

## **PERSPECTIVE**

### **Critical Wildlife Habitat: Another tool for eviction?**

The Forest Rights Act 2006 (FRA) attempts to put in place a new paradigm of forest governance and conservation in which forest dwellers are seen as “integral to the very survival and sustainability of the forest ecosystem”. Unfortunately, the ham-handed implementation of the Critical Wildlife Habitat (CWH) provisions of this Act have become another point of conflict between the Maharashtra Forest Department (MFD) and forest-dwellers. A public-interest-litigation (PIL) filed in the Mumbai High Court (HC), by a conservation group, Vanashakti, has triggered a process in 54 PAs that seems to be yet another excuse for evicting forest-dwellers.

The CWH provisions specify a detailed participatory process to explore whether the exercise of forest rights will lead to ‘irreversible damage and threat to existence of wildlife species’. In such cases, a modification of rights may be jointly proposed, including (if absolutely necessary) the resettlement of the rights-holders. Clearly, this first requires that rights be recognized. Then a participatory process follows, in which eviction is the last resort. But the MFD has cut corners at every stage.

First, they constituted committees that do not meet the norms set by MoEFCC. They even include folks who question the constitutionality of the FRA itself. Second, they have adopted criteria for ‘criticality’ that are neither scientifically settled, nor are they relevant to the real question of whether there is threat of irreversible damage due to forest rights. Third, the process of rights recognition, especially community forest rights (CFRs), is in fact quite incomplete in PAs. But instead, the MFD has claimed in a recent affidavit in the HC that there are no

human habitations in 25 of the 54 PAs, that no forest rights claims can therefore be made and so they can be declared as CWHs immediately. The situation on the ground is very different - habitations do exist inside some of the PAs and all have villages adjacent to their boundaries that could claim customary use rights within the PA. In one case, CFR rights have even been recognized!

in the case of Melghat where the CWH process has gone the furthest, the Expert Committee consultations were a travesty of the law, focusing simply on convincing forest-dwellers that they have to leave. Overall, it appears that the CWH provision in FRA is being used as another tool to evict local communities from the PAs. An opportunity to explore co-existence—which many PAs show is possible—has been turned into yet another excuse for evicting forest-dwellers and pursuing the unjust and unsustainable model of ‘fortress conservation’.

**- ATREE and Kalpvriksh CFR team**

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