

Land Rights Violations at Achanakmar Wildlife Sanctuary, Chhattisgarh

A Fact Finding Report by Baiga Mahapanchayat, Nadi Ghati Morcha and EQUATIONS

EQUATIONS
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In mid-2009, there were reports in the newspapers in Chhattisgarh that the villages located in the core area of Achanakmar Wildlife Sanctuary which had been declared as a Tiger Reserve, would be displaced and the 'Revised Guidelines for the Ongoing Centrally Sponsored Scheme of the Project Tiger' announced by the NTCA would be applied. The first phase of displacement of 6 villages took place in December 2009 and without settling the claims that the villagers had filed under the The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Following this, EQUATIONS, responding to a request from Nadi Ghati Morcha (NGM) conducted a fact finding process along with NGM and Baiga Mahapanchayat in October 2010. This report is based on the findings of the team.

A field visit to the Achanakmar Wildlife Sanctuary was undertaken between October 29 – 31, 2010 to study the developments at the Sanctuary vis-à-vis Project Tiger and the adivasis who live within the sanctuary. The objective of the fact finding exercise was:

- To document violations with respect to The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and The Panchayat Extension to Scheduled Areas (PESA) Act, 1996.
- To document lapses in resettlement and rehabilitation
- To document the tourism development taking place within the Sanctuary



Figure 1: Map of the Achanakmar Wildlife Sanctuary

I. Brief History of the Achanakmar Wildlife Sanctuary (WLS)

Achanakmar was declared as a Wildlife Sanctuary in the year 1975 and is an important part of the Achanakmar-Amarkantak Biosphere Reserve. The Sanctuary, which is spread over an area of 551.552 sq. kms. Is located in the Lormi Taluk of Bilaspur district and falls under the Bilaspur Forest Division. In 2003, the 37th meeting of the Steering Committee of Project Tiger held on 23rd January 2003 recommended that Achanakmar WLS be declared as Critical Tiger Habitat and be included in the Project Tiger. The date of notification of tiger habitat was 20.02.2009.

According to a letter dated September 17, 2010 written by the Deputy Inspector General of Forests to the Sr. Pay & Accounts Officer, Ministry of Environment & Forests on the subject of "Centrally Sponsored Plan Scheme 'Project Tiger' Administrative Approval for funds release to Achanakmar Tiger Reserve, Chhattisgarh during 2010-11." A total amount of Rs.1200.77 lakhs has been sanctioned by the National Tiger Conservation Authority (NTCA) for the year 2010 - 2011.

Below are the details of the flora and fauna in the WLS:

Animals: Tiger and leopard are the main carnivorous animals found in the sanctuary. The other animals are *chausingha*, *sambhar*, *gaur*, walking deer, *angur*, monkey, wild boar, bear and the golden dog.

Birds: The birds which inhabit the sanctuary are peacock, parrot, myna, Indian coucal, kingfisher, vulture, bluethroat, eagle, jungle babblers, nightjar, pheasant and crane.

The forest has been categorised as a 'Northern Tropical Moist Deciduous Forest' with the following trees present: *sal*, *saja*, *dhavda*, *tinsa*, *haldu*, *tendu*, *gooseberry*, *jamum*, *bel*, *karra* and *bamboo*.

There are 25 forest villages within the core of the WLS of which 75% are of the Baiga community and the remaining are from the Gond community with a small number of Yadavs. The total population of these forest villages is 1774¹.

II. Brief History of the Baiga Community

The Baiga Chak region is located in the Maikhal hills of the Satpura mountain range and is spread over the districts of Shahdol, Mandla, Balaghat, Bilaspur and Kawardha. In 2001 when the Chhattisgarh state was carved from Madhya Pradesh, this region was divided between the 2 states with the first 3 districts remaining with Madhya Pradesh and the last 2 going to Chhattisgarh. The Baiga adivasis (categorised as Primitive Tribal Group) have lived in this region for centuries and consider themselves the protectors of the forests. Historically, they have had little connections with the people living in the plains. According to a special survey conducted by the Tribal Research Institute, Bhopal in 1992 - 93, the total Baiga population recorded was 1,34,357².

In Chhattisgarh, Lormi and Mungeli Blocks of district Bilaspur have the largest Baiga population. The majority of them live in 42 forest villages within the Achanakmar WLS and which is also considered one of the most backward regions of the country.

