

Tribal ministry's move may damage sanctuaries

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NAGPUR: The unilateral decision by union ministry of tribal affairs (MoTA) to convert forest villages into revenue villages even in national parks, sanctuaries and tiger reserves has been termed 'illegal' by wildlife conservationists.

On November 8, 2013, MoTA issued a circular reminding the states to convert all forest villages, old habitations, unsurveyed villages etc into revenue villages under Section 3(1)(h) of the [Forest Rights Act \(FRA\) 2006](#). It also includes villages inside the sanctuaries and national parks and tiger reserves.

Though FRA has been in force for the past six years, forest officials did not implement the decision as they considered that provisions of the FRA did not supersede provisions of Forest (Conservation) Act (FCA), 1980, that require environment ministry's permission to denotify any forest land to give it revenue status.

However, the latest circular by MoTA said a subsequent statute supersedes all preceding court judgments or orders of prior date. Since FRA came in 2006 and FCA in 1980, in MoTA's view the latter supersedes the former. MoTA has also clarified that FRA envisages recognition and vesting of rights of forest dwellers and other traditional forest dwellers on all forest lands including those in sanctuaries and national parks and hence such villages inside these parks are also, therefore, required to be converted into revenue villages.

"In Maharashtra, barring 73 villages in Nandurbar, all forest villages have been declared as revenue villages," said tribal commissioner Sambhajirao Sarkunde. These villages were converted into revenue villages in the 70s. Wildlife expert Kishor Rithe said even if state had very few forest villages, in rest of India, there were still many that have not been converted into revenue villages.

"MoTA directive is arbitrary and illegal and needs to be placed before National Board for Wildlife (NBWL) under the Wildlife Protection Act 1972, amended in 2006, before sending to states for implementation. These guidelines will influence and impact protected areas (PAs)," said Rithe.

Section 2(b) of FRA 2006 envisages declaring Critical Wildlife Habitats (CWHs) in PAs. "Even as CWH issue is before the NBWL and states have not complied with it, how can MoTA issue a fresh circular," asked Rithe. CWH means an area within a national park or sanctuary required to be kept 'inviolable' for wildlife conservation, as per provisions of FRA. CWH facilitates modification of newly acquired rights of tribals so that wildlife interest could be protected.

"Unless MoTA ensures compliance of CWH, it should not 'force' states to comply with conversion of forest villages to revenue villages in PAs," said Prafulla Bhamburkar, manager of [Wildlife Trust of India \(WTI\)](#). Already FRA activists are demanding community forest rights (CFRs) in sanctuaries, the new circular will prove detrimental to conservation.

Joint secretary Sadhana Rout, who issued the circular, was on a study leave and unavailable for comments. Under secretary Uttam Kumar Kar said, "I did not deal with the matter and hence know nothing about it. I had just endorsed the circular." He promised to come back on the issue but didn't.