The previous chapter highlighted the role of women in conservation and development and, also, the multidimensional role of women in the interior parts of the Himalayas. The present chapter focuses on the Park management and its relationship with the people. It highlights the political perspectives of the Park. This includes the political agenda that was a part of the formation of the Park as well as the distribution of compensatory claims to the displaced people and the gaps between policy and practice. This chapter discusses in detail the above-mentioned issues one by one.

8.1 Environmental Policy in India

India is among the few countries of the world that refers exclusively in their constitutions to the need for environmental protection (Sapru, 1998). The directive principles of state policy and the fundamental duties clearly express the national commitment to protect and improve the quality of the environment. The concern for environmental protection in India can be traced back to the period between 321 and 300 B.C. The ancient Indian law on environment protection is found in Kautilya Arthashastra (Jasawl, 2008). Through number of verses Arthashastra has dictated measures for environment protection and animal welfare. In Arthashastra, Kautilya also prescribed some impingent regulations for environmental and animal welfare, the tribes could have also been given the rights over the natural resources in areas they inhabited (Deshkar, 2010).

Environmental policy in modern India may be outlined as:

- National Council for Environmental Policy and Planning was established in 1972 which was later changed into Ministry of Environment and Forests (MoEF) in 1985.
- Ministry of Environment and Forests, Center Pollution Control Board and State Pollution Control board together form the regulatory and administrative hub of the sector.
• In 1993, the EAP (Environmental Action Programme) was formulated with the objective of improving environmental services and integrating environmental considerations into development programmes.

• The National Environment Policy, 2006 is the first initiative in strategy formulation for environmental protection in a comprehensive manner. It undertakes a judgment of the contributory factors of land degradation with a view to flagging the remedial measures required in this direction. It recognizes that the relevant fiscal, tariffs and sectoral policies need to take explicit account of their unintentional impacts on land degradation. The solutions offered to prevail over the problem include adoption of both, science-based and traditional land-use practices, pilot-scale demonstrations, large-scale dissemination, adoption of multi-stakeholder partnerships, promotion of agro-forestry, environmentally sustainable cropping patterns, organic farming, and adoption of efficient irrigation techniques.

• Legislative Framework comprises following the Acts:
  - Wildlife Protection Act, 1972
  - Water (Prevention and Control of Pollution) Act, 1974
  - Water (Prevention and Control of Pollution) Cess Act, 1977
  - The Forest (Conservation) Act, 1980
  - Air (Prevention and Control of Pollution) Act, 1981
  - Atomic Energy Act of 1982
  - Environment Protection Act, 1986 (EPA)
  - Motor Vehicle Act, 1988
  - The National Environment Appellate Authority Act, 1997
  - Public Liability Insurance Act (PLIA), 1991
  - National Environment Tribunal Act, 1995

(Source: Chakrabarti, *Undated* National Environmental Engineering Research Institute, Nagpur-20)

Conservation policies have increasingly focused on the protection of healthy, productive, and diverse ecosystems as a pre-condition for the continued well-being of human societies and the land itself (Mehra and Mathur, 2003). The following are the
important policies related to forests and wildlife which have been found to be relevant in this context.

The notion of sustainable development developed from numerous International environmental movements in earlier decades. Summits such as the Earth Summit in Rio, Brazil, 1992, were the chief international meetings to put forth the concept of conservation as a part of the mainstream of development in all countries (See Appendix D). Articles 48A and 51A (g) to the fourth amendment laid the foundation of sustainable development. They state that the “state shall endeavor to protect and improve the environment and safeguard the forests and wildlife of country” (The Constitution of India, 1994: 79). At the same time, in our country, there is an acute gap in professional competence based on local research that could ably indicate policies towards sustainability. How sustainable development could be achieved and what the difficulties in that process were, thus, constituted an important question (Divan and Rozencranz, 2000).

Forests are one of the major terrestrial eco-systems. They also constituted one of the most vital sources of national wealth. The Indian Forest Act of 1927 enacted during the British period contains 86 sections and it deals with four categories of forests namely:

i) Reserve Forests,
ii) Village Forests,
iii) Protected Forests, and
iv) Non-Government Forests.

This Act was clearly one step towards considering the importance of ecology and environmental balance (Jawas, 2008).

