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Comments on Draft Island Protection Zone Notification in the context of Tourism

June 2010

In the continuing saga on amendments to the Coastal Regulation Zone (CRZ) Notification, the Ministry of Environment and Forests (MoEF) made public the draft Islands Protection Zone (IPZ) Notification, applicable to the Andaman & Nicobar and Lakshadweep Islands. This paper contains our concerns related to this proposed Notification, highlights the need to make the CRZ Notification even stronger and ensure tourism is regulated in the fragile island ecosystems.

The Ministry of Environment and Forests issued the draft Island Protection Zone (IPZ) Notification (25 February 2010) for comments. Of particular concern to us, has been the role of unregulated tourism development in contributing to the destruction of the fragile coastal ecology of the Andaman & Nicobar and the Lakshadweep Islands - the evidence for which unfortunately has only been growing. In this connection, two developments - this document which pertains to the Draft Island Protection Zone Notification 2010 and the Pre draft Coastal Regulation Zone Notification 2010 (comments enclosed in a separate document) are of concern to us because both of them seem to be attempts to dilute rather than strengthen regulation against the harmful impacts of tourism development.

We enumerate our key concerns in the context of tourism as follows:

A. Who wants a separate notification?

The decision to exclude the Andaman & Nicobar and Lakshadweep Islands from the ambit of CRZ Notification 1991, and to bring them under a separate Island Protection Zone Notification seems to be based almost solely on the recommendations of one committee viz. the Swaminathan Committee report Final Frontiers of July 2009. As far as we can see there is no evidence of any public demand for such separation. The MoEF website does not record any consultations held on the Islands and the consultations in other cities have no record of such a demand from civil society.

In order to strengthen coastal ecology in the Islands we believe that the CRZ-IV provisions of the CRZ Notification should, in fact, be strengthened. The classification of CRZ-IV in CRZ Notification 1991 is unique to the Islands and was specifically drafted keeping in consideration its fragile ecosystem.

The MoEF argues that separation of the Islands of Andaman & Nicobar and Lakshadweep from CRZ Notification will help reduce livelihood problems of island dwellers. Our interpretation of CRZ Notification 1991 is that the Notification is not an obstacle for communities to continue pursuing traditional livelihoods. However the CRZ Notification does ensure that the coast is protected through regulation of certain kinds of developments, tourism being one of them.

Thus, the need to move the Islands out of the CRZ Notification seems in no way justified. Any good provisions recommended in the IPZ could be included in provisions for CRZ-IV areas in the CRZ Notification including specific management plans. (Up to the year 2003, the CRZ-IV prohibited construction of tourism establishments within 200m from the High Tide Line. Under pressure from the tourism lobby this was later reduced to 50m. CRZ-IV requires construction and design of buildings to be consistent with the local architecture and surrounding landscape. Buildings constructed between 50m to 500m of HTL are not permitted to have more than two floors, total area covered on all floors should not exceed more than 50 percent of plot size and the total height of construction should not exceed 9 metres.)
B. No regulation of tourism development

What is extremely worrying is that the draft IPZ Notification contains no specific regulatory provisions for tourism at all. This is a serious flaw as tourism has been positioned as a significant economic activity in the Islands. This non-inclusion invites speculation that this is under pressure from the tourism lobby to further open up the coast for tourism.

EQUATIONS research “Rethink Tourism in the Andamans” undertaken in 2008, in the Andaman Islands, shows that tourism development on its coast is in near total contravention of the CRZ Notification 19911. One of the key findings of the research is that majority of the tourism establishments are found within the No Development Zone (NDZ). With very few exceptions, resorts in Havelock and Neil Island including the Dolphin Resort which is permanent structure owned by Information, Publicity and Tourism Department of Andaman and Nicobar Administration, violates the CRZ Notification 1991. The Peerless resort in Corbyn’s Cove located south of Port Blair, has put up permanent structures like restaurants, changing rooms for tourists so close to the High Tide Line that the sand that is swept in from the ocean has to be cleared periodically from the road and inside the resort premises!

Even with the diluted provisions in the CRZ Notification, the violations by the tourism industry in the Islands are rife. We wonder what the case will be when tourism does not come stringently under the scanner. A consequence may be that current violations (for which no punitive action has been taken so far) may then be left off the hook completely!

More and more areas of the Andaman Islands are being opened up for infrastructure heavy tourism developments that involve permanent constructions that are not eco-friendly. In March 2010 the Tourism Department of Andaman & Nicobar Administration has invited tenders for development of recreational and entertainment activities on Viper Island with the aim that it be developed it as a high class tourist destination2. The facilities planned include cable cars, sky bridge, entertainment hub, game parlours, clubs, resorts, golf course, hotels and restaurants, yacht marina etc. All of these are entirely unsuitable to the fragile island ecosystem, and result in greater water consumption in a water scarce situation. Tourism in the Islands need to significantly move away from the model of entertainment and infrastructure driven to nature based eco-sensitive models where tourists come to experience and enjoy its unique ecosystem and to treat it with respect. If they want games arcades or casinos or amusement parks they should be encouraged to find them elsewhere.

The recently approved tourism policy of the Andaman and Nicobar Islands (2009) in fact suggests that tourism development keeps in mind the extreme fragility of the islands - however its plans subsequently, as the Viper Island tender amply demonstrates, seem to be in contradiction with stated policy. The MoEF had issued “Environment Guidelines for Tourism Projects in the Andaman Islands” vide letter no 15-1/2006-IA-III dated 20th April 2006. These guidelines are extremely progressive, suggest that tourism projects be taken to task for negative impacts, but needless to say have remained in the files of government offices. The tourism industry has made no bones about its distaste for regulation of any kind. Thus mere policy declarations and the hope for enlightened industry behaviour cannot be relied upon and stringent regulation and the will to take action on violations is the only way the island ecology can be protected from further devastation.

C. The Integrated Inlands Management Plan

The draft IPZ proposes to use the Integrated Islands Management Plan (IIMP) as the basis for permitting or prohibiting developmental activities. We are concerned firstly that a management plan alone is ineffective in regulating developmental activities and the past record of action against violations against the CRZ Notification serves to accentuate this concern. The IIMP should become a protocol to be followed as part of a legal instrument like the CRZ Notification.

The IIMP is the responsibility of the Islands Administration as per the draft IPZ. It would be critical to delineate the role of the local self governments (and not just consultations) in preparing these in the spirit of the 73rd and 74th Amendments of the Constitution of India.
Para 2 in the draft IPZ Notification requires that the IIMP is prepared with public participation and can be reviewed after five years or at anytime, as required by the Andaman and Nicobar Islands or Lakshadweep Administration. It is critical that the IIMP thus prepared be reviewed with public participation, instead of being reviewed at any time by the respective administration in the island states.

The draft IPZ in Section 4 points 1 and 2, refer to SO 2058(E) and SO 308 (E) as the basis for the constitution of the Islands Protection Authority. Firstly neither of these SO are listed under the Coastal Regulation section of the MoEF website. Secondly, SO 308 pertains to 2006 and subsequently SO 3251 (E) of 21st December 2009 reconstituted the Lakshadweep Coastal Zone Management Authority for a period of three years. Finally, these SO’s are about constituting the Coastal Zone Management Authorities and NOT the Island Protection Zone Management Authority as claimed by the draft IPZ Notification. The draft IPZ Notification thus is making incorrect and misleading statements.

The draft IPZ Notification therefore also fails to elaborate the role and limits of the Island Zone Protection Authority. In the context of the trend of parastatal bodies sidelining powers of constitutional bodies, these powers and roles should be clearly and transparently delineated.

In preparation of IIMP given the rampant nature of current violations a time frame of one year is insufficient to record and decide on action on violations. If this is not done thoroughly, the possibility that current violations go scot free is extremely plausible. The IIMP should also be made available in a local language like Hindi in A&NI and Malayalam in Lakshadweep in order to facilitate wider participation.

Para 9 of the draft IPZ Notification requires all permissible activities under the Island Integrated Management Plan to be undertaken in accordance with Environment Impact Assessment Notification (2006). However EIA Notification 2006 is inherently problematic on several counts and in particular has diluted and even removed many provisions related to the regulation and accountability of tourism establishments.

D. Sand mining rears its head again

Para 12 (a) in Schedule - I, draft IPZ notification permits mining of construction material especially sand from deep sea bed (beyond 15 meters depth) based on scientific studies. EQUATIONS research in Andamans conducted in 2008 reveals that coral reefs of the islands are under threat from siltation, sand mining, agricultural runoff and damage due to fishing, tourism and construction activities.

Construction material should not be allowed to be extracted beyond 15m as it may affect corals and coral reefs. This is again going back to unsustainable building design and materials. It also leaves the door open for mining corals, a source of calcium carbonate, which is an important construction material.

Sand is extracted in the A&NI for construction purposes, and sand extraction has led to loss of marine turtle beaches and erosion by sea action. The Honourable Supreme Court in 2002 had drawn attention to the need to bring down and phase out sand mining in the Andaman Islands. However, no monitoring of sand mining and hence ensuring reduction of such activity has been implemented. The provision in the draft IPZ Notification for "allowing sand mining based on scientific studies", is a cause for concern, as given the dismal record of reducing sand mining thus far, it could allow for extraction to continue unabated.

It is a welcome move that the draft IPZ notification suggest use of locally available alternative construction material like bamboo, local forest products. The use of locally available material for construction of tourism establishments is advantageous for the Islands as these are temporary or semi permanent constructions. The natural ventilation would help bring down costs on electricity usage. Electricity in the Islands is generated by burning diesel; reduced energy consumption would be a welcome outcome.
The islands being prone to natural phenomenon like storms, earthquakes or a tsunami, the semi-permanent or temporary structures would in certain cases pose lesser danger to human life in comparison with concrete structures.

Endnotes


2. Andaman and Nicobar Administration, Directorate of Tourism, No.19-8/VIPER/TSM/2009 http://as.and.nic.in/tendersonline/Tenderfeb.asp?paraml=5&parmE=0&paramD=0&%20#a1
Comments from a tourism perspective on the implementation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

June 2010

Submitted to the Joint Committee of Ministry of Environment and Forest & Ministry of Tribal Affairs

EQUATIONS interpretation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) in the context of tourism and forest rights is that:

- **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)** does not have any specific mention about tourism. However, Section 5 of the FRA empowers the Gram Sabha and village level institutions in areas where there are holders of forest rights to "protect the wildlife, forest and biodiversity"; "ensure that adjoining catchment areas, water sources and other ecological sensitive areas are adequately protected"; "ensure that the habitat of forest dwelling Scheduled tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their culture and natural heritage." Section 5 of the FRA also ensures that decisions taken in Grama Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and biodiversity are complied with.

- Tourism projects also calls for Gram Sabha approval under Sec 5 of the FRA. The legal provisions of FRA cannot be denigrated as section 13 of FRA very specifically lays down that "Save as otherwise provided in this Act and the Provisions of PESA, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force."

The above sections empower the holders of forest rights to stop any activity, be it mining, building of infrastructure or tourism facilities that has detrimental impact on the wildlife, forest, biodiversity of the area and negatively impacts their natural heritage and culture.

To corroborate the above understanding, EQUATIONS conducted a preliminary research on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 vis-à-vis expansion of tourism in Tadoba Andhari Tiger Reserve (TATR), Maharashtra in 2009. Our observations are as follows:

Tourism in TATR has neither benefitted the communities nor have any specific steps been taken to ensure benefit of local communities from tourism. Rather, certain tourism activities have had negative impacts on the wildlife and the lives of the local communities, thereby damaging the ecosystem of the area.

**Impacts of tourism in TATR vis-à-vis the rights of the local communities:**

Development works in all the six villages inside TATR, namely Botezari, Kolsa, Jamni, Rantalodhi, Palasgaon and Navegaon, was stopped since 2000. According to villagers while more and more access routes are being opened up for tourists, the forest officials do not let the villagers collect non-timber forest produce that are their major sources of income. They are only allowed to take firewood for
domestic use. Since March 2008, apart from the already existing tourist entry gates at Moharli and Kolsa, tourists are being allowed to enter TATR from newly opened Pangli gate. Until four years ago, a government-owned resort inside TATR was the only tourist facility and the road connecting the resort to Mohrali gate was TATR’s only metalled road. While positive steps like closing down of tourism establishments inside the park have been taken by forest department in TATR, no steps have been taken by local authorities to stop or regulate resorts and hotels cropping up outside the TATR’s gates. So far, none of the local communities have ever been consulted about any development activities in the area.

Local communities of TATR are enraged over the ban imposed by the Forest Department on the annual jatra (procession) of Gond adivasis to the shrine of their deity by the Tadoba Lake. They are only allowed to offer prayers. While the justification adduced by Forest Department is that the procession and rituals disturbs the wildlife in the region, the Gond adivasis refute the justification. According to them if tourists can be allowed to enter TATR all year round, why they have to stop their traditional and cultural practice.

There has been large scale displacement of forest people and loss of usufruct rights in TATR. The communities at Botezari, one of the 6 villages located inside the area TATR, who were relocated, pointed that the main reason why some of the people agreed to move out of the village was that their repeated request for a road was turned down by the authorities. However, after the village was relocated, roads are being built in the same area. The local communities sense a nexus between the spurt in road construction inside TATR and plans of expansion of tourism in the area.

According to local communities, the development of tourism establishments around TATR blocks the movements of animals to other forests and protected areas through the corridors. The animals are then forced to enter human habitations thereby increasing the human animal conflict.

While TATR authorities have been praised for taking steps to regulate tourism activities, the concern remains that no conscious steps have been taken to ensure the benefit of local communities from tourism. Moreover, the development of tourism establishments around protected areas have neither helped conservation, nor helped the local communities economically, socially and in protection of their traditions and culture. Very recently the concern about the negative impacts of increasing number of tourists and tourist facilities in protected areas have also been raised both by Ministry of Environment and Forests (MoEF) and Ministry of Tourism (MoT). MoEF has asked MoT to curb tourist visits near forests. MoEF has said that increasing number of tourists and tourism-related constructions in and around forests has been disastrous to the ecology of these places.

Other broad observations with respect to FRA in TATR:

- The forest communities in TATR were relocated forcefully;
- They have been relocated without undertaking the due process of recognition and determination of their rights on land and forest under FRA;
- Except for one village Kolsa, in none of the other villages any steps have been taken towards implementation of FRA.


In 2006 the WPA was amended to include “tiger reserves” as a separate category of protected area (alongside national parks, sanctuaries, conservation areas and community reserves). Section 38V(4) of the amended WPA defined a tiger reserve as consisting of two parts:

1) a “buffer zone” in which people and tigers will coexist, and the livelihood interests of the people must be protected; and
2) a core or "critical tiger habitat" which is to be kept "inviolate."
According to *Explanation (i) to section 38V(4) of WPA*, the expression "tiger reserve" includes:

(i) **core or critical tiger habitat areas** of National Parks and Sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, **without affecting the rights of the Scheduled Tribes or such other forest dwellers**, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;

**Section 38V(5) of WPA** then goes on to add that any relocation of communities undertaken by the concerned agencies of the State Government for making the core area inviolate space has to be voluntary relocation, on mutually agreed terms and conditions. It categorically states that no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete under FRA.

In TATR, our preliminary research shows that except for village Kolsa, in no other villages any steps have been taken to implement the FRA. In village Kolsa the local communities have started taking important decisions pertaining to the village at the Grama Sabha level. In Kolsa, people have filed application for community and individual tenure rights. Claiming their community rights, villagers of Kolsa have also started fishing in the village lake, which was previously banned by the forest department. They have also decided to start Tendu leaf collection and Mahua collection under their nistar rights. In none of the other villages including Moharli (which has experienced maximum tourism growth in TATR) any Grama Sabha meeting has been convened so far. Inspite of proximity to the lake and river Irai, the local community has not claimed the right to fish in any of them. These are common property resources and according to **Section 3 (1) (d) of the FRA**, communities have the right of use and entitlements of these resources. According to the villagers, fishing in the lake as well as the river is done by outsiders based on the lease provided by the forest department. At Moharli, the forest department does not allow the communities to collect even bamboo - a minor forest product from the nearby forests.

**Section 38V(5) of WPA** also states that for creating such inviolate space, the concerned agencies of the State Government has to be establish that the Scheduled Tribes and such other forest dwellers in the area have consented that the impact their activities or their presence in the area is sufficient to cause irreversible damage upon wild animals and shall threaten the existence of tigers and their habitat. The due process of law specifically mentions that people and tigers will coexist in "buffer zone", and the livelihood interests of the people must be protected.

In TATR, none of the local communities were consulted when the area got the status of CTH. At TATR relocation had already begun without any consultation with local communities and the involuntary relocation of forest dwelling communities continues till date, even after the passing of the FRA and the amendment of the WPA in 2006. The action of relocation of local communities without consultation by the forest department amount to nullifying section 4(2) of the FRA and are in flagrant violation of section 38V(4) and 38V(5) of the amended WPA, 2006.

Moreover, the website of Project Tiger on TATR specifically states that "There is no human population in core zone. There are 41644 people in and around the Reserve in 59 villages". Thus, the question of relocating forest dwelling communities to keep the core zone as inviolate for the purposes of tiger conservation should not have arisen in TATR at all as all villages in TATR are in the buffer zone. However, moving away from the legislative guideline of declaring the core area as the CTH, the entire area of TATR, including the buffer zone is demarcated as the CTH. As a result any forest villages within the TATR are vulnerable to relocation.

Our preliminary research clearly shows the detrimental impacts that tourism has on forest dwelling communities, their access to natural resources, on wildlife, biodiversity, and their cultural heritage. So, the rights of the local forest dwelling communities to regulate tourism in all protected areas must be acknowledged and implemented.
The Kerala Tourism (Conservation and Preservation of Areas) Amendment Ordinance, 2010 (Kerala Ordinance 2010) was promulgated by the Governor on 12th June 2010. It provided for amending the Kerala Tourism (Conservation and Preservation of Areas) Act, 2005. It proposes substituting the State Tourism Conservation and Preservation Committees formed under the Kerala Tourism Act, 2005 with State Tourism Development Authority (DA) for the conservation, preservation and integrated planned development of the Special Tourism Zones (STZs). A few days later, on 29th June 2010, the Kerala Tourism (Conservation and Preservation of Areas) Amendment, Bill 2010 was placed before the State Legislative Assembly, presumably, in order to ensure that the Kerala Ordinance 2010 promulgated does not cease to operate. In this paper, we have critiqued the Amendment Bill and questioned the transferring of regulatory powers of Local Self Governing Institutions (LSGIs) to a parastatal body like DA. This results in the loss of the democratic exercise of powers by the LSGIs. We have also questioned the Ordinance route adopted by the government. With hardly less than 15 days left for the assembly session to start, the move is intended to exclude dialogue with people and their representatives and thereby evade public scrutiny.

On 12th June 2010, the Kerala Tourism (Conservation and Preservation of Areas) Amendment Ordinance, 2010 was promulgated by the Governor. It provided for amending the Kerala Tourism (Conservation and Preservation of Areas) Act, 2005 (the Kerala Tourism Act 2005). It proposes substituting the State Tourism Conservation and Preservation Committees (Tourism Committee) formed under the Kerala Tourism Act 2005 with State Tourism Development Authority (DA) for the conservation, preservation and integrated planned development of the Special Tourism Zones. A few days later, on 29th June 2010 the Kerala Tourism (Conservation and Preservation of Areas) Amendment, Bill 2010 (the Tourism Amendment Bill 2010) was placed before the State Legislative Assembly, presumably in order to ensure that the Kerala Tourism (Conservation and Preservation of Areas) Ordinance, 2010 (Kerala Ordinance 2010) promulgated does not cease to operate. The Assembly has referred the Tourism Amendment Bill 2010 to its Subject Committee.

In EQUATIONS’ critique of the Kerala Tourism Act 2005, the prime concerns raised by us were:

- The Kerala Tourism Act 2005 usurps powers and mandates of Local Self Governing Institutions (LSGIs)
- It promotes the enclavisation of tourism through Special tourism Zones (STZ) - a model that is far from sustainable or beneficial to local communities.
- The Kerala Tourism Act 2005 subordinates the general Planning Process to favour tourism related development process that prioritizes and privileges tourism centric development.
- This Kerala Tourism Act 2005, in principle, and in operational ways, aims to re-establish the colonial praxis that State and not the people are competent to engage with matters of development. Given Kerala’s history of decentralization and peoples plan processes, this move is retrograde.

The developments related to the Kerala Tourism Ordinance 2010, followed by Kerala Tourism Amendment Bill 2010, have only intensified these concerns.
Why do we oppose Development Authorities?

- The Tourism Conservation and Preservation Committee constituted under the Kerala Tourism Act 2005 took over significant powers of the LSGIs related to regulation of tourism at the local level. The DAs that have been proposed to replace the Tourism Committee in the Kerala Tourism Amendment Bill 2010 also clearly bypass the Constitutional mandate and provisions of Kerala Panchayat Raj Act of 1994.