The lifestyle of the Baiga community is deeply connected with the forests wherein they practice agriculture without the use of the plough and grow 12 different kinds of crops using this method. They practice shifting agriculture, where they cultivate one piece of land for 3 years and then move to the next patch, allowing for forest regeneration. It was during the British rule when the forests were declared the property of the State that the community was pushed to poverty. To facilitate the cutting of forests for timber, the British brought the Baigas from the highlands to the foot of the hills and settled them in forest villages.

The Baigas of Chhattisgarh have repeatedly faced displacement due to various projects first in Boramdeo in district Kawardha, Bodla Block in district Kawardha and now in Achanakmar WLS in district Bilaspur.

III. Details of the Violations

A. Forced Displacement

There are a total of 25 villages in the core area that will be displaced due to Project Tiger. Resettlement and Rehabilitation has been planned in a phased manner of 6 villages at a time. Rehabilitation sites are being developed in the periphery of the Sanctuary.

In the first phase 6 villages (Kumba, Sambhardhasan, Bankal, Jalda, Bahaur & Bokrakhachar) were displaced in December 2009. According to the 'Revised Guidelines for the Ongoing Centrally Sponsored Scheme of the Project

Tiger', the State is obliged to make the required arrangements as per Option II³, which is what the 6 villages had opted for. Further, each household is to also receive 5 acres of land for agriculture.

Promises of living accommodation, school, health centre, roads and livelihood sources were made, based on which the forest department had people sign documents stating they are voluntarily moving from the original villages to the rehabilitation sites. However, when the villages were displaced at the peak of the winter season none of these were ready. In fact in the absence of shelters, the adivasis had brought with them some wood from the jungle so that they could build homes to live in.

At the time of displacement each head of the household was given Rs. 5000, which was exhausted for living expenses since the Baigas who earlier subsisted on the forest had to purchase much of their daily food requirements from the market. While bank accounts have been opened in the name of the head of the household only Rs 45,000 of the Rs 10,00,000 has been deposited and passbooks have not been handed over until now. People therefore are unable to withdraw money from their accounts and neither has the infrastructure developed. At the time of displacement, families had also not been allotted farm lands as was promised.

The displaced families were moved to *nistari*⁴ areas of villages in the periphery of the Sanctuary. This has led to a lot of animosity and resulting conflict between the communities in the host villages and the adivasis who have been displaced.

A meeting of representatives of civil society organisations and political parties was held with the DIG, National Tiger Authority and Mr. Bargaiyyan, Divisional Forest Officer (DFO), Forest Department on December 26, 2009. At this meeting Mr. Bargaiyyan accepted that there was no plan within the Forest Department to construct living accommodation for those who were displaced.

It was only after this intervention by the Baiga community through the civil society organisations and political parties, did the forest department take steps to fulfil promises made earlier.

When the fact finding team spoke with the adivasis who were displaced, they shared that they did not want to leave their lands, homes and forests. Yet, the forest department started putting pressure by refusing them to access the forests for minor produce and firewood. They also shut down schools in the region and threatened the adivasis that they would bring tigers and elephants and chase them out. When this went on for several months, they were forced to leave their homes.

The second phase of displacement will take place soon and the next set of 6 villages are experiencing this similar treatment. People in village Chaparwa reported that when they go into the forests to collect firewood, the forest guards harass them and do not let them bring back any forest produce. They have also started entering the villages to threaten them with drastic consequences like setting elephants on them.

While this process of forced displacement is taking place, and the Baiga community is being denied entry into the forest to collect minor forest produce, the Yadav community who own large numbers of cattle continue to graze them in the forests.



Figure 2: Cattle owned by the Yadav community grazing in the forest



Figure 3: Cattle at the home of a Yadav family living in the forest

B. Violation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Some individual claims have been settled under the FRA, 2006. However, there has been no recognition of community rights at all. In cases where people had received individual certificates, these were being used as a “legitimate” way to displace the people claiming that their FRA claims had been settled. Yet, the forest department knowing that if community claims were settled, they would not be able to displace the adivasis as easily as they did. Further, the important right to protect forests as enshrined in the Act has been completely violated. The adivasis were not taken into confidence when the Sanctuary was declared as Critical Tiger Habitat. Neither was their help elicited in the protection of the forests and its wildlife including tigers.

C. Status of The Panchayat Extension to Scheduled Areas (PESA) Act, 1996

The adivasis shared that some parts of the villages in the forest are not recognised under the PESA. In these villages the Yadavs are the Sarpanch. Further, they also shared that there was no difference in the region being under PESA areas since the forest department is not following the provisions of the Act. While the government is obliged to discuss all developmental plans for the villages with the Gram Sabha, which is supposed to take the decisions, in

actuality this does not happen. The fact that the adivasis were not consulted before declaring the Sanctuary as Critical Tiger Habitat is a case in point. The Act is therefore clearly being violated both in letter as well as in spirit.