However, the Forest (Conservation) Act, 1980 has not taken into consideration those aspects, which were covered by the Indian Forest Act, 1927. It simply aimed at putting restrictions on the de-reservation of forests or use of forest-land for non-forest purposes (Jaswal, 2008).

According to the Wildlife Protection Act (1972), the country has a diverse variety of natural resources. It has a rich animal and plant heritage, which sustains millions of its people. However, the need of hour is to protect the natural flora and fauna. The challenge facing nations today is no longer deciding whether conservation is a good idea, but rather how it could be implemented in the national interest and within the means available in each country (WCED, 1987). The Wild Life
(Protection) Act, 1972 passed by the Parliament under article 252 of the Constitution at the request of eleven states, was intended to provide a comprehensive national legal framework for Wild Life Protection. The Act (in Appendix-B) adopts a two-pronged conservation strategy:

(i) Specified endangered species are protected regardless of location; and 
(ii) All species are protected in the specified area (Jaswal, 2008).

The Environment (Protection) Act of 1986 is the most comprehensive act on the Indian statute books relating to environmental protection. It is a general legislation for the protection of the environment. It was enacted under article 253 of the Constitution (Jaswal, 2008).

The National Environment Policy of 2006 seeks to extend the coverage, and fill in the gaps that still exist, in the light of present knowledge and accumulated experience. It does not displace, but builds on the earlier policies. The National Environment Policy is proposed to be a guide to action: in regulatory reform, programmes and projects for environmental conservation and review and enactment of legislation, by agencies of the Central, State, and local Governments. The main theme of policy is that while conservation of environmental resources is necessary to protect the livelihoods and well-being of all, the most significant norm of conservation is to make sure that people dependent on particular resources obtain better livelihoods from the fact of conservation than from degradation of the resource (Ministry of Environment and Forests, 2006).

8.2 Environmental Movements in India

In the past few years, people in diverse regions of India have been involved in non-violent action movements to protect their environment, natural resources and their livelihood. In India social movements have been divided into two types: Identity Movements and Equity and Security Movements. Identity Movement focuses on social movements with special reference to religion, caste, tribe and language. Equity and Security Movements have been divided into three parts: 1) Peasant and labour 2) women and students 3) ecological and environmental movements. Ecological movements not only provide the historical account and their ideologies but also the mobilization of the affected people against the state policy (Shah, 2011).

These environmental movements have appeared from the Himalayan regions of
Uttarakhand to the tropical forests of Kerala and from Gujarat to Tripura in response to projects that threaten to dislocate people and to affect their basic human rights to land, water, and ecological stability of life-support systems (Karan, 1994). Similar grassroots environmental movements are rising in Japan, Malaysia, the Philippines, Indonesia, and Thailand. Throughout Asia and the Pacific citizenry organizations are working in innovative ways to reclaim their environment (Rush, 1991).

Movements like Chipko, Silent Valley were transforming a passive environmental consciousness of Indian subalterns into an organized power (Chakraborty, 1998). The movement tried to establish connections between ecological and social-mythical values through scientific studies, environmental campaigns, and cultural-religious references, thus engaging in a wide gamut of environmental politics (Sharma, 2009). Control over natural resources is a main motive for emergence of environmental movement in India. Other than this there are socio-economic reasons behind it. If we study the Indian environmental movements majority of the movements are had taken place in hilly area or tribal region, where people are totally dependent on forest resources for their subsistence. When these forests or other sources of livelihood get disturbed by the outsiders, their socio-economic conditions get hindered and the final remedy is the movement against those people or policies who were exploiting those resources. Women had usually played a significant role in these movements. In brief the nature based conflicts, the marginalization of the tribal and other underprivileged groups, the phony developmental policies of the government and the environmental degradation are the root causes of materialization of environmental movements in India. Major environmental movements in India are listed under:

8.2.1 Chipko Movement

*Chipko* means to stick to or hug and refers to the method used to protect the trees of the Himalaya from commercial timber cutters who have devastated the forests. It was a non-violent movement aimed at protection and conservation of trees and forests from being destroyed (Karan, 1994). It took place in the mountainous region of Chamoli district of Uttarakhand. The Chipko movement is a social-ecological movement that practiced the Gandhian methods of satyagraha and non-violent resistance, through the act of hugging trees to protect them from falling. The
Chipko Movement began in 1971 as a movement by local people under the leadership of Dashauli Gram Swarajya Sangh (DGSS) to assert their rights over the forest produce (Joshi, 1982). DGSS is a local Gandhian organization. On 26 March 1974, the more strident yet nonviolent resistance at the Reni forests was triggered off by the news of auction of some local forests for felling to a sports-goods company from the plains. The contract system for forest felling allowed rich contractors from the plains made large profits from felling trees in the mountain forests (Bandyopadhyay, 1999). The presence of large numbers of women in the forest action at Reni, and the large-scale participation of the village women have led to some analysts claiming Chipko to be a women’s movement. The main aim of the movement was to prevent the commercial felling of trees while safeguarding the traditional rights. After the 1970 Alaknanda flood, DGSM (Dashauli Gram Swarajya Mandal) realized that it was important to save the trees because they served as a green defense belt to protect the terrain and the people from future calamities. It was a mammoth task for DGSM and such a small organization could not do it alone. So, it included the local people, especially the women, who were the worst affected as collaborators in the action. That goal was achieved through constant meetings, discussions, protests and demonstrations (Warresisters, 2001). As a powerful statement against the violation of customary rights by state forestry, Chipko brought into sharp focus a wide range of issues concerning forest policy and the environment debate as a whole (Guha, 1989b). Thus the Chipko movement was the originator and inspiration for a series of popular movements in defense of community rights to natural resources.

The movement, which was initiated to save the forest from commercial cutting, became a symbol of the fight against social injustice and faulty environmental policies. Therefore the protest of the people rise against those outsiders, which had ultimately taken the shape of environmental movement in many instances. Chandi Prasad Bhatt, a key person in this movement, was awarded the Magsaysay Award in 1982, while another key-person, Sundarlal Bahuguna, was also awarded the Right Livelihood Award in 1987 (Ishizaka, 2009).

8.2.2 Appiko Movement

The famous Chipko movement of Uttarakhand in the Himalayas inspired the villagers of the Uttara Kannada district of Karnataka in Southern India to launch a
similar movement to save their forests. The local term for ‘hugging’ in Kannada is ‘Appiko’. The Appiko movement was committed to the conservation of the remaining tropical forests of the Western Ghats. The movement was started on 8 September, 1983 when people from villages around Salkani in Uttara Kanada district undertook an eight-kilometer long trek to resist massive tree-felling operations underway at the Kalase forests (Sharma, 2008).

8.2.3 Silent Valley Movement

The Silent Valley is perhaps the only forest land in the region with a relatively undisturbed evolutionary history of at least 50 million years. This tropical rain forest in the Western Ghats is a precious reservoir of biodiversity where many plant and animal species have survived for centuries. The story starts with what environmentalists perceive to be a threat to the pristine Silent Valley ecosystem in a scheme, the Pathrakkadavu Hydroelectric Project (PHEP), proposed on the Kunthi just outside the boundary of the Park. From the beginning, when the project started, it was opposed by many NGOs and environmentalists as it could cause serious damage to many rare and unique species of plants and animals that resided there. It was a grassroots movement involving diverse crowds from all sections who fought against a nexus of politicians, officials and timber mafia and finally prevailed. With the intervention of Friends of Trees society, the controversy of the proposed hydel project was over in 1979 and it was declared as a National Park by the then prime minister Rajiv Gandhi in 1985 (Mustafah, 2004).

8.2.4 Narmada Bachao Movement

This was a social movement consisting of farmers, environmentalists, tribal people and human right activists against the Sardar Sarovar Dam being built across the Narmada River, Gujarat, India. On 12 December 1979, the Government of India passed the decision to build thirty major, 135 medium, and 3000 small dams, which were granted approval for construction including raising the height of the Sardar Sarovar Dam (Narmada Valley Development Authority). Activist Medha Patkar has played a chief role in the movement. This mass movement was started in year 1985 in
opposition to the construction of huge dams and the rehabilitation of rural people. The Narmada controversy is just one, particularly charged, example of a wide spectrum of social clashes over natural resources in contemporary India (Gadgil and Guha, 1994).