- Article 243 G and the Article 243 W of the Constitution of India delegate the responsibility with respect to preparation of plans for economic development and social justice and implementation of schemes for economic development and social justice to the institutions of local self-governance (LSGIs) namely, the Panchayats and Municipalities respectively (see Note 1). The Tourism industry relies on natural resources and services which fall under the Panchayat jurisdiction. Hence it becomes very important that the local Panchayat / Municipality are involved in regulating tourism developments in the local level. Transferring this regulatory role to a parastatal body implies loss of the democratic exercise of powers by the LSGIs.

- The trend of shifting the governance of an area from the LSGIs to the DAs is on the rise. In the tourism context the Hampi Development Authority, officially known as Hampi World Heritage Area Management Authority was constituted in 2003 by the Karnataka Government, Kevadia Area Development Authority in Gujarat was constituted in 2005. Chilika and Kolleru Development Authorities also have tourism links. Jammu and Kashmir also has a host of tourism linked Development Authorities.

- The constitution of DAs also leads to substitution of the general Planning Process (the General Master Plan of any area formulated under the local Town and Country Planning Act) to favour tourism related development process that prioritizes and privileges tourism centric developments. According to the Tourism Amendment Bill 2010, the State Tourism Development Authority will have the authority to modify the development plans of the regions that are declared as STZs. We believe that tourism development should be only a subset of the general planning processes. The Master Plan of any area formulated under the local Town and Country Planning Act) has the mandate of overall development of the area and tourism should not dictate the overall development process.

- According to Section 5(2) of the Kerala Tourism Act, 2005 the local authorities (i.e. the Panchayat Raj Institutions and Urban Local Bodies) shall act in accordance with the advice or direction given by the Tourism Committee/ proposed DAs in respect of any area comprised in a STZ, and shall intimate to the Committee/ proposed DAs such action as taken by it. The Tourism Ordinance 2010 and the proposed Kerala Tourism Amendment Bill 2010 continues with the same model. Kerala has been a state that has privileged people’s participation in policy making. It has been in the forefront of devolution of power to the LSGIs, including devolving development funds to the LSGIs. The "Kerala Vision Document 2025" developed by the Kerala Tourism Department specifically acknowledges that participation of local self government and NGOs are necessary to the process of tourism development in the state. The Kerala Tourism Act 2005 and the present Kerala Tourism Ordinance and Kerala Tourism Amendment Bill 2010 undermine these principles of public participation in tourism development.

Questioning the Ordinance route

Ordinances are expected to be promulgated in exceptional circumstances requiring urgent action.

According to Article 213 of the Constitution of India the Governor of a state can promulgate Ordinances only under the following circumstances:

- When the legislative assembly is not in session and
- The Governor is satisfied that that circumstances exist which render it necessary for him to take immediate action
The circumstances in Kerala that required such urgent action are not evident, particularly given that the Kerala Assembly session was due to commence in a few days. In *D.C. Wadhwa v State of Bihar (1987)* 1 SCC 378 the Supreme Court held that the exceptional power under Article 213 cannot be used as a substitute for the law making power of the State Legislature and excepting very rare cases where like for shortage of time the legislators could not convert an ordinance into an Act and continuance of the ordinance is necessary in the public interest, that an ordinance can be promulgated but not otherwise.

Given the sequence of events it seems like the push by the Government of Kerala to amend the Kerala Tourism Act 2005 through promulgation of ordinance is designed to exclude dialogue with people and their representatives and evade public scrutiny.

**Effectiveness may win but democracy loses?**

The Statement of Objects and Reasons provided by the government in the Tourism Amendment Bill 2010 states that: the Tourism Development Committee constituted under Section 4 of the Kerala Tourism Act, 2005 'was found by the government to be not very effective to serve the object of conservation and preservation of different tourism zones. Hence the Government intends to constitute tourism development authorities for one tourism zone or for different tourism zones with district level officers and people’s representatives as members and to empower the authorities so constituted to formulate tourism schemes to implement them and check violations of the schemes by constructions within the areas of the scheme. Government also intends to appoint a special officer having power to supervise the implementation of the schemes and to get the schemes implemented with the assistance of the concerned local authorities.'

This argument or rationale needs to be examined carefully. If a body is made defunct or replaced simply because it has "proved to be not effective", it can set the trend of rule by authorities. How to make an extant body- the LSGIs respectively, more effective is not being examined with equal zeal.

If the Government has declared the Committee as ineffective (and the basis or criteria of such an assessment are not clear - in fact even the existence of the Committees has been not widely known!) where lies the assurance that formation of DAs will ensure higher effectiveness, one wonders.

In 2005 when the Kerala Tourism Act 2005 was enacted, the Government gave a similar rationale for that step. It was said that that the LSGIs in the state had failed in conserving and preserving the areas where tourism had flourished, thus, making it essential to have bodies that can effectively conserve and preserve the areas with tourism potential.

The state of Kerala has had a history of public policy that has focused on the building of social capital - through education, public health and people’s participation processes. Such an investment in social capital, one would assume, would be a foundation for effective and vibrant participation of people in public bodies of governance and development and public good. The directions that the Kerala Tourism Act 2005 and its current avatar are taking aims to centralize administrative control and make increasingly redundant civil society involvement and influencing of political spaces and agendas. What is not being examined is given the benefit of immense social capital, what prevents efficiency or effectiveness. Surely it can’t be democracy that is the obstruction and therefore needs to be sacrificed?

**Note 1:**

The Eleventh and Twelfth Schedule of the Constitution, outlines the matters to be devolved to the Panchayats and Municipalities respectively to enable them to function as institutions of self-government and perform the functions pertaining to planning, implementation and collection of taxes. The tourism industry uses resources, which fall under direct jurisdiction of either Panchayat Raj Institutions or Urban Local Bodies. The Kerala Panchayat Raj Act as per the constitutional mandate ensures that planning, management, control and regulation over these resources and civic amenities are under appropriate levels of local governance. Section 166, 172 and 173 of Kerala Panchayat Raj Act 1994 outlines the functions of Village Panchayat, Block Panchayat and District Panchayats, respectively which is in accordance with the Article 243 G and Eleventh Schedule of the Constitution.
EQUATIONS (Equitable Tourism Options) launched a report titled "**Humanity - Equality - Destiny?**
**Implicating Tourism in the Commonwealth Games, 2010** - investigating links between mega-sport events, tourism, and notions of development and democracy.

The report examines critically the hopes and myths, as well as assumptions and mental models about tourism’s potential of the Games. Linked to this are the preparations being undertaken for tourists, a key aspect being the transformation of Delhi into a world class city. The social, cultural, economic, environmental, political, and human rights impacts ensuing from the preparations under way are examined.

In a press conference to launch the report on 27th July at Delhi, Rosemary Viswanath, Kalyani Menon-Sen, Usha Ramanathan and Miloon Kothari spoke on the report findings and developments related to the Games.

**Main findings**

1. **India’s Bid** - The story of India’s bid is of a process that did not involve debate at any level of governance of the implications and consequences of the decision to host the Games. Those who took the decision unilaterally are now washing their hands of the consequences - runaway budgets, human rights violations, misplaced investment priorities & returns, and misleading promises about impact and legacy.

2. **Sports for All?** Sports policy in India has not been able to move towards the vision of sports for all, and prioritise the development of sporting culture and facilities at the grassroots. However these are the claims on which these events are bid for and organised. The draft Sports Policy of 2007 being put in cold storage, and schemes such as the *Panchayat Yuva Krida aur Khel Abhiyan* (PYKKA) being starved of funds, are stark indicators of priorities gone terribly wrong. Massive infrastructure investments for mega sporting events in the PPP mode seems to be a method to transfer resources to lobbies of realtors and power-elite in the name of sports.

3. **Tourism Myths:** Mega events have little to do with bolstering tourism, and in fact can have a negative impact. The Ministry of Tourism in asserting the need for 40000 rooms in Delhi for the Commonwealth Games has been singularly lax in ensuring the quality of its research or data. What this has set off is a real estate bonanza. 39 prime properties have been auctioned by DDA for the purpose of construction of starred hotels to meet the demand for CWG of which only 4 were completed by April 2010. It would have been better to focus on the budget accommodation and SME sector which have received little attention.

Rosemary Viswanath, Chief Functionary, EQUATIONS said “In a country with endemic poverty, local people who live in destinations unfortunately gain little from tourism. The Ministry of Tourism refuses to recognise that its policy making and implementation priorities have little substantiation for claims on millions of jobs, projection of millions of future tourists, and local economy multipliers. Continuing to provide sops and subsidies to a creamy layer of tourism elites, it largely plays the role of a publicity manager showcasing “Incredible India “on their behalf. The Common Wealth Games is a classic example of this myopia”.

4. Large scale tourism projects are major accomplices in the world class city project. The Union Ministry, as well as the State governments, jockeying for large scale tourism projects have resulted
in land grabs, illegalities, and human rights violations on an unprecedented scale -facts that do not appear in tourism’s glossy brochures.

**Miloon Kothari, Executive Director, Housing and Land Rights Network (HLRN) and former UN Special Rapporteur** said, "The report is a detailed expose of how the claims for the Commonwealth Games 'bolstering tourism' and creating a 'world-class city' have become code-words for blatant land-grabbing, diversion of funds meant for the development of Delhi's poor and systematic human rights violations. The report convincingly demonstrates that the Games are one more step in the direction of making Delhi an apartheid city."

5. **Collateral Damage:** The Games have come with huge negative implications for the poor, the marginalised, and the vulnerable. Evictions and displacements on a massive scale in the Capital city of Delhi have seen almost no recompense or alternatives for those affected.

**Kalyani Menon-Sen, Independent Researcher and Activist,** pointed out that "Women have been in the forefront of resistance to the evictions and demolitions undertaken by the government in the lead-up to the Games, and have been targets for violence by police and the land mafia. One in three women in resettlement colonies is unemployed, and those who work report a 50% fall in income even after increasing the number of hours of work".

The blatant violation of labour rights of construction workers, tracked and documented by civil society groups, required direct intervention from the High Court of Delhi as the Government machinery turned a blind eye.

**Usha Ramanathan, Independent Law Researcher** said "The 2010 Games will end up showcasing disaster for the population leaving a city in ruins. It will go down in history for changing geographies and demographics without any democratic process".

**We demand:**

- A re-visioning and transformation of tourism policy and practise in India. The premise of tourism being a development tool is untenable as it primarily addresses the needs of an elite section of the industry and tourists. The policy and priorities of the Ministry of Tourism need to be aligned to the realities on the ground.

- The social, cultural, economic, environmental, political, and human rights impacts and violations of the CWG are evident but either denied or set aside as "matters to look into". The denial of democratic space and space for dissent is the most serious casualty. We join many other organisations in the demand that high level enquiries be made into these violations of rights and norms of governance.

- The nation deserves an honest answer to the question of how much has been spent on the Games and what the consequence of this are on social schemes and access to basic facilities by the poor. An urgent report by the CAG must be commissioned immediately. It must also enquire into who benefitted from the Games in terms of contracts & real estate deals. An independent enquiry into privileges such as large scale auction of prime sites for hotels should be commissioned.

- A parliamentary committee inquiry should be held into the breach of privilege by several Ministries linked to the CWG in Parliament who provided inadequate and misleading information to Parliament Questions.

- An inquiry into the administration of national sports bodies and the stronghold of private "autonomous" bodies and the boundaries of their authority must be made.

- An independent impact assessment study post the games to assess real economic impact, increase in tourism, and other claims. It is critical that these impacts are documented and we learn from them before India succumbs to becoming a mega event addict.
Critique of the Revised Policy on Development of Eco-Tourism in Himachal Pradesh 2005

1. PREAMBLE

Himachal is bestowed with unique features in its climate, its rich natural and man-made heritage and above all, the warm and peace loving people. This is what projects Himachal as one of the top five tourist destinations in the country, both for domestic as well as international visitors. As per estimates, roughly around 60 lakh tourists visit the State every year, as much as its actual population. However much of the tourism related activities are concentrated in the four major hill stations of Shimla, Manali, Dharamshala and Dalhousie. Due to this lop-sided growth pattern, the bulk of the tourist does not get an opportunity to visit the ‘country side’ leave alone our forests and sanctuaries which are indeed a paradise for the discerning lot.

Himachal Pradesh has legally classified forest area of 37,033 Sq. Kms., which is 66% of the total geographical area. Out of the area designated as forests, 12% area is under Protected Area Network. The per capita availability of forests in Himachal is 0.22 hectares, against the national average of 0.06 hectares. According to the reports of the Forest Survey of India, Himachal Pradesh during the last few years has registered an increase of 1859 Sq. Kms. in the forest cover. This increase is about 9% of the culturable forest area of the State. A small State like Himachal, which has only 1.7% of the geographical area of the country, has contributed a remarkable 4.5% of the net increase in the forest cover of the country. In addition the State has 32 wildlife sanctuaries and two National Parks. The State is a treasure house, both for plants as well as wild life. It is also home to some of the rare and endangered species like Snow Leopard, Musk, Deer, Himalayan Brown Bear and among pheasants, the Western-horned Tragopan which has been bred in captivity for the first time in the world in H.P.

The Revised Eco-Tourism Policy aims to bring the wilderness of Himachal closer to the tourist visiting the State and at the same time attempts to put in place adequate safeguards and systems leading to the preservation of these natural resources. By involving the local communities, the policy would help improve their prosperity through increased livelihood opportunities. It would also ensure adequate economic returns to the State which would be ploughed back into the environmental system for its proper up keep and maintenance.

EQUATIONS Analysis / Comments: According to the Preamble of the HP Forest Department Revised Policy on Development of Ecotourism in HP 2005 (HP Ecotourism Policy), one of the core endeavours of this Policy is to create unique experiences by bringing the wilderness of Himachal closer to the tourists visiting the state with adequate safe guards and systems leading to the preservation of these natural resources. This policy in many ways talks about a shift from the standard tourism developments implemented by the state governments in most states that are infrastructure centric and infrastructure heavy. It talks about attempting to put in place adequate safeguard measures and systems leading to the preservation of natural resources. It however fails to mention that it is not only natural systems which bears the brunt of impacts of unregulated and unplanned tourism but equally people resources, especially the local communities, women and children, their right to decision making, right of access to local natural resources on which many of their livelihood depended on etc. The policy gives a notional idea that the core principle of the policy is that it is developed in close collaboration with the local communities and for their benefit. While certain good principles have been embedded in the policy it is far to be called a policy that is by the people and for the people.
The Preamble further states that: “As per estimates, roughly around 60 lakh tourists visit the State every year, as much as its actual population. However much of the tourism related activities are concentrated in the four major hill stations of Shimla, Manali, Dharamshala and Dalhousie. Due to this lop-sided growth pattern, the bulk of the tourists do not get an opportunity to visit the ‘country side’ leave alone our forests and sanctuaries which are indeed a paradise for the discerning lot.”

While it accepts that there has been lopsided growth pattern resulting in these 4 identified places, it does not make any mention about any impacts of such lop-sided growth pattern of tourism. However there has been an underlying effort to build upon the negative experiences of tourism and therefore talk about regulating ecotourism activities in forest areas. Also by this move, they are suggesting opening of newer areas for tourism, which were previously away from the tourist’s gaze.

The Preamble states that “By involving the local communities, the policy would help improve their prosperity through increased livelihood opportunities. It would also ensure adequate economic returns to the State which would be ploughed back into the environmental system for its proper up keep and maintenance”.

This is based on the ideas:

- That tourism increases employment and therefore livelihood opportunities.
- That returns from tourism helps in conservation.

The above mentioned 1st premise is based on the presumption that tourism generates wealth and employment. Experiences from most tourism places show that only marginal numbers of locals are employed by tourism industry. Most of them are employed at the lower rung of job category and people with traditional occupations gets displaced due to restriction in access to local natural resources as a result of tourism activities. For example, in the above 4 hill stations, where according to the HP Ecotourism Policy much of the tourism related activities have been concentrated, we need to understand to what extent have the local communities benefited. Rather, over exploitation of natural resources like water have resulted in loosing traditional means of livelihood and surge in construction activities have increased the land prices.

With respect to the 2nd idea it is based on the principle of environmental protection for sake of profit. The policy enlists its principles and elaborates operational aspects for key players in the ecotourism business while the role of communities is reduced to that of protecting environmental resources and providing services to tourism in the role of “hosts”. What the policy does not look at are the cross linkages between social, cultural, environmental, economic and institutional processes of local communities with an activity like ecotourism that is resource centric.

The Policy while talking about creating community based ecotourism (CBET) does not prescribe or create communities’ ownership and control on tourism development. It does not include any democratic decision making and prescribes a top down process. The decision making in tourism and the ownership and control on tourism is safely guarded and passed on to a Special Purpose Vehicle (SPV), created for anchoring the ecotourism activities in the state.

2. VISION

The vision is to preserve and protect the natural heritage, both flora and fauna, of Himachal Pradesh and attract discerning tourists and visitors to the State; and in the bargain provide opportunities to enhance livelihood of the local people and alongside generate revenue for the sustainable development of its resources through the creation of a special purpose vehicle (SPV). The Eco-Tourism Policy would encourage a partnership between the SPV on the one hand and the civil society (local communities, NGOs, academic institutions and private enterprises/businesses) and the State (Forest, Tourism and Fisheries Department) on the other.
The vision of the policy reads well except for the fact that the entire process is spear-headed by a Special Purpose Vehicle (SPV), which is formed to anchor the eco-tourism activities in the state. The concerns relating to SPV have been discussed later.

3. MISSION STATEMENT
To make Himachal Pradesh a leading Eco-tourism Destination in the Country by 2010.

4. OBJECTIVES
To achieve the above mission, the Policy seeks to pursue the following objectives:

i) Create appreciation, education and awareness of natural heritage of Himachal Pradesh. The State will emerge as a resource center and a leading destination with reference to eco-tourism for the entire country and the Greater Himalayan Region.

ii) Enunciate mechanisms for partnerships in eco-tourism both with the local communities as well as private enterprise committed to the goals of ecotourism.

iii) Identify and promote activities in tandem with the principles of community-based eco-tourism with the benefits accruing to the local community in terms of income as well as employment generation.

iv) Ensure safeguards from environment point of view to effectively regulate the ecotourism activities in forest area.

v) To generate resource through the Special Purpose Vehicle from the assets made available to it by the Forest Deptt. which would be used to create and maintain the assets.

vi) To create a cadre of personnel within and outside the Forest Deptt. who are sensitive to the tenets of eco-tourism and can act as resource persons to further its cause.

vii) To actively coordinate with the Tourism, Fisheries, Handicrafts, Culture, YSS, HMI (Himalayan Mountaineering Institute) and other related Deptts. to further the cause of eco-tourism.

viii) To actively promote the concept of homesteads in rural areas connected with eco-tourism so that the income accrues to the local people.

ix) To implement CBET (Community Based Eco-Tourism) concepts with the involvement of local communities, voluntary organizations, staff of the HPFD and other departments.

x) To undertake sustainable public-private partnerships with regard to Government properties in the field of eco-tourism with the permission of the Govt. of HP and to raise funds there under.

xi) To decongest the over-loaded tourist places so that the benefits of tourism are spread to rural areas. It will work in tandem with the Rural Tourism Scheme of the Department of Tourism.

Most of the objectives if practised in the true spirit can lead to tourism that is people centred, beneficial to local communities, ensures local communities participation in tourism planning and implementation and ensures that the negative impacts are negligible.

However, objective (v) makes the entire process top-down by giving power directly to the SPV and indirectly to the Forest Department.

Changing Role of Forest Department (FD) is of major concern that needs to be questioned. In India, the role of FD is made to regulate and restrict human interferences in the forest limits - a model carved upon the colonial principle of usurping control over forest and its resources from indigenous and local communities. Over the years, they have been restricting the indigenous and local communities’ access to forest and its resources as well as have failed to stop activities like infrastructure developments like carving out major road and rail projects through the forests, saving forest land from submergence due to building of dams and also tourism. This has resulted in struggles and conflicts with local and indigenous communities who have claimed their rights over that of the FD.
In recent times, even passing of the Forest Rights Act (FRA) has not changed the situation. FDs in almost all states have refused to acknowledge FRA and grant the legitimate rights over forest and its resources to the forest dwelling communities.

The HP Ecotourism Policy talks about granting the FD powers to control and expand eco-tourism in the state through the formation of the SPV and the same FD being involved in implementing CBET. The scheme seems to be intensifying the control of the FD of HP on forest and its resources, retain control over forests and its resources and now use the same as a source for earning revenue.

In regard to the last objective - To decongest the over-loaded tourist places so that the benefits of tourism are spread to rural areas. It will work in tandem with the Rural Tourism Scheme of the Department of Tourism. The RTS scheme is about developing tourism infrastructure. Even if this is combined with other schemes of the Department of Tourism (for e.g. the Capacity Building for Service Providers - Rural Tourism), there is much to be said in relation to the way the rural tourism projects have been implemented across the country. For a detailed report (review and documentation of learning) on the rural tourism projects, see EQUATIONS Review Report Sustainability in Tourism, A Rural Tourism Model.

5. STRATEGY

The above objectives would be achieved through the following:

A. Creating a Special Purpose Vehicle for anchoring the Eco Tourism activities:

1. The Forest Deptt will create a Special Purpose Vehicle in the form of a Society registered under the Registration of Societies Act 1860 for delivering the objectives of the Policy.

