue, despite spatial relocation to a less remote location.
4. The BOTD does not require any role to be played by community institutions in guiding and monitoring the process of rehabilitation and helping the displaced people to cope smoothly with relocation-related problems. There is no obligation on the Forest Department to garner support from specialized government and non-government agencies that could help in community mobilization and institution building work.
5. Very often, Forest Department staff are not trained to handle the complex array of tasks associated with successful rehabilitation of an entire community. The BOTD scheme makes no provision for expert advice and support to the PA Management, or for training and capacity building of the Forest Department staff to acquire the necessary skills.
6. The rehabilitation package envisages a primarily agriculture based livelihood for the displaced households, irrespective of what the people's livelihood was prior to displacement. As a result, the displaced households often are ill-equipped to handle the transition to mainly farm-based livelihoods. Even if transition to agriculture-based livelihoods is deemed desirable by both the PA management and the people, the latter need to be supported intensively through training and capacity-building as well as financial inputs for sustainable farming, which the BOTD package does not provide for.
7. Poor quality of agricultural land at the relocation site, and the lack of proper investment in soil and water conservation often make the situation worse, since the land given to the displaced people is unable to generate adequate output to meet even their subsistence requirements.
8. Loss of access to NTFP and of income from NTFP sale are not compensated in the rehabilitation package. Consequently, the displaced households lose a vital source of cash income, nutrition and raw materials, and no provisions are made to provide non-forest based alternatives to these resources. Unlike some other rehabilitation packages elsewhere in India, the BOTD package contains no



provisions for establishment of non-farm, non-forest livelihood options, including trade and micro-enterprises. This usually results in a decline in income, rise in food insecurity and risks associated with high dependence on casual wage work.

The rapid and bewildering range of changes set into motion by displacement and relocation puts enormous strain on the coping capabilities of the displaced people. Few support mechanisms - tangible or intangible - appear to be in place to help the displaced people, given the legal and policy environment and the administrative machinery governing resettlement and rehabilitation. Grievance redressal seems to hinge on the ability of the displaced people to manipulate the system to their own advantage. By definition, the most vulnerable among the displaced people do not have the social, political and economic clout to leverage the system in their own favour, and for them, redressal, if any, depends almost entirely on the goodwill and efficiency of some key officers in the implementing agencies. The systems governing resettlement and rehabilitation do not have any in-built checks and balances for providing necessary support for livelihood restoration, and few if any provisions for handling the socio-cultural and psychological impacts of displacement. The few successes observed in R&R in India appear to be the result of ad hoc and arbitrary factors, of which the most important one is the presence of one or more “good” officers.

### 3.3 DEFINITIONS (PERSONS/FAMILIES)

Definition of affected person or families is the most critical starting point and each one of them has contextual and institutional variations.

#### 1. National Rehabilitation Policy (Draft) 2006<sup>2</sup>

##### Key Definitions in the Policy

| Term                  | Norms/Conditions Satisfying the policy  | Remarks   |
|-----------------------|---|---|
| Agricultural Labourer | A person resident in the affected zone for a period of not less than 3 years.<br><br>Doesn't hold any land but earns his livelihood by manual labour on agricultural land | Time frame mentioned is immediately before the declaration of the affected zone             |
| Marginal Farmer       | Cultivator with an irrigated or unirrigated land holding  | Irrigated land holding - upto half hectare<br><br>Unirrigated land holding - upto 1 hectare |
| Small Farmer          |   | Irrigated land holding upto 1 hectare   |

<sup>2</sup> Contextual details & Summary is also provided in this section for NRP 2006





|                 |  |   |
|-----------------|--|---|
|                 |  | Unirrigated land holding upto 2 hectares  |
| Family          | A person, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him/her and dependent on him/her for their livelihoods |   |
| Affected Family | A family whose place of residence or other properties or source of livelihood is substantially affected by the process of acquisition of land for a project or otherwise                                 | The affected family must be residing continuously for a period of not less than three years preceding the date of declaration of the affected zone. |
| Occupiers       | Members of Scheduled Tribe community in possession of forest land prior to 25 <sup>th</sup> October, 1980;   | The dates have to be seen in regards to Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006             |

#### R&R Benefits for Affected Families

| No. | Component                               | Situation  | Provision  |  |
|-----|---|--|--|--|
| 1   | House                                   | House is lost or acquired  | Free of cost house site to the extent of actual loss of area of the acquired house but not more than 150 Sq.mt of land in rural areas & 75 sq mt in urban areas          | Every nuclear family of adult husband/wife and minor children would be entitled to an additional entitlement of 10sq.mt floor area |
| 1.1 | Each Affected family under BPL category | One time financial assistance which is not less than what is given under any government programme of house construction. |  |  |
| 2   | Agricultural land                       | Entire land is acquired <sup>3</sup>   | Maybe allotted in the name of khatedars in the AF on replacement cost basis, agricultural land or cultivable wasteland to the extent of actual land loss by the khatedar | This is subject to a minimum of 1 hectare of irrigated or 2 hectares of unirrigated land/cultivable wasteland.                     |

<sup>3</sup> Also applicable to AF's who as a consequence of acquisition have become marginal farmers.



|   |                      |                             |  |   |
|---|----------------------|-----------------------------|--|---|
| 3 | Financial Assistance |                             |  |   |
|   | Agricultural land    | Land Development cost       | Each khatedar shall receive a one time financial assistance of Rs. 10,000/hectare for land development   | This condition applicable where the land provided is degraded or wasteland. |
|   |                      |                             | Rs 5000/- per AF for agricultural production   | If allotted land is agricultural land                                       |
|   | Cattle Shed          | Construction of Cattle Shed | Each AF having cattle shall receive financial assistance.  | Rs 3000/- for construction of cattle shed                                   |
|   | Transportation Cost  | To resettlement site        | Transportation cost on actual basis  |   |
|   |                      |                             | Each affected person who is a rural artisan, small trader or self-employed   | Rs.10,000/- for construction of working shed/shop.                          |
|   | Employment           | Loss of employment          | <p>The requiring body shall provide employment subject to the availability of vacancies &amp; suitability of the affected person for employment;</p> <p>Consideration for Only one person per nuclear family</p> <p>the RB will give preference to groups and cooperatives of affected persons in outsourced contracts;</p> <p>the RB will give preference to willing landless labourers and unemployed affected persons while engaging labour in the project during the construction phase.</p> |   |



## 7.18 R&R BENEFITS FOR PROJECT AFFECTED FAMILIES BELONGING TO SCHEDULED TRIBES AND SCHEDULED CASTES

7.18.1 In case of projects involving land acquisition on behalf of a Requiring Body displacing 200 or more tribal families (*except projects involving only linear acquisitions referred to in para 7.15*), a Tribal Development Plan shall be prepared (in form to be prescribed) laying down the detailed procedure for settling land rights due but not settled and restoring titles of tribals on alienated land by undertaking a special drive together with land acquisition. The Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce (NTFP) resources on non-forest lands within five years sufficient to meet requirements of tribal communities who are denied access to forests.

7.18.2 Concerned Gram Sabha(s) shall be consulted in all cases of acquisition in Schedule V areas, including acquisition under the emergency clause, before issue of section 4(1) notification under the Land Acquisition Act, 1894.

7.18.3 Each affected family of ST followed by SC categories shall be given preference in allotment of land-for-land, if available.

7.18.4 Each tribal AF shall be entitled to get R&R benefits mentioned in above paras under the policy.

7.18.5 In case of projects involving land acquisition on behalf of a Requiring Body, each tribal AF shall get an additional one-time financial assistance equivalent to 500 days minimum agricultural wages for loss of customary rights/usages of forest produce.

7.18.6 Tribal AFs will be re-settled in the same Schedule Area in a compact block so that they can retain their ethnic, linguistic and cultural identity. Exceptions would be allowed only in rare cases where the Requiring Body in case of projects involving land acquisition, or the State Government in other cases of displacement, is unable to offer such land due to reasons beyond its control.

7.18.7 Settlements predominantly inhabited by tribals shall get land free of cost for community and religious gatherings.

7.18.8 In case of projects involving land acquisition on behalf of a Requiring Body, tribal AFs resettled out of the district will get 25% higher R&R benefits in monetary terms.

7.18.9 Tribal land alienated in violation of the laws and regulations in force on the subject would be treated as null and void. R&R benefits would be available only to the original tribal land owner.

7.18.10 Tribal and Scheduled Caste families residing in the affected areas having fishing rights in the river/pond/dam shall be given fishing rights in the reservoir area of irrigation projects.

7.18.11 Tribal and Scheduled Caste AFs enjoying reservation benefits in the affected zone shall be entitled to get the reservation benefits at the resettlement zone.



## Summary of NRP 2006

The national rehabilitation policy comes at a point when there is a growing concern over displacements of varying nature and scale, and it acts as a guiding policy for the different actors involved in the process. Though not very comprehensive in terms of deeply recognizing the comprehensive needs for the PAFs or displaced in different contexts, the policy is a reflection of limited approach and leaving a few loose connections like the provision of minimum-number-norm to be declared an affected zone which could give raise to situations of “affected but beyond norms”. Indeed based on the draft policies several promoters have absolved themselves of the responsibility of rehabilitation. The policy shows concern for the schedule tribes by providing a cushion in form of tribal development plan which shall take note of their survival and livelihood needs, but there is no specified institutional mechanism and most likely it is the government institutions or line departments, which is not specified in the policy. Like the BOTDS, where certain things were promised like fuelwood, fodder through plantations but nothing emerges as a benefit for the displaced and the situations have become tragic. The worry is that if such things have to be implemented then there shall be a statement of commitment, well in advance, which would otherwise repeat the failures.

The policy doesn't put any concrete footing on the upper limits and leaves it open for the CPSUs and private parties to reach a conclusive statement of benefits. The CPSUs and private parties are having their policies, which are too complex and difficult to understand, and therefore apprehension of exclusion of PAFs from certain benefit list. Moreover these are profit-oriented authorities whereas the policy doesn't put strongly the role of state as a welfare state, which should strongly argue the best returns/benefits to the community affected.

The norms laid down of 400 families en masse in plains and 200 families en masse in tribal & hills to be declared as affected zone and there is no say of the local communities, this situation more or less familiarize with the compulsory land acquisition by the state by invoking an urgency clause which is unconstitutional as far as individual rights are concerned but on the other hand supported by the LAA Act of 1894. The participation of people is not ensured under the policy and as the ‘requiring agencies’ are more public and private sector undertakings, the policy should have strengthened the stand on CSR/participatory planning and consultation or modified the norms for compulsory action on this front but nothing has emerged so far.

## 2. Orissa Resettlement & Rehabilitation Policy

"Displaced Family," means a family ordinarily residing in the project area prior to the date of publication of notification under the provisions of the relevant Act and on account of acquisition of his/her homestead land is displaced from such area or required to be displaced.

"Original Family" means the family, which at the time of Notification under provisions of relevant Act(s) is living together in a single household with a common kitchen.



"Family" means the person and his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him or her and dependent on him or her for his / her livelihoods.

Each of the following categories will be treated as a separate family for the purpose of extending rehabilitation benefits under this Policy.

- i. A major son irrespective of his marital status.
- ii. Unmarried daughter / sister more than 30 years of age.
- iii. Physically and mentally challenged person irrespective of age and sex (duly certified by the authorized Medical Board). For this purpose, the blind/ the deaf/ the orthopedically handicapped/ mentally challenged person suffering from more than 40% permanent disability will only be considered as separate family.
- iv. Minor orphan, who has lost both his/her parents.
- v. A widow or a woman divorcee.