8.3 Environmentalism

In layman terminology, it was an interest in the study of the environment, in order to protect it from damage by human activities. Environmentalism was an activist political movement, with moral and religious overtones, aimed at alleviating perceived and fancied human woes falsely attributed to the misuse of the natural environment; a movement which used the power of state laws to regulate individual economic choice to the diminishment of human values and life. (Rozeff, 2007).

Environmentalism is characterized by attitudes and behaviors that focus on protecting the natural environment from destruction or pollution (Smith, et al.; 2004). Environmentalism raises questions about the application of anthropological knowledge and the relationship between anthropology and advocacy and the global nature of environmental problems might make the study of environmentalism an appropriate testing ground for ideas on the globalization of culture (Milton, 1993).

8.3.1 Environmentalism in the Indian Context

Madhav Gadgil and Ramachandra Guha, in their pioneering work on Indian environmental history, identified the types of environmentalism currently practiced in India. These philosophies were further classified according to the communities within which they most likely succeed, thus linking the particular human-environment relationship to the worldview held by the individual or group (Rawat, 2005). Environmentalism was considered as anti-development by the mid-1990s due to the numerous environmental movements that had materialized during that time. All the movements associated with environment were considered as anti-development. In the context of rapid development, Mahatma Gandhi in December 1928, claimed “make India like England and America is to find some other races and places of the earth for exploitation” (Guha, 2006).
Guha (1988) categorized three strands of environmentalism in India – the Gandhian supporters who rely on the religious idiom, the appropriate technology promoters who try to arrive at a confluence of agriculture and industry, modern and traditional, and the ecological Marxists who comprise a variety of groups having dealt with political ideologies. Protecting the environment and natural resources from over exploitation is important to people in both North and South, but the direct motives and methods often differs (Wrammer, 2004).

Environmentalism for wealthy countries tend to be about protecting wild species and natural habitats, whereas for poor countries it is to stop environmental degradation because it directly affects their subsistence and day to days life. At the extreme one could say that Northern preservation of wilderness contrasts against Southern conservation for survival. In another way it could be called as ‘full-stomach’ environmentalism of the North and the ‘empty-belly’ environmentalism of the South (Guha and Juan, 1997). Environmentalism in India means resistances by the people for their livelihood and for their survival.

8.4 Conservation in Developing Country

Biodiversity should be conserved both for its value as a local livelihoods resource and as a national and global public good and equitable sharing of the costs and benefits of protected areas should be ensured at local, national and global levels World Parks Congress (IUCN, 2003).

It is hard to achieve norms of conservation in a developing country where primary natural resources necessary for human survival are conserved in a National Park. This is possibly the most important matter of concern that needs to be answered, particularly under the India’s Wildlife Protection Act : 972 which prohibits any kind of habitat use in a National Park (Pandey, 2007). The term Biodiversity conservation term generally depicts the maintenance of global variety of species for number of reasons. There is world of difference between goals of global and local level of biodiversity conservation. Local conservation goals usually deviate from those planned by the international community. Dissimilarities between global and local biodiversity conservation perceptions and priorities given in Table no. 8.1.
Table 8.1: Dissimilarities between Global and Local Biodiversity Conservation: Perceptions and Priorities

<table>
<thead>
<tr>
<th>Global Biodiversity Values</th>
<th>Local Biodiversity Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Profits and priorities for biodiversity management are shared by humankind</td>
<td>Specific groups have specific priorities as biodiversity values are tied to local culture.</td>
</tr>
<tr>
<td>2. Main focus on genotypes</td>
<td>Main focus on phenotypes</td>
</tr>
<tr>
<td>3. Focus on biodiversity in protected areas</td>
<td>Focus on biodiversity in multi-use landscapes</td>
</tr>
<tr>
<td>4. Follow the norms of conservation, with or without sustainable use</td>
<td>Perfect of sustainable use, with or without conservation benefits</td>
</tr>
<tr>
<td>5. Indirect-use and non-use values are primary concerns</td>
<td>Direct-use values as, or more important than indirect and non-use</td>
</tr>
<tr>
<td>6. Endemics and other rare species have priority</td>
<td>No priority for global endemics, only local species are considered</td>
</tr>
<tr>
<td>7. Wild and agricultural diversity treated separately</td>
<td>No clear boundary between agricultural and wild biodiversity</td>
</tr>
</tbody>
</table>

Source: Adapted from Vermeulen, 2004.