2. This SPV will cover the entire State. All existing Societies will either be merged with this Society or will work under or in tandem with this apex body to be chaired by the Chief Minister of the State.

3. It will work closely with the Forest Deptt both at the State as well as the local level. In fact its Chief Executive Officer (CEO) as well as the other officials will be from the Forest Deptt. holding additional charge as ordered by the Govt. so as to effect economy as well as effective coordination.

4. At the project / site level, if need be, local Committees would be formed under the over all control of the SPV with adequate devolution of financial as well as administrative powers commensurate with the work at hand including having separate bank account.

5. It will concentrate its activities within the forest land, existing Wild Life Sanctuaries and Parks. The lessons learned from GNHP and the Potters Hill would be main-streamed into the functioning of the system.

EQUATIONS Analysis / Comments: Issue of SPV: Through SPV an entity is created to facilitate certain special purpose or agenda. The word vehicle can be interchanged with market entity. The name SPV is given to an entity which is formed for a single, well-defined and narrow purpose. An SPV is, primarily, a business association of persons or entities eligible to participate in the association. SPVs are mostly formed to raise funds from the market. Technically, an SPV is a company. It has to follow the rules of formation of a company laid down in the Companies Act. It has all the attributes of a legal person.

A general overview of the SPV shows that State governments have predominantly formed SPV to aid investment scenario and infrastructure development in the respective states. For example, the Karnataka government has mooted the formation of a special purpose vehicle to develop Bangalore Airport Rail Link Ltd, a 34-km dedicated rail link to the new Bangalore (Bengaluru) International Airport. In Andhra Pradesh, special purpose vehicle for implementation of Bus Rapid Transit System (BRTS) project in the city of Vijayawada. Ratnagiri Gas and Power Pvt Ltd (RGPPL) is a special purpose vehicle formed by GAIL (India) and NTPC to revive the 2,184 MW Dabhol power plant in Maharashtra. Interestingly,
Finance Minister P Chidambaram in his Budget speech this year, had proposed the setting up of a financial special purpose vehicle (SPV) to fund projects in the infrastructure sector. The proposed SPV is expected to lend funds, especially debt funds of longer maturity, directly to eligible projects to supplement loans from banks and financial institutions. The SPV, according to the proposal, will become a vehicle for channelising funds for projects in the roads, ports, airports, and tourism sectors.

In this particular case the SPV is formed for delivering the objectives of the Policy. The matter of concern here that it is formed under the HP Registration of Societies Act, 1860 (HP Society Act). By making the SPV under the HP Registration of Societies Act, 1860, the state government has constituted a society instead of a company. The society created under the HP Society Act is be governed by the Articles of Association and Memorandum of Association created by the members of the society within the broad framework of said HP Society Act. The roles, responsibilities, powers and accountability are derived amongst and by the members only. It cannot be questioned by anybody outside the society so long as it is within the guidelines of the HP Society Act, and is not subjected to public scrutiny. The membership of the society is exclusive and only by invitation.

With the formation of the SPV the role of local self governing institutions (LSGIs) becomes uncertain. If the vision of the HP Ecotourism Policy is to create CBET to provide opportunities to enhance livelihood of the local people which can be done through the LSGIs what was the necessity of creating another body. The process should be aligned with the already existing constitutional approved structure. Under a model of community led tourism initiatives, the communities through charter/ code of conduct decide what kind of tourism they want, they allow, what they disallow and what they want to offer to the tourists? In places where local communities have been involved in such decision making, local communities have established a sense of responsibility about the way tourism develops. However, that the right of decision making is transferred to the SPV establishes that in reality the decision making is centralised.

The policy gives overarching power to SPV and the Forest department. It states that the Forest department/ SPV have the right to reject any self proposed forest’s projects without assigning any reason.

**Action point:** To further analyse the objective, scope, roles, responsibilities, power and accountability of the society created as SPV we need to understand its Articles of Association & Memorandum of Association formed under the HP Society Act. Since it is not mandatory to provide the same in public domain under the HP Society Act, it is suggested that we attempt it through a Right to Information (RTI) application at the Office of the Registrar of Society. The application of RTI can be justified because government departments (like the HPFD) and their officers are members of this SPV and such government departments and their officers are subject to public scrutiny through RTI.

It would be important for the local groups to find out what has happened on the ground as a result of creation of the SPV with respect to expansion of ecotourism in HP. Mr Harsh Mitter, Chief Conservator of Forest (CCF) Ecotourism, HP Forest Department in his presentation at the Seminar on Ecotourism, organised by CMS Vatavaran, stated the following:

- An ecotourism project amounting to Rs. 3.68 crores has been approved by Ministry of Tourism, Govt. of India in 2007, out of which, Rs. 2.94 crores has been released to the State. Department of Tourism & Civil Aviation further released Rs. 1.12 crores as first instalment during 2008-09, for which UCs have been submitted. Second instalment of Rs. 1.87 crores released by the DT&CA on 10.9.09.
- Ecotourism circuits are being created from the above funds in Kullu, Shimla, Kinnaur and Bilaspur districts.
- Rs. 60.15 lakhs have been allotted for the development of following 5 eco-circuits during 2008- 09: Dalhousie circuit (Chamba District), Chopal circuit (Shimla district), Dhauladhar WL Sanctuary (Bir-Rajgundha circuit), Kais WL Sanctuary (Nagar- Footasurlake circuit) in Kullu district, completion of Diana park trekking hut and Prashar lake FRH (Mandi) and for repair of FRH at Bassi (Bilaspur).
During 2009-10, funds have been allotted for Dharamshala (Triund) Circuit, Bir-Rajgundha Circuit (Dhauladhar WL Sanctuary), Tundah-Banni Circuit, Hadsar-Kugti Circuit, Chopal Circuit, Rohru Circuit, Garkhal-Subathu Circuit, Kilba FRH & Purbani-Kanda Circuits in Kinnaur.

Under **public-private-partnership**, 10 proposals for 10 sites belonging to 5 parties were finally cleared which have been approved by the Government during 2008-09. The **MoA have been signed for 10 sites** in February-April, 2009. These sites are at Motikuna Hill, Chewa, Barog Bye-pass, Shoghi, Sonu Bungalow, Dalhousie, Ala FRH, Naddi Dharamshala, Kangra FRH and Dhuandevi FRH (Mandi).

Expression of Interest has been invited in respect of 23 Forest Rest Houses / Inspection Huts in 2nd week of July, 2009. 184 proposals were received from 63 parties, out of which 149 proposals by 49 parties cleared at first stage. A briefing meeting was held on 25.9.09.

**Action point:** It is important to get details of all these projects. Crucial to understand how many of these projects are actually CBET in nature; how are they helping in preserving and protecting the natural heritage and flora and fauna of the state and have led to enhancement in livelihood of the local communities - the major visions of the policy. In case no information is available in the public domain, RTI needs to be applied.

**B. Creating awareness and capacity building of the principal actors:**

1. The State will develop as a resource center and a learning destination for ecotourism not only for the country but for the entire Greater Himalayan Region.

2. The SPV to be created, in the initial years will concentrate on capacity building through experience sharing, workshops, field visits etc. It will be in touch with the leading organizations in this field and will organize at-least one national/ international level seminar each year on the subject.

3. For capacity building, the SPV will coordinate with the Government for fund requirement to be made available through the Externally Aided Projects, the CAT plan funds in the Forest Deptt. and capacity building programmes of Tourism Development Board.

4. A percentage of the CAT Plan funds would be earmarked for ECO-TOURISM purposes.

5. The government would encourage people’s participation in eco-tourism through Panchayati Raj Institutions, local bodies, co-operatives, non-governmental organizations and enterprising local youth & Mahila Mandals to create public awareness and to achieve a wider spread of tourist facilities.

6. Improved access is to be provided to markets, credit and training through interaction with Tourism Development Board, Western Himalayan Mountaineering Institute Manali, Hotel Management Institute Kufri and such other organizations.

7. Development of appropriate training modules (continuous, practical & participatory) and training material/case studies for the various stakeholders and to ensure emergence of appropriate technologies is to be advanced.

8. Ensure conducting periodic impact assessment studies, whether positive or negative with regard to each project covering
   - **Environmental i.e.** tourist number and carrying capacity
   - **Economic i.e.** seasonal employment opportunities for porters, employment of women etc.
   - **Socio-cultural i.e.** decline in local support for local traditions and institutions, changes in traditional architecture, adverse impact on women etc.

**EQUATIONS Analysis / Comments:** According to researchers, tracking SPV model, there is a factor of external loan linked to the creation of most SPVs. In this particular policy also Point 5B (3) talks about sourcing of fund from externally aided projects.
In the presentation made by Mr Harsh Mitter, at CMS Vatavaran, talking about liaison with State Tourism Department it was mentioned that a meeting has been held with representatives of Asian Development Bank and Commissioner cum- Secretary (Tourism) on 2nd October, 2008 inter alia funding for eco tourism developmental activities at Pong dam lake, Prashar lake, Narkanda, Sarahan, Kalpa and Sangla, for which proposals have been submitted to the ADB.

**Action point:** It is important for the local movements and organisations to find out about the present status - if tourism is being expanded under funding from ADB, the kind and nature of the projects, who are the project proponents, diversion of natural resources for the projects, the involvement of local communities in such projects and the benefits that the local communities are receiving from these projects.

**Action point:** Point 8 is one of the most crucial aspects - Ensure conducting periodic impact assessment studies, whether positive or negative with regard to each project covering - Environmental, Economic and Socio-cultural. It is critical to get more information on this aspect - how many studies have been conducted, at what time intervals, who has conducted them, what has been the process and methodology adopted, at which sites have these been conducted, how have the findings from these studies fed back into the system, etc.

C. Coordination with partner departments in the Government:

The government will aim to achieve necessary linkages and synergies in the policies and programmes of all concerned departments/agencies by establishing effective coordination mechanisms at the State and the District levels. Linkages with other policies/programs of the State Government will be established, especially with the New Revised Forest Policy, the New Tourism Policy of the State and active involvement of the various other departments i.e. Rural Development, Department of Fisheries, Town & Country Planning (SADA), Youth Services and Sports, Culture, Handicrafts and Handloom etc.

**EQUATIONS Analysis / Comments:** The coordination aspect is an important one, though has been considered only that the State and District level and not at the local level with the Panchayats, who are also a critical link in the governance systems of this country. Also it is critical that the coordination with various departments is looked at from a wider perspective as tourism is an interdisciplinary area - tourism department, department of women and child, Panchayats raj department, etc.

Both Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2005 (FRA) and HP Ecotourism Policy were made in 2005. This policy might have been made before FRA was implemented. With most of the projects being undertaken or slated to be in forest areas, the HP government and FD are now legally bound to implement the provisions of FRA. Therefore, it would be very important to find if any changes/ additions have been incorporated in this policy.

The copy of the HP ecotourism Policy posted in the official web-site of ecotourism in HP www.himachalecotourism.nic.in is the same one that has been used for analysis and thus does not have any mention/ reference to FRA.

D. CBET the corner stone of the Policy:

1. The concept of Community Based Eco-Tourism would be at the heart of the Policy.
2. The endeavour would be to extend maximum benefit to the local community either in the form of employment or income generation. All things being equal, priority would be given to the local communities which may come forward to take up activities - economic or promotional.
3. The local communities could be in the form of PRIs, CBOs, User Groups, Mahila Mandal, Yuvak Mandal, Forest Development Committees, Watershed-Development Committees etc.
4. Even where site is leased out to private parties under Public Private Partnerships, part of the income (at least 10%) would accrue to the local Panchayat / CBO.
5. Members of the local community will be represented in the committee/ society of the project/ site.
6. Incentives, market mechanisms and business support will be provided to the CBET Project by the SPV to be created.
EQUATIONS Analysis / Comments:

Action point: That CBET is at the heart of the policy is a very important step towards people-centred tourism. It is critical that the engagement on the ecotourism initiative with the community is not just on the economics of a project, but their stake to be much larger - of participation, planning, implementing and monitoring of the tourism activity. It would be very important to know the nature of CBET that is being promoted in Himachal Pradesh through Public-Private-Partnership (PPP) under this policy and the actual experiences and impacts already seen.

The presentation of Mr. Harsh Mitter mentions the following as the success stories of ecotourism recent initiatives:

- Narkanda (HPSFC), Chewa and Motikuna sites (PPP) operational
- Local direct & indirect employment already generated
- Tourist being made aware about environment, ecology and forestry
- Fire fighting initiatives' carried out by PPP partners at Chewa, Motikuna and Barog Bye-pass sites.

E. Identification of Projects and sites:

1. The Forest Deptt. will identify sites for eco-tourism and hand them over for management to the SPV (The ownership would continue with the Forest Dept).
2. The existing projects and sites being managed by various societies constituted till date, will also hence forth function under the directions and guidelines issued by the apex body i.e. the SPV created for the purpose.
3. Specific areas within the State that are endowed with unique qualities will be promoted as ‘Hot Spots’ for eco-tourism. These may also include the remote cold-arid deserts of Pooh, Lahaul & Spiti with its unique culture; areas in Kullu for nature and out door activities with GHNP as the focal point, Tirthan for angling; Pong Dam for bird watching and water sports; and Shimla for trekking and nature trails etc.
4. The criteria for selection of project site would be its nearness to the tourist destination (which is essential for effective marketing), its viability as an economic proposition, its potential to attract discerning tourists and above all an enthusiastic local community willing to preserve its nature as well as man made heritage.

EQUATIONS Analysis / Comments: Part E of the Policy with respect to “Identification of Projects and Sites” does not call for any dialogue in decision making. Rather it is a top down process that undermines not only the powers of the LSGIs but also does not lay down any process that ensures consultative process with the local communities. The Committees would be under the control of SPV with devolution of financial and administrative powers commensurate to the work at hand, namely spreading eco-tourism activities.

With regard to site selection, following were the observations made by EQUATIONS during a review of the Endogenous Tourism Project (rural sites across the country) and can be extended to the ecotourism sites as these too are being selected by officials at the top - “In ’choosing sites’ for a rural tourism project, the choice of sites was made primarily on the basis of their tourism potential. The social capital, the informed choice of the communities and their readiness, is usually not taken into account. In many rural tourism projects, when communities are faced with the prospect of a project which promises huge economic benefit and that money would be spent in their village it is very unlikely that they would reject such a project! A system prior to finalization of a site that would help in understanding the social criteria and for the community to make an “informed choice” on whether they wish to engage on a project of this nature is important. Tools like the participatory rural appraisal exercise can help communities to understand the implications of tourism and contribute to their choice and decision to engage in tourism. Also key questions like what kind of institutions already exist, their functions,
quality of processes, degree of decision-making, whether the community was divided / fragmented on lines of religion, caste, class, what were the other kinds of inequalities and inequities, were there more pressing development issues that needed to be addressed - poverty, education, health, indebtedness, sanitation and access to water, what were the occupational patterns, cultural traditions and sensitivities of the community - these and other questions of this nature must be discussed and debated amongst the community. The reason to do this ground work before selection is that firstly, the community is facilitated to take ownership of a process and it becomes the basis of their right even to say no to tourism. Secondly, only when certain basic ‘other’ factors are in place are the chances higher for tourism to function smoothly.

There is a need for constant dialogue to hear from the community on how they perceive the project what are the changes they wish to see. It is also important to keep the dialogue open on what this project may be able to achieve and what it will not be able to achieve. It is often when the project objectives are not stated and understood clearly that the expectations of the community rise. Too many hopes are pinned on the project and when it does not materialise, there is a slump and a stage of being demoralised - from which it becomes very difficult to start up again.

When communities engage with tourism it must be recognized that the scale at which a particular site engages will and should vary depending on a set of contextual factors - intrinsic and external. Tourism cannot and will not be the solution to the rural crisis - and the introduction of tourism must not be seen as a substitute for more stable and sustainable livelihood options. This is critical particularly as tourism is an activity that is based on consumption, and it seeks to substitute in the rural context, livelihoods based on production. Some sites depending on their situation may choose to engage in a process in which a very small section engages others in which this a significant section of the population of the village. How much of the village overall economy is reliant on tourism will also vary. The time they will need will also be different. The pace will also be different.

F. Public Private Partnership:

1. A constructive and mutually beneficial partnership between the public and the private sector would be worked out, with the sole purpose of development of the local area, income generation for the village folks and generation of resources and funds for the effective creation and maintenance of assets so essential for the development of eco-tourism.

2. All private parties or NGOs desirous of taking such properties on lease would have to be sensitive / sensitized in eco-tourism practices. Preference would be given to parties with proven track record in working in the field of ecotourism.

3. The private entrepreneur would not be permitted to operate within the National Parks/Wildlife Sanctuaries.

4. In addition, a system of ‘Reverse Tendering’ would be adopted under which the proposals will be invited from the NGOs and private parties committed to the principles of eco-tourism for projects. These projects would be self proposed with a proper project format which would be reverse tendered with the first right of refusal with the originator of the proposal.

5. The project will not be leased out purely on commercial considerations. The compliance of eco-tourism principles would be a guiding principle for allotment of any project.

6. The private enterprise may be allowed to operate through the SPV subject to the following conditions:
   - The company / NGO should have sufficient knowledge and if possible experience in working on an eco tourism project.
   - All projects identified for tie-up of this nature will be granted only through an open bidding process. No projects including self identified
   - Ones will be given without open competitive bidding process. In all such cases the reverse tendering system will be followed.
• The Forest Deptt. /SPV has the right to reject any self proposed forests’ project without assigning any reason.

• Stringent guidelines would be laid down by the Forest Deptt. with regard to the dos and don’ts for each project before offering it for competitive bidding.

• In the first instance, the project would be allotted for only 3 years subject to annual assessment of the compliance of the conditions imposed by the Forest Deptt.

• No permanent structure will be allowed to be erected under any circumstance by the private entrepreneur. Each and every temporary structure will have to be approved by the Eco-Tourism Society.

• Accommodations of all types shall only be in the form of tents or dismentable prefab material.

• Only on successful and satisfactory completion of project for the initial 3 years, will the project be extended, in which case it will be for a maximum for another 10 years (for 5 years at one time) subject to an increase of at least 15% of lease amount after the initial three and the next five years. Renewal without bids will only be in exceptional cases and that too with the clear recommendation of the CEO in charge of the Eco Tourism Society.

• Normally at the end of the management lease of three years, the project will be re-tendered.

• A security deposit of Rs 1 lakh per hectare will be taken in each case. Failure to comply with the terms and conditions will result in forfeiture in full or in part of the above amount.

• Successful bidder will be issued the Letter of Intent which would be valid for three months from the date of issuance. This Letter of Intent issued to the entrepreneur would entitle the entrepreneur to enter the identified location and make detailed project report (DPR) to be submitted to the HPFD/ SPV in accordance with Deppts. guidelines. The project report submitted by the entrepreneur would then be examined within a time frame of three months and a final decision taken on the basis of which the IA would be signed/affidavit taken. In the first instance the lease would not exceed 3 years.

• The entrepreneur while submitting the Detailed Purpose Report (DPR) must include detailed description of all temporary work he would undertake, mentioning the arrangements to be made for disposing of solid and liquid waste, detail the trails/treks he would put to use for hiking, trekking, walking etc. A site development plan and a clear essential action plan for conservation and management of the allotted forest area would also be a part of the DPR.

• Due weight-age would be given to such projects where there is substantial use of locally produced products, including food stuffs; where percentage of job opportunities to the locals is high; where use and promotion of non-conventional energy is incorporated; where measures have been taken to ensure ecological balance and where carrying capacity and sustainability is maintained. Concerted efforts need to be taken to reduce fuel-wood consumption through alternative energy sources; reduce the levels of garbage; reduce grazing impacts; strengthen community based institutions to plan and continue conservation activities; increased participation of locals in tourism related activities (porters, pack animal operators) and adopting participatory models of consultation and decision making process are there.

EQUATIONS Analysis / Comments: Concern about the proposal of Reverse Tendering: Another important point of concern is that the policy prescribes the process of “Reverse Tendering”. According to the policy “a system of ‘Reverse Tendering’ would be adopted under which the proposals will be invited from the NGOs and private parties committed to the principles of eco-tourism for projects. These projects would be self proposed with a proper project format which would be reverse tendered with the first right of refusal with the originator of the proposal (Point 5 F(4)).”

Though the process is made to sound that it is meant to encourage participation of NGOs and local communities, in actual practise it can be used to bring in investment and to initiate private projects without public scrutiny.
In the normal process of calling tenders, also known as "Forward Tendering", the selection is based on merit - capability and price competitiveness. Capability is assessed by evaluating the proposal submitted by different parties based on the Request for Proposal floated by the government or any private individual (referred as tenderor). The price competitiveness is then gauged by looking into the comparative prices floated by the tenderers (the ones who submits the price quotation based on the Request for Quotation). The Tenderor holds the right to reject any proposal. Similarly, when any tender is accepted, the other tenderers hold the right to question the process of selection in a court of law. Therefore, the process is a transparent process and liable to public scrutiny.

