

# **Tiger Protection, Maoism and the Forest Rights Act: the story of Jenabil**

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Out of the green, into the dust

The latest tiger census says that there are only 1411 Royal Bengal tigers left in India. One of nature's most feared yet revered species is on the brink of extinction. And the tiger is not just an ordinary species; the tiger is the symbol of the richness and health of the forest. But the number 1411 is a stark reminder that we have somewhere failed in protecting the tiger. The number has caused a furor in the so-called 'tiger lobby' and the Wildlife Department is making some last moment face-saving attempts to save the big cat. One of these last attempts is to get rid of human presence in tiger habitats as the biggest enemy of the tiger is the human greed for the beauty of the tiger's skin and the so-called medicinal properties of its bones, nails and teeth.

In one such effort to save the tiger the forest conservation authorities recently displaced 70 tribal families from the kuloh community (the official record says 61 families) from Jenabil, a village located in the core area of the Simlipal Tiger Reserve. This appeared in a news story in the Times of India that said the people had happily moved out. It sounded like a fairy tale impossible in post-independent India's history of the wildlife department which is marred by numerous cases of atrocities and forced evictions of forest dwellers. After years of hearing stories of how elephants were used by the Forest Department to demolish villages, the story of Jenabil happily relocating itself sounded unbelievable.

So we hit the modern four-lane steel barricaded national highway number 5 on 15<sup>th</sup> March 2010 to meet the displaced families in the new resettlement camp. The forest dwellers are for the first time in their lives now connected to the rest of the world by a road. These roads were not built for them but for the infamous extractive industries of Orissa. On our way to the resettlement camp we crossed Chandikhola, a major junction on the road connecting Sukinda, the biggest chromite mine in the country with the port town Paradip and it crossed our minds how the government has signed away thousands of hectares of forest to mining companies. Is that not bringing the tiger as well as several other rare and endangered species of flora and fauna closer to extinction than the forest dwellers? Is it not a paradox that the forest dweller, the one who lives in the forest, has to pay for the destruction of the forest by those who live outside the forest?



**First impressions of Ambadiha**

But the Times of India report popped back into our consciousness, after all, had not the forest dweller happily left the forest? We reached Ambadiha at 10:30pm, a village in Udala block of Mayurbhanj district where the families were resettled from simlipal tiger reserve 8 days ago. If first impressions are to be considered as the sign of things to come then the sight that was waiting for us was the sign of a tragedy in making. Biting heat, dust and for miles together no sighting of the colour green. Just a long shiny tin shed divided into about a dozen tiny compartments that from a distance looked like a modern day cattle-shed. Hard to imagine how anyone would manage to live through the piercing tropical summer heat in this tin oven. Even harder to imagine people who have lived in an evergreen rainforest for generations to survive in this heat chamber.



**Sitting by the tin walls under the green roof**

But indigenous people have indigenous survival skills and therefore the tin shed has been extended with a green shade, a roof made of leaves under which we sat and spoke to the displaced villagers. When asked why and how they were removed from Jenabil, we received several angry mixed reactions and reasons that had together compounded into the displacement. Nobody said they had happily moved out as the newspaper report had claimed. Rather people said forest officers and the police would regularly visit villages in Simlipal and book innocent tribals in false cases for sheltering Maoists. The Simlipal forest is supposedly a safe haven for the armed guerrillas of the CPI-Maoist who last year had attacked forest guards and tourists in the forest. The villagers were threatened that the men folk would be arrested if they did not agree to get displaced.

The dejection and fear among the displaced families was apparently not a new one. Life in the Simlipal Sanctuary area was full of strict restrictions by the wildlife department. There was restriction on collecting and selling forest produce, free movement in the jungle, no healthcare and education facilities, so on and so forth. Every moment their basic human rights were being violated and they were denied a life of dignity. Always

living in fear of the forest guard but not as much as of the last few tigers of Simlipal sanctuary. Despite the repressive conditions the people had abided to all these unlawful restrictions all these years because for them the forest was their home.

Fear and coercion of the forest department and the police was balanced with the promise of a better tomorrow. The people were shown a pretty picture of Ambadiha where they were promised they would get all the facilities and comforts which they did not have in their villages like power and water supply, health and education facilities etc. The rehabilitation package verbally promised by the tiger project to each displaced family is farming land, land to build houses and monetary compensation in total amounting to Rs10 lakhs. The collector promised to provide cooked food for 2 months. Water facility from the river through lift point would be provided. Every displaced family would be given an allowance of Rs2000/- for a temporary period.



Water pump - looks new but doesn't work

But rude awakenings came in early. The people were distressed to not see a single tree or a stray bush in the vicinity. They said back in Jenabil, around this time of the year, the jungle and natural streams gave them an extremely cool and comfortable environment unlike Ambadiha. That day the tiger project authorities had stopped providing cooked food after 8 days of doing so. Also, there was just one water tanker provided everyday which was just enough for their drinking needs. People had not bathed ever since. Many have fallen ill especially the elderly and the children. The tin sheds were needless to say unbearable but the people were unable to start constructing their houses as the tiger project authorities were not allowing them to get their old wood from Jenabil.

