

# Forest Governance and the Forest Rights Act in Nagarhole, South India

## Presentation page

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<b>Framework</b>	<p>This paper arose from looking at community rights over forests. Since the Forest Rights Act (legislation seeking to give forest dwellers rights over forests) was passed I wanted to understand what the state of affairs was and what the future held for these forest dwellers. In this context I wanted to find out whether forest dwellers would be given back their rights over forest commons or not.</p> <p>This whole study was conducted by me. There is use of secondary data only when looking at the historical context. With the exception of this all of the data is primary data.</p>
<b>Summary</b>	<p>The ecological history of the India has witnessed dramatic shifts in the way commons are treated. From a country which revered its commons, we adopted a policy under the colonial powers which looked at forests as a resource to be exploited and not from the point of view of conservation. The forests of Nagarhole, also known as the Rajiv Gandhi National Park, have been home to forest dwelling communities for generations. These communities collected forest produce and hunting to a small extent. Relations between them and the king of Mysore were always cordial. Thus their free access to forest commons in the early years.</p> <p>The colonial administration, however, brought about wholesale changes during which the forest dwellers suddenly found they were being restricted from accessing valuable forest commons on which they depended to a large extent. In the late 1800s and early 1900s large tracts of land within the Nagarhole forest were cleared to make way for a mono culture of teak which was used to manufacture sleepers for the Indian railways and served as sources of revenue for the colonizers. Still today, a sizeable percent of the park is in fact nothing more than a government owned teak plantation.</p> <p>The access to forest commons became even worse from the 1970s onwards. Eviction of forest dwellers, the building of the Kabini dam in 1973 and the declaration of the Nagarhole forest as a National Park in the 1980s forced out a large number of tribals. In 1996 a controversial World Bank funded project, which was launched to conserve biodiversity in the area furthered the need to</p>

	<p>shift the tribals. Things got worse in 2008 when it was established as a tiger reserve.</p> <p>In the early 90's however, a tribal movement came into being which looked into all the problems that tribals in the area were facing. In 2006, the Forest Rights Act came into being. It seeks to undo the historical injustices and give tribals rights over forest commons. The Act came into effect in 2008. Individual rights over forest land have however not been granted, as well as community forest rights. The argument put forward by the forest department is that these tribals are recent inhabitants and therefore are not eligible to get these rights, even if it is common knowledge that these tribals have lived in these forests forever.</p> <p>Organizations asserting tribal rights have continually stated that once community rights are granted, the potential for tribals to participate in the management and conservation of resources will be much greater. Furthermore, they will also regain their right to collect non-timber forest produce (NTFP) on which their livelihood depends; a situation that has not yet materialized. The colonial hangover of forest management needs to pave way for a framework wherein forests are conserved and protected from the unrestricted exploitation. There are plenty of loopholes which give primacy to industries over the interests of communities living within the forests as well as the forests themselves.</p>
<b>Keywords</b>	India, Forest commons, Forest Rights Act, Forest dwellers, tribals, displacement
<b>For further documentation</b>	<p><b>Articles referring to the case:</b></p> <ol style="list-style-type: none"> <li>1) <a href="http://www.frontline.in/navigation/?type=static&amp;page=flonnet&amp;rdurl=fl2704/stories/20100226270409100.htm">http://www.frontline.in/navigation/?type=static&amp;page=flonnet&amp;rdurl=fl2704/stories/20100226270409100.htm</a></li> <li>2) <a href="http://www.ecologyandsociety.org/vol16/iss3/art10/">http://www.ecologyandsociety.org/vol16/iss3/art10/</a></li> <li>3) <a href="http://articles.timesofindia.indiatimes.com/2011-03-11/the-goodearth/28679816_1_tribals-forest-rights-act-forest-department">http://articles.timesofindia.indiatimes.com/2011-03-11/the-goodearth/28679816_1_tribals-forest-rights-act-forest-department</a></li> <li>4) <a href="http://www.hindu.com/2008/12/08/stories/2008120851780300.htm">http://www.hindu.com/2008/12/08/stories/2008120851780300.htm</a></li> </ol>