On the other hand "Reverse Tendering" is a closed process. In this method any project proponent, be it an NGO or a private party, can approach the government with a proposal. The process does not call for any public scrutiny and transparency. The SPV and HPFD in this particular case are the sole determinant whether to accept the proposal or not. The other right of refusal lies with the tenderer - the originator of the proposal. The process of selection cannot be questioned in the court of law. Since there is no such provision/ component related to public consent, it will not call for any dialogue about the project with the local communities, not even the elected representatives of the LSGIs. The good point that the policy adds is that “the project will not be leased out purely on commercial considerations. The compliance of eco-tourism principles would be a guiding principle for allotment of any project” (Point 5 F(5)).

"Reverse tendering" is not allowed to be done under normal statutory process as goes not include the process of public scrutiny. It can only be done through SPV as the members of such SPV decide on the working principles and regulatory norms for the working of the SPV.

Action point: We need to find out where and in what kind of instances reverse tendering has been applied to promote ecotourism projects in the state. Who have been the beneficiaries (local community group or private companies) of the said process of reverse tendering?

Unclear about the role of HP Ecotourism Society of India (HP ESol):

Interestingly HP ESol is given lot of power under the HP Ecotourism Policy. It is evident from the HP Ecotourism Policy that HP ESol is given a major role to play in shaping up the ecotourism initiatives in the state. They have been asked to play the role of an advisor to the HP Government on all matters related to the development of CBET in Himachal Pradesh.

According to their website the HP ESol is an autonomous and independent body, with its main aim being to preserve and protect the natural, historical and cultural heritage of Himachal Pradesh; in order that it acts as a preferred destination for visitors and provides opportunities to promote CBET in Himachal Pradesh, particularly using latest approaches of Participatory Forestry Management, for sustainable development of the forests, thereby generating revenue for the State.

It has been a practise to draw expertise of specialists in any subject to make any processes work more efficiently. In that regard drawing expert knowledge of HP ESol is understandable. However, what is incomprehensible is that if government did think about drawing knowledge from experts why they have not talked about direct engagement with local communities as well as the LSGIs in planning and implementation of the CBETs. Being the local inhabitants they have maximum knowledge about the local ecosystems, the indigenous method of preserving it and also knowledge about the ground realities-the various dynamics in existence in the society, the factors that can conflicting to the local culture and practises etc.

The list of members of HP ESol constitutes of the Chief Minister of HP, the Forest Minister of HP and Principal Secretaries of HP - forest, finance, tourism, Rural Development, education, fisheries. It also includes Principal Chief Conservator of forest, HP; Principal Chief Conservator of forest (wildlife) and Chief Conservator of forest, HP. The composition is predominantly that of members of HP State Legislative Assembly (MLAs) and bureaucrats in charge of different departments, with no direct representatives from local communities.
The presentation of Mr. Harsh Mitter states that the strategy adopted under this policy is “Strengthening and further develop already existing Eco-Tourism sites presently managed by local Ecotourism Societies (ECOSOCs)”. Talking about local ECOSOCs he mentioned that:

- Local Ecotourism Societies already in place in Shimla, Rohru, Chapal, Kullu, WL Shimla, WL Chamba Forest Divisions and GHNP. New societies formed in Parvati, Banjar, Kinnaur, Dalhousie & Bilaspur Divisions during 2008-09.
- Tenting facilities are being provided in Shimla (Potter’s Hill), Narkanda, Kullu, and GHNP in and around forest areas”.

**Action point:** It is important to know and understand the role of these ECOSOCs in developing community based ecotourism in Himachal.

**G. Proposed activities:**

1. An inventory of existing and potential locations for nature-based tourism will be drawn-up by the special purpose vehicle (SPV) with information of facilities for tourists, and recreational activities and resources in rural areas etc.

2. Packages would be developed which involve nature trails, sightseeing adventures, bio-diversity tours, glaciers tours, angling, camping tours, cultural tours, horticulture (apple) tourism, village tourism, helicopter tours and others i.e. rafting, rock climbing, skiing etc. The services to be looked into would include boarding & lodging, guides, promotion of night halts & prices—that would go with service quality and environmental conservation.

3. Highlight trekking/nature walks through designated paths/eco-treks—there are various excellent eco-treks and trails in H.P like the ‘Churdhar Ecotrail’, ‘Dhauladhar Eco-trail’. Many bridle/inspection paths to some of the most picturesque areas in the State already exist and with little expenditure can be made ideal for eco-tourism. The other activities could be overnight camping in designated camps and forest rest houses, bird watching (ornithology) and study of flora and fauna (especially viewing of nocturnal wildlife) angling/fishing, nature camps etc.

4. Forest Rest Houses & Forest Inspection huts—The State Forest Department alone manages more than 400 forest bungalows located at vantage-points across the length and breadth of the State. It also manages 5000 kilometres long network of bridle paths and inspection trails, criss-crossing through the most beautiful forests of the State. This gives visitors myriad opportunities to trek across mountain passes, explore remote temples, to reach crystal clear lakes and traditional villages. These facilities beckon the young and the old alike to come and enjoy the best of Himachal Pradesh in its entire splendour. To begin with, a Memorandum of Understanding (MOU) would be signed between the Forest Deptt and the special purpose vehicle (SPV) for transfer of management of some of the Forest Rest Houses on mutually agreed basis. Forest Officers on tour will continue to stay in these rest houses on the present rates, terms and conditions.

5. Interpretation & information centers with the Himachal Pradesh Forest Department (HPFD) could also be handled by Non-governmental Organizations (NGOs) or other professional parties.

6. Concept of Homesteads could be promoted. Host families having reasonable traditional accommodation in the villages, en-route to good eco-treks can accommodate tourists on paying guest basis.

7. Community involvement to provide services would be promoted i.e. guides, porters, forest rest houses (FRH) attendants, cooks, park wardens, hosts for paying guests etc.

8. Extension and Publicity conducting by the SPV.

**EQUATIONS Analysis / Comments:** The Policy does not mention undertaking the proposed activities in cooperation or dialogue with local communities or even with other related government departments (tourism for instance). It rather suggests all being undertaken under the authority of the SPV.
Like the MoT-UNDP initiated Endogenous Tourism Project (ETP) the ecotourism model proposed by the HP Ecotourism Policy talks about actively promoting the concepts of homestead (home stays) in rural Areas (Point 4 (viii)) and also Point G7.

The experience from reviewing the ETP in relation to home stays has been the following - "Many rural tourism projects have the idea of homestays as a central part of the tourism product on offer. There are both opportunities and dilemmas related to homestays in a rural setting. On the one hand homestays allow for more decentralised benefits both in terms of economic benefits and in terms of varied and more authentic experiences for tourists. What is interesting is that the rural communities in the ETP seem to be demonstrating a preference for centralized accommodation option rather than the authentic homestay. Would the homestay option be the preferred choice if community members had an opportunity to economically benefit from a centralized accommodation option? It must be acknowledged that the jury is still out on this aspect. There are many social, cultural and economic reasons why homestays will not work or work in a limited manner. Culturally - “hospitality as a commodity” - the idea that one’s guest pays for staying in one’s home is difficult to accept. Also modes of interaction and the behaviour of the tourist are criterion (some community members reported foreign tourists as being more at home than domestic tourists). Policy makers have been a vigorous promoter of the homestay idea - seeing it as an answer to the tourist accommodation deficit. This may work in urban areas - but a strong pursuit of this strategy in rural areas may not be advisable, without more feedback and research."

H. Involvement of NGOs and CBOs

1. The NGOs with good track record and reputation will be encouraged to participate in the programme especially for capacity building, promotion and evaluations.

2. Community based organizations will be actually encouraged to take part in the activities.

I. Safety measures:

1. The entry of the number of tourists permissible shall be kept within limits. The carrying capacity concept will be the cornerstone of the State’s Eco-Tourism Policy.

2. Clear definitions of ‘off limit activities’, and ‘off limit areas’ (no private enterprise to be allowed in Sanctuaries/National Parks) will be strictly enforced. The onus shall always remain with the operator to abide by the laws of the State and the Union Government.

3. Where private sector is involved there must be collective responsibility for laying down industry standards, ethics and fair play.

4. Eco-tourism would aim to have low impact on environment and further minimal infrastructure requirements. The DPR/management plans would establish standards for development, refurbishing of the infrastructure, waste disposal, and treatment of sewage, control of litter and optimum use of the fragile eco-system accordingly.

5. Introduce regulatory measures to ensure social, cultural and environmental sustainability as well as safety and security of tourists.

6. There would be conscious effect towards sustainable human development, including poverty alleviation, employment generation, environmental regeneration and advancement of women and other disadvantaged marginal groups in the State.

7. Greater demand would be created for local products and new employment opportunities for the local community. Negative effects of traditional tourism on the ecology and social fabric must be reduced and the cultural integrity of the local people would be furthered.

8. Casual tourists shall be discouraged. It is necessary that tourists desirous of entering forests and wilderness areas should have an interest in the flora and fauna.

9. Addressing ecological and environmental concerns would form an important component of the Tourism Master Plans for popular destinations.
10 Revenues generated would be ploughed back for the maintenance and preservation of the environment.

11 The Deptt. would constantly evaluate the project and if it is found that community based ecotourism (CBET)/eco-tourism norms and concepts are not being followed, the project will be terminated forthwith.

**EQUATIONS Analysis / Comments:** That the number of tourists will be kept within limits, the carrying capacity concept will be adapted, that no private enterprises will be allowed to operate in Sanctuaries and National Parks are welcome inclusions. These are very important guiding principles towards making tourism sustainable.

**Action point:** It is critical to gain more information if the carrying capacity has been assessed, how are they monitoring the situation, what measures have been taken to limit the numbers, what has been the impact (economically, environmentally, socially and culturally). What is their understanding of collective responsibility, at which sites have they worked with these concepts, who has been involved in laying down industry standards, ethics and fair play? For which sites have Detailed Project Reports been undertaken? Have they been the regulatory measures to ensure social, cultural and environmental sustainability?

**Juxtaposing Tourism and Development:** Point 6 of the Safety Measures states, “There would be conscious effect towards sustainable human development, including poverty alleviation, employment generation, environmental regeneration and advancement of women and other disadvantaged marginal groups in the State”.

In many ways this is shift from the standard tourism projects implemented. This framework is ambitious, emphasising processes rather than products, and placing at the centre the notion of local communities, particularly women and other disadvantaged marginal groups. This unique feature links tourism to development.

However development planning acknowledges that macro economic growth is no guarantee of human development. The need for public policy to specifically address strategies for elimination of human poverty and inequalities remain significant challenges. Greater accountability of public policy implementation bodies, gender equality, capacity building to ensure greater decentralization and empowerment of marginalized groups are key to these objectives.

However one must be careful that in the drive to “implement” the ecotourism projects one can easily slip into project based mode. Thus important development goals as stated above require time and effort, usually get sidelined and the tourism product part of the project gets privileged.

The dilemma always exists about the extent to which tourism can really address, challenge and transform deep rooted social inequities. The objective of livelihood promotion and human development of local community, especially the disadvantaged, women and youth, helps focus on what is their ‘own’, i.e., their skill in traditional arts and crafts, their cultural heritage, community or private land, natural resources (flora and fauna) and environment of the area. The attempt to promote what is their ‘own’ obviously leads to addressing what is their ‘due’, i.e., their right to the wealth generated by tourism in the given locale and the right to decision making about its creation and equitable distribution, on the one hand, and the right to protect and preserve what is their ‘own’, on the other.
Struggling for community rights over forests to protect forests and sustainable livelihood: The case of forest villages of Chilapata Forests in the Duars region of West Bengal

The forest villages can easily be termed the worst legacy the colonial forest administration left in the Indian forests. The 'civilized' British officers coaxed, lured, forced and tortured the traditional forest communities to 'settle' in unhealthy makeshift shanties of these so-called villages. An institution for supplying 'free' or begar labour to the forest plantations sprang up in forest villages, as in tea and indigo, and this cruel and inhuman institution supplied the rationale for forest villages and helped their spread in various provinces of the British India.

These villages still exist and, though free labour or beggary is theoretically a thing of the past, the condition of villagers did not improve. Because forestry now is a thoroughly mechanized and capital-intensive industry, and forest management practices in the country claim a paradigm shift in favour of 'biodiversity conservation', importance of forest labour has decreased. For forest villagers, this translates into perpetual unemployment, untold economic hardships and misery. These people no longer fit into the State's scheme of things, and the State conveniently decides to forget them.

The forest villagers have no access to various development schemes or bank loans and any ownership rights over their agricultural landholdings or homesteads. The Forest Department threatens them with eviction. There can hardly be better instances of a sovereign state declaring a whole body of its citizens persona non grata.

In the Darjeeling Hills and Duars region of West Bengal, there are at present no "official" data on forest villages. A 2000 estimate - by the Forest Village Development Division -puts the number of villages at 173, and the number of total resident households at 5578. From oral reports, and assessments of activist groups working with forest villagers, it appears that North Bengal has more than 230 forest settlements, many of which are 'unrecorded', 'temporary' and 'illegal'.

**Forestry practices of North Bengal**

The North Bengal Duars (the land along the foothills of the Darjeeling and Bhutan Himalayas) was among the earliest areas in India to be extensively worked under the colonial forest management system. Forestry practices and settlement policies introduced by the British completely changed the ecological landscape of the area by the turn of the nineteenth century. Instead of diversity and wilderness came homogenous and productive forests, forest offices and forest villages set up by the forest department replaced the makeshift settlements of the communities, fire was banished. The new forests also banished the communities, along with the fire.

Up to late nineteenth century the area was sparsely populated. The plains were covered by tall grasses, rich Sal forests and scattered landholdings. The Hills were covered by thick broadleaved and montane forests broken with pastures. In the grasslands, and the forests there were a few human settlements - the villages. Semi-nomadic groups like the Mech, Rava, and Dhimal inhabited these settlements. All these communities practiced swidden agriculture and supplemented that with hunting/food-gathering.
The majority of India’s forest-dwellers traditionally practiced swidden agriculture; they had to set fire to
scrubs, jungles or forests every year for fresh agricultural lands. They regularly burnt grasslands and
scrub also for grazing cattle, and increased availability of various food items like tubers. A controlled
fire regimen meant absolute disaster for these people; their survival base was destroyed. Members of
self-sustaining independent communities got de-linked from their forest habitats and became ecological
refugees. It was ironic that they got increasingly recruited as settlers for the earliest forest villages in
North Bengal, along with people brought from the Chottonagpore (now a part of Jharkhand) area.

Expulsion of fire from Indian forests literally played havoc with their ecology. The sprawling Savannah
of Assam and Bengal Terai yielded to an entirely new forest type as semi-evergreen and evergreen
trees rapidly colonized existing grasslands. Growth of this new semi-evergreen/moist deciduous forest
was astonishingly fast and it soon started raiding the Sal forests of the area. The result was yet another
new forest type called Mixed Sal, where evergreen species crowded old Sal trees.

The newly introduced forest management practices of the British called for clearfelling whole forest
areas before letting new forests generate. But the Sal forests failed to regenerate naturally, despite
best efforts of the foresters, and this badly hurt the revenue-optimizing mechanism of colonial forestry.

In the early days of fire-protection, some British civil servants in Northern Bengal repeatedly warned
the Forest Department that expulsion of jhumiyas—and their fire—from Sal forests might do irreparable
damage to entire forest eco-systems. The then Magistrate of Jalpiguri area, Mr. Hutton, tried his utmost
to stop the newly formed forest department from acquiring jhumiya areas, and evicting the tribals.

Diettrich Brandis, the ‘father of modern Indian forestry’ came to the foresters’ rescue. Taking his cue
from swidden agriculturists both in Asia and Europe, Brandis developed the taungya method of raising
forest plantations. The first plantation-of teak-came up in Burma during 1880s, and the results were so
courageing that taungya became the premiere plantation method not only in India, but also in several
Asian and African countries. Within another 30 to 40 years taungya became an institution.

Ecologically, the taungya forest practices brought the much-needed fire back to Sal and Teak forest
systems. Socio-politically, it offered a compromise, a temporary solution to the problem of increasing
tribal unrest in various forest areas of British India. The newly created taungya villages had some sort
of ‘rehabilitation’ space for the displaced jhumiyas, where they could clearfell the forests and burn the
area before raising crops—a practice with which they were traditionally familiar. Depending on soil
conditions and factors like the concerned forest officers’ whims, the area could then be used for
cultivation for a period of 2 to 4 years. Then the cultivators had to plant the area with forest species
according to the directives of the Department, weed and clean the plantations and save it from fire and
grazing hazards for another 4/5 years, or till they were shifted to another plantation site. During the
initial years of taungya, this labour was mandatory begar—the cultivators received no wages. In spite of
this, the taungyas showed certain definite improvements on earlier or pre-taungya forest villages.

But, the forests remained with the State and the forest dwellers, the settlers in forest villages, the
taungyas had neither any rights over the resources nor any control to manage the forests that they
revived and protected.

The post colonial forest administration continued to be guided by colonial rules and policies. North
Bengal is perhaps the only region in India where the people have no recorded or ‘declared’ customary
rights over forests, and people here are, understandably enough, the worst victims of State hegemony
over forests.

**The emergence and decay of forest villages**

In North Bengal ‘permanent’ forest villages started to come up from 1910 onwards. All settlers of these
villages had to sign agreement papers with the Department. These agreements clearly spelt out some
benefits/privileges for forest villagers, like free timber and other implements for building quarters, drinking
water, limited medical assistance, free firewood and fodder-in addition to cultivable land. The forest
villages and taungyas offered at least an ambience of social and economic security to a large section of the forest dwellers.

However, it soon became apparent that Forest/Taungya villages were not habitats; proximity to forests and the opportunity to continue with shifting cultivation were not enough to sustain the community ecology. The wilderness space on which traditional life styles depended was shrinking rapidly, with forests being converted to plantations, and grassland and scrub jungle yielding to tea gardens, permanent agriculture and new villages for migrant settlers.

Lack of lands suitable for Taungya and shifting cultivation near villages forced indigenous communities of the area to take up permanent cultivation. The depletion of natural forests continuing unabated in post-colonial North Bengal, scope for traditional food-gathering and hunting also diminished.

Forest communities of North Bengal battled a total ecological disaster and an irrevocable decay in their traditional social systems and cultural values. This socio-ecological and economic crisis of communities becomes inseparable from the crisis of Taungya and Forest Villages.

The struggle for wage labour and existence

In 1968, perhaps for the first time in the history of the community, the Ravas, started an organized struggle against the Forest Department, and en masse, in the Duars forests of Coochbehar, Jalpaiguri and Buxa, the forest villagers rose against the institution of beggar (free labour). The epicenter was the Rava forest villages of Hashimara, Kodalbasti, Mendabari, Chilapata and Khayerbari. Between 1966 and 1969 all plantation works had partially stopped in Coochbehar, Buxa, Baikunthapur and part of Jalpaiguri Forest Division, and gradually all types of forestry works stopped throughout the Duars. After three years of persistent struggle and the death of five Rava villagers in police firing, in 1969, the forest officials agreed to a daily wage to Rs.2.50 with the conditions that no further encroachment of forestland should be encouraged, and the villagers have to be satisfied with their given lands.

The socio-economic fabric of forest villages was crumbling. In all villages, agricultural holdings broke up as number of families increased. The forest department did not recognize most of the second-generation settlers as registered villagers. Per capita availability of departmental man-days decreased because these ‘unregistered’ villagers seldom had other livelihood sources other than departmental work.

Fragmentation of agricultural lands badly hit the basic subsistence economy of forest villages. Small landholdings could no longer meet total food requirements of the forest villager who never had enough money to buy foodstuff from outside markets. To make the situation worse, the land ceilings for forest villages meant a complete re-organization of holdings, at the end of which many families were left with poor, uncultivable land.

Left at the mercy of the forest officials

At a time when these original inhabitants of Duars forests were stripped of their rights over their habitats, banished and then used as labourers without any wage, these communities saved the forests of North Bengal, created thousands of hectares of forests and made significant contributions to both the colonial and independent India’s national exchequer. These forest villagers protected and nursed the Indian forests.

The monetization of their wage, continued clear feeling of forests to pave way for commercial plantations, and their complete dependency on the whims and fancies of the forest officials to sustain their life and livelihood did not yield any significant improvement to the economics of the forest villages.

The State Government has no policy directives on the forest villages; development of more than 230 forest settlement in the state and their approximately 100,000 inhabitants depends entirely on the forest department.

Even the village level governance system through Panchayats responsible for development works related to education, healthcare, drinking water, low cost housing etc can function in the forest villages
only if the forest department permits and issues No Objection Certificate (NOC) under the Forest Conservation Act 1980. And that they seldom do often citing the settlements as illegal encroachments on forest land.

The clearfelling of natural growth forests and developing of commercial plantations have led to biodiversity loss which is clearly reflected in the diminishing of NTFP collections over the years and affected the wildlife including the elephant population raiding the villages and the cultivated crops in search of food.

Access to fuelwood and timber in the forests is expressly denied by the forest department. Grazing has also become a bone of contention. Cultivation of tubers deep in to the forests is done secretly and often by bribing the forest department officials. During the last six years at least nine forest villagers were gunned down by the forest officials in cold blood ostensibly to thwart timber smuggling - a charge they have not been able to substantiate.

**The Forest Rights Act: a hope to restore the rights, dignity and livelihood of the forest villagers**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act (referred to as FRA herein) was passed by the Indian Parliament in December 2006. Provisions under this Act offer rights and entitlements to forest dwellers over their homestead and cultivated lands and also empowers them to exercise rights over and governance of the community forest resources.