To fulfill the target of conservation formation of PAs is often accompanied by clarifications which have a natural prejudice against local communities. These solutions were often neglecting the customary rights of native of that particular area. Poverty and biodiversity conservation are linked in many ways. Biodiversity conservation and poverty reduction could not only go hand in hand, but would be equally reinforcing. To maintain the equity between poverty reduction and biodiversity conservation is tough task in developing country. Moreover, it could be avoided or at least significantly reduced by introducing some rather basic policy reforms. These reforms could improve the well-being of all interested parties—rich and poor, public and private (Perrings and Gadgil, 2003).

Current strategies that developing countries are following to conserve biodiversity often focus on its global benefits, ignoring its local benefits. By doing
so, these strategies not only fail to achieve local benefits, they also place at risk a global public good maintenance of the global gene pool. Conservation efforts in terms of local public benefits require specifying a production function that describes the relationship between the conserved species and the relevant ecological services (Maler, 1974; Smith, 1991).

In a nutshell, global biodiversity conservation is dependent upon local people supporting and becoming directly involved in conservation initiatives. In developing countries and those where there is a fundamental association with the natural world, this would enable local communities to make a living whilst utilizing their knowledge in preserving their environment, as well as reducing the impact of proposed restrictions on their activities. It is important that such projects are planned with future sustainability for both local communities and biodiversity in mind.

All the methods set up in the Eco-development project and WSCGs in GHNP were expected to contribute considerably to find answer to this important question of conservation in developing country as all of them made genuine efforts towards sustainable livelihoods of the rural poor in a participatory mode to reduce their dependencies on the Park’s natural resources.

8.5 Conservation Conflicts in GHNP

The conflict between conservation and livelihoods and between larger and local interests has become an integral part of conservation experiences in the most parts of the world (Chhatre and Saberwal, 2005). It is assumed that human presence and pressure creates a serious threat to the biodiversity of a particular region. The negotiations around the creation of the Park started in 1984. Several authorities joined the negotiations in the intervening years, most notably local and state politicians, acting as conduits between state and society. The new boundaries that were put in place in 1999 were rejected by the people and negotiated through elected representatives, leading to a severe loss of authority and legitimacy for the Forest Department that was responsible for enforcing the new boundaries (Chhatre, 2003). After fifteen years, the Park was formally demarcated in 1999. The state government issued the final notification for the Park. The Indian Wildlife Protection Act requires the state governments to “acquire” or “settle” the rights of local populations before notifying an area as a National Park. Acquisition of rights via legal process is known as “settlement of rights”. It takes place either by providing monetary compensation or
by providing alternative land. Legal rights in the GHNP are the rights which were recorded by the forest department in the forest settlement of 1886 and comprise rights of timber distribution and collection of a wide variety of minor forest produce and grazing livestock. The document in which they are mentioned is popularly called Anderson’s Settlement Report of 1886a.

8.5.1 Conservational Policies and Practice in GHNP

Chhatre and Saberwal (2005) have examined conservation politics and practice as they have played out in the Park over the past two decades. By this analysis, the scenario they have seen considers the Park’s experience in two larger contexts:

i) Electoral politics that result in the politician’s support for villagers and others restricted access to the protected area.

ii) States current development orientation, which aspires to change the state into the electrical power house of the country by building 300 medium and large power projects.

According to the regulations, besides cases involving more than 10 bighas of forest land, an FIR has also to be lodged with the police in offences like tampering with boundary walls and erection of a permanent structure. Further, encroachments in a protected wildlife area will always require the registration of an FIR and there will be no compounding. Additional Chief Secretary, Forests, Sudipto Roy said the task force set up for the purpose from the state level to the divisional level was on the job and all the cases would be dealt with as per the regulations. The task force at the divisional level comprising the DFO, the DSP and the Tehsildar was ensuring coordinated action for the removal of the encroachments (Lohumi, 2011a).

**Case Study 14**

“Special DFO Encroachment has been appointed to deal with encroachment issues.”

Mr. Z-1 was a Forest Officer in GHNP’s directorate office. He had given information about the special appointment of DFO encroachment on 2010 to deal with the rising encroachment issues. He said that as per state government order less than ten hectare encroachment cases would be handled by the forest department and more than ten hectare cases would jointly undertaken by revenue, forest department and police.