D. Status at the rehabilitation sites

Out of the 6 villages displaced, the fact finding team visited the 3 villages of Bankal, Bokrakhachar and Samar Dhasan. When the team visited the rehabilitation sites, the adivasi men were sitting around since they did not have any work to do. The women were busy cooking or caring for the children. The adivasi men shared that they did not have any work to do since they had finished harvesting the crop and they could not go into the forests to collect either minor produce or fire wood.

People of the villages shared that they felt betrayed by the forest department. When they lived in the forests, they were not dependent on the market for anything apart from salt and oil. The people used to grow their food grains and vegetables and earned money from the NTFP they collected using which they fulfilled their other needs. During illness, they collected medicinal herbs from the forests and were able to take care of their health needs.

According to the Revised Guidelines for the ongoing Centrally Sponsored Scheme of Project Tiger, "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." However since the forests are far away from the rehabilitation sites (which were themselves nistari for the villages already living in the region), in actuality the displaced families are not able to access forests for minor produce.

Therefore, on moving to the rehabilitation sites, they have lost access to the forests because of the distance as it would take them 2 full days to go to the forests, collect the produce and return. Apart from collecting minor forest produce to sell, the adivasis also collected firewood for fuel from the forests. Now they have to buy firewood from the market. Therefore the adivasis have not only lost their only source of income, they are also having to spend more money than before as many more basic needs are having to be fulfilled by the market.

In terms of agriculture, land that the adivasis have been given, while being fertile, will take about 5 years of cultivating so that optimal productivity levels can be reached. Due to this the food grains that they were able to produce this year has not been sufficient for their annual food grain requirements, let alone excess to sell in the market. However, the villagers were not consulted when they were allotted lands or while choosing the site for the new village. No irrigation facilities have been made, making the adivasis dependent on the rains and are therefore able to cultivate only 2 crops a year.

The adivasis also shared that there are no other livelihood options at the rehabilitation sites. The only option would be to go to cities and work as contract labour at construction sites etc. a skill they do not have and also no aspiration for. They shared that they would not go to the cities and if things did not get better they would rather go back into the forests. Since the villages are resettled within the forest limits, no other development programmes like NREGA can be implemented.

The impacts of displacement are already visible. Mangalsingh Baiga, aged 45, died of starvation at one of the rehabilitation sites. The forest department has dismissed it as a case of death due to old age!

No schools and Public Health Centres (PHCs) have yet been constructed in the rehabilitation sites. While there is one borewell that has been dug in each village, of the 3 that we visited only one is in working order. The women of the other 2 villages have to travel approximately 1 km. to fetch water for drinking, cooking and cleaning purposes.

As is seen in the photographs below, all the homes for the displaced families are made of cement and seem rather like a colony than a village. None of the families use these structures to live in and instead stock the foodgrains that they have harvested in them. Further, the adivasis grow various kinds of vegetables near their homes and allow the creepers to grow on to their roofs. This serves 2 purposes, as a food supplement and also to keep their homes cool in the summers. This is not possible when homes are made of cement.



Figure 4: Villagers have put up their homes behind the cement structures erected for them

Mr. I. N. Singh, Conservator Forest (CF), Bilaspur Forest Division, on being asked about the status of rehabilitation, said that all that was promised as been delivered. He also went on to say that when the adivasis who still live in the core area visited the rehabilitation sites, stated that they would also like to move to the rehabilitation sites. He suggested that a team of representatives visit the sites and conduct an independent review and was firm in his belief that when such an exercise was carried out, they would be satisfied.

Mr. Bargaiyaan, DFO, Bilaspur Forest Division was unavailable for comment⁵.

The adivasis at the rehabilitation sites reiterated what the adivasis still living in the forests said about their relationship with the tigers. They said that they do not understand why they had to removed from the forests for the tigers to survive since both the tigers and adivasis have always co-existed for centuries without facing any significant human-animal conflict.