In the run up to the debates, submission to the Joint Parliamentary Committee, drafting of the Bill and mobilization and struggle for the enactment of the Act, the representatives of the forest villagers of North Bengal played a key role with the hope that the Act will change their status for the better and restore their rights by recognizing their contribution to the regeneration, protection and nursing of the North Bengal forests for more than a century now.

The forest villagers of the Chilapata forests in the Coochbehar sub-division of the Jalpaiguri district of Duars played the lead role. The youth of the forest villages of Kodalbasti, Kurmai, Andu, north and south Mendabari, in particular, mobilized themselves and took initiatives to form village councils (Gram Sabha) and the Forest Rights Committee (FRC) for speedy implementation of the FRA once the Act was enacted by the Government of India.

"My grand parents protected these forests, nursed them like their children without any monetary gains. They were happy to survive with the incentives that they were provided with - a home, a cultivable plot of land, NTPF collection and the vegetables that they used to grow on the forest land. Today, inspite of paid wage labour, our condition has deteriorated for the worse. Increased commercialization of forestry practices, clear felling of old forests, lack of proper supervision of the new plants, corruption and greed in the forest department have not only affected the health of our forests but also rendered our people poor who are still solely dependent on the forests," said a dejected Manindra Rava (48) of Kurmai village. Ravi Rava, a young activist from Andu village feels that "The FRA is the key to our survival. The forest villagers’ rights over our forests have to be restored. This is our forests; we know how to manage these forests. We know what the forests can provide us and the wildlife. But, the forest officials are not interested to protect and conserve these forests. They only know money and more money. That is why they are against this Act and creating obstacles in the implementation of the Act. We cannot entrust our forests to these corrupt officials and the inept forest department."

The residents of the forest villages of Chilapata waited for a year to see whether the State Government of West Bengal implements the FRA. With nothing happening on the ground and increasing threats of the forest department, the villagers of North and South Mendabari, Kurmai, Andu, Mantharam, Banin, Kodalbasti and Salkumarhat decided to invoke their legal rights as per Sections 3(i) and 5 of the Act.

Section 3(i) of the act deals with the "right to protect, regenerate or conserve or manage any community forest resource which they (forest dwellers) have been traditionally protecting and conserving for sustainable use".
Section 5 empowers the gram sabhas and village-level institutions to protect and preserve the wildlife and habitat and to regulate access to community forest resources.

In November 2008, the villagers stopped the forest department from felling trees in the Bania V compartment of the Chilapata range. The forest officials had then sat with the villagers to sort out the issue, but no solution was reached and the felling has been suspended since then. The clear felling of forests was also stopped since then in the Kodal Basti range.

On 5th January 2009, more than 500 forest villagers “took control” of a 2,985-hectare forest tract under the Chilapata forests by invoking their rights under the forest rights act. The villagers brought with them boards and nailed them to tree trunks, announcing that no one would be allowed to conduct any activity in the Kodal basti range of the wildlife III forest division without the permission of the gram sabhas that they had formed.

"According to the law, the forest department has to take the permission of the gram sabha to undertake any activity in the forest. In our state the law is yet to be enforced, so we decided to invoke our legal rights and took control of the forest. This is a historical moment for us," said Sunder Singh Rava, Co-convenor of the North Bengal Regional Committee of the National Forum of Forest People and Forest Workers (NFFPFW) and a resident of the Kurmai forest village himself.

The forest department and the local police, however, did not take this mass initiative of the forest villagers silently. On 11th November, 2008, a group of forest villagers were attacked and assaulted by the local timber mafia. An FIR was registered against them. But, instead of taking action, several criminal cases was filed against the local leadership of the forest villagers including Sunder Singh Rava, Ravi Rava, Shyamal Rava, Ajay Rava and Kanai Rava. The district administration and concerned officials including the police superintendent was conveyed of the illegal acts of the forest officials and the local police, But, nothing happened.

After the forest villagers put up the boards declaring their rights over the adjoining forests of Chilapata, the forest department uprooted and confiscated the board, and initiated action against Sunder Singh Rava. The police came to arrest him in the middle of the night citing a case filed in November. The villagers, however, resisted his arrest and the police had to back track, but they made it a prestige issue and filed a separate case against him and his father for allegedly resisting a government servant from performing his duty. Sunder Singh Rava had to take bail from the local court and is under constant threat from both the forest department and the police.

Constant threat from the police and the forest department, recent gunning down of a forest villager notwithstanding, the forest villagers of Chilapata, and in effect the whole of Duars and North Bengal are on a struggle path. "Implementation of Forest Rights Act is linked not only to our sustainable livelihood and rights over our forest resources but it is also key to the survival of our forests. Forests can only survive if our people have the rights to manage our forests and protect and conserve their resources; increasing commercialization and the stranglehold of the forest bureaucracy will spell doom for forests and we will be left high and dry", says Lal Singh Bhujel, the regional Convenor of the NFFPFW.
Restoring forests and reclaiming the ownership and governance rights over forests: The case of the Indigenous Munda Community in Jharkhand

October 2010

Nestled in the hilly tracts of the Ranchi plateau of Jharkhand state in India the Mundari Khutkatti villages are the homeland of the Mundas of the Austric stock who speak a tongue of South Mundari branch of Austro-Asiatic family.

The indomitable ancestors of the people fought the last of a long chain of battles against the British colonial power under the leadership of their legendary hero Birsa Munda in these tracts to settle their score. The fight ended up in 1900 with the martyrdom of Birsa and his followers but provoked the colonial conscience enough to recognize the tribal land rights in general and the villages that joined the Great Tumult (Ulgulan) as the ancestral domain of the Mundas.

The Mundas, when first settled down in Chota Nagpur, cleared the forest and established their primitive villages, which came to be known as 'khunt-katti-hatu', or the village of the family of the original settlers. Within the limits of a village, all lands, hills, jungles and streams, in fact everything above ground and under ground, became the common property of the members of the village family or the 'khuntkattidars'. One or more bits of jungles were especially reserved for the village gods and called the 'Sarnas' or sacred groves.

The Mundari Khuntkatti system

Chotanagpur Tenancy Act (CNT) of 1908 that came into existence after the end of the Ulgulan contained a special chapter to acknowledge the rights of the Mundari Khuntkattidars over land, forest and water bodies of their villages. The Act rendered a special status to these villages and a special tenancy rights to the tribal brotherhood of these villages in collectivity. The villages that were identified were initially 446 in number lied within the adjoining old districts of Ranchi, Singhbhum and Hazaribagh. However, with the passage of time the number kept shrinking for reasons not in consonance with the spirit of the CNT Act of 1908. The last survey settlement Report of the Ranchi District revealed that only 156 villages remained intact without the encroachment of the non-tribal outsiders (dikus) and thus could retain the status of being the Mundari Khuntkatti villages; while rest of them, known as ‘broken Khuntkatti villages’, were categorized as general revenue villages and thereby the Mundas of such villages lost their ancestral rights over the natural resources.

The Mundari Khuntkatti tenancy is a unique agrarian arrangement under which the Mundas are not considered as tenants but absolute owners of their ancestral land, including forests and water bodies. They are not required to pay tax to the state. The village brotherhood in collectivity pay a very nominal sum as ‘contribution’ to the state, locally called the chanda. The collective ownership of natural resources determines the production relations of the members of the Munda brotherhood. Where as agricultural and swidden lands are collectively owned but controlled by the lineage families independently, the forests are both owned and managed collectively.

Section 8 of the Chota Nagpur Tenancy Act, 1908, defines a Mundari Khuntkattidari as thus:

8. Mundari Khuntkattidar means a Mundari who has acquired a right to hold jungle land for the purpose of bringing suitable portions thereof under cultivation by himself or by male members of his family, and includes -
Management of Mundari Khunt-katti Village Forests

From the village jungles, every member of the Khuntkatti group has the right to cut and take wood for domestic and agricultural purposes according to his necessities. The Parja Horoko (guest settlers) alone have in some cases to ask the permission of the Khuntkattidars for the purpose, although even they were not required to do so in earlier times. In course of time, when the Khuntkatti family increased in numbers and the village-jungles shrunk into smaller dimensions, rules grew up in some villages as to the mode and the time of a general felling of timber and lopping off of branches.

Generally, it is in the month of Chait or Baisakh (March to May) before the rains set in, that in many villages the Munda and the Pahan (the chief) on a day appointed beforehand lead the villagers into the village-jungles and the necessary fuel and timber for the year is cut down by the villagers from a specific part of the jungle, leaving the other part or parts to be similarly dealt with by rotation in successive years. And the wood thus cut down is then taken home by the villagers according to their respective needs. By the time the last division of the jungle is approached, the portion first used again develops into a suitable jungle, the new shoots having in the meanwhile developed into trees suitable for the axe.

To this day the Mundas follow this procedure, especially in the Bhuninhari Pattis where the jungles are more scanty than in Khuntkatti Pattis. This custom of periodical wood-cutting is also in vogue in most Uraon villages in the Ranchi District, and was probably introduced by the Uraons.2

This system was prevalent all over Jharkhand before the advent of the colonial rule. The British colonial administration destroyed this system by introducing state ownership and state management in the forests. In the Bhuninhari areas the Zamindars were made the custodians of the forests and in the areas declared as the Reserve Forests the Forest Department managed the forests. Only in the Mundari Khuntkatti areas the old system continue to exist but at a diminishing rate.

Impact of the Zamindari system

As the surrounding Zamindari villages kept loosing their forest the people started depending on the Mundari Khuntkatti forests more and more. Besides as the demands of timber as a commodity grew the contractors started invading these forests. Many village Mundas became the violators of the old rule of forest management.

The British imposed the notion of private property in land in Jharkhand with the introduction of the Zamindari system under the Permanent Settlement of 1757. Privatization of the Mundari Khuntkatti land became a reality leading to breaking down of the old ownership pattern and economic relations and consequently social cohesion. In many villages the village-Mundas and the Mankis usurped the forests as their private property. In other villages the village forests became open access forests with no protection, control and management. These internal developments led to large scale degradation of forests by over exploitation for both domestic and commercial purposes. Some Mundari Khuntkattidars even started growing forests in some fallow lands under their occupation with a clear motive of their commercial use. However, these developments took place mostly in the fringe areas, but in the interior forest areas the traditional management system was still in practice.

The forest department takes control

After independence, in the early 50’s, even these already vulnerable Mundari Khuntkatti forests were brought under the management of the Forest Department. The community effort to manage the forests received a big jolt as the Forest Department introduced ‘scientific management’ of forests. Sylviculture and plantation of species of commercial value changed the character of the forests. Animals were
completely wiped off from them. This not only alienated the people from the forests but also curbed their rights of swidden agriculture and reclamation of fertile land from the barren forest land.

The Forest Department and its collaborating forest mafias managed to destroy the very basis of the Mundari Khuntkati system. The forest dependent societies of the Mundas suffered both economically and culturally. The loss of the forests rights adversely affected the communal nature of the Munda society and caused its disintegration in the fringe areas. Mundari Khuntkatti villages that form the heartland of the Munda country lost largely its stamina to retain its cultural traditions that are based on the symbiotic relationship of the human beings with nature and animal kingdom.

The turnaround

However, in the backdrop of a strong Jharkhand movement and formation of the new State of Jharkhand out of Bihar, things started changing. The Mundas of the Mundari Khuntkatti villages turned back to protect themselves from the eminent danger of cultural extinction. They started forming forest protection committees in every village and revived their traditional community forest governance system defying the authority of the Forest Department. A strong mass movement has emerged to restore the communal rights over the forests and to chase away the forest department officials from the forests. This revival of the Mundari Khuntkatti system with a strong focus on restoration of forests and rights to govern their own forests has been facilitated by the Jharkhand Jangal Bachao Andolan (JJBA), a struggle group formed in 2000 to take up the issues of ownership and governance of forests in Jharkhand.

The legal battle

As a first step towards the struggle to reclaim their rights the Mundari Khuntkatti villagers have initiated a legal action against the illegal occupation of the Mundari Khuntkatti forests by the Forest Department. Accordingly a SPECIAL LEAVE PETITION (CIVIL) NO.2028-2030 OF 2000 UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA was filed in the Supreme Court of India in 2004. Under the instruction of the Apex Court now the case has been filed in the Jharkhand High Court, Ranchi.

The petitioners have alleged illegal taking over of the lands of the Mundari Khuntkattidars by the forest department and the subsequent degradation of the forests This petition seeks the restoration of the forest lands so that the people can once again grow trees and rejuvenate the forests, and help protect the environment.

Community Forest Governance and livelihood opportunities

While the judgement on the above petition is still awaited, the JJBA has already started reconstructing the traditional forest management in the forests of Jharkhand, in general, and Mundari Khuntkatti villages, in particular. In many villages the people have started practicing the Community Forest Governance by rejecting the Forest Department’s strategy of Joint Forest Management.

The Forest Rights Act 2006 while granting rights of individual forest dwellers to homestead and cultivable land and community rights over forest resources, falls short of granting ownership rights to forest dependent people and is ambiguous on the right to community governance of forests. The Mundari Khuntkatti villagers, therefore, are yet to claim rights according to the Forest Rights Act and are waiting for the High Court judgement.

Meanwhile, with support from JJBA, many of the Mundari Khuntkatti villagers are exploring livelihood opportunities through direct marketing of minor forest produce and NTFPs. A forest dependent women’s cooperative has been formed to facilitate such livelihood options.

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<td>1. Prepared in consultation with the Jharkhand Jangal Bachao Andolan (Save the forest movement, Jharkhand). The principal researcher of this paper is Souparna Lahiri.</td>
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<td>2. Another Jharkhandi indigenous group</td>
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Idu Mishmis can only survive by protecting their forests and lands from outsiders

The Idu Mishmi indigenous community of Arunachal Pradesh, located in the north eastern part of India, resides in their ancestral homeland of Dibang Valley washed by their revered river Taloh.

Dibang Valley is administratively divided into two districts - Dibang Valley and Lower Dibang Valley and extends from the foothills of the eastern Himalayas at 300m to more than an altitude of 5,000m. Snow peak mountains, free flowing rivers and streams, dense forests, steep and rugged terrain and the river plains in the foothills define its boundaries and contours.

With a population of around 12,000 the Idus are one of the most endangered communities today in India, being a minority in their own land.

Arunachal Pradesh is a tribal majority State sharing international boundaries with Bhutan, China, and Myanmar. Being part of the Indo-Myanmar biodiversity corridor, Arunachal Pradesh is considered one of the top 25 biodiversity hotspots in the world.

About 91% of its geographical area (67,353 sq. km) is covered by forests with Dibang Valley having the highest forest cover in the State spread across 9317 sq. kms. Majority of these forests are under the effective control of the tribal communities and are officially termed as unclassed forests. The Valley has a very rich and diverse forest ecology starting with tropical forests to sub-Alpine and Alpine meadows. Dense forest cover is more than 50 per cent. In the catchment area of river Dibang the land under forests account for 98.90 per cent.

The Dibang Valley, therefore, boasts of a unique biodiversity, where one does find natural vegetation stretching in an unbroken sequence from the tropics to the mountain tundra.

Over eight forest or vegetation’s types occur here: Sub-tropical broad leafed, Sub-tropical Pine, Temperate broad leafed, Temperate conifer, Sub-alpine woody shrub, Alpine meadow [Mountain tundra], Bamboo brakes, and Grass lands. Tremendous speciation occurs here with over 1500 species of flowering plants expected.

This area is possibly the center of origin for some crop plants such as the banana. Many NTFP and economic plant groups occur here. Medicinal, aromatic, timber, fodder and fuel plants could be mentioned. Among ornamental plants there is a rich representation of Orchids, Rhododendrons and Primulas. The rare orchid, Vanda stangeana, lives here as do over 50 species of rhododendrons. For some plant genera and families, this area may be part of where they initially diversified [i.e. the cradle of speciation].

Some plants listed in “primitive” families are seen here including Mangletia gaveana, Magnolia campbellii, Schizandra neglecta, Holbelia latifolia, and various species. of Ranunculus. ocal medical healers have a remarkable storehouse of knowledge relating to their environment and thus has an important socio-economic significance due to its ethno-biological richness.

Like any other indigenous tribal community of Arunachal Pradesh, the Idu Mishmis of Dibang Valley traditionally enjoy their ownership and governance rights over mountains, rivers and streams and its forests. The forest department has exclusive control only over the Dibang and Mehao Wildlife Sanctuaries, Reserved Forests in Deopani and such small patches in lower Dibang Valley.

This phenomenon of community/clan controlled forests and other natural resources as per their customary laws and customs which is unique to some of the north eastern States also indicates a definite set of
property and access rights regime. This property rights regime also determines the traditional economic and livelihood sustenance of many of the tribal communities like the Idu Mishmis in Arunachal Pradesh.

As Jibi Pulu, a Panchayat member from Lower Dibang Valley narrates, "Our forefathers came down from Tibet along the Siyang river and gradually moved in to Dibang Valley. The Menda and Pulu clans settled in the flat plains of the Taloh (referred to as Dibang also) with others like Linggi, Mekola, Mithi mutually dividing their common property areas demarcated by rivers, mountains and forests.

"Every clan including their village community has clearly identified common property territories - their jhum cultivation land, hunting and fishing grounds," says Iprah Mekola. "If you travel along the Roing-Anini road you will come across bamboo Mithun gates which define our territories. We have ownership rights over the territories and their natural resources."

'Our Idu villages are like self sustainable village kingdoms and the village chief is like a king. We grow rice, millet, cotton, maize, sweet potatoes and extract timber, fuel wood, cane, fruits, nuts and medicinal plants from our forests. We have grazing lands from our Mithuns. When an Idu kills an animal or extracts timber or plants from forests, he prays to his god and thanks him for providing food and livelihood. We take exactly what is necessary for us to survive from our nature - our forests, rivers, and land", informs Dr. Mite Linggi, the Secretary of Idu Cultural and Literary Society.

"Mass killing and excessive extraction of our resources is forbidden amongst the Idus.", reiterates Iprah. "We have clearly defined rules and severe penalties to regulate our environment and ecology. We believe in conserving and protecting resources for our future generation and their well being."

"Our forests took thousands and thousands of years to grow; our ancestors protected our forests, the animals, and the rich biodiversity of our land. How can we allow our land, our forests to be destroyed by so-called development projects which have life spans of a mere 20 to 50 years?" asks Jibi referring to recent proposals of constructing big dams in Dibang Valley, posing a threat to their land, forests, culture, identity and their very existence.

"On one hand the forests department sermons us to protect wildlife, forests and animals, on the other hand they are promoting plantations and fruit orchards on our land in the name of agri business. Our people are learning to use artificial fertilizers and pesticides, the impact of which we are not aware of. I am completely against using these commercial pesticides because it will destroy our land. Whatever we grow are organic and we have the right to say no to the forest department since this is our land and we will decide what we will grow on our land and what we will do with our forests, our rivers," reminds Iprah.

Ingori Linggi, a respected Idu elder is apprehensive about the future of the Idu Mishmis. "These big development projects and plantation schemes will take away our land, destroy our forests; we, Idus are fiercely independent and will resist with all our might the infux of outsiders, the machinations of the forest department and commercialization of our resources. Otherwise, our future generations will not survive; the forest department people, the outside companies and traders will vandalise our land, impoverish our people and reap their own profit."

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**Endnotes**

1. The principal researcher of this paper is Souparna Lahiri.
3. A village self governance system in India
4. Mithun, a State animal of Arunachal Pradesh; owning Mithuns is a sign of prosperity of the clans, greater the number, more prosperous they are. The bamboo gates erected on roads crossing through Idu Mishmi territories regulates the movement of Mithuns and do not allow them to stray in to the territory of another clan.
India covers 2.5% of the world’s geographical area and is home to 1.8% of the world’s forests. India also supports 17% of the world’s human population and 18% of its livestock population. The Indian forests are home to around 100 million people and provide sustenance to them.

India is rich in flora and fauna with more than 45,500 flowering plants and 91,000 animal species found in 16 major forest types. India’s forests meet nearly 40% of the country’s energy needs and 30% of its fodder needs.\(^2\)

**Definition fails to capture the essence of biodiversity**

Government of India’s claim backed by the forest cover data of FAO, that India is a low deforestation country, is contested by the forest groups and forest communities. The loss of dense to moderately dense forests within the recorded forest area is being hidden under the garb of increasing forest and tree cover. The forest enumeration done by the Forest Survey of India under the Ministry of Environment and Forests include two categories - recorded forests and forest cover. The recorded forest area infers the area under the control of the forest department and the forest cover includes the recorded forest area and the tree cover on the non-forest areas.

The first enumeration of forest and tree cover in India was covered by the State of Forest Report 2001. According to this report, forest cover has been taken as comprising all lands more than one hectare in area, with a canopy density of more than 10 per cent, irrespective of land use and ownership. All perennial woody vegetation (including bamboos, palms, coconut, apple, mango, neem, peepal, etc.) has been treated as tree in the report. Thus, all lands with tree crops, such as agro forestry plantations, fruit orchards, tea and coffee estates with trees, etc. have been included as forest cover since 2001.