**Case Study 15**

“Tirthan valley had the largest number of encroachment cases.”

Miss A-2 was working as assistant officer in GHNP directorate. She informed me that at present 40 encroachment cases from Tirthan Valley were on sessions court trial. Though there might be cases from Sainj and Jewanal Valley, but officially only cases from Tirthan Valley were registered. DFO encroachment and its team were on investigation in the other valleys.

### 8.5.2 Anderson’s Report

The settlement of rights in GHNP took place on the basis of a report on the rights in forests prepared by Alexander Anderson over a hundred years ago (Anderson, 1897). The Anderson’s Settlement Report is the only available document on the basis of which the local people have been exercising their rights in the area which is now constituted as the Great Himalayan National Park (See Appendix E). In this report names the villages and the type of resource use rights they were entitled to.
being mentioned against each forest. The reports proclaimed these rights to be attached with the ownership of agricultural land. The main drawback of the report was that the landless were not considered right-holders in this report, though they were the main dependents on the forest resources in the absence of any other means of livelihood (Kumar, et al.; 1999). On the basis of Anderson’s report of 1886, 314 households were granted monetary compensation and alternative grazing areas were provided to those claiming long-standing rights to graze alpine meadows. In Anderson’s report, the collection of morels were also not listed, so no compensation was provided to those who were dependent on morel mushroom collection for their livelihood (See Appendix C). With the passage of time, a number of non-right-holders also gained access to the resources of the Park area. Up to 1998, about 4,000 to 6,000 herb collectors and 20,000 to 30,000 sheep and goats have been going into the Park due to the unregulated system. The biodiversity of the Park was threatened due to open access to the resources (Pandey, 2007).

In recent years, a case was filed in the district court in Kullu in 2007 by affected families of the ecozone region of GHP. 70 families were there to file a case for compensation. Out of the 70 applicants, 54 have got the claim on 17 May 2008. The amount came to Rs 44,272 which was very little as compared to their rights that had been snatched after the formation of the Park (GHNP Director Office).

Case Study 16
“Why is the Government blindly following Anderson’s Report?”

Mr. Y was a 34-year old man who was working as a porter in GHNP. He was associated with BTCA (an NGO in the GHNP range). He said that all the people in the Ecozone area wondered how the Government could follow the Anderson Report so blindly. According to him, they had all suffered from the formation of the Park. Only a few people living in a nearby area were given the monetary compensation. The government said that the report had not mentioned mushroom collection, so they did not get any compensation. The government did not think about their livelihood. For most of the people it was only a source of income. Villagers claimed that for their compensation, out of 70 people only 54 were given any money (See Appendix: K).
8.5.3 Drawbacks of Indian Forest Acts

The 1891 Census Report arranged different castes according to their traditional occupations, and forest tribes were assigned a separate category from that of agricultural and pastoral castes (Xaxa, 1999). Millions of people including Scheduled Tribes lived in and near forest lands, but had no legal right to their homes, lands or livelihoods. Only a few government officials had all the power over forests and forest inhabitants. This resulted in a conflict between government and people. This relationship of tribals with forests began to be disturbed during the British era when huge areas of forests were regularly harvested for commercial purposes. After India gained independence in 1947, most of the forests were nationalized. The matter of tribal people’s rights in those forests has been loaded with argument and is central to political and development policy questions in India (Mitra and Gupta, 2009).

India’s forests are governed by two main laws, the Indian Forest Act, 1927 and the Wild Life (Protection) Act, 1972. The Indian Forest Act, 1927, India’s main forest law, had nothing to do with conservation. It was created to serve the British need for timber. As per the Indian Forest Act, 1927 at the time a “forest” is declared, a single official (the Forest Settlement Officer) is to enquire into and “settle” the land and forest rights people had in that area. These all-powerful officials did nothing and recorded only the rights of powerful communities. As per the Act, the government had rights to declare any area to be a reserved forest, protected forest or village forest (Government Report, 2006).