Figure 5: Rehabilitation site of village Bokrakhachar – This sight reminds one of an urban colony, rather than a village

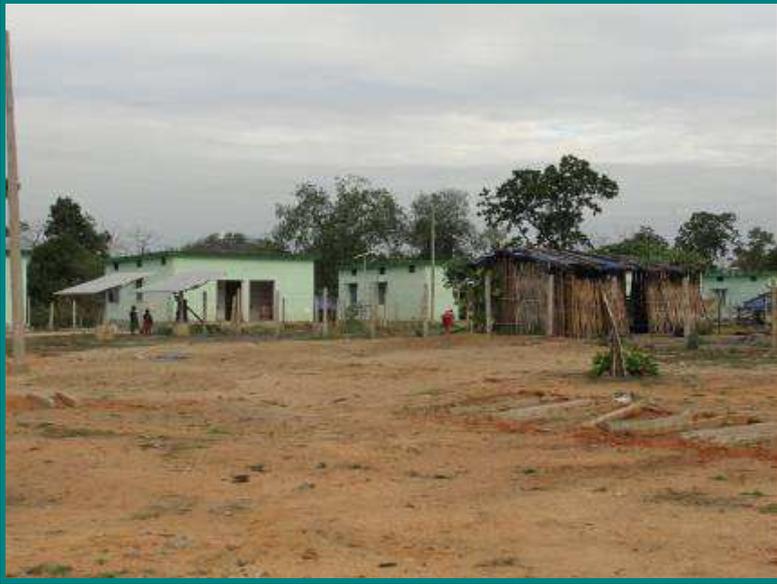


Figure 6: Rehabilitation site of village Bokrakhachar. Here again we see that families have erected their homes next to the cement structures



Figure 7: Rehabilitation site of village Samar Dhasan



Figure 8: Rehabilitation site of village Samhar Dhasan



Figure 9: Rehabilitation site of village Bankal

E. Tourism Development

While on the one hand people who have lived in the forests for centuries both living off the minor produce and protecting and regenerating the forests are being displaced in a brutal manner, on the other hand, the forest department in collaboration with the Chhattisgarh Tourism Board is developing tourism infrastructure like cottages, roads etc.

At Avrapani, which is in the list of villages to be displaced in the second phase, and where people are being harassed by the forest department, such tourism development is evident. The villagers of Avrapani also shared that several people from the city come and hunt illegally in the forests. Clearly the forest department is hand in glove in this, since no hunting can take place in the forests without the knowledge and implicit support of the forest department. Yet, when the adivasis go into the forests to collect firewood and other produce, they are falsely booked under the Forest Protection Act just to intimidate them.

Below are some photographs of the infrastructure being developed at Avrapani.



Figure 10: Tourism Development at Avrapani



Figure 11: Widening existing pathways leading towards the cottages is being planned

Roads leading to the core areas have been closed for the villagers. Yet the forest guest houses on these roads which are in the buffer zones continue to function. Below is a forest guest house at the Achanakmar gate of the Sanctuary.



Figure 12: Forest Guest House at Achanakmar gate

At the Achanakmar gate, there is there was no forest guard manning the gate. The only limitation evident, through a sign at the gate was the regulation on the nature of vehicle which can enter the Sanctuary. Therefore it would be easy for any vehicle to enter the Sanctuary without any regulation of number of vehicles that is entering the forest. The only manned gates were seen between the core and buffer areas.



Figure 13: Boards at the Achanakmar gate

IV. Recommendations

The adivasis fundamentally feel that there is no need for their removal from the forests in the name of conservation of tigers. The current move to oust communities in the forest is in direct violation of both the WLPA amendment of 2006 as well as the FRA, 2006 and should therefore be reviewed.

- An independent review of the status at rehabilitation sites including livelihood, living accommodation, access to forests, access to education, health services and other civic amenities must be conducted. Based on the outcomes necessary steps should be taken and only then should the next phase of rehabilitation be taken up.
- All FRA claims should be first settled – specifically **community rights** should be acknowledged and settled.
- The FRA provision of right to protect the forests should be acknowledged and this should be taken into account before any further displacement takes place.
- Further, both the FRA, 2006 and the Revised guidelines for the ongoing centrally sponsored scheme of Project Tiger, 2008, mention the right of the adivasis and other forest dwellers to access natural and forest resources and this should be upheld.
- Currently, the form of displaced is forced (by manipulation). The forest department needs to show cultural sensitivity, especially while building the homes which should be such that they are specific to the cultural and social context of the communities. Further, resettlement sites should be identified such that they are near the forests so that people can access the natural and forest resources. This can be made possible by conducting PRA exercises with the communities.
- Money that is due to the people who have been displaced should be given and passbooks handed over to the heads of the households.
- Any tourism development that takes place should take the community into confidence and the process should ensure that the opinions of the community be respected and acted upon.