# RAJIV GANDHI NATIONAL PARK MAP (Nagarahole)

LOCATION: 11° 51' 20" TO 12° 15' 37" N (Latitude), 76° 00' 02" TO 76° 17' 13" E (Longitude)  
 AREA: 645 sq. km





**Remnants of trees cut down when the Kabini dam was built. Elephants grazing in the Nagarhole National Park**

## I. Historical context

The forests of Nagarhole, also known as the Rajiv Gandhi National Park, are spread across the districts of Mysore and Kodagu in Karnataka, South India. In the year 1955 it was constituted as a sanctuary and covered an area of 285 sq km. In 1983, the Nagarhole forest was given the status of a National Park and was rechristened the Rajiv Gandhi National Park. Today, covering an area of 643.39 sq km, the National Park is a part of the larger Nilgiri Biosphere Reserve, an area that covers 5500 sq km. Bordering Nagarhole is the Bandipur National Park to the South East and the Wayanad Wildlife Sanctuary to the South West.

Ever since its inception the National Park has been quite successful as far as the conservation of flora and fauna is concerned. If there is one grouse that conservationists have, it is that Nagarhole has not lived up to its tag of being a protected area. A protected area is one where human settlements within the protected area are severely restricted or where the area is completely inviolate. Making a national park completely inviolate is extremely difficult in today's context. However, managers of national parks always strive to make it as close to inviolate as possible. Nagarhole is one such area which, although a protected area, still contains a sizeable number of the traditional forest dwellers. There is no concrete evidence to point out exactly how long Nagarhole has been home to the forest dwellers and tribals, however, P.K. Mishra (1975), a researcher with the Archeological Survey of

India does provide an insight. In a paper on Mysore District he notes that, “it is not a matter to boast about, yet it is true that some of the most primitive people of the world are found in the Mysore District.” This points to the possible timeframe that tribals have inhabited these forests.

Nagarhole is home to four tribal groups, the Jenu Kurubas, the Kadu Kurubas, the Soligas and the Yeravas. The Jenu Kurubas, a honey gathering tribe, are one of the two primitive tribes in the state of Karnataka. Being among the most backward tribes in the country, the Jenu Kurubas are numerically the largest population in and around the national park. The Kadu Kurubas were also food gatherers and specialized in making utensils out of bamboo. The Soligas, apart from also being a tribe of hunter gatherers also traditionally did some agriculture and herded goats. Lastly, the Yeravas were specialist fishermen and also did some amount of agriculture. According to the Indian population census of 2001, 1730 families of tribals and other traditional forest dwellers stay in about 55 villages.

P.K. Mishra recalls in an interview that at that time 33 items were being extracted from the forest. Collection of minor forest produce was a major activity of the tribals. They did not depend much on cultivation. They cultivated very little. Even the little they cultivated was risky because elephants, wild boar and other wild animals would destroy the crops. Protecting their crops was difficult. A major source of earning was through the collection of minor forest produce. They also collected forest produce for their domestic consumption. Apart from the basic sustenance and livelihood needs, the tribals of this area also saw the forest as a source of cultural identity.

These forest dwelling communities practiced shifting cultivation until the 1970s. Apart from this they also collected forest produce and hunting to a small extent. Some among them were also excellent mahouts who caught and trained elephants not only for Hyder Ali’s wars, the erstwhile king of Mysore, but also for use during the Hindu festival of Dussehra. Relations between the king of Mysore and the tribals were always cordial. They were allowed to collect whatever forest produce they wanted and were given free reign inside the forest.

## II. Changes induced by colonialism

The colonial administration, however, brought about wholesale changes during which the tribals suddenly found they were being restricted from accessing valuable forest resources on which they depended to a large extent. In the late 1800s and early 1900s large tracts of land within the Nagarhole forest were cleared to make way for a mono culture of teak which was used to manufacture sleepers for the Indian railways and served as a source of revenue for the



**Monoculture of teak, a colonial legacy**

colonizers. Some of this wood was sent back to England during the First and Second World War. Visiting this national park today, there is evidence of the colonial legacy. It cannot be called a forest.