### **3. NHPC Draft Policy 2006**

"Project Affected Family" means a person/family whose place of residence or other properties, or source of livelihood have been substantially affected by the process of acquisition of land for NHPC's projects or otherwise; and who have been residing continuously for a period of not less than three years preceding the date of declaration of notification under Section 4 of the Land Acquisition Act 1894 or practicing any trade, occupation or vocation in the affected zone for a period of not less than three years; preceding the date of declaration of notification under Section 4 of the Land Acquisition Act 1894 . In particular, they shall include:

- i. Owners, tenants, sub-tenants, occupants with legal status in agricultural land.
- ii. Persons primarily dependent on public resources, such as cultivators of riverbed land, fisher folk, cattle rearers, collector of minor forest produce, occupants of forests, users of common property resources in the directly affected zone.
- iii. Persons whose livelihood is fully dependent on the community and the people, who face dislocation and displacement such as agricultural labourers, village artisans (carpenters, barbers, cobblers, potters and blacksmiths etc.) and petty traders.
- iv. Family occupying government land in the affected zone without a legal title, at least five years prior to the Notice of Section 4 of the Land Acquisition Act, 1894 (Amendment, 1984) and earning livelihood from it.
- v. A person whose land is not acquired but has become inaccessible because the land in its immediate vicinity has been acquired.
- vi. Affected Host Population comprising of community residing in or near the area to which affected people are to be relocated.



“Agricultural Family” means a project affected family whose primary mode of livelihood is agriculture and includes families of owners as well as tenants, sub-tenants or agricultural labourers, occupiers of forest land and of collectors of minor forest produce who have been either residing or earning their livelihood from the affected zone for a period of not less than three years immediately before the declaration of the affected zone

“Agricultural labourer” means a person normally resident in the affected zone for a period of not less than three years immediately before the declaration of the affected zone and earns his/her livelihood principally by manual labour on agricultural land and who has been deprived of his/her livelihood.

“Below Poverty Line Family” shall be those as defined by the Planning Commission of India from time to time.

“Family” means Project Affected Family consisting of such persons, his or her spouse, minor son/s, unmarried daughters, minor brother/s or unmarried sister/s, father, mother and other members residing with him and dependent on him for their livelihood. The date of declaration of section 4 under LA Act 1894 (Amendment, 1984) shall be taken as the cut off date for reckoning the age. For a single individual without spouse or children, all benefits of this policy, would become half except in the case of allotment of homestead and agricultural land and house construction assistance.

“Displaced family” means any project affected family who on account of acquisition of their land, house including plot in the Abadi, for the purpose of the project, has been forced to leave such land or homestead and has been left with no homestead or land or land less than 0.2 ha in plain areas or 0.1 ha in hilly areas.

“Squatters” means a family occupying government land in the affected zone without a legal title, atleast five years prior to the Notice of Section 4 of the Land Acquisition Act, 1894 (Amendment, 1984) and earning livelihood from it.

“Occupiers” mean members of scheduled tribe community in possession of forest land prior to 25th October 1980.

“Treatment of Orphans” An orphan child together with its siblings, if any, will be treated as an independent family in the same manner enjoyed by their parents (PAF) had they been alive. NHPC shall evolve a mechanism for administration of R&R package depending upon the requirement of the individual case. Payments will be released into an account jointly held by their legal guardian.

The NHPC Policy recognizes the following two broad categories of PAFs to be covered under the policy provisions:

- 1 Titleholders: Those who have formal legal rights to land, including any customary or traditional rights recognized under the laws of the land. In case of customary or traditional rights and occupiers



- 2 Non-Titleholders: Those who have no recognizable rights or claims to the land that they are occupying or using. The key categories of non-titleholders are tenants or renters or sharecroppers; businesses; workers, agricultural and non-agricultural labourers and employees. Lastly, categories of informal occupiers such as squatters and encroachers also comprise of non-titleholders.

These two categories have been further simplified and presented in the following table:

- |   |   |
|---|---|
| A | A person who owns a house and whose entire homestead is acquired.   |
| B | A person owning agricultural land and whose substantial amount of agricultural land is acquired and after acquisition has been left with either no land or land less than 0.2 hectare in plain areas and 0.1 hectare in hilly areas.  |
| C | A person / family owning agricultural land and whose entire agricultural land is not acquired but after acquisition is left with one hectare of unirrigated land in the plain areas or half hectare of irrigated land in the plain areas or half hectare of unirrigated land in hilly areas or 0.25 hectare of irrigated land in hilly areas. |
| D | A person/family owning agricultural land, but his entire land has not been acquired and after acquisition is left with two hectares of unirrigated land in the plain areas or one hectare of irrigated land in the plain areas and one hectare of unirrigated land in hilly areas and half hectare of irrigated land in hilly areas.          |
| E | A person (tenant tiller) who is in the actual possession of land, which is acquired.  |
| F | A person (Agricultural labourer) who earns his living principally through manual labour on that land.   |
| G | A person who does not have any legal title over that land (encroacher) which he has been cultivating or has been residing over such land for the last five years prior to the notification of Section 4 of Land Acquisition Act, 1894   |
| H | A Scheduled Tribe family covered under the definition of "Occupier".  |
| I | Persons fully dependent upon the land either directly or indirectly, and having a client relationship with the displaced community such as barber, carpenter, cobbler, potter, shopkeeper, blacksmith etc.  |
| J | A person owning agricultural land, including occupiers, and whose land is not acquired but has become inaccessible because the land in its immediate vicinity has been acquired.  |
| K | A family whose more than 50 % agricultural holding has been acquired but still they do not fall under any categories of B to D.   |

**N.B.:** The list of PAFs under the above categories shall be prepared based on the revenue records on the cut-off date and shall be certified by the District Collector or his/her authorized representative. For those categories, whose revenue record is not maintained the list shall be prepared based on the Resettlement Census Survey survey /verification by the Gram Panchayat (Gram Buras in Arunachal Pradesh) and duly certified by the District Collector or his/her authorized representative.





For a tribal family under this category, the package will vary depending upon the PAF belonging to the Categories A to G and I to K.

Any PAF whose primary source of livelihood is other than land and is also not covered under category I would not be entitled to the subsistence allowance as laid down in para 5.19 of Chapter V of the policy.

In case a PAF belonging to category A gets covered under one or more of the categories B to K, such PAF will be entitled to the benefits of category A as well as that of category B to K. (Please see (v) below also).

In case PAFs belonging to category B to K get covered under more than one category, the PAFs will be entitled to the rehabilitation package applicable to only one category, which he / she would be free to choose.

For category J, the package will vary depending upon the PAF belonging to category B to D or K.

The above details of the categories of PAFs shall be read in conjunction with para 2.4 of Chapter II and 4.1.1 of Chapter IV.

Categories A & B to be considered as “Displaced Families”.

#### **4. NTPC R & R Policy 2005**

‘Project Affected Person’ (PAP) means a person and his family whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of Sec 4 notification of the Land Acquisition Act, 1894 or practicing any trade, occupation or vocation continuously for a period of not less than three years in the land proposed to be acquired, preceding the date of Sec 4 notification.

‘Family’ of a PAP consists of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependent on him/her for their livelihood.

**Homestead Oustees (HSOs)**

A PAP whose homestead has been acquired by the process of law and who has to be relocated, thereby falling in Category I of this policy shall be considered a Homestead oustee (HSO). Any unauthorized structure shall not be considered for any benefit.

However, in case of any such regularization by the Government 3 years prior to Sec 4 notification, will be considered as an HSO. An allottee of any government scheme like Indira Awas Yojna, homestead allottees on Government lands etc shall be considered as HSOs.



### Categories of PAPs

PAPs owning agricultural land in the acquired area since last three years before the Sec 4 notification and whose entire land has been acquired. The list shall be prepared based on the revenue records as on the date of Section 4 notification under LA Act.

PAPs owning agricultural land in the acquired area since last three years before the Sec 4 notification and losing partial land and becoming marginal farmer (left with unirrigated land holding upto one Ha or irrigated holding upto half Ha). The list shall be prepared based on the revenue records as on the date of Section 4 notification under LA Act.

PAPs owning agricultural land in the acquired area since last three years before the Sec 4 notification and losing partial land and becoming small farmer (left with unirrigated land holding upto two Ha or irrigated holding upto one Ha). The list shall be prepared based on the revenue records as on the date of Section 4 notification under LA Act.

PAPs owning agricultural land in the acquired area since last three years before the Sec 4 notification and losing partial land but not covered in either Cat B or C. The list shall be prepared based on the revenue records as on the date of Section 4 notification under LA Act.

Agricultural labourer PAP including squatters and encroachers who normally is a resident of the affected area for a period not less than three years immediately before Sec 4 notification, who does not own land in the acquired area but who earns his/her livelihood principally by manual labour on agricultural land therein immediately before such notification and who has been deprived of his/her livelihood. The list shall be prepared based on the socio economic survey, verification by the Gram Panchayat and duly certified by Collector or his/her authorized representative.

Non agricultural labourer PAP including squatters and encroachers who is not an agricultural labourer PAP, but is normally residing in the affected zone for a period of not less than three years immediately before the Sec 4 notification and who does not own any land but who earns his livelihood principally by manual labour or as a rural artisan or having any client relationship with PAP community, immediately before acquisition and has been deprived of his/her such livelihood due to acquisition. The list shall be prepared based on the socio-economic survey, verification by the Gram Panchayat and duly certified by Collector or his/her authorized representative.

PAPs losing partial lands in case of projects/schemes related to railway lines e.g in MGR transportation for fuel, connecting roads outside the project and its associated area, laying pipelines for fuel and ash transportation etc wherein only a narrow stretch of land extending several kilometers is being acquired. The list shall be prepared based on the revenue records as on the date of



Section 4 notification under LA Act. (In case of acquisition of homesteads in such a case shall fall in Category I). However, three years residence is required for belonging to this category also. In case of acquisition of major portion of their land holding (say 75% of land or more, however, in such a case shall fall in Cat A to D, subject to a minimum acquisition of one acre.

- A. Occupiers i.e PAPs of STs in possession of forest land since 25th Oct 1980. The list shall be prepared based on the socio economic survey, verification by the Gram Panchayat, State/Central Forest Department and duly certified by Collector or his/her authorized representative.
- B. PAPs who are Homestead Oustees (HSO), residing in the area and owning house since last three years before the Sec 4 notification under LA Act and whose house has been acquired by the process of law.

## **5. Maharashtra Project Affected Persons Rehabilitation Act**

- (a) an occupant whose land in the affected zone (including land in the Gaothan) is acquired under section 14 for the purposes of a project;  
Explanation - For the purpose of this clause, where any agricultural land is recorded in the relevant village records in the name of one of the brothers as a Karta or Manager of Hindu Joint family, then every brother (or son or sons of and deceased brother all together as one unit) who has a share in the lands, whether his name is recorded in such village record or not, shall be treated as affected person;
- (b) a person who is a tenant in actual possession of land under the relevant tenancy law in the affected zone at the time of acquisition of land;
- (c) an occupant whose land in the benefited zone is acquired for construction, extension, improvement or development of canals and their banks under irrigation project or for establishment of a new gaothan within or outside the benefited zone for rehabilitation of persons from affected zone, and whose-
  - (i) residual cultivable holding is reduced to less than one hectare after acquisition ;or
  - (ii) residual holding stands divided into fragments which are rendered unprofitable for cultivation; or
  - (iii) residual holding is rendered uncultivable.  
Explanation - For the purposes of this sub-clause, the expression “occupant” includes a tenant in actual possession of land under the relevant tenancy law in the benefited zone at the time of acquisition of land;
- (d) a person who is an agricultural labourer;
- (e) a person, not being an occupant or a person referred to in subclauses (a), (b), (c) and (d) who for a continuous period of not less than five years immediately before the date of publication of notification under section 4 of the Land Acquisition Act, 1894, has been ordinarily residing or carrying on any trade, occupation or calling or working for gain in a gaothan in the affected zone;

“ agricultural labourer” means a person who does not hold any land in the



affected zone but who earns his livelihood principally by manual labour on agricultural land for not less than five years immediately before the area comprising that land is declared to constitute an affected zone under section 13, and who has been deprived of earning his livelihood principally by manual labour on that land;

Explanation - For the purpose of determining the five years residence in the affected zone, the norms shall be as prescribed.