**The story of increasing forest cover: a cover up**

During the period from 1950 to 1983, 4.3 million ha of forest land were diverted for non-forestry purposes, while another 4 million ha were lost between 1980 and 1990. The 2003 Forest Survey of India (FSI) report showed that dense forest cover has shrunk by 26,245 sq.km between 2001 and 2003, with the Minister in-charge of Environment and Forests admitting that mining projects and industrial development were responsible for the decrease.

According to the information collected from the Ministry of Environment and Forests by an NGO Kalpavriksh (through the Right to Information Act) between 1980 and 2007, 1,140,177 ha of forest land were diverted for non-forest purposes. Out of this a whopping 311,220 ha were cleared recently between 2003 and 2007.

But, the Forest Survey of India is still showing, on the contrary, that India has gained forest cover. The Forest Survey of India Report 2009 shows a forest cover of 69.09 million ha which is 21% of India’s geographical area; where as the total recorded forest area legally and administratively controlled by the forest department comes out to be 769,512 sq. km or around 23%. This data indicates that at least 10 million ha of recorded forests have no forest cover. The loss of forest and deforestation is now being covered up by a different set of data related to forest and tree cover. The same 2009 data shows that the total forest and tree cover which includes both recorded forest area and non-forest area is around 25% of India’s geographical area, but the increase in forest and tree cover over the recorded forest area is essentially not an increase in forests at all.
According to the National Forest Commission in 2006, about 41% of the country’s forest cover has already been degraded and dense forests are losing their crown density and productivity continuously. At present, 70% of forests have no natural regeneration and 55% are prone to fire.

Therefore, while the Indian Government is hoodwinking all showing increased forest and tree cover that has nothing to do with forests and the biodiversity, the road map for more forest destruction is on.

Consider the biodiversity rich states of Arunachal Pradesh, Sikkim, Uttarakhand and Himachal. More than 300 mega hydro projects, oil exploration, cement plants, chemical plants and extensive mining activities are proposed in these states, even though Sikkim and Arunachal Pradesh are part of the Indo-Myanmar Biodiversity Hotspot with hundreds and thousands of rare and endangered plant and animal species. Thousands of hectares of pristine forests are diverted for non-forest activities and destroyed, to be subsequently replaced by monoculture plantations in the name of afforestation.

**Compensatory forest loss fund used to displace forest people**

The Compensatory Afforestation Management and Planning Authority (CAMPA) fund created on the direction of the Supreme Court of India (2003-04) and collected from the levy charged on the industry and for non-forest use per ha of forest land was a whopping Rs.112000 million in July 2009.

The Ministry of Environment and Forests has released this money to the States towards plantations for increasing forest and tree cover and not a penny went to the forest communities who lost their forests and livelihood.

A considerable portion of this kitty is also being used to the supposed relocation of forest people displaced as a result of the declaration of National Parks, Sanctuaries and Tiger Reserves.

**Green India Mission: towards REDD ++**

The Green India Mission (GIM) is one of the eight Missions included in India's National Action Plan on Climate Change (NAPCC).

The proposed GIM has a financial outlay of Rs.440 billion, to be sourced out of UNFCCC and such other external climate related funds. The Mission does indicates, therefore, to follow the model of REDD mechanism.

The draft GIM document, released by the Ministry of Environment and Forests, has "an overarching target of doubling the area to be taken up for afforestation/eco-restoration in India in the next 10 years, taking the total area to be afforested or eco-restored to 20 million ha". The draft document also talks of increasing quality of forest cover, taking a holistic view of forestry and not merely focus on plantations to meet carbon sequestration targets. A broader view of forestry indicates MOEF’s leap in to more non forest areas including village commons, grasslands, wetlands etc through plantations and eco-restoration. The MoEF also talks of involving local governance institutions and engaging with private citizens and civil society in finalizing and implementing the Mission.

It is however, interesting to look at the aims and objectives of the Mission.

The Mission aims at ‘addressing climate change by enhancing carbon sinks in suitably managed forests and other ecosystems’.

The objectives of the Mission includes **increase the GHG removals by India’s forests to 6.35% of India’s annual total GHG emissions by the year 2020** (an increase of 1.5% over what it would be in the absence of the Mission). This would require an increase in above and below ground biomass in 10 million ha of forests/ecosystems, resulting in increased carbon sequestration of 43 million tons CO2-e annually.

The Mission targets include:

- 12.0 m ha of moderately dense forests show increased cover and density
- 14.0 m ha of degraded forests are regenerated/afforested and sustainably managed
● 10.20 m² ha of urban/peri urban forest lands and institutional lands are under tree cover
● 11.50 m² ha of degraded agricultural lands and fallows are brought under agro-forestry
● 10.10 m² ha of corridor areas, critical to wildlife migration are secured

The language used, typically reflects the submissions that India has so far made in SBSTA meetings and the UNFCCC on carbon sequestration and REDD.

Following the release of the draft GIM document and the proposal for consultations, in a joint statement of the forest movements dated The Campaign for Survival and Dignity (CSD) and National Forum of Forest People & Forest Workers (NFFPFW) stated, "This Mission, in its current form, will lead to increased land grabbing, violation of people’s rights, environmental destruction, and loss of common lands and livelihoods based on them, without in any way genuinely responding to the burning problem of climate change."

They also clarified that 'the Forest Department’s main “green” activity is tree plantations. Such “afforestation” programmes often take place on cultivated lands (including shifting cultivation fallows), village commons, community pasture lands etc. that actually belong to people; they also destroy biodiversity rich natural open forests and grasslands, reducing people’s access to forest produce and animal fodder.' And further added, "This is what the Green India Mission seeks to promote, despite lip service to the contrary. The true impact of any policy is shaped not by its rhetoric but by its institutional structure."

Both CSD and NFFPFW ended their statement opposing the GIM where they said, "The Green India Mission is likely only to result in conflict, resistance, impoverishment and displacement, while itself causing environmental damage.

Any such Mission has to begin with a democratic framework that, in particular, disempowers the Forest Department and creates the space for genuine people’s empowerment. This document does the opposite. Hence, we oppose this program and call instead for the Environment Ministry and the Central government to respect people’s rights, indigenous knowledge and democratic control over forest and land resources, which will do far more to tackle climate change than such dangerous programs."

Endnotes

1. The principal researcher of this policy brief is Souparna Lahiri.
EQUATIONS was invited to contribute a perspective piece on tourism and protected areas in PA Update

Protected Areas (PAs) have seen increasing intensive tourism development under the guise of "ecotourism". While the Wild Life (Protection) Act 1972 does allow tourists into PAs, it clearly disallows commercial establishments. The Indian Board for Wildlife, the apex advisory body, had in its XXI meeting in January 2002 resolved "lands falling within 10 km. of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under section 3(v) of the Environment (Protection) Act and Rule 5 Sub-rule 5(viii) & (x) of the Environment (Protection) Rules". Despite this, a rash of tourism establishments have been established cheek by jowl in the immediate periphery of many PAs like Corbett, Ranthambore, Bandhavgarh, Kanha, Nagarhole, Bandipur, Mudumalai, and Periyar.

While PAs are promoted as places of irresistible natural beauty, it is often forgotten that these are also home to indigenous and forest dependent communities. Ecotourism claims to be hand-in-hand with conservation, but its contribution to conservation efforts has been questionable and empirically unproven yet. Ecotourism today is largely industry driven, with supporting government policies tailored to meet the needs of private enterprise and developed through non-consultative processes.

Most often, the zones where tourism has spread belong to indigenous communities and are lands that have been designated as Schedule V areas like in the states of Madhya Pradesh, Jharkhand and Chhattisgarh. Governments have also shown very little or no political will towards implementing the Panchayat Extension to Schedule Areas Act, 1996 (PESA) and Forest Rights Act, 2006, which are meant to establish and reaffirm the rights of the local communities.

Community-based tourism projects like the Himalayan Homestays in Ladakh and Lahaul & Spiti, the Mountain Shepherds Initiative in Uttarakhand and the Manas Maozigendri Eco-tourism Society in Assam (PA Updates 54, 50, 46 & 45), have benefited the PAs where they function as also the local communities that are involved. These projects have educated the tourists not only about the flora & fauna of the region, but also the unique culture of the local communities.

The need to impart environmental and cultural education, as part of an experience in a protected area is very important. This is particularly so in light of the growing obsession of a significant number of tourists to visit PAs just to see large mammals like tiger. This has led to unscrupulous tourism practices causing increased pressure on wildlife and the environment. A recent study commissioned by the Ministry of Tourism, "Report on impact of tourism on tigers and other wildlife in Corbett Tiger Reserve" states that "It can be safely concluded that in its current form tourism is a serious threat to Corbett" (PA Update Vol. XVI. No.3). The time has come for a paradigm shift in the manner tourism is managed and its role in protected areas in our country.

PERSPECTIVE is a new column that features invited opinion, comment and critique.
Deep Waters -
the untold story of tourism and dams

December 2010

EQUATIONS was invited to contribute a piece on tourism in India for the Contours publication

Large dams are no longer 'just' electricity-generating projects; they have become holiday destinations. Tourists stay oblivious to the fact that entire villages were sacriﬁced and forced out in order to construct the idyllic and peaceful waterfront resorts.

Tourism relies on and is increasingly being located in natural areas that are ecologically fragile. Dam sites have always been popular destinations among many tourists in India - providing the idyllic natural setting.

Dams are a manifestation of a kind of development, which denies some people the access to justice (largely in rural and poor parts of cities), while favoring the growth of others (largely the urban middle class and elite). People in indigenous and rural areas have been repeatedly asked to sacriﬁce for the 'greater common good'; a notion ﬁrst used by the State soon after independence, calling upon people to contribute to the nation building process. However, 63 years since independence, the State continues to make the same demands on its people.

Adding fuel to the fire is the fact that after people are displaced, tourism is developed on the watery graves of people’s homes and their lands. What were once thriving villages and hamlets, where people lived for centuries and contributed to the regeneration of forests and its biodiversity is now an endless lake. The pleasure seeking tourist is often oblivious to the tragedy that rests beneath and the realities of what may have transpired before a dam was built; before a community was displaced.

Is tourism as harmless as it seems? What are the ethics and values being communicated by the institutions of the State when they promote tourism at dam sites?

The impacts on these fragile ecosystems are two-fold - ﬁrst with the construction of the dams and secondly with the development of tourism. With the construction of the dam, both in the catchment and the command area the impacts are numerous - loss of forest cover, loss of common property resources, loss of ‘bet’ cultivation on the ﬂoodplains and the problems of displacement and resettlement. For the community, it is not just about moving homes to another place. For them it is about being uprooted from a way of life, which includes their social and cultural traditions, from their lands, waters and forests.

Tourism gains a backdoor entry into these pristine environments. However tourism development is known to have negative environmental impacts caused by pollution, waste generation, discharge of untreated waste into water bodies, large energy and water consumption requirements and tend to deplete ground water. This in turn puts at risk livelihoods of local communities who depend on the natural resources for sustenance. As tourism grows the competition between tourism industry and local community for access to and use of natural resources increases. As the industry is bigger and more powerful it is usually vulnerable local communities that bear the ‘costs’ of such ‘development’.

Corporate Tourism becomes Public Purpose

Injustice continues to haunt the Narmada River Valley. As the Sardar Sarovar Dam inches towards the proposed height, with each passing year; pristine forests, villages, people and their croplands are submerged. While the oustees still await rehabilitation and compensation, ecotourism projects are triggering displacements in Kevadia at the Sardar Sarovar Dam site. For the people of Kevadia after ﬁghting the dam for so many decades there is a new foe to battle - tourism.
In 1961, the Government of Gujarat acquired 1,600 acres of land from 950 families of the six villages of Kevadia, Waghodia, Kothi, Limdi, Navagam and Gora, under "public purpose". Of this 1400 acres remain unused. Sardar Sarovar Narmada Nigam Limited (SSNNL) and the newly constituted Kevadia Area development Authority (KADA), is now proposing a tourism project on the adivasi land in an attempt to 'present the dam site in its pristine and natural glory which will captivate the tourist and hold them in awe of the benefits provided by the project'.

Towards this SSNNL had proposed to undertake massive tourism development - the plans included food-court, low-cost accommodation, camping, souvenir and vendor stalls, cottages, water-park, golf course, convention centre and adventure sports activities.

Tourism slowly and surely seems to be moving into Kevadia and surrounding areas. While tourism is being privileged, the voice of struggles of local community is being suppressed. The protests by the local communities in these villages are not only against the issue of the State government auctioning and leasing out land that communities depend on for livelihood and sustenance for commercial activities like tourism but also the process of negating their decision making rights through the constitutionally approved process of local self governance that has been handed over to Kevadia Area Development Authority (KADA) by the Gujarat Government. Soon there will be no Kevadia, Limdi or Gora. Only view points 1, 2 or 3, ponds 2, 3 or 4, a golf course or water park and the dam.

Submerging Future

Uttarakhand - a state famous for its natural beauty, snowcapped mountains, valleys, pristine rivers, is also where innumerable dams are being constructed. With the damming of a river - a river no longer remains a river. The once-free flowing waters now pass through tunnels. The construction of the dams have also resulted in building roads, barrages and colonies across the state - all at the cost of the environment and the lives and livelihoods of local communities dependent on them.

The Uttarakhand Vision Document positions the state as the most competitive supplier to the Northern Grid by harnessing at least 50 percent of the state’s Hydel potential by 2012. The push for hydro-electricity has resulted in construction of dams on almost all rivers including the Bhagirathi. On river Bhagirathi, 4 projects have been commissioned, 4 more are under construction and 9 more are proposed.

The once bustling town of Tehri in the Uttarkashi district of Uttarakhand is today under the water. The construction of Tehri Dam resulted in the complete submergence of the entire Tehri town along with 40 villages and partially submerged 72 villages; displacing nearly 100,000 people. The main reservoir, formed as a result of the dam, comprises an area of nearly 42 kms.

For the State, the constructions of dams is not only about producing more electricity, it is also about drawing more tourists to the dam sites. On the one hand, the numbers of tourists visiting the state has reduced because in the process of constructing the dams the natural beauty and wealth of the state has also been destroyed. This has hugely impacted the local economy in many places, especially the large number of locals whose livelihood is dependent on tourism.

However on the other hand, the State tourism board has plans for the development of Tehri dam as water-front resort and water sports. A master plan for development of the region was commissioned. The plan suggests that investments to the tune of Rs. 112 crore/US$23.8 million could be brought in.

The latest and the most ironical situation is that the government is planning to start underwater tourism at the dam site - to show tourists the submerged town, the lost homes of the people and the desolate streets.

In both cases of the Sardar Sarovar Dam and the Tehri dam, there have been vibrant struggles by the local communities resisting the construction of these dams in the context of the development paradigm that is being promoting. The construction of the dam and the resulting tourism development is a testimony to the State’s insensitiveness to its people who once lived in these regions and the majority of whom are now living in poverty in what for them are "alien lands".
Kevadia, Terhi and many more such places dotted across the map of India, each have their own story to tell. They are all promoted as desirable “must see” places, but they all are also proof to tourism’s ability to create or exacerbate serious conflict. So is there no hope? Tourism can contribute but for this to be possible one must engage with the reality, the history, and the aspirations of those in the places that are being visited.
This note is in response to a request from Madhya Pradesh Ecotourism Development Board (MPEDB), on envisaging the role of communities in ecotourism. Using six case studies, the possible role of communities across the spectrum of different levels of community involvement are highlighted along with their positive and negative impacts. A brief analysis of Madhya Pradesh’s Draft Ecotourism Policy shows that while the Policy acknowledges that communities should be involved in ecotourism, there has been very little thought given to the modalities of making this happen. In the section of ‘Recommendations’, focus is on the challenges that ecotourism places on communities’ social structures as well as those working towards the inclusion of them. The other areas that are looked at are ecotourism vis-à-vis income generation and conservation. The issue of benefit sharing in a Public Private Partnership (PPP) model are also discussed. The note ends with what EQUATIONS would like to see included in the kind of PPP framework that Madhya Pradesh is working on for ecotourism.

WHAT IS ECOTOURISM?

The World Conservation Union (IUCN) defines ecotourism as "... Is environmentally responsible travel and visitation to relatively undisturbed natural areas, in order to enjoy and appreciate nature (and any accompanying cultural features - both past and present) that promotes conservation, has low negative visitor impact, and provides for beneficially active socio-economic involvement of local populations." [IUCN, Tourism, Ecotourism and Protected Areas, Ceballos-Lascurain, 1996]

The travel industry defines ecotourism as "purposeful travel that creates an understanding of cultural and natural history, while safeguarding the integrity of the ecosystem and producing economic benefits that encourage conservation . . . The long-term survival of this special type of travel is inextricably linked to the existence of the natural resources that support it" (Bandy, 1996 quoting: Ryel and Grasse 1991:164).

The International Ecotourism Society (TIES) defines ecotourism as, "responsible travel to natural areas that conserves the environment and improves the welfare of local people". According to the World Tourism Organisation [UNWTO] tourism that involves travelling to relatively undisturbed natural areas with the specified objective of studying, admiring and enjoying the scenery and its wild plants and animals, as well as any existing cultural aspects [both of the past and the present] found in these areas is defined as ecotourism. An optimum number of environment friendly visitor activities, which do not have any serious impact on the ecosystem and the local community and the positive involvement of the local community in maintaining the ecological balance are some of its key elements (UNWTO, 2002).

Key components of Ecotourism from various definitions

- Contribute to conservation of biodiversity
- Benefit indigenous/local communities
- Minimum consumption of resources
- Address site specific issues
- Stress upon local participation, ownership and business opportunities
- Cater to small groups by small-scale businesses
- Include an interpretation/awareness experience
- Involve responsible behaviour on the part of tourists and tourism industry

The role of community involvement maybe spread over a broad spectrum from minimal tokenistic involvement of the community-to-community based ecotourism. Along this spectrum are several levels of community involvement:

- **Tokenism** - employing members of the community as drivers, tour guides etc.
- **Informing** - where communities are informed about the ecotourism development being planned and are involved through employment in the ecotourism activities
- **Consulting** - where the communities are consulted with but where the aspirations of the community might or might not be addressed. In this instance the community would have the space to influence decisions while not being a formal part of the decision making process
- **Collaborating** - where communities are seen as equal partners in the ecotourism development planned and are formally part of the decision making process. The community would then have control over the impacts as well as the benefits of ecotourism.
- **Ownership** - where the community owns the enterprise, which becomes the capital of the community. Where the pace, nature, forms, the communities decide all stakeholders and all others involved are supporters of the enterprise.

Presented below are some examples across this spectrum. The aspiration is that we should move towards complete community ownership of ecotourism development, while learning from the drawbacks of attempts of community involvement by other projects.

**ROLE OF THE COMMUNITY IN ECOTOURISM INITIATIVES - SOME CASE STUDIES FROM INDIA**

**Mountain Shepherd Initiative (MSI)**

In the fall of 2006, the Mountain Shepherds Initiative, a community owned and operated ecotourism venture, was formerly inaugurated in the vicinity of the Nanda Devi Biosphere Reserve (NDBR) in Uttarakhand. The Mountain Shepherds Initiative was born out of the social struggle of the Chipko (early 1970s) and Jhaptu Cheeno (late 1990s) movements and more recent efforts by the Nanda Devi Campaign - to reclaim peoples land and forest rights.

In May 2001, the state government, with the support of the Ministry of Environment and Forests (MoEF) commissioned the Indian Mountaineering Foundation (IMF) to determine the feasibility of reopening the park to limited tourism activity.

In response to this development, the Bhotiya community came together to form the Nanda Devi Campaign in Lata village. On October 14, 2001, the community members of Niti Valley issued the progressive Biodiversity Conservation and Ecotourism Declaration (Annexure 1) to guide its future endeavours and held a workshop elaborating their community-based ecotourism proposals. The focus of the initiative has been to build capacities of the youth, to develop a product line and marketing. Today the MSI is a private community owned enterprise. The following are some of the impacts on the community:

**Economic Impacts:**

Community members from the villages are involved in the enterprise. The capacity building of youth has resulted in the reduction of migration to cities. Further, backward and forward linkages have been made, where some homes offer homestays, others provide the food and yet others make the souvenirs which are purchased by the tourists.
Social Impacts:

One of the founding principles of MSI is to establish a community-owned operation without human exploitation and environmental degradation. This has resulted in an ethos where the youth who are the guides treat the tourists as equals rather than in a hierarchical manner, which is very much the culture in mainstream private tour ventures.

Conservation:

A large part of the Nanda Devi Biodiversity Conservation and Eco Tourism Declaration of October 14, 2001 focuses on biodiversity conservation. All ecotourism activities are conducted such that there is no harm to the environment and that the diversity of the region is maintained.

This case study is an example of how the community seeing the impending tourism development in the region, took charge and therefore have evolved as a community based and owned ecotourism initiative.

