

Heed the call of the wild for protection



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The Supreme Court's directive to ban tourism in core tiger reserve areas for now, has triggered a national debate on conserving wildlife. Unfortunately, a lot of that discussion is based on half-information

The recent order of the Supreme Court directing the notification of 'buffer zones' has brought the terms 'core or critical tiger habitat', 'buffer zone', 'critical wildlife habitat' and 'eco-sensitive zone' into sharp focus. With little clarity amongst the elected representatives, the media and even some officials, the prevailing state of affairs has created a fertile breeding ground for rumour-mongering and mis-information campaigns by vested interests to create uncertainty and fear of displacement amongst communities living around tiger reserves.

Before the situation slides further, the implications of these and more specifically how or whether it affects local communities, must be clearly explained. In order to do this, it would be necessary to elaborate what each of these terms means.

First, a tiger reserve includes a 'core or critical tiger habitat' and a 'buffer zone' around its immediate periphery. 'Core or critical habitats' of tiger reserves were constituted by issuing an overlapping notification to existing sanctuaries and/or 'national parks', with highly endangered tiger populations. This was done under the provisions of Section 38-V of the Wildlife Protection Act after an amendment in 2006. These have to be managed as 'inviolable' areas (meaning no incompatible human activity) to protect breeding populations of tigers and their prey.

'Buffer zones' on the other hand are immediately adjoining the core areas where a lesser degree of habitat protection is required. Even though several CTHs were notified, 'buffer zones' were not created. The Supreme Court is now insisting that States complete the notification process of 'buffer zones' in a time bound manner.

Core and buffer zones: The law allows for resettlement of people living within core areas subject to certain conditions. The question of unilateral eviction does not arise, as all tribal forest-dwellers who were in occupation of land as on December 13, 2005, are eligible for and can opt for a voluntary resettlement package of ₹10 lakh, including alternative land, housing and other amenities.

'Buffer zones' typically comprise reserved forests, protected forests, deemed forests and even unencumbered Government land contiguous with the 'core area'. As against the 'inviolable' paradigm in 'core areas', 'buffer zones' are to be managed under a 'co-existence' paradigm. Therefore the *bona fide* rights of people within revenue enclosures of such forests will con-



tinue. So, the fear that the notification of 'buffer zones' will lead to displacement of people or curtailment of recorded rights is baseless.

Can buffers include villages? Not really, but in some States, the forest departments are attempting to notify privately-owned agricultural landscapes including entire village limits without any forest areas, as 'buffer zones' and even imposing some controls. This may lead to serious conflicts because the law is abundantly clear that a 'buffer zone' is also an integral part of a tiger reserve. A plain reading of the following legal provisions illustrates why private lands and villages should not be included in the buffer zone.

Section 38-V (2) clarifies that the provisions of Sections 18(2), 27(2), (3) & (4), 30, 32 and 33 (b) & (c) of the Wildlife Act apply to a tiger reserve as they apply to a sanctuary. These sections impose restrictions on littering the grounds of a 'buffer zone'; causing or kindling a fire and use of injurious chemical substances. They also empower the chief wildlife warden to take measures for improvement of any habitat and enforce ecologically compatible land uses in the 'buffer zones'.

On the ground, this may well translate into preventing farmers from burning of land after cropping,

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LOCAL COMMUNITIES LIVING IN THE PERIPHERY OF TIGER HABITATS MUST BE TOLD THAT A 'BUFFER ZONE' OR AN 'ECO-SENSITIVE ZONE' WILL NOT LEAD EITHER TO THEIR DISPLACEMENT OR DISRUPTION
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prohibition on the use of pesticides and imposition of prescriptions on changing cropping patterns.

It would, therefore, be prudent to leave out private lands and villages not encompassed within forests from the purview of 'buffer zones' even if this means the buffer does not fully wrap around the core.

Critical tiger habitat vs Critical wildlife habitat: There is huge confusion on this issue as well. While a CTH is notified under the provisions of Section 38-V(4)(i) of the Wildlife Act, a CWH is constituted under Section 4(2) of the Forest Rights Act. While there are differences in the provisions under the two laws, there is one important similarity, which is that both CTH and CWH are to be constituted by notifying 'national parks' and sanctuaries that qualify to be treated as inviolable for the purpose of tiger/wildlife conservation based on scientific and objective criteria.

Even in these areas, the preferred strategy rightly being adopted is voluntary and incentive-driven resettlement and not forcible eviction as is often portrayed by some activists and elected representatives to whip up public sentiment against notification of new areas.

Eco-sensitive zone: In order to ensure the integrity of the landscape around sanctuaries and 'national parks' and create a tran-

sition zone from highly protected areas to other areas that require lesser degree of protection it is now mandatory to notify an ESZ under Section 3 of the Environment Protection Act. This could extend up to 10km and even beyond if required. Activities in an ESZ are classified under three regimes: Prohibited, regulated and permissible. Mining and large hydel projects which destroy habitat integrity come under the prohibited regime. However, all ongoing agricultural and horticultural activity are in the permissible category and can continue unhindered. More importantly, acquisition of land or resettlement is not envisaged in these ESZs.

Is it realistically possible then to have a large core fully surrounded by forested 'buffer zones' and an eco-sensitive zone? Most reserves in India have convoluted boundaries and hard edges abutting highways, agricultural lands and villages. The reality, therefore, is to recognise 'core areas' are not encircled fully by other forest lands which then gradually merge into farm lands and human dominated areas. In most landscapes this goal may remain a utopian dream.

So, what's the way forward? A practical strategy could be to first notify 'buffer zones' comprising only contiguous forests and unencumbered Government land while simultaneously constituting ESZs of appropriate width around 'core areas' through a site-specific approach. This will synergistically operate to provide the necessary cushion to the 'core areas' to absorb shocks and prevent fragmentation of habitat.

Another innovative strategy could be to encourage tourism companies to forge equitable profit-sharing agreements with local communities/panchayats to convert farm lands immediately adjacent to reserves into viable buffer areas over a five to 10-year period. This could be feasible around many reserves, particularly in the Western Ghats.

While we continue to debate this important issue, there is an immediate and urgent need for elected representatives, officials and NGOs to reach out to local communities living in the periphery of tiger habitats and reassure them on why a 'buffer zone' or an 'eco-sensitive zone' will not lead to displacement or disruption of their *bona fide* agricultural activities. This will be crucial to minimise hostility and ensure success of this vital conservation strategy to secure wild landscapes — and not just small islands called tiger reserves.

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