### **World Bank's Policies**

World Bank is one of the largest financiers of development across the world and has confronted several situations of displacement and continues to support the relocation in several sectors. The most critical learning recognized by the World Bank, particularly in the context of Protected Areas is reflected in the Clause 7, which for the first time recognized that restriction to access is tantamount to displacement.

#### **Clause 7: relating to Displacement from or Restriction of Access to PAs**

In projects involving involuntary restriction of access to legally designated parks and protected areas ... the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the displaced persons during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which

- (a) specific components of the project will be prepared and implemented;
- (b) the criteria for eligibility of displaced persons will be determined;
- (c) measures to assist the displaced persons in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be identified; and
- (d) potential conflicts involving displaced persons will be resolved.

The Operational Policy 4.12 succinctly presents the Bank's overall approach to relocation from Protected Areas;

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.



### 3.4 COMPARATIVE ANALYSIS OF VARIOUS ASPECTS

A comparative analysis of the major R&R policies in terms of the entitlements has been undertaken and presented in a tabular form in the following pages.

While some of them are complicated, like the one adopted by NTPC and NHPC, the Orissa definition is fairly inclusive. NHAI & Tsunami rehabilitation projects do not have any specific definitions.

| Aspect                        | Orissa  | Maharashtra   |
|-------------------------------|---|---|
| Definition of affected people | 'Displaced person' -ordinarily residing in project area prior to notification and homestead land to be acquired.  | 'Affected person' - occupant whose land acquired, tenant in actual possession, agricultural laborer deprived of principal living, non occupant but working for gain in affected area  |
| Family Definition             | Person, spouse, minor sons, unmarried daughters, parents & other dependants   | Spouse, son married or unmarried daughter or brother  |
| Separate family               | Major son (married/unmarried), unmarried daughter/sister over 30 yrs, Physically / mentally challenged, minor orphan, widow / woman divorcee.   | No such definition  |
| Identification of displaced   | Socio economic survey within 2 months from Land Acquisition notice, public display of list of displaced at gram sabha, teshil/district Govt. offices. ID card to displaced.   | No survey. Public advertisements about proposed land acquisition and a process of application by eligible persons for R & R.  |
| Land acquisition Process      | Communication plan for awareness in area. Consultation of Gram sabha or panchayat. Sociocultural resource mapping & infrastructural survey by independent agency within 2 months. Negotiation or acquisition process and resettlement | Compensation amount according to a system of 5 slabs. Land for Land (irrigation projects only) at resettlement site at 65% of compensation received or value of new land whichever is lesser. 50% cash of the value of land offered if land offer is refused. |
| Direct Purchase option        | Direct purchase of land at negotiated price. If it fails other provisions apply   | The collector or other authority has power under the Rehabilitation act to purchase, acquire or exchange land (compulsory)  |
| Unutilized land               | To be resumed if not utilised within 'prescribed time limit'  | No such provision except provision to change project design and land needed   |



| Aspect  | Orissa  | Maharashtra  |
|---|---|--|
| Resettlement site identification                      | In consultation with Gram sabha and displaced families  | Public notice inviting objections to identified land or suggestions within 30 days.  |
| Civic amenities, infrastructure in resettlement sites | None specified. Existing public properties in origin site will be rebuilt in resettlement site. Steps for development of cordial relationship in resettlement area. | Specific civic amenities listed: Water, sanitation roads, electricity, public buildings, cremation ground and other facilities listed.   |
| Resettlement period                                   | No physical displacement before resettlement site completion certificate from collector   | Notification of land acquisition alone can be 1 to 3 years. No time limits on Government for resettlement but once an offer is made, the affected person is given 45 days to accept.   |
| Raising standard of living in new site                | "Ensure as far as practicable" Dovetailing normal development projects with R & R plan giving priority to displaced.  | Class II & IV jobs at 5%   |
| Multiple displacement                                 | 50% additional ex gratia compensation   |  |
| Rehabilitation Package                                | For Type C: water Resources / National Parks & Sanctuary  | For all including Water resources, National Parks and Sanctuaries  |
| Homestead Land  | 0.10 acre in rehabilitation site or cash equivalent upto Rs 50,000 for families opting self relocation  | Some are eligible for House under Indira Awas Yojana or for agriculturists 370 sq mts land for families less than 5 members. Additional 180 sq meters for every 3 more members upto ceiling of 740 sq mts. Half the land for non agriculturists. |
| House Building assistance                             | Rs. 1,50,000 for house including cattle shed to all including self relocated.   | Rs. 10000  |
| Agricultural land - displaced ST families             | 2.5 acres irrigated or 5 acres non irrigated agricultural land.   |  |
| Agricultural land - Other categories :                | 2 acre irrigated or 4 acres non irrigated agricultural land   | Based on a system of slabs for different categories.   |
| Non availability of land                              | Cash equivalent of Rs 1,00,000 per acre irrigated and 50,000 pa non-irrigated land including reclamation cost or at rate decided by Govt. from time to time.        |  |



| Aspect  | Orissa   | Maharashtra   |
|---|--|---|
| Registration cost                             | For displaced families receiving cash equivalent to the extent of 2.5 acres irrigated land / 5 acres non-irrigated land or 2/4 acres as eligible, to be paid by project within 5 years.    |   |
| Other assistance                              | Common to all Types  |   |
| Maintenance / other allowance                 | @ 2000/- per month for 1 year if timely vacation   |   |
| Temporary shed                                | Rs. 10,000 per family  |   |
| Transportation Allowance                      | Free transportation or Rs. 2000/-  |   |
| Employment                                    | Preference to displaced families' for employment in project or through contractors.  | 5 % of available Class III & IV jobs in government, public sector, project beneficiary companies and cooperatives will be given to a list of nominees (one from each family). |
| Special benefits to Indigenous /tribal groups | Respect for socio cultural norms'. Preferential allotment of land, 'as far as practicable' resettlement in compact area close to origin, 20% higher benefits if displaced outside district |   |





| Aspect                        | NHAI   | NTPC  |
|-------------------------------|--|---|
| Definition of affected people | Title holders, residential, commercial, agricultural, community, vulnerable groups, businesses, encroachers, squatters, vendors, illegal users and other affected individuals all have been listed for specific benefits | Project Affected Person means a person and his family whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of notification or practicing any trade, occupation or vocation continuously for 3 years... |
| Family Definition             |  | Family of a PAP consists of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependent on him/her for their livelihood.  |
| Separate family               |  |   |
| Identification of displaced   | Based on land acquired, property demolished, encroachments cleared, trees other assets affected, business affected and other losses.   | Socio Economic survey and RAP by independent agency, revenue records, verification by gram sabhas, other departments and certified by District collector. Impact survey.  |
| Land acquisition Process      | By district administration based on plan and schedule with system for valuation and compensation. Utilising services of independent agencies to monitor.   | The Government of the state where the project is located will decide the process based on applicable laws and procedures. Land prices fixed on market value, those opting for land for land will not be eligible for rehabilitation grants.   |



| Aspect  | NHAI  | NTPC  |
|---|---|---|
| Direct Purchase option                                | Land acquired at market value and valuation of property. Additional compensation if replacement cost exceeds compensation received.                                 | Land will be acquired through state government. Land for and will be preferred but this will depend on the RAP which will be custom made for the site.                              |
| Unutilised land                                       |   |   |
| Resettlement site identification                      | Entire communities will not be displaced. Individual resettlement will be compensated at market cost and some additional services for facilitating livelihoods etc. | Those who have not opted for self-resettlement will be provided en masse resettlement. State government will either provide the land free or purchase it within certain cost limits |
| Civic amenities, infrastructure in resettlement sites |   | Amenities will be provided as per needs and RAP in <i>enmasse</i> resettlement colonies and in places where groups of more than 25 - 30 affected families have decided to settle.   |
| Resettlement period                                   |   |   |
| Raising standard of living in new site                |   | several specific measures like capacity building, education support, livelihood support, small family incentive, welfare activities etc will be implemented                         |
| Multiple displacement                                 |   |   |
| Rehabilitation Package                                | For affected persons due to road project  |   |
| Homestead Land  |   | 200 sq mts in resettlement colonies. Rs 50,000 to Rs 100,000 for self-resettlement.   |
| House Building assistance                             |   | Fixed resettlement grant Rs. 30,000   |
| Agricultural land - displaced ST families             |   | 25% higher R & R Benefits   |



| Aspect                              | NHAI  | NTPC  |
|-------------------------------------|---|---|
| Agricultural land -Other categories | Based on valuation and additional compensation if replacement cost is higher            | Replacement of lost lands through land for land on willing buyer willing seller basis, land development cost @ 10000 per acre.  |
| Non availability of land            |   | upto 1.3 times the original compensation for 5 acres for those who lost land. Others will be provided wage compensation for 500 to 1000 days at minimum wage.   |
| Registration cost                   |   | upto 1 acre stamp duty and registration cost will be provided to landless buying land with the help of resettlement grants.   |
| Other assistance                    |   | Different categories  |
| Maintenance / other allowance       | Transitional allowance to different categories of Rs. 2000/- for 6 / 9 months.          | Resettlement grant 500 to 100 days at minimum wage, monthly subsistence 20days per month upto 250 days a year at minimum wage   |
| Temporary shed                      |   | Transit accommodation for emergency acquisition   |
| Transportation Allowance            | Rs. 500 to 2000 for different categories  | Actual costs or lump sum of Rs 20,000/  |
| Employment                          | Livelihood training @ Rs. 1000, lumpsum grants Rs 500 to 2000 for different categories. | Capacity building and a range of employment and livelihood options will be provided from starting small business, buying own agricultural land, getting job in the project formation of PAP cooperatives with assured contracts and other options |



| Aspect  | NHAI | NTPC   |
|---|------|--|
| Special benefits to Indigenous /tribal groups |      | Additional financial assistance of 500 days minimum wages loss of customary rights/usage of forest produce in case the acquisition has affected their such rights. Resettlement closer to natural habitat. 25% higher benefits, fishing rights in project reservoir, reversal of land deals if tribal rights are found violated. |

| Aspect  | NHPC  |
|---|---|
| Definition of affected people                         | Owners, tenants, sub tenants of acquired land, persons dependent on forest and public resources like grazing land, MFP, forest dwellers, users of CPR in affected area, families earning livelihood from government land without legal tile for more than 5 years, artisans/ service providers affected displacement of entire community, owners/users of land rendered inaccessible, host communities at rehabilitation sites. |
| Family Definition                                     | “Family” means Project Affected Family consisting of such persons, his or her spouse, minor son/s, unmarried daughters, minor brother/s or unmarried sister/s, father, mother and other members residing with him and dependent on him for their livelihood.  |
| Separate family                                       |   |
| Identification of displaced                           | Resettlement census survey. Revenue records, verification by gram sabha and certification by collector  |
| Land acquisition Process                              | Agreement with PAP, grievance redressal, interpretation and amendments  |
| Direct Purchase option                                | Land purchase committee with PAP representation. Inviting objections and suggestions. Land identification, R & R plan.  |
| Unutilised land                                       |   |
| Resettlement site identification                      | Those who have not opted for self-resettlement will be provided en masse resettlement if 50 or more such families are there. State government will either provide the land free or purchase it within certain cost limits   |
| Civic amenities, infrastructure in resettlement sites | Detailed list of amenities at resettlement colonies and other major settlements.  |



| Aspect  | NHPC   |
|---|--|
| Resettlement period                           | PAFs will not be physically displaced unless transit accommodation or resettlement colony provided to them except self- resettlement category.   |
| Raising standard of living in new site        | Better facilities, employment opportunities. Community and social development plan will be made and implemented.   |
| Multiple displacement                         |  |
| Rehabilitation Package                        | Different for different categories of PAPs   |
| Homestead Land                                | Plot sizes of 75, 150, 200 sq. mts. for different categories of PAPs. Rs 50,000 to Rs 150,000 for self-resettlement.   |
| House Building assistance                     | upto 1 Ha of irrigate or upto 2 Ha of unirrigated, 1/2 Ha in hills   |
| Agricultural land -displaced ST families      | upto 1 Ha of irrigate or upto 2 Ha of unirrigated, half Ha in hills depending on land lost   |
| Agricultural land -Other categories           | Replacement of lost lands through land for land on willing buyer willing seller basis, land development cost @ 20000 per Hectare. Other grants for seeds, irrigation & livestock   |
| Non availability of land                      |  |
| Registration cost                             | Half hectare to full cost depending on category of the PAP   |
| Other assistance                              | Different for different categories of PAPs   |
| Maintenance / other allowance                 | Resettlement grant Rs 75,000 to 100 days at minimum wage, monthly subsistence Rs 2000/- per month till he is gainfully engaged, rehabilitation grants of 40,000 upto 1000 days minimum wages, different for different categories.  |
| Temporary shed                                | Transit accommodation and subsistence allowance of Rs 2000/ pm for emergency acquisition   |
| Transportation Allowance                      | Rs 10,000  |
| Employment                                    | Capacity building and a range of employment and livelihood options will be provided from starting small business, buying own agricultural land, getting job in the project formation of PAP cooperatives with assured contracts and other options  |
| Special benefits to Indigenous /tribal groups | Additional financial assistance of 500 days minimum wages loss of customary rights/usage of forest produce in case the acquisition has affected their such rights. Resettlement closer to natural habitat. 25% higher benefits, fishing rights in project reservoir, reversal of land deals if tribal rights are found violated. |