A sizeable percent of the park is in fact nothing more than a government owned teak plantation.

For a majority of the tribals the trouble started in the 1970s. Before this period they lived deep inside the forest in clusters of houses and had unrestricted access to the forest commons. From the '70s onwards they were forcibly relocated to the peripheries of the forest and their access to these resources was also increasingly restricted. Of the hundreds of villages within the national park, the government recognized only nine villages, leaving others without any identity. During this time the tribals were also subject to exploitation. Working under the orders of the forest department, the tribals were used to clear large sections of the forest. Kumri (shifting cultivation) was encouraged. This was allowed not because the forest department wanted to boost agricultural production, but to convert the land into monocultures of teak which would bring in revenue for the department. This whole process was detrimental for the tribals in the area because they were treated as bonded labor. They were not allowed to leave the jobs assigned to them which made them further victims of exploitation, (Assadi, 1998). This process also proved to be damaging to the entire ecosystem, the flora and fauna included. This also diminished the area of forest commons that the tribals had access to.

Eviction of forest dwellers from within the National Park started in the mid 1970s. The building of the Kabini, Nugu and Tarakka dams in 1973 displaced a large number of families both from within the forest and the surrounding areas. A decade later, after the declaration of the Nagarhole forest as a National Park the forest department forced out a large number of tribals. Many of those living deep within the forest were forced to move either to the fringes or outside the National Park altogether. "A report prepared by the Mysore district administration pointed out that close to 6,000 families had moved out of Bandipur and Nagarhole when these areas were declared national parks," (Sayeed, 2010). For a large percentage of tribals, this process was not that of rehabilitation, it was of relocation. Very few received compensation in cash or land. The most damaging effect of this process was that once they were relocated, their rights over access to the forest resources were taken away.

In 1992, tensions grew between forest based tribals and the forest department over the use of forest land, alleged poaching and starting of forest fires, which eventually turned into a spate of continued conflicts, many of which rage on even today. The tribals believe that these issues and allegations were made by the forest department at the Rajiv Gandhi National park as a pretext to evict them from the forest.

The forest department ruled that no tribal settlement should be within the forest area. This was met with stiff resistance by the tribals (with help from other support groups) who saw their entire way of life and traditional identity in danger of being destroyed. Unfortunately, the forest department had its way and a majority of the tribals were pushed out of the forest and today live in areas bordering the forest, without land to cultivate, or in a few cases struggling with land that is too degraded to grow anything on. Most of those displaced without compensation work as daily wage laborers, but this is not always easy to come by.

Apart from the above-mentioned external forces acting upon the forest dwellers to shift outside the national park there was another one which was very unique. Over the years the park has grown tremendously and as a consequence each year the tribals have had to shift further from their ancestral lands and closer towards the peripheries of the park. In 1955, Nagarhole measured 285.29 sqkm. In 1983 this rose to 571.55 sqkm out of which 181 sqkm was the core area. During this time a large

number of families were pushed to the peripheries. Subsequently, in 1988, the area covered by the national park grew to its current size of 643.39 sqkm. Today the park has a core area of 192 sqkm, a buffer zone of 451.39 sqkm, out of which 110 sqkm has been demarcated as a tourism zone (Cheria, 1995).

Once again the tribals were forced to shift to the peripheries of the new boundary. For a number of families they have had to shift only once or twice. But for others this change of location has come at regular intervals. During my research I heard of a family who had to shift sixteen times! This has meant that there has arisen a certain social and cultural dislocation, one that many have found hard to cope with.

Cheria (1995) notes that “the effort on the part of the Karnataka Government in collaboration with Government of India to forcibly evict the Betta Kurubas, Jenu Kurubas, Pani Yerava and Panjari Yerava tribal community from their homelands according to the IIPA plan, is in violation of human rights both from laws and conventions in India and the United Nations Conventions. Moreover, since the proposal is put to the World Bank, it is interesting to note that many of the World Bank guidelines are also violated.” Having acceded to the UN declaration on Forced Evictions and ILO conventions, particularly 107, ‘Convention Concerning Indigenous and Tribal Populations’, these evictions violate these guidelines.