The Wild Life (Protection) Act, 1972 refers to the protection of wild animals and plants and for matters related to their protection. It extends to the whole of India, except the state of Jammu and Kashmir, which has its own wildlife act (Anon, 1998). It allows any area to be constituted as a “protected area”, namely a national park, wildlife sanctuary, tiger reserve or community conservation area. As per these laws, the rights of the Schedule Tribes who depended on these protected areas were to be settled by a ‘forest settlement officer’. His job was to listen to the claims of the people, which when forwarded and then if found valid, the people either continued in their occupation or denied them and gave compensation to the same (Government Report, 2006).
8.5.4 Forest Rights Act, 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, is a key piece of forest legislation passed in India on December 29, 2006. It has also been called the “Forest Rights Act”, the “Tribal Rights Act”, Traditional Forest Dwellers (Recognition of Forest Rights) Act, the “Tribal Bill”, and the “Tribal Land Act”. The law concerns the rights of forest-dwelling communities to land and other resources, denied to them over decades as a result of the continuance of colonial forest laws in India (Government Report, 2006).

As per the Ministry of Law and Justice, it is an Act to recognize the forest rights and occupation in forest lands of forest-dwelling Schedule Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded, to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. In brief, this Act recognizes forest dwellers’ rights and makes conservation more accountable.

The Act basically does two things:

• Grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws.
• Makes a beginning towards giving communities and the public a voice in forest and wildlife conservation (Forest Right Act, 2006).

8.5.4.1 Silent Features of Forest Rights Act, 2006

As per the Act, on satisfying the norms mentioned below, the person would obtain the rights. They should be primarily residing in forests or forest lands and should belong to Schedule Tribe or in the area where they are scheduled. “Forest-dwelling Schedule Tribes” means the members or community of the Schedule Tribes who primarily reside in and who depend on the forests or forest lands for \textit{bona fide} livelihood needs and includes the Schedule Tribe pastoralist communities (Chapter-1 (2c)).

8.5.4.2 Forest Dwellers Right under This Act

Act recognized three types of rights. These mentioned briefly as follows
Forest Use Rights

Right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. This does not include timber (Chapter-2 (3c)).

Right to Protect and Conserve

Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use (Chapter-2 (3 I)).

Land Rights

No one gets rights to any land that they have not been cultivating prior to December 13, 2005 (Chapter -3 (4 (3))) and which they were not cultivating right now. Those who are cultivating land but do not have documents can claim up to 4 hectares, as long as they are cultivating the land themselves for a livelihood (section 3(1) (a) and 4(6)).

The most disturbing feature of the Act is that it is susceptible to interference by the judiciary and by other authorities. Section 15 of the Act states that this Act “shall be in addition to and not in derogation of any other law in force.” In other words, this provision may lead to a bizarre situation – though forest dwellers will be provided land rights, they might still not be able to exercise their right over their land – since this right will be subject to the provisions of the Indian Forest Act. Also, the judiciary can withdraw the rights provided by the Act (FRA, 2006).

8.6 Failure of Conservation Policy in GHNP

The concept of conservation and development has always been contradictory. Like the rest of the conservation programmes in the country, GHNP is also facing the same problems. Politically dominant rural electorates can exercise a huge influence on conservation policy and practice. This insight is well understood in the analysis of conservation politics in advanced industrial democracies but has been overlooked in developing nations (Chhatre and Saberwal, 2005).

Perrings and Gadgil listed the few reforms that should be there in conservation policy:

- Consolidating the international institutional architecture to allow more systematic trade in global environmental services.
• Regulating incentives to reward local communities for their conservation efforts—and to hold accountable actors who create negative externalities.

• Extending the Global Environment Facility’s portfolio and resources to support local conservation efforts that yield global public benefits.

• Complementing current large-scale conservation efforts with a decentralized strategy that co-locates production and conservation areas, and puts area management rights and responsibilities in the hands of the local authority.

Narrowing the gap between “paper-Parks” and those natural areas that are being effectively managed is the greatest challenge to the world conservation community (Milne and Eidsvik, 2010). Here, the question arises, will economic well-being contribute to the biodiversity conservation of the GHNP? No doubt, the center and state government has launched many eco-development plans, MPPA, Eco-tourism and WSCGs. All these alternative income-generation activities have to be supported with a range of other measures and incentives besides economic incentives including effective policy and legislation, tenure security, empowerment, collaborative management, etc. Economic incentives in the form of alternate income generation were found to be usually inadequate and unsustainable. Hence, the work on alternate income generation around GHNPCA needs to be supported with other measures that promoted participation of communities with respect to resource management.