### Highlights Of Emergency Tsunami Reconstruction Project, Tamil Nadu, 2005

The objective of the Project is to reconstruct the damaged coastal infrastructure including houses with hazard resistant features, review the livelihood of coastal



communities and reduce the vulnerability to natural disasters on a sustainable basis. The target groups are the Coastal dwellers who are affected by tsunami such as fisher people, farmers, families of persons linked to coastal economy. The project will benefit 3,00,000 families through housing and infrastructure upgradation projects.

The Project will have five components. (i) repair and reconstruction of rural and urban housing: (ii) restoration of livelihoods, including limited support to the severely affected fisheries sector, restoration of damaged agricultural and horticultural lands, and repair / reconstruction of damaged infrastructure in animal husbandry sector: (iii) Repair, reconstruction and upgrading of public buildings and public works: (iv) technical assistance and training, and: (v) project management.

#### Statement of Sectoral Assistance in Tsunami Affected Regions

| S.No. | Sector                                | Cost Component (Rs Crores) | Percentage Share of Sectors | Remarks  |
|-------|---------------------------------------|----------------------------|-----------------------------|--|
| 1     | Fisheries                             | 1445.08                    | 21.43                       | The concern here is to restore livelihoods by means of reviving fishing occupations as well as supporting for ancillary infrastructure provisions. |
| 2     | Agriculture & Livestock               | 44.5                       | 0.66                        |  |
| 3     | Micro Enterprises & Other livelihoods | 56.56                      | 0.84                        |  |
| 4     | Housing                               | 1615                       | 23.95                       | The costs for housing reconstruction & repairs are the major components, including infrastructure provisions.                                      |
| 5     | Health & Education                    | 148.71                     | 2.21                        | Related to health programmes & reviving infrastructure   |
| 6     | Rural & Municipal Infrastructure      | 362.32                     | 5.37                        |  |
| 7     | Transportation                        | 844.7                      | 12.53                       |  |
| 8     | Coastal Protection                    | 2018.4                     | 29.93                       | Exclusively for coastal protection works   |
| 9     | Environment                           | 207.96                     | 3.08                        | Under the directions of PCCF & Environment Department  |
|       | <b>Total of all sectors</b>           | <b>6743.23</b>             | <b>100</b>                  |  |

Almost 46% of the total cost components are towards developing and restoring the livelihood support systems of the communities (emphasis has been given to the fisheries sector as fishing has been the main occupation of people) and housing requirements. This total amount on these two sectors is Rs. 3060 Crores (30,600



million INR). The remaining provisions are spread across different sectors as mentioned in the table above and are designated towards community-based infrastructure in order to help achieve the restoration of near to normal lives of the affected communities.

#### Key Features of the Package

| S.No | Category                              | Amount per unit | Criteria  |
|------|---------------------------------------|-----------------|---|
| 1    | <b>Agriculture &amp; Livestock</b>    |                 | Replacement cost  |
|      | Cattle                                | 10,000/- each   |   |
|      | Calf                                  | 5,000/- each    |   |
|      | Sheep                                 | 1,000/- each    |   |
|      | Poultry                               | 50/- each       |   |
|      | Farmland reclamation & soil fertility | Rs 44,000/ha    | Crude estimates from gross budget provision as the extent of reclamation may vary from place to place   |
| 2    | <b>Housing</b>                        |                 | Government will bear the cost of land acquisition and give financial assistance for house construction, land ownership will be transferred to the victims as the government deems necessary |
|      | Temporary Shelter                     | Rs. 8,000       |   |
|      | Partly damaged houses                 | Rs. 75,000      |   |
|      | Fully damaged houses                  | Rs. 1,50,000    |   |





## CHAPTER 4.0

### INVOLUNTARY RESETTLEMENT PRACTICES IN VOGUE IN OTHER TROPICAL COUNTRIES

#### 4.1 BACKGROUND

Displacement of humans has been part of human history since modern humans displaced Neanderthals. It has always been justified by the dominant, and suffered by the weak. But displacement of people by people has also almost always been accompanied by displacement of nature. Both the 'ecosystem people' of today and the large remaining parts of nature have become flotsam and jetsam on the drift line of modern society. What is most tragic about this situation is that these two dependent variables are the backbone of human life: how humans interact with their biotic environment. To relegate that great human question to a contrived battle of ideologies is a disservice to humanity and nature. To remedy this, more careful study is required at the scale where humans and wildlife live out their life courses, not in the abstractions that guide natural and social science disciplines. Such careful analysis must be put in the service of governments and institutions of civil society, and somehow in the course of that transmission, we must secure the guarantees of public servants and private actors alike that they will act with the respect and care due to the world's remaining wildlife and their human cohabitants in the countryside (Kent H. Redford and Steven E. Sanderson) An attempt has been made by several workers to review the global status of the process of eviction and conservation and some hypotheses generated on the status and potential evictions from protected area.

This is being presented below:

| <b>Hypotheses about eviction and conservation</b>  |
|--|
| 1. South America, the Pacific, Caribbean and Australia have experienced relatively few incidents of eviction from protected areas compared to the rest of the world. |
| 2. The countries of the former Soviet Union have a long history of displacement from strictly protected areas.   |
| 3. Most protected areas from which evictions have occurred were established before 1980.   |
| 4. Eviction from protected areas did not occasion significant public debate before the 1980s.  |
| 5. There were many more evictions from protected areas in all regions before 1980 than are currently reported in the literature.                                     |
| 6. Complex nationally based environmental movements are driving recent and contemporary evictions from protected areas.  |
| 7. Large scale evictions from large protected areas are currently less prevalent than they once were.  |
| 8. Evictions will become more common if existing conservation legislation in Africa and South Asia is enforced.  |
| 9. Economic displacement and exclusion from protected areas is more significant in people's lives and complaints about protected areas than physical eviction.       |



The conclusions of some of the studies suggest that 'Forced removals are drastic. Eviction is the most violent act a law-abiding state can inflict on its law-abiding citizens. Ultimately it is inimical to conservation's cause. For if we love nature because of our early encounters with it, and cling to that love despite the diverse alienations and pressures modern life throws at it (Milton 2002) then the real successes are when the fences come down. Bill Adams has observed, 'The challenge is not to preserve (or restore) 'the wild', but peoples' relationships with the wild. Without contact with nature, people's capacity to understand it and engage with it withers. The future of conservation will turn on the extent to which a strong individual connection to nature and natural processes is maintained.' (Adams 2004: 235–236)

## 4.2 SPECIFIC SITUATIONS

A number of studies on the practices in vogue in other tropical and developing countries have been analysed. The situation is not very encouraging. There are criticisms published (Chapin 2004; Dowie 2005). There are strong calls for better forms of governance, which would facilitate people's participation in, and ownership of, conservation (Borrini-Feyerabend et al. 2002, 2004). Why is failure in displacement, rather than success, the norm? The principal cause of faulty relocation plans has been identified as the lack of adequate provision of technical and financial inputs required for successful creation of agricultural livelihoods by oustees in a new environment. Such insensitive planning is organically linked to lack of administrative transparency, local participation or expert involvement as well as to inadequate financial commitments (Shahabuddin et al. 2005; Sharma and Kabra *in press*).

Many protected areas, of all types, still contain people despite the efforts to resettle them elsewhere by the respective governments. A survey of 70% of national parks in South America in 1991 found that 85% had people living inside them (Amend and Amend 1995). More recent studies also suggest that protected areas are characterised by high rates of occupancy. A study of 91 protected areas in well-populated tropical areas found that 70% were occupied by people (Bruner et al. 2001). Individual studies in Mongolia, East Kalimantan, Myanmar and the Central African Sub-region indicate use rates of 70– 100% (Jepson et al. 2002; Rao et al. 2002; Bedunah and Schmidt 2004; Cernea and Schmidt-Soltau 2006). Note that all this occupancy of protected areas does not indicate that evictions have not occurred, for there are many cases of evictions being reversed, either legally, or by rural people reinvading the lands they lost. Most recently First Peoples Worldwide has brought out a comprehensive list of evictions for conservation (Annexure - 1).

- Recent research in 12 protected areas in 6 central African countries (Nigeria, Gabon, Cameroon, Republic of Congo, Equatorial Guinea and Central African Republic) shows that:
- 120,000 people, around five percent of the overall rural population of these countries, have been displaced since 1990
- A further 170,000 people face a significant risk of displacement from planned conservation activities, such as the increase in size of protected areas in the sub region, adopted by national governments on the basis of a WWF proposal
- An additional 250,000 people will become 'hosts' for these people displaced against their will.



Despite the conventionality of the use of resettlement as tool to solve conflicts between human uses of landscapes and conservation, studies of the effects of resettlement – both on resettled peoples and on park habitat after resettlement are surprisingly scarce.

Most protected areas are officially to consist of a strictly protected inner core in which almost all anthropogenic activities are banned. Buffer zones that allow for regulated production activities are supposed to be designated as well, but are outside most parks' officially demarcated boundaries. Because so many of Vietnam parks are less than 20 years old, many were drawn up 'creatively' by placing jagged borders that excised out any major human settlements. Yet, in densely populated Vietnam, this has not eliminated the problem of resident people: out of the more than 120 protected areas, only one is believed to have no people at all living in it, according to Pamela D McElwee (Conservation & Society, V4No.3, 2006). The following table provides a summary of situation in selected Protected Areas from the tropical countries in Africa;

| Protected Area           | Country           | Promoter | Area in Km <sup>2</sup> | Impact on Local Populace                           | Population | Compensation     | Success         |
|--------------------------|-------------------|----------|-------------------------|--|------------|------------------|-----------------|
| Korup NP                 | Cameroon          | WWF      | 1259                    | Involuntary Resettlement Expropriation             | 1465       | Yes<br>NO        | No<br>No        |
| Lake Lobeke NP           | Cameroon          | WWF      | 4000                    | Expulsion of Pigmy-bands Expropriation             | ~ 8,000    | No<br>Partly     | No<br>No        |
| Dzanga - Ndoki NP        | CAR               | WWF      | 1220                    | Expulsion of Pigmy-bands Expropriation             | 350        | No<br>Partly     | No<br>No        |
| Nsoc NP                  | Equatorial Guinea | ECOFAC   | 5150                    | Expulsion of Settlements Expropriation             | 10197      | No<br>No         | No<br>No        |
| Gamba                    | Gabon             | WWF      | 7000                    | Expulsion of Settlements Expropriation             | ~12600     | Partly<br>Partly | No<br>No        |
| Ipasa - Mingouli         | Gabon             | ECOFAC   | 100                     | Expulsion of Pigmy-bands Expropriation             | 110        | No<br>Partly     | No<br>No        |
| Cross-River Okwango Div. | Nigeria           | WWF      | 920                     | Involuntary Resettlement of Villages Expropriation | 2876       | Yes<br>NO        | Has not Started |
| Noubale Ndoki NP         | Republic of Congo | WCS      | 3865                    | Expulsion of Pigmy-bands Expropriation             | ~5802      | No<br>Yes        | No<br>Yes       |
| Odzala NP                | Republic of Congo | ECOFAC   | 13000                   | Expulsion of Pigmy-bands Expropriation             | 9750       | No<br>No         |                 |

Source: Michael M. Cernea, Kai Schmidt-Soltau: Paper presented at The International Conference on Rural Livelihoods, Forests and Biodiversity, 19-23 May 2003, Bonn, Germany

In summary, it can be held that the status is far behind the practices in our country in terms of fairness and legal entitlements despite involvement of international agencies.