Sunderbans Jungle Camp (SJC)

SJC is located in the Bali Island which is part of the India Sunderbans, a mangrove forest and a UNESCO world heritage site. Around the year 2000, there was a marked increase in the poaching in the forests of the Sunderbans. In response to this, the Field Director of the Tiger Reserve and WWF-India, West Bengal State Office, invited Help Tourism, a tour operator and destination management consultant to develop a community based tourism demonstration project. Apart from supporting conservation efforts and creating alternate livelihood opportunities, one of the major motivations for this initiative was also to counter the mega mass-based tourism that was being planned by Sahara India Pariwar Group in the region. What has emerged is an example of collaboration between the community and Help Tourism, which is a private player in the tourism industry.

Role of the community:

One of the initial preoccupations of the developers was the distribution of tourism benefits to the community. One of the ways identified was the involvement of the community members in the construction of tourism infrastructure. More than 3000 man days were created for construction and about 2000 people from 7 villages benefited from this. 70% of raw material used was purchased locally. Today much of the staff are from the local communities and food is also purchased locally. Out of the total net profit 7% is spent towards health projects for the community, 5% as donation the boat festival and other cultural activities, 5% as garments distribution and Garments Bank and 5% towards research and development, conservation initiatives to individuals and local organisations. All this adds up to 70% of the profits being retained within the area. Additionally, there are several community benefit schemes which have been initiated. However the most important aspect of community involvement in SJC is the role of the community in decision making processes. All stakeholders take joint decisions, while Help Tourism provides the technical inputs. During the implementation process, the local community is always informed and involved at every stage. The local community also has equal right to take decisions on day-to-day operations, management and recruitment.

Community Based Tourism in Choti Haldwani, Uttarakhand

The Uttarakhand Forest Department in 2001, initiated a project to develop ecotourism in 4 villages within the Corbett National Park and Binsar Wildlife Sanctuary with support from LEAD grant, IUCN Himal and resources from local NGOs, operators and communities. Choti Haldwani was one of the villages and is located within the Corbett National Park.

The first step in the process was an Appreciative Participatory Planning and Action method with the community members. One of the important outcomes of this process was the formation of the Corbett Gram Vikas Samiti, registered as a society and the membership of which is open only to the residents of the village. What started as a 5 member Samiti today has 22 members and charges an annual membership of Rs. 100. The following were the tourist development that was undertaken as part of this ecotourism project:
1. Corbett Heritage Trail
2. Guiding
3. Homestays
4. Moti Souvenir Shop
5. Information Kiosk

Benefits to the community:
Apart from keeping alive the legacy of Corbett, this ecotourism initiative has resulted in new jobs and additional supplementary sources of livelihood and 30 people are directly engaged in the initiative. As a means to ensure that the economic benefits reach everyone in the village, a portion of the charges for the guide goes to the Samiti, Moti’s family members (Moti was a person who worked for Corbett), Diben babaji (an elderly person from Corbett’s time) and the museum.

There is an increased awareness and appreciation of the region’s natural and cultural heritage. In terms of conservation, the community is involved in tree planting, informing the Forest Department about forest fires and wounded animals. There has been a reduction in poaching, wood cutting and theft. Children are also part of the conservation mechanisms through the club that has been formed. Women’s participation has been through SHGs, which provide a number of souvenirs, which are sold at the shop.

This 10-year old initiative has seen very little professional help and much of what has developed has come from self-initiation and learning on the part of the community.

The Blue Yonder (TBY)
The Blue Yonder is a travel company set up in 2006, which uses Responsible Tourism as a tool to spread awareness of many folk art forms, culture and lifestyles. This according to the company instils a sense of pride among the village communities. The company sees this as a means of alternate income to the communities. TBY links up with groups of traditional artists (Kalakar Vikas Samiti, Rajasthan), community based tourism initiatives (Sundarbans Jungle Camp), involve local communities as tour leaders, interpreters etc. Home stays are organised in rotation such that all homes offering this facility are involved and benefited from the visiting tourists. Further, the company also supports organic farming practices like in Karnataka. As part of the tour, the tourists also visit artisan communities and are encouraged to purchase their souvenirs from them, so as to eliminate the middle man and that the money goes directly to the producers of the goods. The company has initiated a programme called the ‘Travellers Forest’, through the Nila Foundation to help regenerate the forests along the river Nila (Bharathapuzha).

From the above case studies what comes forth is the entire spectrum of community involvement - from total community control in the case of MSI to the broad and external engagement in the case of The Blue Yonder and the Sundarbans Jungle Camp. The tourism initiative at Choti Haldwani is an example of the initiative by the state government at community involvement in ecotourism and to an extent has been able to achieve community control to a limited extent and involvement in implementation and management to a greater extent. These examples however, prove that the aspiration of community control and involvement can be achieved in ecotourism.

The TBY experience is typical of a private enterprise which involves the community, in as much as, it informs them and offers limited livelihood options without really attempting to engage the whole community thus bringing long term change.

Ecotourism’s Impacts on Communities
The descriptions of ecotourism development presented above, span from total community ownership to involvement to mere employment being generated for some members of the community. Yet, some positive impacts, which are visible, are:
• Greater control over forest and other resources by the community
• A sense of pride about the historical and cultural heritage of the community
• Enhanced levels of conservation of natural resources
• Direct economic benefit to the communities and the mechanism of benefit sharing decided by the community
• Extent of involvement in tourism activities are decided upon by the community
• The nature, form and pace of tourism has been decided upon by the community

The case studies presented are really exceptions, since there has been very little effort by the government as well as private tour operators to actually seek community involvement. The large numbers of experiences of ecotourism and eco development are more in the line of what has been encountered through the tourism development at Kanha and Bandhavgarh National Parks and eco development at the Satpura National Park.

Kanha and Bandhavgarh National Parks

The creation of Protected Areas has increased the wildlife population causing increase in people-animal conflict. Yet communities cannot take any measures to protect themselves against this conflict since that would necessitate confronting the forest department, which more often than not would translate into physical harm of the communities and its resources.

The sale of land to tourism projects is not a sustainable option for communities since these monies dry up rather fast and leave no other source of income in their hands. Until now the only livelihood option that has been opened up for communities is their employment in the campuses of the establishments in the tourism industry, which translates to the fact that communities who were once land owners and practitioners of agriculture, with diverse cultural and social histories have become homogenous cheap labour in the tourism industry.

Though the carrying capacity of the 2 parks have been established at 300-400 and 700-900 guests respectively for Kanha and Bandhavgarh, the tourism facilities are increasing ref. This indicates that the limits of acceptable change have not been taken into account, further pointing towards unplanned tourism development in these 2 very important wildlife reserves.

The nature of ecotourism development in these National Parks do not in any way involve or even demonstrate community concern. Infact, apart from one or two private players all the others only employ members of the community since it is an economical option.

Pachmarhi Biosphere Reserve

Satpura National Park, Bori Wildlife Sanctuary and Pachmarhi Sanctuary form the Pachmarhi Biosphere Reserve. Ashoka Trust for Research in Ecology and the Environment (ATREE) in their 'Social Assessment Report for the Satpura Landscape', have found that the role of the communities has been low in the decision making process vis-à-vis the management of natural resources, where they have been used merely in the implementation of government schemes. Further, displacement has been highlighted as a major issue in the existing conservation framework of the Satpura National Park. Apart from relocation of villages, an important case in point is the non-renewal of fishing license of the Tawa Matsya Sangh by the Madhya Pradesh Matsya Mahasangh and the subsequent declaration of the Satpura National Park as a Tiger Reserve, which caused another round of displacement in the region. Adding insult to injury is the fact that the MPTDC has established a resort in the vicinity of the reservoir consisting of 2 houseboats and 6 AC rooms with attached bath facility and also organises cruises in the reservoir.

This chequered history of the Biosphere Reserve shows that the Forest Department has not taken into confidence the community and that the eco development activities lack transparency and accountability to the people living in this region.
This is an example of the government absolutely ignoring the communities living within the Biosphere Reserve. Let alone an attempt at tokenism, the communities have been repeatedly displaced from their lands and have even lost livelihood due to the eco development activity.

**Ratapani Wildlife Sanctuary**

The Sanctuary is located in Raisen district and has been proposed as a Tiger Reserve and is expected to be declared as one in the next 6-8 months. In the centre of this Sanctuary is Delabadi, where there is the forest guest house as well as the Delabadi Jungle Camp, an establishment of the MPTDC. The campus comprises of a restaurant, 8 AC tent rooms with attached baths and a swimming pool.

On the way to Delabadi are several villages, none of which are part of the tourism activities in the region. Within the gates of the Sanctuary but outside the core, is a small restaurant owned by a family from Haryana. The owner of this land is an old man who used to be in the armed forces during the II World War. As a war veteran, he was given about 500 acres of land. His sons and grandsons jointly own this land today. The family is currently attempting to get the required clearances for the setting up of a resort.

With the imminent declaration of the Sanctuary as a Tiger Reserve, there is talk of 25 villages that will be displaced from the core. An organisation working within the sanctuary shares that the villagers do not want to relocate from the sanctuary but are being forced to due to this development.

Yet Delabadi has been promoted heavily as a tourism destination by the MPTDC due to the thick forest cover and the proximity to Bhopal (55 kms). The manager at the Delabadi Jungle Camp has reported that the 8 rooms are booked full almost throughout the period the Sanctuary is open to tourists.

Clearly, what emerges from the above examples and several others from across the country is that unless there has been either proactive response by the community or intervention by an outside agency, most ecotourism developments see the following impacts, which need to be taken into account while planning for any ecotourism programme:

- One very stark observation that emerges is that the nature of ecotourism activities are common across almost all ecotourism sites. Clearly the activities do not take into account the cultural and social specificities of communities in the region. Neither do they take into the account the special skills that each of the communities has in terms of conservation.
- Displacement of adivasis from protected areas, which are then later promoted as ecotourism destinations.
- Objectification of adivasis by the government in their promotional material and literature, the tourism industry and by the tourists in the way they see the adivasis.
- Very often ecotourism activities impinge on resources that are otherwise used by the adivasis for livelihood, health and other purposes making them self-reliant and self-sufficient.
- Construction of tourism infrastructure like roads, living structures like permanent tents, cottages etc. further damage the environment and also are a threat to the adivasis.
- The use of AC tents and other construction material result in increased energy consumption, where the resorts have captive generation of electricity, while very often the villages nearby have not yet been electrified/see frequent power cuts.
- Carrying capacity/limits of acceptable change very often are not taken into considering while planning ecotourism initiatives.
- Solid waste produced due to tourism initiatives is not properly managed impacting both the environment as well as the people.

**MPEDB’S FRAMEWORK FOR ECOTOURISM**

**Ecotourism Policy of Madhya Pradesh (draft)**

The ecotourism policy of Madhya Pradesh subscribes to the definition as laid out by the TIES. The policy indicates community involvement in terms of livelihood generation in its objectives and use of
resources, where communities in consultation with them traditionally use them. However, there is no mention of the role of the community in conservation as well as in tourism development activities. In the section, which talks about policy implementation, the Policy highlights the concept of PPPP (Public-People-Private-Partnerships). There is however, no specific mention of what the role of each of the stakeholders will be.

Yet, while detailing out the functions of the MPEDB, there is no mention of what the Board would do to achieve its objective of community involvement or its principle of community consultation.

**In the Madhya Pradesh Forest Policy (2004),** there is a section on Ecotourism, which focuses on developing infrastructure and capacities of staff to be involved in ecotourism activities but does not spell out what the role of the community should be. The only mention is of local educated villagers who could be trained to work in the Interpretation Centres.

The ecotourism policy (Draft, 2010) clearly states that all ecotourism activities will be conducted in accordance to the Wildlife (Protection) Act, the Forest (Conservation) Act, 1980 and other directives and guidelines as announced by the Government. There however is no mention of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the adherence to this very important Act which establishes the rights of indigenous communities to both protect and conserve forest and wildlife as well as grant land rights to land that they have been cultivating (with specific conditions applied).

Both the Ecotourism Policy of Madhya Pradesh (Draft) as well as the Madhya Pradesh Forest Policy (2004) have conceptualised the role and engagement of communities in a restricted manner and with no directions of how to achieve even this minimum agenda.

**MPEDB’S MOU for the PPP framework for Ecotourism**

In MPEDB’s Request For Proposal (RFP) Bid Document Part - II Draft Concession Agreement (DCA), September 2009 for Design, Engineering, Finance, Construction, Operation and Maintenance of Ecotourism Park Named “Aranyak’ at Village Arnia (Sonkatch), Distt. Devas in the State of Madhya Pradesh on Public Private Partnership (PPP) Basis, there is a very general mention of the role of communities in the project, as part of the definition of ecotourism, where it states:

“Ecotourism is responsible travel to natural areas. Responsible travel safeguards the integrity of the ecosystem one is visiting and produces economic benefits for local communities. When it is successful, Ecotourism meets the needs of both conservation and local economic development.” (Pg. 57)

Nowhere in the entire document is there an attempt to outline how the communities will benefit economically from ecotourism activities. Even in the list of minimum requirements that a successful bidder is to commit to there is absolutely no mention of what the role of the community would be nor how the benefits of ecotourism were to reach them.

All this clearly indicates that while there is knowledge of the role of communities in ecotourism development and activities, and even a desire for it as mentioned in the policy (PPPP framework) there is no commitment to the realisation of this, since the People part of the PPPPP have not been factored in.

**The state’s perception of adivasis and other forest dwellers**

The mainstream notion of conservation overlooks and does not acknowledge the role that is played by adivasis and other forest dwelling communities in conserving the forests as well as the diversity. Forms of conservation are also very often indigenous in nature and are tied with the religious and spiritual beliefs of communities. Some of the conservation practices that have been recorded are the existence of sacred groves, navai a harvest festival in Western Madhya Pradesh, during which the gayana is performed. The gayana chronicles the evolution of humankind. It is an oral tradition teaching the future generation their past and possibly indicating their future by describing the symbiotic relationship that exists between man and nature and the importance of this relationship for sustenance. This instills in the younger generations a respect for nature while also teaching them the rights to the forest that they have⁹.
The Baiga community has a similar story of creation in the story of Naga Baiga and Naga Baigin, which ascribes to them the role of guardians of the forest and the soil.

For the adivasis to be able to separate their lives from forests - both conservation as well as rights is absolutely impossible. Like the Baiga adivasis in the villages located in the Achankmar WLS core say ‘Baiga bagh jungle hum sab ek’. Yet the same adivasis are being branded as encroachers and are being ousted from the very forests they believe they were born to protect.

**RECOMMENDATIONS**

**Guidelines and Regulatory Mechanisms**

While ecotourism has the potential for conservation and community development if planned, managed and implemented in a thoughtful manner, it is important to put in place a ecotourism policy with stringent mechanisms that prevent exploitation and negative impacts on ecology and adivasi culture and well being. The current policy needs to be strengthened in several aspects. Some of the important elements being the role of the community, process for eliciting community involvement, support to the process of community involvement through relevant capacity building, documentation and research on the impacts and potentials of ecotourism which would then be translated into implementable ideas and plans, role and boundaries of private players in the industry, benefit sharing between the different stakeholders, role of the MPEDB vis-à-vis tourism development as well as a monitoring and regulating body, strong non-negotiable regulatory mechanisms which detail out consequences in case of transgressions and violations.

Since the MPEDB is formed for the specific purpose of ecotourism development in the state, this body needs to be transformed to be able to function in the manner described above. Currently, the MPEDB is conducting valuable research, yet the impacts of a PPP model of ecotourism, potential hazards and roadblocks have not been sufficiently explored enough specifically in the context of communities. The Board also needs to commission studies to be conducted by independent social organisations who would be able to look at the issue from a range of perspectives.

**Role of the community in ecotourism**

The aspiration for the community is complete involvement and ownership as in the community based ecotourism as described in the MSI case study, or an absolute non-interest altogether. It is the onus of the MPEDB to explore these aspirations and work towards addressing them while planning the ecotourism development.

However, since the present context is a PPP framework, co-ownership of communities in the ecotourism project or at the very least control over its fallouts and impacts needs to be envisaged. What seems to be the reason for the selection of the 14 sites by the MPEDB is the ecotourism potential of the site as well as the availability of revenue land on the periphery of forest areas, which can be used for the establishment of tourism infrastructure. This in actuality complicates the situation further, since there are now 2 sets of communities who need to be consulted before any tourism development takes place - the community residing on the revenue land and the community living within the forest areas. Both communities need to be taken into confidence while planning tourism activities in the region.

The preferred method of eliciting community response is to conduct extensive Participatory Rural Appraisals (PRAs) with both sets of communities. However, even before that can be done the communities and the informal power structures that are in operation within the communities need to be understood and acknowledged. For e.g. are there any dominant sub-structures within the community? If so what are the boundaries of the different sub-structures and how does power operate among these? Will the ecotourism activity benefit only some of the sub-structures and not others due to the prevailing power relationships? An example of this is caste hierarchy that prevails in rural communities. This is true even in the case of adivasi communities where some adivasis groups are more powerful than others like in the case of the Gonds and Baigas of Chhattisgarh. Within the same adivasi clans hierarchy...
or difference prevails like in the case of the Bhils, Bhilalas and Barelas of Western Madhya Pradesh. Adding another layer is the fact that some adivasis communities, with an increased interaction with caste villages have in the past few decades created a caste-like system among themselves like the Patels and Kotwalis of the Barela adivasi community of Western Madhya Pradesh (where the Patels are considered upper caste and in some villages the Kotwalis are treated with untouchability similar to the Dalit community). Separate PRA exercises would need to be conducted with each of the sub-structures, including women. Checks and balances to ensure that all sub-structures of the community benefit would need to be put in place, else the ecotourism activities could result in the furthering and strengthening of power structures which are inherently oppressive.

In the case of the proposed PPP model, where the tourism infrastructure will be developed on revenue land and tourism activities on forest land, both the communities’ aspirations would need to reconciled, which would entail joint consultations with both sets of communities. This may prove to be a challenge in some of the sites since very often non-adivasi communities hold a negative bias towards adivasi communities. There also exists a power relationship between them and measures to mitigate this will need to be developed and established.

Further, there seems to be no accountability of the private operators to the communities whose natural environment is being used for ecotourism development. The only accountability is towards the MPEDB (in the case of tourism infrastructure) and to the Forest Department (in the case of ecotourism activities) who by the principle of eminent domain is the owner of forest land. With the passing of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the role of the community as protector and an important stakeholder of the forests has been established. This necessitates that the private operators be answerable to the communities living on these forest lands. While the Draft Ecotourism Policy of Madhya Pradesh is clear in its commitment to adhering to the provisions as laid out by the Wildlife Protection Act and the Forest Conservation Act, the policy needs to commit itself to the adherence of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

With the introduction of The Panchayat Extension to Scheduled Areas (PESA) Act, 1996 wherein all developmental activities initiated in the region are to be deliberated and decided upon by the Gram Sabha, there already exists an institutional mechanism for the approving of ecotourism development activities. It is recommended that the MPEDB use this constitutional space for seeking community approval as well as a way to channelize the benefits reaching the community. In the event that the Gram Sabha should decide against the presence of tourism development within their jurisdiction, the MPEDB and the tourism industry need to acknowledge their right to say no and respect this.

Mega proposals like the one proposed by the MPEDB involving 14 sites and with already proposed tourism activities does not in any way take cognisance of community specificity in terms of the nature of tourism activities and the method of its promotion. In the Draft Concession Agreement (DCA) used for Arnia, Dewas there is a listing of ecotourism activities and infrastructure which has been mentioned. These are clearly not in keeping with the cultural and social practices of the communities of the region. A case in point is ‘Panchakarm’ listed as Mandatory Project. There however is no evidence if communities living in this region practice Panchkarm, a part of Ayurveda, the roots of which are in the codified Vedic system, rather than the ecology based folk traditions of the adivasis.

The Draft Ecotourism Policy of Madhya Pradesh also mentions a list of tourism activities, which are being promoted. What is more important for the Policy to mention is that all ecotourism projects need to follow forms of tourism which can be culturally and socially accepted by the communities and that it adopts a bottom up approach in deciding the nature and form of tourism activities to be developed.

Further, the Ministry of Tourism (MoT) in the MoU that it had signed with the UNDP for the Endogenous Tourism Project (ETP) in 2003, has committed to viewing tourism in the broader context of development. The thematic focus of the project was on:
- Human development and gender equality identified through the State Human Development Reports
- Capacity building for decentralisation
- Livelihoods and living conditions
- Poverty reduction and natural resource management
- Vulnerability reduction and sustainable recovery

The following extract from the MoU (pg. 7) demonstrates the importance of communities in tourism development:

If tourism as the top growth performer worldwide today is to fulfil its huge promise of being "transformative" agent, capable of changing the minds, values and behaviour of the tourist and the local citizen alike - as well as of providing a broad impetus to local economies throughout India - it needs to be radically altered in design and concept. It can be a vital component of the building of a tolerant democratic national consciousness, pride and identity, based on diversity and a multi-stranded historical contribution as enshrined in the GoI National Tourism Policy of 2002, the vision of tourism needs to shift essentially to the local level and to building links with local communities, so as to "achieve a superior quality of life for India’s people through tourism, which will provide a unique opportunity for physical invigoration, mental rejuvenation, cultural enrichment and spiritual elevation".

Therefore, in keeping with both Madhya Pradesh’s draft ecotourism policy as well as the MoT, all activities should be culturally in tune with the practices adopted by the communities. Where communities have knowledge of art and handicrafts, the option of the communities themselves producing souvenirs should be explored with them.