From 1996 onwards the pressure on tribals to relocate increased every year. In 1996 the controversial World Bank funded project, known as the Eco-Development project, which was launched to conserve biodiversity in the area furthered the need to shift the tribals. In 2008 Nagarhole was established as a tiger reserve, a move which meant trying to make the park inviolate. This process undermined any right to traditional land that they occupied since the time of their forefathers.

The vulnerability of the tribals of Nagarhole was compounded by two factors. Firstly, they had very few rights in the first place, a few constitutional safeguards which were not abided by and were unknown to them. And secondly, major legislations, a result of the colonial hangover, did not acknowledge the importance of tribals to forests and therefore sought to further undermine their already diminishing access to the forests.

### III. The Forest Rights Act and Nagarhole

During the late 1900s, especially after the United Nations penned the international environmental guidelines, that of the Stockholm Declaration in 1972 and the Rio Declaration in 1992, the Government of India followed suit and introduced a number of policies that recognized tribal and traditional forest dwellers rights over their ancestral lands. Many decades later and after countless debates that spanned the length and breadth of the country, the Scheduled Tribes



**Kere Haadi, a village on the fringes of the National Park**

and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 was enacted. This legislation, also known as the Forest Rights Act, sought to undo the historical injustices beginning with the introduction of the Indian Forest Act which restricted the rights of tribals over forests. It attempts to break away from a century and a half of state monopoly over forests and restore rights to the adivasis and other traditional forest dwellers.

For the first time in the history of Indian legislation, the Forest Rights Acts (FRA) seeks to recognize people's ownership and land-use rights at the individual and community level and, at the same time, to integrate conservation. Also, for the first time in Indian forest laws they are not considered a threat to forest ecology. This law which sees forest dwellers as "integral to the very survival and sustainability of the forest ecosystem" is a decisive reversal in policy compared with previous forest laws.

This act is a powerful statement of intent to state governments all over the country to ensure that urgent action needs to be taken to improve the status of forest dwellers. Alongside this, a concerted effort is needed to raise public awareness and change the mindset of those who see forest dwellers as encroachers. Perera (2012) argues that "Indian society at large must see the validity of forest dwellers' customary rights to earn their livelihood and sustain their cultural identities through the legally recognized relationship between them and their ancestral lands."

The Forest Rights Act grants legal recognition to forest dwelling communities in two ways. The first is 'individual rights' where individuals can apply for title deeds to land that they have been cultivating before 13 December 2005 and are also cultivating at the present date. It must be pointed out here that the amount of land which can be claimed must be the same as that amount of land which was being cultivated prior to December 13, 2005. All claimants will not be granted 4 hectares. If a claimant was cultivating 1 hectare they will get the rights to that 1 hectare only. In the case of a person owning more than 4 hectares, with or without proof, he will get the rights to only 4 hectares. This is the upper limit that has been set as compensation. This land that is given by the forest department cannot be sold, leased or transferred to anybody and can only be inherited. The land is registered jointly in the name of both spouses in the case of married people and will be registered to the head of the household of unmarried.

The second type of rights that forest dwellers are allowed to apply for are community rights. In this paper I will focus more on this right of the forest dweller. This gives communities the rights to access forest produce. To be more specific, these rights, also called user rights, are as follows:

- Minor forest produce which includes tubers, herbs, medicinal plants etc which has been traditionally collected within or outside village boundaries. Timber, however, is not something that can be collected.
- Water bodies and its products such as fish, and grazing land.
- Traditional seasonal resource access of nomadic or pastoralist communities, i.e. rights for nomadic tribes to use resources that have traditionally been used.

## **1. Right to protect and conserve**

For the first time in the history of Indian forest legislations, forest communities are given the right to manage and protect the forests. Until now, the forest department was the sole authority responsible for the protection and management of forests. Section 3(1)(i) of the Act gives them the "right to

protect, regenerate, conserve or manage community forest resource” that has been traditionally protected and conserved in a sustainable way. Section 5(a) also equips them to protect wildlife, forest and biodiversity. Many hail this as a positive step in the protection of forests since this would decrease the threats against both wildlife and forests.