### Summary of Conservation Evictions, February 2007 - Source: First Peoples Worldwide

| Country                  | Park Name   | People  | Eviction date(s)  | Number of People         | Comments   |
|--------------------------|---|---|---|--------------------------|--|
| AFRICA                   |   |   |   |                          |  |
| Benin                    | Pendjari National Park  | villagers of Tanougou                           |   |                          |  |
| Botswana                 | Central Kalahari Game Reserve                                 | San   | 1997-2002-2005  | between 5,000 and 39,000 | reversed 2006  |
|                          | Chobe National Park   | Ts'ixa  | no humans by 1975   |                          | access denied to fruit groves since 1960, access denied to seasonal wildlife migration |
|                          | Okavango/Moremi Game Reserve                                  | San   |   |                          | traditional resource use allowed on fringes  |
|                          | Kgalagadi Transfrontier Park (formerly Gemsbok National Park) | San   |   |                          |  |
|                          | Nata Sanctuary  | Tuya, Kalanga                                   | late 1940s  |                          | forcibly evicted at gunpoint   |
| Cameroon                 | Campo Ma'an National  | Bagyeli   | Issues began 1990s  | 300,000                  | Forced relocation  |
|                          | Dja wildlife reserve  | Baka  |   | 7,800                    | hunting prohibited   |
|                          | Boumba Bek National Park                                      | Baka, Bangando (Bantu)                          | late 1990s-2000s  | 4,000                    |  |
|                          | Park  | Baka  |   | 4,000                    | strictly regulated access  |
|                          | Korup National Park   | Babenele (of Bambendjelle) pygmies              | residence illegal since 1981; some argue no buffer zone residence | 1,465                    | village resettlement, expropriation of traditional land use titles                     |
|                          | Takamanda forest reserve area                                 |   |   |                          |  |
|                          | Waza National Park  |   | 1988 villages evacuated, moved to                                 |                          |  |
| Central African Republic | Dzanga-Ndoki National Park                                    | Aka pygmies                                     |   | 350                      | Pygmy bands expelled, expropriation of traditional land use titles                     |
|                          | Dzanga-Sangha Dense Forest Reserve                            | BaAka pygmies                                   |   |                          | eviction led to alcoholism and disease   |
|                          | Noubale Ndoki National Park                                   | BaBenjelle (Babenzele) Pygmies and neighbouring |   |                          | expulsion of Pygmy bands, expropriation of traditional land use titles                 |
| Congo                    |   |   |   | 3,000                    |  |





| Country                      | Park Name                           | People                                 | Eviction date(s)                          | Number of People                                     | Comments   |
|------------------------------|-------------------------------------|--|---|--|--|
| Côte d'Ivoire                | Odzala National Park                |  |   | 9,800  | Pygmy bands expelled, expropriation of traditional land use titles   |
| Democratic Republic of Congo | Tai National Park                   | Kwɛl society                           |   |  |  |
|                              | Kahuzi-Biega National Park          | Twa, Pygmies                           | 1960s-1980s                               | 6,000  |  |
|                              | Virunga Park                        | Batwa, Basongora                       | 2001/2002                                 |  | during a period of unrest in the Democratic Republic of Congo, the Basongora moved into Park but were evicted when peace was |
| Equatorial Guinea            | Nsok National Park (Altos de Nsork) |  | 1995                                      | 10,000   | settlements expelled, expropriation of traditional land use titles   |
| Ethiopia                     | Nechasari National Park (Nech Sar)  | Guji and Kore                          | Oct-00                                    | 980 Kore families, 1025 Guji Oromo families - 10,000 | 10,000 people depend on Park   |
|                              | Mago National Park                  | Mursi, Suri, Nyangatom, Dizi and Me'en |   |  | Imminent   |
|                              | Omo National Park                   | Mursi, Suri, Nyangatom, Dizi and Me'en | current                                   | 50,000   |  |
| Gabon                        | Ipassa-Mingouli Biosphere Reserve   |  |   | 100  | Imminent   |
|                              | Loango National Park                |  |   | 2,800  |  |
|                              | Moukalaba-Doudou National Park      |  |   | 8,000  |  |
|                              | Gamba Protected Areas Complex       |  |   |  |  |
| Ghana                        | Digya National Park                 |  |   |  |  |
| Kenya                        | Mau (Mao) forest                    | Maasai, Ogiek                          | 2001 (most recently, but ongoing to some) | 2750 families - 6,000 10,000 people                  | Imminent-cancelled deeds 2005  |
|                              | Tana River Primate Reserve          |  |   |  |  |
|                              | Mt. Elgon National Park             | Bamasobo, Ndorobo                      | ~2000                                     |  |  |
|                              | Reserve                             | Maasai, Ogiek                          |   | 6,000  | returned after 30 years  |
|                              | Park                                | Maasai                                 | 1991-2                                    |  | Park   |
|                              | Nairobi National Park               | Maasai, Ogiek                          |   |  | people encroach from south, the only side without fencing  |
|                              | Masai Mara National Reserve         | Maasai                                 |   |  |  |



| Country      | Park Name  | People                           | Eviction date(s)                          | Number of People          | Comments   |
|--------------|--|----------------------------------|---|---------------------------|--|
| Madagascar   | Mantadia National Park   |                                  |   |                           |  |
|              | Project  |                                  |   | 35,000                    |  |
|              | Ranomafana   |                                  |   |                           |  |
| Malawi       | Michiru Mountain Conservation Area                                     |                                  |   |                           |  |
|              |  |                                  |   | 1,000 families            |  |
|              |  |                                  |   |                           |  |
|              |  |                                  |   |                           |  |
| Mozambique   | Limpopo Valley National Park   |                                  | Park claims people wanted to be resettled |                           | voluntary resettlement   |
| Namibia      | Etosha National Park   | Hal//om San                      | 1954                                      | several hundred           | fencing  |
|              | Kaoudom Game Reserve   | San                              |   |                           |  |
| Nigeria      | Park   |                                  |   | 2,876                     |  |
| Rwanda       | Volcanoes National Park  | Batwa                            | 1974, late 1990s                          |                           |  |
|              | Nyungwe Natural Forest   | Batwa                            | late 1990s                                |                           |  |
|              | Virunga Park   | Batwa                            | Jul-01                                    |                           |  |
|              |  |                                  |   |                           | following 1994 genocide, 2/3 of land (180,000 ha) returned to people   |
| South Africa | Akagera National Park  |                                  |   | 1,500 families            |  |
|              | Kruger National Park   | San/Tsonga                       |   |                           |  |
|              | Kgalagadi Transfrontier park (formerly Kalahari Gemsbok National Park) | Khomani San                      | final evictions 1973                      |                           | some rights and 28000 ha of land restored  |
|              | Greater St Lucia Wetland Park  |                                  |   |                           |  |
|              | Sabi Game Reserve  | Makuleke                         | 1902                                      | 3,000                     | full relocated in 1969. overlaps current Kruger National Park  |
|              | Tsitsikama Forest  |                                  |   |                           |  |
|              | Natal Drakensberg  |                                  |   |                           |  |
|              | National Park  |                                  |   |                           |  |
|              | Richtersveld   |                                  |   |                           |  |
| Swaziland    | Malotja National Park  |                                  |   |                           |  |
|              |  |                                  |   |                           |  |
| Tanzania     | Mkomazi Game reserve   | Maasai, Parakuyo, Toloha herders | 1988                                      | 5,000                     | cattle population decreased 75%, no compensation until Maasai and Parakuyo took case to court for compensation for |
|              | Serengeti National Park  | Maasai                           |   | 16,200                    |  |
|              | Ngorongoro Conservation Area   | Maasai                           | 1974, grazing banned 1959)                | between 10,000 and 50,000 |  |
|              | Arusha National Park   | Meru                             |   |                           |  |





| Country | Park Name                                | People    | Eviction date(s)          | Number of People                   | Comments   |
|---------|--|-----------|---------------------------|------------------------------------|--|
| Togo    | Tarangire National Park                  | Maasai    |                           |                                    |  |
|         | Park                                     | Maasai    |                           |                                    |  |
|         | Gombe National Park                      |           |                           |                                    |  |
|         | Katavi National Park                     |           |                           |                                    |  |
|         | Park                                     |           |                           |                                    |  |
|         | Manale Mountain National Park            |           |                           |                                    |  |
|         | Mikumi National Park                     |           |                           |                                    |  |
|         | Park                                     | Meru      |                           |                                    |  |
|         | Kuaha (Luwondo) National Park            |           |                           |                                    |  |
|         | Saanane National Park                    |           |                           |                                    |  |
|         | Selous Game Reserve                      |           | 1920s                     | 40,000                             |  |
|         | Udzungwa Mountain National Park          |           |                           |                                    |  |
|         | Reserve                                  |           | 1987                      |                                    |  |
|         | Mibulu GR                                |           |                           | 10,000                             |  |
| Uganda  | Lion's Den National Park                 |           | 1980s-1990s               | 6,000                              |  |
|         | Keran National Park                      |           | 1980s-1990s               |                                    |  |
|         | Bwindi National Park                     | Batwa     | 1991 most recent eviction | 100 families in 1964               |  |
|         | Mgahinga Forest Reserve /Mgahinga        |           |                           |                                    |  |
|         | Gorilla National Park                    | Batwa     | 1991 eviction             |                                    |  |
|         | Echuya forest reserve                    | Batwa     | 1991 eviction             |                                    |  |
|         | Mount Elgon Forest Park                  |           |                           | 12,000                             |  |
|         | Busoga Forest Reserve                    |           |                           |                                    |  |
|         | Kibaale/Kibale National Park             |           | 1993                      | Elizabeth National Park            | if people refused to move for conservation, they were killed on the spot |
|         | Mabira                                   |           |                           |                                    |  |
|         | Kidepo National Park                     | Ik        | 1970s                     | ~5,000                             |  |
|         | Park                                     |           | 1982 1985                 |                                    |  |
|         | Queen Elizabeth (Rwenzori) National Park | Basongora |                           | 30,000 (with Kibale National Park) |  |
|         | South Luangwa National Park              | Bisa      |                           |                                    |  |
| Zambia  | Mfuwe Game Park                          |           |                           |                                    |  |