The displaced villagers are essentially farmers with secondary reliance on forest produce. On both counts it seems unlikely they will be able to make a living in Ambadiha. Land has been demarcated for them to cultivate but not yet formally handed over to the displaced. Even if it were done immediately it will be of little use as there is no irrigation available for the land earmarked for them. Then the closest forest from the resettled colony is 15 kms away which is being protected by another village and it is not possible for these people to have access to this jungle for their everyday fire wood collection, forget about other forest produce. The only option that remains is daily wage labour in the NREGA and if that does not work out then end up as migrant labour.

If ignorance were bliss then the displaced lot from Jenabil would have been happy as the newspaper report claimed. But ignorance of one's rights being violated by the law keepers can never bring in the joy. The displacement of the Jenabil tribals is a blatant violation of the Forest Rights Act 2006 and the Wildlife (Protection) Amendment Act 2006.

Section 4 (2) of the Forest Rights Act 2006 states –

*“A resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfills the requirements of such affected individuals and communities given in the relevant lodge and the policy of the central government.”*

**and**

Section 38 (V) 4 of Wildlife (Protection) Amendment Act 2006 states –

*Subject to the provisions contained in this Act, the State government shall while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.*

*The free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and the package has been obtained in writing*

During interaction with departments, it seems they have proof of consent taken by the gram sabhas but the villagers said the Gram Shabha had not given any formal consent.



like a modern day cow-shed

*“No resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package”*

The sub collector said the land has been demarcated but allocation will take some more time. Houses were not built prior to relocation, rather a temporary shed arrangement was provided. This arrangement is not sufficient to stay and survive for the displaced families.



Kitchen cum Bed room cum living and storage space: inside view of the temporary shed

Section 5 of the Forest Rights Act 2006 states –

*Save as otherwise provided, no member of the forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from the forest land under his occupation till the recognition and the verification procedure is complete*

There are a large number of cases where forest officials have turned down FRA claims saying they are not applicable in the wildlife sanctuaries. In Simlipal the forest

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This report is prepared by a two members team visited the relocation site on 15<sup>th</sup> March 2010 based on the report published in ‘Times of India’ dated 11<sup>th</sup> March 2010.

department went a step ahead and barred ngos and other organizations to intervene and help the tribals of jenabil to file their FRA claims. The Village Level Worker (VLW) once managed to give the claim forms to the villagers but later there was no proper follow up. Hence, there was no verification and recognition of rights prior to the displacement of the tribals which is a clear violation of the Act.

38 (V) 5 (vi) of Wildlife (Protection) Amendment Act 2006 states –

*The facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.*

We were shown some 30 varieties of indigenous seeds, pulses, millets, crops, vegetables, and roots. It was evident that it would be very difficult to practice the same kind of farming that they used to do. This time of the year, they could have prepared for the second crop on their land, so they are not only jobless but also have lost this season's harvest as well. It was clear that the Project Tiger authorities had not ensured the basic amenities required before relocating the tribal families of Jenabil to Ambadiha.



No sign of the colour green



Neighbours again after 12 years

The displaced from Jenabil have new neighbors who were once their old neighbors belonging to tribal families (23 families from Bathuri community, jenabil and 8 families from kharia community, Kabataghai) displaced in 1998 from the same Simlipal core area and settled here. When we met them, they were not at all surprised to hear the tall claims and hollow promises that the govt had hardly fulfilled before displacing the families from Jenabil. They had faced the same problems, the same disappointment and disenchantment 12 years back.

The forest department and the block administration in Udala say it is the responsibility of the Project Tiger director to look into all the problems and promises of the displaced people. Since the resettled colony falls in their administration, they were trying to provide whatever facilities they could. On confronting the Forest Secretary U.N Behera in Bhubaneswar with the findings from the visit to Ambadiha and after highlighting the violations that the Project Tiger authorities have made during the relocation and rehabilitation process as well as the difficulties faced by the people relocated in Ambadiha, he promised that the FRA and WPAA will be followed properly from here on. There are plans of moving out the remaining villages in Simlipal. Now they are planning to displace Jamunagarh village in the core area. The question is not only if the authorities will displace more villages without first recognizing all rights of the tribals conferred by the FRA 06 and first ensuring that proper facilities in the resettlement area have been provided, but rather if the rights of the displaced will be recognized now.

Tigers are an apex species and deserve the highest protection. But are the tigers being poached by tribals living in sanctuaries or rather by the powerful nexus of hunters and traders that cater to the ever demanding Chinese market for tiger products. Then, can tigers be protected by displacing tribals from the forest while signing off tiger habitats to mining companies like in the case of Niyamgiri hills where Vedanta Aluminium is proposing to undertake open cast bauxite mining in an area known to be a tiger and elephant corridor? Be it Niyamgiri or Simlipal, these are cases of open violations of the FRA '06, the only difference being that in Niyamgiri the Act is being violated for the greed of mining companies while in Simlipal it is for the protection of the tiger from human greed. In both cases tribal communities are marginalized, livelihoods are destroyed and a way of life in the forest is lost forever. If tribals were the real enemies of the tigers then the only tigers left would not have been in tribal areas. Time can only say if the Simlipal tigers will be saved or not by the displacement of the tribals, but it is already evident that the tribals cannot be saved by relocating them.