## **2. Authorities and procedure for vesting of forest rights**

Section 6 of the act provides a three-step procedure, which every claim must go through to ascertain whether the claimant is conferred with rights, or not.

The first step of this procedure is initiated by the Gram Sabha, the authority at the local level, which will determine the nature and extent of the individual or community forest rights or both to be given to forest dwelling scheduled tribes or the other traditional forest dwellers. Under its jurisdiction, the Gram Sabha will receive, consolidate and verify the claims. These will then be chalked out on a map. Having done this it will pass a resolution to this effect and forward a copy to the Sub-Divisional Level Committee (SDLC).

Any person who does not agree with the decision taken by the Gram Sabha can file a petition with the SDLC. This petition will be considered by the SDLC if it is within sixty days from the date of passing of the resolution by the Gram Sabha; and the petition cannot be disposed of without giving the aggrieved person an “opportunity to present his case.”

The State government will constitute an SDLC to examine the resolution passed by the Gram Sabha and prepare the record of forest rights and forward it through the Sub-Divisional Officer to the District Level Committee (DLC) for a final decision.

Any person who does not feel he has been treated fairly can file a petition with the DLC within sixty days from the date of the decision by the DLC, and make a case for himself.

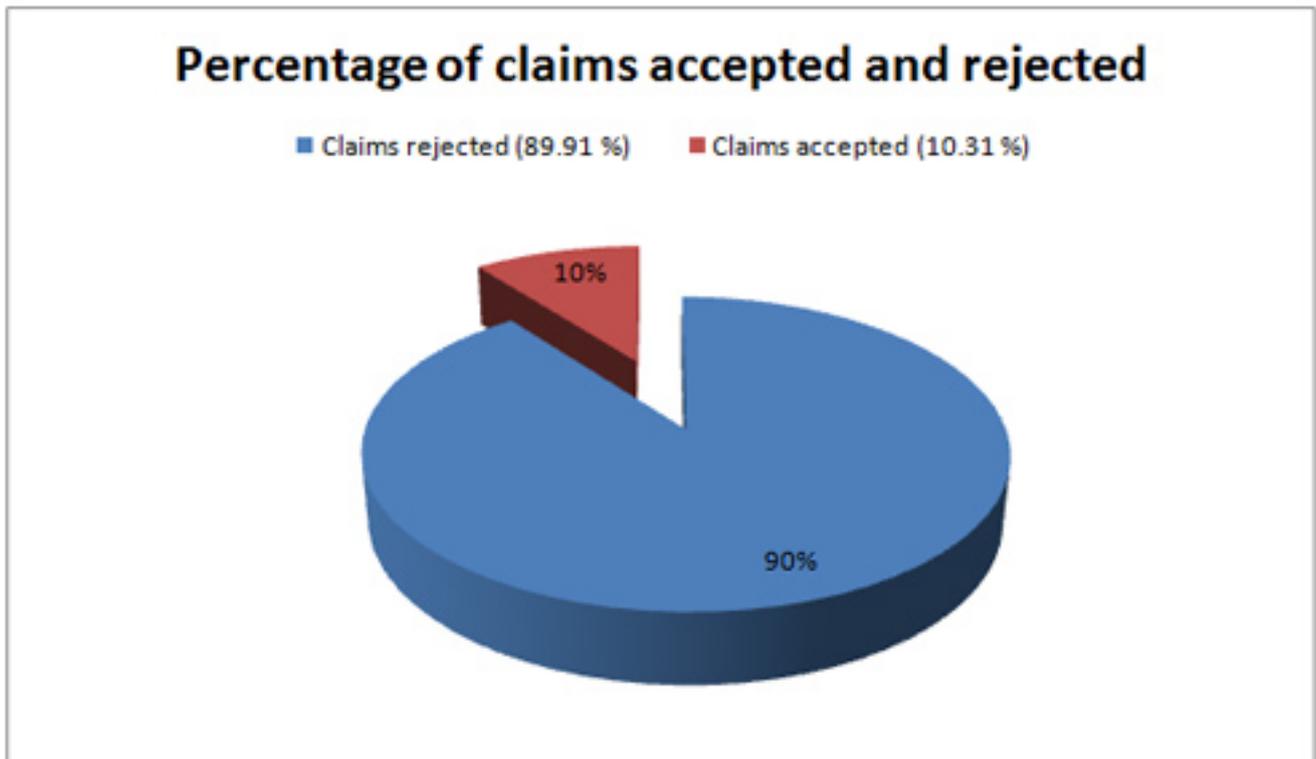
The State Government shall constitute a State Level Monitoring Committee (SLMC) to monitor the process of recognition and the vesting of forest rights. After this a report will be submitted to the nodal agency as and when required.