Members of the Fact Finding team: Rashmi Dwivedi, Motilal, (Baiga Mahapanchayat, Lormi), Swathi Seshadri (EQUATIONS, Bangalore), Gautam Bandopadhyay6 (Nadi Ghati Morcha, Raipur).

Annexure 1: List of Villages visited/ government officials met

Date of visit: October 29 – 31, 2010

1. Mahuamacha
2. Bantipathra
3. Avrapani
4. Dudhwa Dongri
5. Dhameri
6. Sarsoha
7. Podharpara
8. Dangriya
9. Babudola
10. Chaparwa

Resettlement sites visited: Bankal, Bokrakhachar, Samhar Dhasan

Mr. I.N. Singh, CF, Bilaspur Forest Division

An appointment to meet Mr. Bargaiyyan, DFO, Bilaspur Forest Division on November 1, 2010 was taken, but was not present at his office when we went there. He also did not receive any phone calls when we tried to contact him.

Annexure 2: Testimonies

Village Mahuamacha:

We do not want to leave our village. We came down from the hills and have settled here and do not want to leave. Whoever comes and whatever money they offer, we don't and will not leave.

We do not have rights to the forest produce. Since they are collected by the forest department and they do not follow the rules. We are not allowed to light a fire in the night. We cannot play the drums after 11.00 in areas where there is the tiger.

There is no school, water, electricity and other civic amenities.

Our slogan is "Baiga, Bhagva, Jungle, Pahad sab ek hi hai". The current perspective of seeing people different from the tiger is that of the government and not ours. We have lived with the tigers for centuries and know how to co-exist.

We have already faced displacement a multiple number of times – from Kundria dam to Avarapani to Mahuamacha and now for the tiger reserve.

Every village has a dalal and they (the forest department) is using them to break the villages.

Though this is a predominantly adivasi area, all villages are not under the PESA. Therefore in these villages there is no reservation for an adivasi sarpanch. Due to this the Yadav community (which is non-adviasi and are a dominant caste) become the Sarpanch and do nothing to further the welfare of the adivasi people in those villages. For e.g. the following four villages in this region - Patpara, Jhiriya, Nivashhar, Suri

Village Bantipatra and Avrapani:

They (the forest department) have informed us that they we are in the list of next 6 villages to be displaced. We don't want to go. They have also told us that infrastructure development has been sanctioned for us. We earn from our jungles. There is no limit on wood collection but there are limits on collection of NTFP. What will we do if we have to leave the jungles?

There is a lot of tourism in this village. People come from the cities to hunt deer, jungle boar, jackal. They also come and put up a camp and stay the nights for picnics. They eat and drink alcohol, make a lot of noise and leave the place dirty.

Only 29 families have got the *van adhikar patras* for the land that we are cultivating. Those who have not got it are non-*adivasi* and they are not cultivating much land.

Village Dhudhwa Dongir:

We do not get any forest produce in the cities. We will therefore not go. We will die here but we will not go. They (the forest department) catch when they go to the forest to collect NTFP including bamboo. There are no tigers here then why are we being displaced?

Village Chaparwa:

We don't want to go. But we have been threatened. They (forest department) will not allow to go to the jungle. They have completely stopped our movement and are not allowing any minor forest produce to be collected. Whatever we collect is what we need for our own use, but they are not letting us collect for selling.

We have got *van adhikar patras* and 2-4 people have been left out. But the adult sons have not received any of this. Therefore they might not get separate land when we are displaced.

People are being forced to leave. They (the forest department) are controlling everything. 6 villages have already been thrown out and we are to be the next.

They say that the National Human is the Baiga, then why are we being thrown out of our homes, lands and forests like this?

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End Notes

1 As quoted in Bi-Monthly Outreach Journal of National Tiger Conservation Authority, Government of India, Volume 1, Issue 4 May – June 2010.

2 Sharma, A.N. et al, 'Indigenous health care and ethno-medicine', Sarup & Sons, New Delhi, 2006

3 Option I – Payment of the entire package amount (Rs. 10 lakhs per family) 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. The details of the rehabilitation package according to Option II can be found at:

http://projecttiger.nic.in/whtsnew/revised_guidelines_css_pt.pdf

4 Nistari areas are the village common lands including grazing lands , common property resources like parts of forest which are traditionally owned and used by the community.

5 Please see Annexure 1

6 Gautam Bandopadhyay accompanied the team during the visit to Mr. I.N. Singh