| Country    | Park Name                           | People  | Eviction date(s)          | Number of People  | Comments  |
|------------|-------------------------------------|---|---------------------------|---|---|
| Zimbabwe   | Liuwa Plain National Park           |   | restrictions planned 1987 | 108 villages  |   |
|            | Rusitu Botanical Reserve            | Ngorima lineage residents of Mukwiratunhu section |                           |   |   |
|            | Chimanimani Park                    |   | 1993                      |   |   |
|            | Haroni Botanical Reserve            | Ngorima lineage                                   |                           | 200   |   |
|            | Nyanga National Park                |   |                           |   |   |
|            | Matobo/Matopos National Park        |   |                           | 2,000   |   |
|            |                                     |   |                           |   |   |
| ASIA       |                                     |   |                           |   |   |
| Bangladesh | Modhupur Eco-Park                   | Koch  | current                   | 25,000  | Imminent, one person killed   |
|            | Chittagong Hills FR                 | Jumma   | current                   | 200,000   | Imminent  |
|            | Reingkhayong Forest Reserve         |   | 1976-1997                 | 100,000   |   |
|            | Eco-Park in Moulavi Bazar of Sylhet | Khasi, Garoore                                    | 2000-2003 implemented     | 1,000   | Imminent for creation of eco-park cancelled   |
| Burma      | Alutilla                            | Tripura   |                           | 200 families  |   |
|            | Myinmoietkat Nature Reserve         |   |                           |   |   |
| Indonesia  | Rawa Aopa Watumohai National Park   | Moronene  | 2000 eviction             | 100 homes, 3 villages (2000) & 175 houses, 300 families | continuation  |
|            | Lore Lindu National Park            | Katu  |                           | 60 villages surrounding Park                            | attempts to regain land have been made  |
|            | Gunung Leuser National Park         |   |                           |   |   |
|            |                                     |   |                           |   | imminent as of 2004, 12 deaths by shooting, violence, individuals and families exiled, at least 40 fishermen tortured, arrested, denied legal rights, and sentenced to one to |
|            | Komodo National Park                |   |                           | 20,000 people face threat of eviction as of 2004        | imminent  |
|            | Park                                |   |                           |   |   |
|            | Park                                |   |                           |   |   |
|            | Kutai National Park                 |   |                           |   |   |



| Country     | Park Name  | People          | Eviction date(s)           | Number of People  | Comments   |
|-------------|--|-----------------|----------------------------|---|--|
|             | Kayan Mentarang National Park                        |                 |                            |   |  |
|             | Aponi Tuton Forest Reserves and Maringgong Protected | Penan           |                            |   | a WRM January 2004 publication states that a survey is being conducted on Penan lands to create these protected forests  |
| Malaysia    | Batang Ai National Park                              |                 |                            |   | according to community complaints, applications for Native titles traditional lands were rejected, people are threatened by authorities to stop hill paddy cultivation |
|             | Crocker Range National Park                          |                 |                            |   |  |
| Nepal       | Park   | Tharu           | 1994-99                    | 2,000   | violence threatened if people were not cooperative, right to graze and hunt limited  |
| Pakistan    | Khunjerab National Park                              | Wakhi           | 1991                       |   |  |
|             | Ayubia National Park                                 |                 |                            |   |  |
| Philippines | Palawan Game Refuge                                  | Batak           |                            |   |  |
| Sri Lanka   | Park   | Wanniyala-Aetto |                            |   | 100 have returned so far   |
|             | Sanctuary  | Hmong           |                            | at least 176  | evicted for "watershed protection"   |
| Thailand    | Thungyai Naresuan Sanctuary                          | Hmong, Karen    | 1999?                      | 3,000-5,000   | evicted for "watershed protection"   |
|             | Boluwang National Park                               | Karen           |                            | 300   |  |
|             | Cuc Phuong National Park                             | Muong and Dao   | 1985-1990                  | 1,000   | compensation: one time cash payout, a new village outside boundary of Park, reconstruction materials, seeds, food for  |
| Viet Nam    |  |                 |                            | 9,000 in National Park, 180,000 in buffer zone (not all | plan to redraw boundary and resettle 1,000 people  |
|             | Cat Tien National Park                               | Xtlang and Ma   | 2003                       |   |  |
|             | Song Thanh Nature Reserve                            | Katu            | 2005-border rules enforced |   |  |



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## CHAPTER 5.0

### THE CONTEXT OF RECENT LEGAL DEVELOPMENTS

#### 5.1 BACKGROUND

The provisions of the Wildlife (Protection) Act, 1980 prior to its amendment in 2006 provided no legal duty or responsibility on the State to ensure that the communities displaced due to creation of National Parks and Sanctuaries are either rehabilitated or their livelihood secured. The first major development occurred as a result of the Amendment in 2003 where the State was under an obligation to provide for the alternative arrangements to meet some of the basic requirements. To elaborate it further, under Section 18 of the Wildlife (Protection) Act, 1980 relating to the declaration of Sanctuary, the State Government is empowered to declare an area, which in its opinion satisfies the conditions as mentioned in the section. The most significant aspect relating to declaration is contained in Subsection (2) of Section 18 A, wherein it is provided that till such time as the rights of the affected persons are finally settled under Section 19 to 24, the state governments shall make alternative arrangements required for making available fuel, fodder and other forest produce to the persons affected, in terms of their rights as per government records.

The implications of this provision are as follows:

- *The existing rights come to an end even before the settlement of rights since the State government is obligated to make alternative arrangement for fuel, fodder and other forest produce etc;*
- *The alternative arrangements so far as providing fuel, fodder etc are limited to only those rights which are recorded in government records.*

Unfortunately, this provision only leads to immediate termination of the rights while only providing compensation so far as the recorded rights are concerned. There is no scope for addressing the livelihood concerns. The Andhra Pradesh High Court in *Kumapuranju Rangaraju*<sup>1</sup> held that:

*“Under Section 18, it is only a declaration that is made by the State Government expressing its intention to constitute an area as sanctuary and after such notification is issued the collector is required to conduct enquiry and determine the existent nature and extent of the rights of any person over the land comprised within the limits of Sanctuary.*

*Final Notification under S.26-A will be issued only after specifying the limits of the area which shall be within the sanctuary and declare that the said area shall be Sanctuary from such date as may be specified in the notification. Therefore, provision would indicate that the intention to constitute the area as Sanctuary cannot be Constituted as final notification in as much as, the*

<sup>1</sup> AIR, 1998 AP 273





*Collectors are given powers to adjudicate the rights of the person and to pass appropriate orders and the Collector may also exclude any area from the limits of the proposed Sanctuary notified under Section 18. Once the boundaries are fixed under the final notification 26-A, it shall not be altered except on a resolution passed by the legislation of the state. It is only when final notification under Section 26-A is issued declaring the definite area as sanctuary after taking account the adequate measures for protecting the rights of the locals, it could be said that the particular area falls under the sanctuary and not the area mentioned in the notification under Section 18 of the Act”*

The scheme of the Act so far as acquisition of rights are as follows: Section 21 requires the Collector to publish the notification in the regional language in every town and village in or in the neighborhood of the area comprised therein specifying and calling upon persons claiming any right to prefer the claim before the Collector specifying the nature and extent of such right and the amount and particulars of the compensation, if any, and the claim in respect thereof. The Collector is then expected to inquire into the claim preferred by any person and pass an order admitting or rejecting the same in whole or in part, the Collector may either excluded such land from the limits of the proposed Sanctuary or proceed to acquire such rights unless the right holder agrees to surrender his rights on payment of agreed compensation, worked out in accordance with the provisions of the Land Acquisition Act, 1894 or allow the continuance of any right of any person in or over and land within the limits of the Sanctuary. If he decides to proceed to acquire such land or right in or over such land, he shall proceed in accordance with the provisions of the Land Acquisition Act<sup>2</sup>.

In *Centre for Environmental law*, the Supreme Court by its order dated 22<sup>nd</sup> August 1997 held that “even though notification in respect of Sanctuaries, National Parks have been issued under Section 18-35 in all States/ UT’s, further proceedings as required under the Act i.e issue of Proclamation under Section 21 and other steps as contemplated by the Act have not been taken. The concerned State governments Union Territories are directed to issue the Proclamation under Section 21 in respect of the Sanctuaries/ National Parks within two months and complete the process of determination of Rights and acquisition of land or rights as contemplated by the Act within a period of 1 year.”

Despite the directions of the Supreme Court, not much progress happened on the same in its recent order 29-8-2006, the court noted “that the matter of completing the process of determination of rights and acquisition of land or right as contemplated by the Act in respect of some of the National Parks and Wildlife Sanctuaries has still not been completed despite lapse of so many years”. It was pointed out that it has not been completed in 14 of the 85 National Parks and 170 out of 494 Wildlife Sanctuary. The Court granted last opportunity and directed the Chief Secretaries to personally look into the matter and file their own affidavits in terms of the order dated 23<sup>rd</sup> November 2005.

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<sup>2</sup> Pradeep Kishen Vs Union of India, AIR 1996 SC 2040





The procedure for resettlement follows the acquisition proceedings under the Act, which is mentioned in the Section 24 and 25 wherein the Collector is empowered to either admit or reject a claim of a person to a right in or over a land. The Collector has the liberty to either reject the whole of the claim or only a part of the Claim. The option for the Collector is that he can either:

- Exclude the land from the limits of the proposed sanctuary;
- Proceed to acquire such land or right;
- Allow in consultation with the Chief Wildlife Warden, the continuance of any right of any person in or over any land within the limits of the Sanctuary. This provision is however not applicable to a National Park.

The provisions as contained in the Section provided limited scope for communities living in National Parks and Sanctuaries if the Collector refuses to accept the claim for continuation of the right to live within the Sanctuary and National Park. The issue was dealt at length by the Allahabad High Court in which it observed:

*“On examination of the scheme of the Act it appears to us that the statute does not envisage lodging of any objection by any person in the declaration of the sanctuary. There is no scope for the court to go for the justification of any declaration of any area to be included in the sanctuary provided it satisfies the test of S.18 (1) of the Act. Section 18 of the Act empowers the State Government to declare any area to be a sanctuary if it is considered that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment. Once these tests are satisfied the grievance of a person having right over any such property included in sanctuary is limited to the determination of his rights as envisaged in S.19 read with S.21 (b) followed by Ss.24 and 25 of the said Act. Section 19 vests in the Collector the power of enquiry and determination of the existence, nature and extent of the right of the person. Such right is to be decided on the lodging of a claim under S.21 (b) of the Act. Section 21 requires a proclamation to be published through notification (a) specifying the limits of the sanctuary and (b) lodging of claim in prescribed forms within two months. The claim meant in S.21 (b) is to be understood from the extent of claim mentioned therein. The legislative intent can be gathered from the expression used which is clear and unambiguous and does not leave any scope for any other kind of interpretation. The claim is confined in “specifying the nature and extent of the right...and the amount and particulars of compensation”... This expression does not permit of any other claim or objection within scope thereof.*

*After the claim is lodged the Collector, after serving the notice upon the claimant, shall look into the claim preferred as well as those not preferred in terms of S.22 with the aid of S.23. After the enquiry the Collector under S.24 (1) may reject or admit the claim in whole or part and then either to exclude the land from the limits of sanctuary or to proceed to acquire in exercise of the power conferred on him under S.24(2). The procedure for acquisition is*



*prescribed in S.25. It is for the Collector to decide as to which course he will adopt viz. either to exclude or to acquire<sup>3</sup>.*

## **5.2 THE EFFECT OF THE AMENDMENT IN THE ACT IN 2006 AND THE IMPLICATION OF THE SCHEDULED TRIBES AND OTHER FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006**

The Amendment in the Act in 2006 incorporated new provisions for the creation of “inviolable areas”. From the bare perusal of the provision it appears that it is intended to provide legal recognition to the earlier management concept of “core” i.e areas within Tiger Reserves which are to be free of human interference or habitations. In the new provision of the Act, the creation of inviolable areas for the purposes of Tiger Conservation has to take place *without affecting the rights of the Scheduled Tribes and such other forest dwellers*. Section 38 V (5) provides that inviolable areas for tiger conservation can be created under two circumstances:

- (a) Voluntary Relocation on Mutually agreed terms and Conditions:
- (b) When the following conditions have been satisfied:
  - (i) The concerned agencies of State Government have come to the conclusion that the activities of Scheduled Tribes or other forest dwellers (ST's and OFD's) will cause irreversible damage to wild animals and its habitat and threaten the existence of tigers. However the consent of the ST's and OFD's is essential before any conclusion is drawn.
  - (ii) The State Government with the consent of the ST's and OFD's have come to the conclusion that other reasonable options for co-existence have been exhausted;
  - (iii) The informed consent of the Gram Sabha concerned and of the persons affected have been obtained;
  - (iv) That facilities for land allocation at the resettlement location are provided for otherwise their existing rights shall not be interfered with

The scope for involuntary relocation is thus severely restricted in view of the latest amendment in the Wildlife (Protection) Act, 1972. Among the most significant implication so far as the issue of relocation is concerned is that for the first time there is a statutory duty on the Government to ensure that the communities are properly rehabilitated after they have given their consent to relocate themselves from the identified ‘inviolable areas’. The relocation process is thus dependent on the consent of the ST's as well as OFD's in three stages:

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<sup>3</sup> (Nagar Palika Parishad, Mussoorie vs State of Uttar Pradesh, AIR 1998 All 232 at 233)



- A. Consent to the study of the State Government that the presence of ST's and OFD's will cause irreversible damage and threaten the existence of Tigers and its habitat;
- B. Consent to the conclusion drawn by the State Government that reasonable options for co-existence are not available;
- C. Informed Consent of Gram Sabha as well as affected ST's have been obtained for the resettlement programme.