The SDLC, DLC and the SLMC will comprise of officers from the forest, revenue and tribal affairs departments. There will also be three appointed members of the local governance institutions at the appropriate level. Of these members, two should be members belonging to scheduled tribes and one should be a woman.

## **3. Status of rights**

Data as of April 2012 shows that the number of applications received for individual rights was 5,387 for the whole district. Of the 5,387 claims 4,832 (89.69%) were rejected by the SDLC. These were rejected on account of them not being genuine claims according to the District Forest Officer (DFO). According to the records, 555 title deeds have been distributed to tribals covering 187.27 acres. A simple calculation shows that the 555 beneficiaries would have got roughly 0.3 acres per person. These records showed that no claims were made for community rights. However, statistics collected from the local tribal welfare officer showed that there have been more than 4000 claims for individual rights and about 50 claims for community rights. Maps have also been drawn out by the tribals and the different organizations for the area for which they want the community rights. This is an example of the kind of bias and misrepresentation of facts that is happening all over the country.

The community rights, as in other parts of India are ignored. When asked about this, the DFO said, “Individuals make up the community so first we will give the individual rights and then we will think about giving community rights. Anyway the tribals have become very individualistic so community rights are not necessary.” He adds, “The tribals in this area are anyway recent settlers. They have been around only for the past 40 or 50 years. So technically they do not have rights to claim land for themselves or have access to forest resources.” This argument is inherently flawed since nowhere in the act does it state that community rights can be given only after individual rights are granted. Secondly, anthropological research and data prove that the tribals been living in this area much longer than 50 years.



Sharad Lele, a researcher at ATREE (Ashoka Trust for Research in Ecology and the Environment) and a member of the committee which brought out the report on the FRA in 2010, argues that the forest department has figured out that if individual rights are granted the tribals will forget about claiming for community rights. This approach negates one of the main provisions of the FRA which gives the right over community forest lands. Unfortunately this confusion, if it can be called that, is not an isolated incident. This issue exists all over Karnataka and India.

Within H.D. Kote taluk, the DFO claims that over 625 title deeds are ready for distribution but none of the tribals are accepting the land allocated to them. Echoing the voice of the tribals of Nagarhole, 45 year-old Mahadeva, a Jenu Kuruba from Kere Haadi, a village on the fringes of the forest, asserts that the amount of land being given is very small. “People are being offered between one and five guntas [upto a tenth of an acre]. How are we supposed to survive with such little land? They might as well not give us anything,” he remarks angrily. This frustration stems from the manner of surveying the land for allocation; only the land on which their house is on is being taken into account. Title deeds are offered only for this land and not the land that they are cultivating. Their demand for community rights to access forest resources are not even considered.

This brings up an issue which has been discussed ever since the act was put into effect – what about the tribals who practiced shifting cultivation? Nanjundiah, who works with an organization advocating the cause of the tribals, claims that before the 1970s most of the forest dwellers were hunter gatherers but did practice some amount of shifting cultivation. This claim is backed up by P.K. Mishra, an anthropologist who has done research on the tribals of Nagarhole. From the 1970s onwards this practice was forcefully stopped and they were prevented from cultivating any land inside the forest. Their only fall back option, collecting MFP was also curtailed by the forest department. This brings up two questions. Firstly, what happens to tribals who were practicing shifting cultivation and therefore cannot prove that they were cultivating a given area? Secondly, in the case of the tribals of Nagarhole, if they were prevented from cultivating land by the forest department, how can they prove that they were cultivating any land as of December 2005?