The Act also requires the State to ensure that:

- Resettlement or alternative package has been provided for livelihood for the affected individuals and communities;
- Such resettlement and alternative package should fulfill the requirements given in the National Relief and Rehabilitation Policy;

### **5.3 IMPLICATIONS OF THE AMENDMENT IN WPA**

The amendment to the Act in 2006 has meant that any relocation for creation of inviolate areas for Tiger Conservation must be with the Consent of the communities and the Gram Sabhas.

### **5.4 THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006**

This Act intends to recognize and vest the forest rights and occupation of forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers.

The scope for relocation would arise in the context of "Critical Wildlife Habitat" which has been defined to include such areas of National Parks and Sanctuaries which are required to be kept inviolate for the purposes of wildlife conservation. Section 4 (2) of the Act provides that the forest rights recognized may be modified or resettled if it has been established by concerned agencies of the State Government that the presence of right holders is sufficient to cause irreversible damage and threaten the existence of said species and its habitat and that reasonable options of co-existence are not available.

However, it is pertinent to point out that unlike creation of inviolate areas for Tiger Conservation, in creation of inviolate areas for other wildlife conservation the consent of the ST and OTFD's is not required during the process of the state government coming to the conclusion that the presence of ST's and OTFD's is going to cause irreversible damage to 'the species and their habitat' and also to the fact that other reasonable options for co-existence is not possible. However, the law requires that:

- A resettlement and alternative package has been prepared in accordance with relevant laws and policies of the Central Government<sup>4</sup>;

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<sup>4</sup> It is not understood as to why Laws and Policies of the State Government are not being insisted on.



- Such resettlement and alternative package has been communicated to the affected communities.
- Such alternative package must provide a secure livelihood.
- The Free informed Consent of the Gram Sabha to the *resettlement* and *package* has been obtained in writing.

## 5.5 COMPARISON OF THE PROCESS UNDER THE WPA AS AMENDED IN 2006 AND THE FOREST RIGHTS ACT, 2006

| CREATION OF INVIOATE AREAS FOR TIGER CONSERVATION   | CREATION OF INVIOATE AREAS FOR WILDLIFE CONSERVATION AS PER THE FOREST RIGHTS ACT <sup>5</sup>   |
|---|--|
| <b>Recognition and determination of Rights</b><br>Process of recognition and determination of rights and acquisition of land or forest rights is complete   | <b>Recognition and determination of Rights</b><br>Similar Provision  |
| <b>IRREVERSIBLE DAMAGE</b><br><br>Concerned agencies of the State Government establishes that presence of right holders will cause irreversible damage and threaten the existence of the species and the <i>consent of ST and OFD's have been obtained</i> as also consultation with independent social and ecological scientists | Similar except that no consent of the ST's and OTFD's is required.   |
| State Government with the <i>consent</i> of the ST's and OFD's comes to the conclusion that reasonable options for co-existence are not possible.   | Similar except that no Consent of the ST's and OTFD's is required.   |
| <b>RESETTLEMENT PACAKAGE</b><br><br>Resettlement or alterative package has been provided for livelihood and fulfills the requirement of <i>National Relief and Rehabilitation Policy</i>  | <b>RESETTLEMENT PACKAGE</b><br><br>Resettlement or alternative package has been prepared to provide a <i>secure</i> livelihood and fulfills the requirement of <i>relevant laws and policies</i>   |
| <b>CONSENT FOR RESETTLEMENT</b><br><br>The informed consent of the Gram Sabhas and the persons affected to the resettlement has to be obtained.   | <b>CONSENT FOR RESETTLEMENT</b><br><br>Generally similar however some crucial difference: firstly, it specifies that the consent has to be ' <i>free informed consent</i> ', besides no consent from the affected persons is required but only from the Gram Sabha |

<sup>5</sup> There might be changes in the exact procedure to be followed after the enactment of the Rules which is currently under process



## CHAPTER 6.0

### PROPOSED MODEL RELOCATION PLAN

#### 6.1 INTRODUCTION AND CAVEATS

While the attributes of a sustainable plan were outlined in the introductory chapter, the proposed model is reviewed for its structural limitations and the underscore the importance of honest and transparent implementation of any plan, particularly in dealing with issues of such sensitivity. This plan is an interventionist approach, which upon conclusion that a particular critical wildlife habitat is to be made settlement free, the relevant department has to implement the provisions of the Wildlife Protection Act keeping in view the recent development in other concurrent policies and legislations.

Being an interventionist approach, the attribute of self-reliance is turned around, as communities, which were to a large extent self-reliant, are now being brought into situations where they will be less self-reliant and dependent upon the State and other institutions. In order to achieve greater endogeneity, the community may have to learn new skills, relearn the context of their earlier experiences and accommodate themselves where they are likely to be seen as aliens. The interventionist approach also calls for investments, which if the communities were to design and devise a way for themselves could be lot less capital intensive. The relocation programmes currently undertaken have not been environmentally sound. They have caused damages in areas of resettlement and sometimes in much greater proportion to the damages caused within and on occasions without much remarkable regeneration in the vacated areas.

The model plan has been proposed taking into account all the factors that will encourage the families to relocate and shall enable the achievement of the conservation objectives of Protected Area management on the basis of field studies in relocated sites, relocation undertaken in other projects and post-disaster situations, the provisions of the existing laws and regulations. The relocation plan is a combination of the rehabilitation package and a set of institutional mechanisms at various levels with specific tasks identified. Since the law requires addressing the livelihood concerns a separate livelihood plan is proposed.

A broad road-map has been drawn to facilitate planning the nation-wide programme and is aligned to the Five-year Planning cycle. The road map indicates the various tasks that need to be undertaken in order to achieve a harmonious withdrawal of people from the critical wildlife habitats. This communication to the local communities of the importance of creation of the inviolate space must be backed with action with respect to other non-compatible activities often taking place in the vicinity, which undermines the intention of the Wildlife Authorities.

The proposed plan reflects the legal position with respect to the relevant laws and highlights the fact that the new amendments make it necessary that at every stage the process is vetted by the Gram Sabha through an explicit consent. Even if we were to assume only the 28 Tiger Reserves will see 273 settlements and between 30 to 40 thousand families. Assuming a total cost of Rs 10 lakh per family, the entire



programme will need an outlay of nearly Rs 4000 crores (roughly 1 Billion USD). These recommendations follow the presentation and discussions held on 27th July 2007 at the Wildlife Institute of India, Dehradun and incorporating the final observations of the review committee.

## 6.2 THE PROPOSED PACKAGE

### 1.0 Definitions

#### 1.1 Definition of an eligible family

A family is one that falls within the definition given below and normally residing in one of the settlements requiring relocation.

Family” means a person, his or her spouse, minor sons and daughters, minor brothers or unmarried sisters, father, mother and other members residing with him/her and dependent on him/her for their livelihood.

A family is eligible for the package from only one location where it normally resides even if it owns land in other settlements requiring relocation.

The following will be treated as separate families even if they currently live together;

- 1 A major (over 18 years) son irrespective of his marital status
- 2 Unmarried daughter/sister more than 18 years of age
- 3 Physically and mentally challenged person<sup>1</sup> irrespective of age and sex.
- 4 Minor orphan, who has lost both his/her parents
- 5 A widow or a woman divorcee

#### 1.2 Other Definitions

All other definitions will strictly follow the provisions described in Wildlife (Protection) Act, 1972 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006.

### 2.0 Categories of Families

“Displaced family” means any tenure holder, tenant, Government lessee or owner of other property, who on account of the particular settlement being declared a ‘critical wildlife habitat’ under the Wildlife (Protection) Act, 1972 and its amendments and the acquisition of his land including plot in the abadi or other property in the Protected Area or Sanctuary has been displaced from such land or other property;

<sup>1</sup> For this purpose, blind/deaf/orthopedically handicapped/mentally challenged person suffering from more than 40% permanent disability will be considered as separate family.





The categories of families eligible will comprise of

1. Families which own land and the settlement is a Revenue Village
2. Families which have identified piece of land residing in a Forest Village where their rights are already established
3. Families who have been residing prior to December 13 2006 entitled to settlement of rights in accordance with `The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
4. Families which have identified piece of land but are legally encroachers
5. Nomadic Families which normally reside (over 200 days) and use the Protected Area Resources but visit other areas
6. Nomadic Families which periodically reside and use the Protected Area Resources and
7. Families holding Lease for specific tenure

### **3.0 Choice in Relocation**

Families required to be relocated can opt for Self-Relocation or Community Rehabilitation and entitlements will depend upon the option exercised by the individual family.

Thus there are two options for each family:

**Option I** - Payment of the entire package amount to the family in case the family opts so, without involving any rehabilitation/relocation process by the Forest Department.

**Option II** - Carrying out relocation/rehabilitation of village from protected area/tiger reserve by the Forest Department.

#### **3.1 Entitlements in case of Self- Relocation:**

Every eligible family will be entitled to opt for Self-Relocation upon giving an undertaking to the District Collector/Magistrate through the Gram Sabha, with its consent, and the PA Manager, of his/her conscious choice for self-relocation and that upon receiving the compensation amount in cash he/she relinquishes all claims to the land and conventional rights vested earlier according to any law, record or practice and for the other benefits under the rehabilitation package.

In case of option I, a monitoring process involving the District Magistrate of concerned District(s) should be ensured so that the villagers rehabilitate themselves with the package money provided to them.

#### **3.2 Resettlement and Rehabilitation**

Every eligible family, which does not opt for Self-Relocation, will be entitled to a rehabilitation package provided that atleast a simple majority of the families opt for the rehabilitation from a single settlement. In case where a community from a



settlement, which needs relocation, has less than the majority of the villages seeking rehabilitation only provisions of Self-relocation will apply.

Wherever the community opts for rehabilitation the NTCA will appoint a hand-holding agency which will prepare a detailed rehabilitation plan in consultation with the communities. The assured elements of the package would comprise:

### 1. Homestead Land

Every eligible family, except nomadic communities who visit the Protected Area, will be provided 0.1 Acre of homestead land as close as possible to the agricultural lands to be allotted to them with a maximum budget of Rs 50,000.

### 2. House Construction

Every eligible family, except nomadic communities who visit the Protected Area, will be provided with an interactively designed home with a maximum budget of Rs 1,50,000.