These two are the main points of contention of the tribals and the organizations working in the area. To add to this, they never had the concept of individual ownership of land. They also never stayed in one place for a very long time. How then does it make sense to put a ceiling on the amount of land they can access or “own” now?

There arises a problem even for those who have titles deeds for their land given by the government. These titles deeds are given only to ensure the right to cultivation. It does not mean ownership of land. Once cultivation is stopped the right over land is lost. The titles deeds also have no legal value. The land cannot be sold, mortgaged to acquire a bank loan or given to another person. Hence the tribals only have usufructory rights over this land.

#### IV. Current situation

Before the FRA was put in place, tribals were regularly forced to leave or threatened that they will have to face the consequences. However, after 2005 many of them have been enticed with the Rs. 10 lakh (roughly 12,000 Euros) rehabilitation package. While some tribals have taken advantage of this, a large percentage does not want to shift outside the park fearing that they will lose all access to the forest.

Kenchiah a tribal leader who lives inside the forest insists that they should be left to live within the forest itself. “Give us land inside the forest and we will live happily. Even if you give us 50 lakhs [60,000 Euros] we will not move out of the forest. This is our ancestral land. How can we leave it,” he questions. “We are not asking for much. We would like one or two acres of land to cultivate, a house to live in and access to our ancestral forests; nothing more. Instead of giving us the rehabilitation package outside the forest let them give us just these



**Kenchiah, a tribal leader who has been fighting for the rights of tribals**

two things inside the forest and we'll be happy," he adds. He later adds that many from his village have been prevented from going into the forest to collect forest produce.

By not being allowed to gather forest produce, they are being forced to look for an alternative means of livelihood. Bhaskar, a tribal from Maladahaadi, another village within the forest, shares his concern.

"They don't allow us to go and collect forest produce. If we try and go they ask for permission. Why do we need permission? We were born inside this forest and have been living here for generations. The forest department can cut down as many trees as they want and sell it but we cannot collect some tubers? People from the forest department came and told us to come and look at the rehabilitation colonies but we didn't go. What is the point of going if we are not going to move from here?"



**A rehabilitation for tribals project outside the National Park**

Most of the tribals interviewed during the study, both within the forest and outside, had no knowledge of the Act. Even if they had heard of it they did not know what they were entitled to how they could benefit from it. There are a number of non-governmental organizations working on the spreading awareness among tribals on their rights but this has not been very productive due to the resistance from the local forest department.

Responding to the DFOs claims, who said that the tribals are recent settlers, Kenchiah chuckles and says, "We were here before he was born. I will show you all our boundary markings and trees from which we collected honey as proof. Even our sacred groves are still inside the forest."

This lackadaisical approach to the settling of their rights has angered many adivasis. They have also accused the forest department of being biased towards the wildlife lobby and the conservationists and not paying heed to the requests of the tribals. "They let wildlife conservationists roam around in their jeeps and look at tigers but they don't allow us to live inside the forest. What kind of justice is that?" says 78-year-old Somamma, a tribal woman who has been at the forefront of the struggle for justice for the tribals.

"We have also been fighting to put up a school in the village but the government is blocking it. We also want our children to get educated and do well in life but the government does not want this. The forest department can construct as many guesthouses as it wants but if we construct a small school for our children they have a problem," she adds. "We just want to be left alone in the forest. We have been staying here for hundreds of years. There are a lot of the tea and coffee estate owners who have come recently and taken over the forest land. The Forest Department does not mind that but they have a problem with us living in the forest."

This pressure from the forest department has left the forest dwellers helpless. None of those interviewed from inside the forest believed that the FRA could be of any help to them. The organizations fighting for them however are more positive.