### 3. Agricultural Land

Every eligible family will be entitled to obtain land as per the following categories;

| Category of Family  | Agricultural Land  |
|---|--|
| Families which own land and the settlement is a Revenue Village   | Equivalent to land owned in the original settlement subject to a maximum of 4 ha.  |
| Families which have identified piece of land residing in a Forest Village where their rights are already established  | Equivalent to land cultivated, with settlement of rights in accordance with 'The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 subject to a maximum of 4 ha. |
| 'Encroacher' Families who have been residing prior to December 13 2005 entitled to settlement of rights in accordance with 'The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 | Equivalent to land cultivated, with settlement of rights in accordance with 'The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 subject to a maximum of 4 ha. |
| Nomadic Families which normally reside (Over 200 days) and use the Protected Area Resources   | 2 ha of land if they choose sedentary living (greater focus will be on livelihoods)  |
| Nomadic Families which periodically visit and use the Protected Area Resources  | Entitlements will be settled in areas where they normally reside   |
| Families which have identified piece of land but are legally encroachers having settled post December 13 2005   | No Land  |
| Families holding Lease for specific tenure  | Equivalent to land leased subject to a maximum of 2 ha.  |



#### **4. Access to Forest Resources**

In case resettlement has been done on a forest land, the new settlement will be eligible for access to forest resources for their bonafide use through the village level committee and Gram Sabhas. Every new settlement will be eligible for the formation of a Forest Protection Committee or Van Panchayat and seek access to Forest resources such as fuel wood, fodder and other Non Timber Forest Produce for bonafide local use. This will be subject to feasibility of provision in the relocated site or alternate arrangements for fuel and fodder will form a part of the rehabilitation plan.

#### **5. Basic Infrastructure and Other Critical Facilities**

The District Administration should facilitate the development of these infrastructure and facilities and particularly enable establishment of fair price shop, education, and health center close to the relocated site.

- **Access Road**

Proper access road to the rehabilitation site from nearest public road will be provided.

- **Irrigation Facilities**

Irrigation facilities will be provided in all agricultural lands through appropriate means.

- **Drinking Water and Sanitation**

Adequate and safe drinking water will be provided for each eligible family. Water for household use and for cattle and sanitation facilities will be provided as a part of the rehabilitation plan.

- **Electricity and Telecommunication Facilities**

Electricity Connection will be provided to individual house from the grid wherever feasible and in case the concerned department is unable to provide, provisions will be made through non-conventional energy sources. Common telecommunication facility will be provided, wherever feasible as a part of the rehabilitation plan.

- **Fair Price Shop**

The families will be entitled to facilities of Fair Price shop which shall be opened locally failing which provisions will be made for delivery of monthly rations in a common place through appropriate arrangements in the rehabilitation plan.



- **Education**

Anganwadi will be established in each rehabilitation site. Scholarship for the duration till +12 will be provided to all children and efforts will be made to accommodate them in nearest Navodaya Vidyalaya or other such schools.

- **Health Facilities**

The settlement would be linked to the nearest Public Health Centre and Government hospitals.

- **Community Centre, Religious and other Places of Worship**

Provision of land and resources for construction of religious or other places of worship will be constructed in accordance with their cultural values and traditions.

- **Burial Grounds and Crematorium**

Space for Burial Ground and Crematorium as required by the community will be a part of the rehabilitation plan.

## 6. Livelihood Support

A livelihood plan will be evolved specifically as a part of the rehabilitation package based upon the existing skill base, potential opportunities and the redirection of the opportunities in wildlife and eco-tourism in the region. The relocated villagers should be given priority for livelihood options emanating from the protected area.

This will need to be conceived beyond small-scale activities locally, which do not have the scope for expansion. The corporatisation of the activities for local and Park benefits may be viewed from a different context such as hydro-power in the Himalayas where the Private players have to fork out a stake and benefit sharing with the State. Since all Wildlife Tourism is dependent on the upkeep by the agency and local communities, the Park Authority must look beyond the 'gate-fees', which is in any case very low. The relocated village should be taken up on a priority basis for eco development as well as local development through convergence of District level schemes. The labour oriented works involved in the relocation process should be preferably implemented through the villagers who are being relocated so that they derive benefits out of the same apart from ensuring the field implementation to their satisfaction.

In the long run the management of economic activities around the park has to be vested with the two key Stakeholders, the Forest Department and the local communities, while evolving a workable model for other investors.

### 3.3 Financial Aspects

In case of option II, the following package (per family) is proposed, at the rate of Rs. 10 Lakhs per family.



|     |   |                          |
|-----|---|--------------------------|
| (a) | Agricultural land procurement and development   | 35% of the total package |
| (b) | Settlement of Rights  | 30% of the total package |
| (c) | Homestead land and house construction   | 20% of the total package |
| (d) | Incentive   | 5% of the total package  |
| (e) | Community facilities commuted by the family (access road, irrigation, drinking water, sanitation, electricity, telecommunication, community center, religious places of worship, burial/cremation ground) | 10% of the total package |

The above cost norms are indicative in nature to facilitate flexibility for State/site specific situation and conforming to the laws.

## 7. Grievance Redressal System

A grievance Redressal system wherein the Park Director will establish a cell to receive, communicate to all others and respond to the specific grievances. A local level committee will be constituted to periodically highlight the pending issues and shall have the access to the State Level and National Level Committees.

## 6.2 PROPOSED LEVELS AND TASKS

The relocation process should be monitored/implemented by the following two Committees:

### (State Level Monitoring Committee)

|                                    |   |                  |
|------------------------------------|---|------------------|
| Chief Secretary of the State       | - | Chairman         |
| Secretaries of related departments | - | Members          |
| Chief Wildlife Warden              | - | Member Secretary |

### (District Level Implementing Committee for ensuring convergence of other sectors)

|  |   |                  |
|--|---|------------------|
| District Collector   | - | Chairman         |
| CEO  | - | Member           |
| Representative officials from;<br>PWD, Social Welfare, Tribal<br>Department, Health Department,<br>Agriculture Department, Education<br>Department, Power & Irrigation Departments | - | Members          |
| Deputy Director of the Tiger Reserve/PA  | - | Member Secretary |

A detailed matrix has been evolved to indicate the tasks at different levels in the management of the relocation process. This is very critical to the successful implementation of the programme and has to be considered seriously by the NTCA in process of accomplishing the stupendous task.



| Scale of<br>Nature of<br>Intervention<br>→<br>↓ | Relocation Site   | Park/PA  | District   | State  | National  |
|---|---|--|--|--|---|
| Location and Livelihoods                        | <ol style="list-style-type: none"> <li>Overall site Location and Implementation of the R&amp;R package</li> <li>Ensuring Basic Infrastructure</li> <li>Individual Plots for Housing and Farming Options</li> <li>Off-farm Livelihood Options</li> <li>Demographics Based Specific inputs</li> </ol> | <ol style="list-style-type: none"> <li>Park Level Planning for Relocation</li> <li>Ensuring Biodiversity Gains expected on relocation are actualized.</li> <li>Benefit sharing systems with hotel and tourism operators</li> <li>Ensuring Convergence with other programmes</li> </ol> | <ol style="list-style-type: none"> <li>Ensuring access to basic infrastructure</li> <li>Linking relocated Communities with District Development Programmes</li> <li>Providing State Support to the handholding agency</li> </ol> | <ol style="list-style-type: none"> <li>Enabling Policies for Land Purchase</li> <li>Linking State level financial and training institutions</li> <li>Formalising Benefit Sharing System</li> </ol> | <ol style="list-style-type: none"> <li>Set up institutional framework for enterprises</li> <li>Enabling financial decisions and transfers in time</li> <li>Interface with all concerned institutions</li> </ol> |
| Responsible Person/ Implementing Agency         | Coordinator, Handholding Institution  | Park Director  | District Collector   | Chief Wildlife Warden  | DIG, R&R NTCA   |
| Management & Administration                     | <ol style="list-style-type: none"> <li>Baseline Establishment</li> <li>Proper Record Keeping</li> <li>Ensuring Entitlements</li> <li>Capacity Building</li> <li>Interface with various agencies</li> </ol>  | <ol style="list-style-type: none"> <li>Land Identification</li> <li>Discharge of Entitlements</li> <li>Creating Linkages for Livelihood Support</li> <li>Establishing a Grievance Redressal System</li> </ol>  | <ol style="list-style-type: none"> <li>Land Acquisition for R&amp;R</li> <li>Ensuring integration with Revenue and Development Administration</li> </ol>   | <ol style="list-style-type: none"> <li>Ensuring time-bound completion of R&amp;R tasks</li> <li>Ensuring tenure continuity for officials involved in R&amp;R</li> </ol>                            | <ol style="list-style-type: none"> <li>Trouble Shooting</li> <li>Sharing Best practices</li> <li>Introducing Central Schemes for community development</li> </ol>   |
| Monitoring & Evaluation                         | Committee headed by MS, NTCA; Gramsabha Representatives   | DIG, R&R, NTCA   | Secretary, F&WL, Respective State  | Chief Secretary, Respective State  | Committee headed by MS, NTCA  |
| Legal Aspects                                   | <ol style="list-style-type: none"> <li>Providing Information on Legal Situation – Rights and Duties</li> <li>Highlighting discrepancies if any in the process.</li> </ol>   | <ol style="list-style-type: none"> <li>Requisition of Land for adding to PA on relocation</li> <li>Requisition of Land for Relocation</li> <li>Providing inputs for compliance under various relevant Acts and Rules</li> </ol>  | <ol style="list-style-type: none"> <li>Conducting the LA Process</li> <li>Ensuring Extinction of rights in PA and establishing rights in relocated area.</li> </ol>  | <ol style="list-style-type: none"> <li>Ensuring compliance with Wildlife Act</li> <li>Ensuring Compliance with Tribals &amp; OFD Act</li> </ol>  | <ol style="list-style-type: none"> <li>Ensuring compliance with Wildlife Act</li> <li>Ensuring Compliance with Tribals &amp; OFD Act</li> </ol>   |

### 6.3 A ROAD MAP: PHASING AND TASK IDENTIFICATION

The road map is an attempt to draw up a phase-wise programme of action for the NTCA and MoEF in the task of resettling people away from critical wildlife habitats particularly in Tiger Reserves and other Protected Areas. The phasing of the programme has been done with the understanding of the complexities involved and is co-terminus with the 12<sup>th</sup> Plan period.





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**Phase I (2007-2008)**

1. Acceptance of the Model Relocation Plan and its applicability to all Protected Areas.
2. Establishing a task force in the NTCA for relocation.
3. Conceding the poor status of existing relocation and resettlement activities, extension of benefits retrospectively to all these communities and topping up with those that have not been provided to them.
4. Identification of handholding agencies and orientation of them to the importance and criticality of the task and exploring their training needs.
5. Organising training workshops for hand-holding agencies and Park Officials on the process and tasks involved and the operational structures.
6. Appointment of handholding agencies and determining their scope of work in specific locations.
7. Identification of all the Revenue villages within Protected Areas where determination of rights is not an issue and prepare rehabilitation plan for each of them.
8. Initiate implementation of Rehabilitation Plan for Revenue Villages.
9. Enabling setting up of requisite committees for settlement of rights under the Wildlife (Protection) Act, 1972 and its recent amendments and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for settlement of rights of those in Forest Villages and other settlements.

**Phase II (2008 - 2011)**

1. Completion of the Rehabilitation Process of communities in Revenue Villages
2. Settlement of Rights of communities in Forest villages and other settlements.
3. Settling Rights of Nomadic communities and determining their primary site for relocation.
4. Ensuring settlement of Rights of Forest villages and other settlements on the basis of the legal processes and prepare rehabilitation plans.
5. Initiate Rehabilitation process for relocation from forest villages and other settlements where rights are settled.
6. Initiate rehabilitation of the nomadic communities.
7. Initiate the formation of Corporate body to partner all enterprises linked to protected areas to bring in a continuous stream of benefits to the rehabilitated population and the Protected Area Management.

**Phase III (2011-2012)**

1. Complete review of rehabilitation process and the status of the overall situation including feedback from communities.
2. Develop instruments to widely distribute part-ownership of the corporate body to all rehabilitated communities.
3. Consolidate the corporate body and create entrepreneurial opportunities for the rehabilitated communities.
4. Prepare a plan for 'spill-over' tasks in terms of the number of settlements and quality of rehabilitation and the necessary corrections for the ensuing Five-year plan period.



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The Lakarda Village Site, Range - Kudera – relocated in 1976 –



Jenabil, Simlipal, Orissa

A small benefit obtained is better than a great one in expectation!