Nagarhole is no exception when it comes to the shoddy implementation of the landmark FRA. The answer to the question of whether this act is a solution to the history of the troubles in the area or a mere illusion has become increasingly clear over the course of this study. The situation on the ground has not changed. Nobody has benefited from the act. However, the act has given civil society organizations working in the area a renewed hope; more so with the recent amendment in rules which covers some of the issues that the initial rules did not address. It has given them a tool to heap increasing pressure on a non-responsive government to address the situation. Herein lies one of the key findings, not just in Nagarhole but in the country as a whole, the democratic process of the FRA does not seem to be working on its own steam. It is only in areas where civil society groups are subverting democratic processes and have some clout that the act is having some effect.

Ever since the Forest Rights Act was enacted, the central and state governments have claimed that it is a huge victory for tribal rights in India. Although the Act is a major step in achieving this aim, there remains a fundamental problem with the administration in areas dominated by tribals. The problem here is that most often, these areas are also areas which are rich in natural resources, are forest lands etc. The vested interests existing in these areas are too great for the tribals to fight off. The administration on the other hand often gives in to these forces. Development induced displacement seems to be the single largest problem for tribals. In the last couple of decades the declaration of forests as national parks and project tiger areas have also severely affected forest dwellers all over the country, as can be seen from this study.

One of the major stumbling blocks is that the forest bureaucracy has continued to be reluctant to relinquish its long standing power over the forests. Relinquishing its power over forests will lead to a decrease in the amount of revenue generated through sale of timber. Data shows that since the inception of the forest department the revenue generated through sale of timber has steadily increased. This contradictory nature of the forest department is extremely confusing especially since they maintain that adivasis and other forest dwellers put undue pressure on forests.

## V. Looking ahead

More than 60 years after India gained its independence the forests still face threats from the rapid industrialization. Forest governance has taken a big hit over the last couple of centuries. Although there has been some progress made in this regard there still is a lot of work that needs to be done. The colonial hangover of forest management needs to pave way for a framework wherein forests are conserved and protected from the unrestricted exploitation. Sections of society believe that tribals need to be involved in the governance of the forests. In the current scenario, this is highly improbable. There is a need for a serious re-examination of the institutional framework. Thus far, the institutional and legal framework in the country which aimed to regulate and protect the impacts on forests has been not been strong. There are plenty of loopholes which give primacy to industries over the interests of communities living within the forests as well as the forests themselves. The agenda of development has overtaken and undermined the regulatory framework. History has taught us that improving the efficiency of the failing system is not the answer. The system needs to be re-envisioned.

Kumar (2013) notes that “under state control ...forests are nobody’s property, and that this is the main reason for the fact that around half of India’s forests are in various stages of degradation. The answer...lies in handing over forests to the community, a view espoused in many international forums such as the Rio Declaration on forests that many countries have accepted as a non-binding agreement.’

An important issue that repeatedly comes across while researching this topic is whether people, parks and wildlife can coexist. This simple yet very fundamental question has only been brought up since the early ‘70s. I have not considered the colonial era here since the sole aim of the British was commercial forestry. Through readings, interviews and conversations with people from various backgrounds I have constantly asked this question. As can be expected there were two sides to the argument. The situation in Nagarhole is a little more complex because, as mentioned earlier, it is a tiger reserve. This has led to the long standing debate of tigers or tribals, especially so in recent years. As in the rest of India there is a fear among conservationists working in this area that the act will give tribals the power which will lead to tigers being wiped out. Conservationists are especially cautious about the situation in Nagarhole since it has roughly 40 tigers, the highest in India for a single tiger reserve.

Apart from the number of challenges to forest governance that have already been mentioned, there is one more which needs mention here. A unique concern off late by civil society is the Indian governments push for the introduction of REDD+, a global initiative to reduce greenhouse gases and provide incentives to developing countries to protect and manage their forest resources in the fight against climate change. Civil society organizations see it as a tactical move which could possibly undermine the importance of the FRA. This will increase the states control over forests and could also introduce private players in the management of forests which would help them cash in on carbon credits. If this goes ahead as proposed, the FRA would be short-lived and the historical injustices against forest dwellers would continue.

There is a growing challenge to the legitimacy of the Forest Rights Act. What the future holds for the tribals is anybody’s guess. Until these issues are sorted it out it looks like forest governance will have to be put on hold.

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