Finally, the perception that community involvement has been achieved with the employment of local communities as staff on tourism establishments, tour guides, drivers for vehicles etc. needs to be reviewed. This is mere tokenism since the majority of the income earned goes either to the private operators or to the government departments involved. Besides, that ecotourism can be a substitute income generation for rural communities is a myth that needs to be explored and broken. Tourism at best can be a time bound and limited option in terms of the number of people who can be involved in the projects (unless they are completely community owned).

If ecotourism is being promoted as a form of conservation and if it is seen that the community has a role to play, there needs to be a shift in addressing the enterprise as a project to being a process.

**Ecotourism as income generation**

One of the recurring arguments presented by the MPEDB in the backgrounder for the workshop on PPP in Ecotourism held in October, 2010 is the need to create spaces for private investment in forests to augment resources required for forest management.

Estimating the costs of regeneration and the sources of funds received by the Forest Department is a difficult task. Firstly, identifying and segregating different cost components is a challenge since administrative costs overlap various activities including conservation and management.

Secondly, identifying the source of resources is also a challenge. The Forest Department receives money from both the state and central governments. There are several crores of funds parked in CAMPA, the utilisation of which has been extremely low. The Government of India is also receiving large amounts of funding from various International Financial Institutions for forest regeneration.

Fundamentally, the issue here is to examine if the income generated from ecotourism activities do go back to the Forest Department. Currently, all earnings from forests (NTFP, timber, entry fee etc.) go back into a common pool wherein all non-plan income of the state is parked, from where allocations for different expenses are made. There is no way to ensure that the incomes from tourism are ploughed back to the Forest Department for regeneration work. Therefore, the only direct benefit that is traceable
is salaries people receive in case they are employed at tourism sites. This creates a rupture in the idea that ecotourism can be used as an income generation method for forest conservation.

It has been found that almost 70% of income from wildlife tourism is from the fees collected from the entry gate, which means the larger the number of tourists, the greater the earnings of the Forest Department. This is in complete opposition to the concept of ecotourism. Additionally, the large sunk cost of tourism infrastructure developed at the sites becomes redundant since several of the tourists prefer day visits to overnight stays. Further, it has been projected that per hectare annual expenditure for ecotourism is Rs.155 and the per hectare annual income is Rs.1513. This clearly goes to show that ecotourism by itself is not a self-sustaining activity. Ecotourism needs to be coupled with other income generating activity like NTFP, agriculture etc. for it to be a sustainable option for livelihood for communities.

A significant player in the ecotourism industry is the Karnataka Jungle Lodges and Resorts Ltd. (JLR), a fully owned enterprise of the Government of Karnataka. JLR has also been adjudged as the Best performing State Public sector Enterprise and has been awarded the "Chief Minister’s Rathna Award" for the year 2009-10. However, in terms of conservation JLR does not directly engage in conservation activities. They only contribute a certain amount of money to the Forest Department for conservation work, which finds its way to the common non-plan pool and is lost there. This is rather counter-productive to the vision that ecotourism can bring in the monetary requirements for conservation.

Conservation and Ecotourism

Conservation means 'preservation or restoration of the natural environment'. Ecotourism along with other more stringent measures are seen as ways of conserving forests. However the example of JLR above, is one of how ecotourism has failed as a conservation mechanism. Other examples from Kanha and Bandhavgarh show that the private companies involved in ecotourism do very little to restore the forests since much of the green seen on their campuses are exotic varieties which are of little use to the wildlife and people of the region. Further, community conservation practices demonstrate how conservation and use of forests may be done in a manner which is sustainable. The Idu Mishmis of Arunachal Pradesh, Munda Khunkattidars of Jharkhand and the taungya forest practices in North Bengal are examples along with several other practices adopted by each of the adivasi communities and other forest dwellers who have traditionally used as well as conserved forests.

One of the prime reasons for this stark difference between the ecotourism and forest dwellers initiatives for conservation, is the attitude that each of them hold towards the forests. Ecotourism developers are concerned with the turnover at the end of the year or at best are naturalists who wish to live away from the cities and see this as a perfect livelihood option for themselves. They do not depend on the diversity that the forests around them are home to, which is quiet the opposite for the adivasis and the forest dwellers.

Thus ecotourism, as does the Forest Department, approach conservation from a monetary point of view, where extraction is the key rather than conservation. By and large therefore the benefits of ecotourism to conservation as well as income generation are suspect.

Benefit sharing in a PPP model

While within the PPP framework, there is no transfer of ownership of resources like land, rivers etc. the fact that a company pays a significant amount for the development of these for tourism activities means that the company would start limiting the access of communities to the resource. The Sheonath River, Chhattisgarh is an example of such an experience. The MPEDB therefore needs to acknowledge the community as a co-owner of the resources along with the Forest Department, which to a small extent has been established when the rights of people living in forests were granted to them. This will ensure that the community is both consulted as well as is a part beneficiary of the ecotourism development. While the Forest Department will benefit from the lease, other more pertinent and valuable forms of benefits reaching the community need to be explored.
One example of this attempt is the recognition of the intellectual property rights of the indigenous communities and them getting commercial recognition in the case of *Trichiphus zeylanicus* (*Arogya paccha*) and the Kani tribes in Kerala. However, even case studies like this need to be further analysed to understand not only the sharing of commercial benefits but also the change in control over the resource, since this is equally if not more important for communities.

In the context of tourism, at the Mukki gate of Kanha Tiger Reserve, there is a village called Banjar Tola on the banks of the river Banjar. The lands of this village are prime tourist property and several villagers have sold large chunks to outsiders to develop tourism infrastructure like resorts etc. The villagers are of the opinion that once these developments are completed, they will have reduced access at a portion near a bridge across the river.¹⁴

Benefit sharing is an important element in ecotourism for 2 reasons - 1. Ecotourism in its definition subsumes that communities will benefit and 2. Apart from the living accommodations constructed, all other activities use resources, which are common property resources like water bodies and even forests. This would entail the MPEDB taking seriously the PPPP model that is mentioned in the Draft Ecotourism Policy, where people are included as equal partners.

Some of the examples of benefit sharing that have been experimented within the PPP framework is a tax that the company could pay to the Gram Sabha. However, such a model needs to be studied for its benefits as well as its shortcomings.

Most importantly, just as tourism development cannot be standardised across sites, the model for benefit sharing also cannot be standardised since this needs to take into consideration the culture, ethos and values of the communities.

**Proposed text for the MOU**

Our observations on the MPEDB's Request For Proposal (RFP) Bid Document Part - II Draft Concession Agreement (DCA) have been mentioned above. The following text is recommended to be a part of this document:

"Each site will be treated separately so as to ensure that the social and cultural specificity of the communities in each region be acknowledged and considered while developing tourism activities.

Before signing the MoU, the bidder, over a minimum of a 6-month period, would need to hold formal documented consultations with the Gram Sabhas which are in the jurisdiction of the project - both in the revenue land as well as in the forest land. Based on these consultations, specific detailed action plans, clearly stating the infrastructure that will be developed, natural resources that will be used etc. will be drawn up by the bidder, which will need to be approved by the Gram Sabhas before implementation. Only local resources will be used for infrastructure development.

All activities part of the ecotourism enterprise shall be in keeping with the cultural specificity of the region and in accordance to the approvals of the Gram Sabha.

A model of benefit sharing will need to be arrived at with the communities involved and ratified by them. This document will need to be submitted to the MPEDB within 6-12 months of initial entry of the successful bidder into the region. The model created should be such that the entire community benefits as a group or that there is a rotation established if individual or specific families are to be benefited.

A monitoring group comprised of community members from the different villages within the jurisdiction of the project will be formed which will conduct six-monthly reviews, which will be sent to the MPEDB. Strict action in case of violations of The Wildlife Protection Act, 1972 , The Forest Conservation Act, 1980 , The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and The Panchayat Extension to Scheduled Areas (PESA) Act, 1996 will be taken according to regulatory guidelines¹⁵ of the Board.

External reviews will be conducted every 3 years."
Annexure 1

The Nanda Devi Biodiversity Conservation and Eco Tourism Declaration October 14, 2001 Gram Sabha Lata, Chamoli, Uttarakhand

Today on the 14th of October, 2001 in the courtyard of the temple of our revered Nanda Devi, we the people’s representatives, social workers and citizens of the Niti valley, after profound deliberations on biodiversity conservation and tourism, while confirming our commitment to community based management processes dedicate ourselves to the following -

1. That we, in accordance with the resolutions adopted by the World Tourism Organisation’s Manila Declaration 1997 on the Social Impact of Tourism will lay the foundation for community based tourism development in our region.

2. That in our region we will develop a tourism industry free from monopolies and will ensure equity in the tourism business.

3. With the cessation of all forms of exploitation like the exploitation of porters and child labour in the tourism industry, we will ensure a positive impact of tourism on the biodiversity of our region and the enhancement of the quality of life of the local community.

4. That in any tourism related enterprise we will give preference to our unemployed youth and under privileged families, we will also ensure equal opportunities for disabled persons with special provisions to avail such opportunities.

5. That we will ensure the involvement and consent of the women of our region at all levels of decision making while developing and implementing conservation and tourism plans.

6. While developing appropriate institutions for the management of community based conservation and eco tourism in our area we will ensure that tourism will have no negative impact on the bio diversity and culture of our region, and that any anti social or anti national activities will have no scope to operate in our region.

7. We will regulate and ensure quality services and safety for tourists and by developing our own marketing network will eliminate the middlemen and endeavour to reduce the travel costs of the tourist.

8. While developing the tourism infrastructure in our region we will take care of the special needs of senior citizens and disabled persons.

9. As proud citizens of the land of the Chipko movement, we in the name of Gaura Devi will establish a centre for socio-culture and biodiversity, for the conservation and propagation of our unique culture.

10. We will ensure the exchange and sharing of experiences with communities of other regions to develop eco tourism in accordance with the Manila Declaration of 1997 in those regions.

11. Acknowledging the spirit of Agenda 21 of the Earth Summit, Rio 1992, the Manila Declaration on the Social Impact of Tourism 1997 and the International Year of the Mountains and Eco tourism, 2002, we will strive for bio diversity conservation and an equitable economic development within the framework of the Constitution of the Republic of India.

12. Today on October 14, 2001, in front of our revered Nanda Devi, and drawing inspiration from Chipko's radiant history we dedicate ourselves to the transformation of our region into a global centre for peace, prosperity and biodiversity conservation.

Endnotes

1. EQUATIONS, 2009, “Daring to Dream - A case study of the Mountain Shepherds Initiative, Uttarakhand”
2. EQUATIONS, 2008, “Redefining Tourism: Experiences and Insights from Rural Tourism Projects in India”.
3. EQUATIONS, 2008, "Redefining Tourism: Experiences and Insights from Rural Tourism Projects in India".


5. The objective of the project was "to strengthen and mainstream biodiversity conservation at the landscape level by improving rural livelihoods, learning and its replication, through participatory approaches"

6. The construction of a dam on the river Tawa in 1974 led to the displacement of 3000 adivasi families from the region. In 1977, 25 villages were displaced due to the coming up of the Army Proof Range Establishment. Some years later an ordnance factory further displaced another 9 villages.

7. As narrated by grandsons Narendra and Yogendra

8. See "In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley (Studies in Social Ecology and Environmental History) by Amita Baviskar, Oxford University Press, 2005


10. Women often pay the price for tourism development since they are more vulnerable to transgressions by the tourists, yet most often have the least control over the economic benefits that the communities receive.

11. According to the MoEF website on CAMPA, income as on 31.1.2010 is Rs. 16,884,204,485 and the expenditure for the same period is Rs. 7,999,134 with a balance of Rs. 16,876,205,351. http://moef.nic.in/downloads/public-information/CAMPA-consolidated-income-expen.pdf


13. Ibid


15. The MPEDB should develop these guidelines before any other contract can be signed on.
"Development"? or "Appropriation"?

December 2010

Written at the request of Asia-Pacific Research Network (APRN), this paper looks at the concepts of development & development aggression through case studies from India, Indonesia and Philippines. The case studies explore issues of land grabbing and forest destruction for mining, monopoly in corporatisation of agriculture and the food crisis, tourism and displacement, land grabbing and forest destruction for production of palm oil, water as a commodity and the exploitation of human labour. This paper was presented at the Research Conference on Development organised by the Asia-Pacific Research Network (APRN) In December 2010 at Hong Kong.

Development as a concept is complex and eludes any definitive definition. The evolution of development process had several stages. It began with economic growth and then social, cultural and political rights became a critical component of the development process. The ideas of sustainability and development as enlarging people’s choices were added to the concept of development process. The United Nations Development Programmes’ (UNDP’s) current definition of Human Development includes the dimensions of empowerment, cooperation, equity, sustainability and security. Layered on to this are ideas of dignity and justice - often spoken of in the language of human rights and social justice. Political governance frameworks have also had an intersection with development - ideas such as democracy being more in tune with overall development than dictatorship and now participatory democracy contributing more to development than representative democracy.1

According to Human Development Report 2000 (HDR 2000), human rights and human development share a common vision and a common purpose - to secure, for every human being, freedom, well-being and dignity. HDR 2000 looks at human rights as an intrinsic part of development and at development as a means to realizing human rights. It shows how human rights bring principles of accountability and social justice to the process of human development.

Universally, Human Rights is seen from two perspectives: the rights of individuals vis-à-vis the State, and rights of groups (community rights). The Human Rights Based Approach to Development (HRBA) emerged from the concerns of global poverty as an affront to human freedom and dignity, and also as a matter of injustice. Mary Robinson, the then UN High Commissioner for Human Rights, singled out global poverty as the "biggest human rights challenge" of the day (2005; UNDP 2003). Her successor, Louise Arbour, continued the legacy by taking the position "inequalities within and between countries" as the "gravest human rights challenge" (2007. p. III).

The key elements of this concept can be summarized into four points2:

1. Overriding concern is human freedom and dignity;
2. Realization of human rights - all rights including economic, social, cultural, civil and political - by all individuals is a central objective of development;
3. Human rights principles should be part of the process of development. These include:
   a. Equality and non-discrimination;
   b. Participation of individuals especially in activities and decisions that affect their lives, and the empowerment of people;
   c. Accountability of the duty bearer to promote, protect and fulfil human rights;
   d. Indivisibility and interdependence of all human rights; (further explaining that all human rights are individually important and should not be traded off one for another);
   e. Obligations of progressive realisation, non-retrogression and immediate realisation of core minimum standards.
4. International human rights norms and standards should be applied in the development process and governments are accountable for their obligations arising from their commitment to international laws to which they are signatory.

The dominant development principles and practices, the discourse that legitimizes and rationalizes it, the knowledge, models and agents for development have mostly been influenced by the global north. Being led by rich and powerful economies the contemporary development discourse has assumed a hegemonic status. People’s voices from global south started questioning this hegemonic discourse on development -“Is this development or furthering appropriation under the guise of development?” The appropriation is blatant when military force is applied or corporations are granted leases to mine in forest land. They are less obvious when the appropriation of resources happens through market mechanisms and trade deals.

**Development Aggression**

“Development is development aggression when the people become the victims, not the beneficiaries; when the people are set aside in development planning, not partners in development; and when people are considered mere resources for profit-oriented development, not the center of development . . . . Development aggression violates the human rights of our people in all their dimensions-economic, social, cultural, civil and political.” The Philippine Alliance of Human Rights Advocates, as quoted in Ramon C. Casiple, "Human Rights vs. Development Aggression: Can Development Violate Human Rights?” Human Rights Forum: Focus on Development Aggression. Quezon City: Philippine Human Rights Information Center, 1996

Swept by the forces of globalisation and market based economy, development instead of benefiting people competed with them in establishing control over resources. Economic compulsions began to upset the balance with the development of industrial capitalism. As factory production conquered local production and increasingly harnessed mechanical energy to augment phenomenally the capacity to produce, the demand for raw materials increased. A large supply of raw materials was needed to feed factories and at the same time large markets for selling industrial products because essential. Rising international economic competition led to search for cheaper raw materials in distant lands. Capitalism turned outward. At this stage imperialism became the defining face of capitalism.

In the name of development, there is relentless drive by most governments in the developing world to attract investment. Governments are pursuing economic growth through incentivising industry and the deployment of domestic and foreign private capital on a massive scale. Based on a belief that the market should be the organising principle for social, political and economic decisions, policy makers are promoting privatisation of state activities and an increased role for the free market. Land and natural resources are being targeted to facilitate the interest of the investors. These include among others 'Special Economic Zones' (SEZ), Special Tourism Zones (STZ) and Free Trade Agreements (FTA) to attract investment, 'Private-Public Partnerships' (PPPs) and 'Build-Operate-and-Transfer' (BOT) for infrastructure development, Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD) as a mitigating mechanism for climate change, de-notification of forest areas for mining, dams and infrastructure projects and flexibility in labour markets and trade liberalization. To assist investment of private capital, apart from tax and duty concessions governments are diluting domestic regulatory mechanisms and government policies are calling for creation of "Land Banks" for private investments. The policies are encouraging governments to make land and natural resources available at desirable locations in low prices to private entrepreneurs and corporations. This has severely impacted the local communities, especially the indigenous people, across the world. Asian indigenous representatives informed the Working Group on Indigenous Populations (WGIP) at its eighteenth session in 2000 that “conflict and development interventions had resulted in large-scale displacements, internal and external, and serious consequences for [indigenous] children and youth resulting from the implementation of inappropriate and non-consultative development projects.”
The war goes on. Driven by the same hunt for natural resources, both post industrial societies and post colonial countries continues the aggression on resources. In post colonial societies, decolonisation merely changed the direction but not the goal of this violent hunt for natural resources. The more successful of the independent nations join the march of "development" only to become colonisers themselves. The formerly colonised countries are relatively new in the race, so the direction and the target of the hunt have changed. Regions inside the country are identified for hunt of natural resources. Imperialism turns inward. They wage war against their own citizens, but this time in the name of developing them.

Experience across counties from Asia-Pacific region show that the benefits of such development aggression has failed to reach the most marginalised and the poorest, including the indigenous peoples of the world, who acutely feel the cost of impacts of such aggressions, namely environmental degradation and loss of traditional lands and territories.

In the words of Colombian American anthropologist Arturo Escobar “Development has become the grand strategy through which the transformation of the not-yet-too-rational Latin-American/Third World subjectivity is to be achieved. In this way, longstanding cultural practices and meanings - as well as the social relations in which they are embedded - are altered. The consequences of this are enormous, to the extent that the very basis of community aspirations and desires is modified.”

The following case studies are testimonies to such aggression in the region:

**The story of land grabbing and forest destruction for mining in India** - Two giant mining projects were initiated by two multinational mining corporations in the resource rich eastern state of Orissa in India - $1.7 billion Vendanta aluminium project and $12 billion POSCO steel plant. Both the projects were backed by state and central governments with the claim that they would rapidly transform the state; bring unprecedented prosperity and well being to its people without causing unconscionable destruction. The Vedanta project proposed six-fold expansion of the existing refinery and a fresh lease of mining bauxite in the Niyamgiri Hill - a sacred hill for the local Dongria Khonds, a “primitive” Scheduled tribe who number less than 8000. The POCSO steel plant, proposed to be built on 1,620 hectares (1 ha= 2.47 acres), including 1253 ha of forest land was publicised by the government as the largest foreign investment proposal in India.

The Dongria Kondhs protested the bauxite mining plans by Vedanta. Their concerns were that the project, proposed to be situated on their traditional sacred lands and habitats, would result in violations of their rights as indigenous peoples to water, food, health, work and other rights to protection of their culture and identity. The already existing refinery at the foothills had created environmental havoc, polluting the air and natural streams.

In August 2010, under tremendous resistance from the local tribal communities, opposition from tribal rights activists & environmentalists and based on the report of the Saxena Committee appointed by the Ministry of Environment and Forest (MoEF), the Vedanta project was rejected clearance. As for POSCO, the same Saxena Committee and the majority report of another committee set up by MoEF put a spoke in the wheel. The reports confirmed that the POSCO project is illegal and that all of its clearances were obtained by breaking the law. The Committee reports also pointed that the project has potentially very dangerous impacts on issues like water, air pollution, and the coastline, and none of this was properly evaluated. Inspite of two reports submitted by two different Committees a conclusive decision is yet to be taken on POSCO. The Forest Advisory Committee (FAC) of MoEF still dilly-dallying about calling off the project.

**Monopoly in Corporatisation of Agriculture and the food crisis** The WTO Agreement on Agriculture, which promotes export competition and import liberalization, has allowed the entry of cheap agricultural products into countries thereby compromising their sustainable agricultural practices, food security, health and cultures. The view has been put forward that small-scale subsistence production, which characterizes many local economies, does not contribute to economic growth. That “… economic
growth will only come about if subsistence lands are rapidly converted into large-scale, capital intensive, export-oriented commercial production. Thus, small-scale farm production is giving way to commercial agri-business furthering concentration of ancestral lands in the hands of a few agri-corporations and landlords. The conversion of small-scale farming to cash-crop plantations has caused the uprooting of many community members from rural to urban areas.

The WTO Agreement on Agriculture (AOA) requirements for the liberalization of agricultural trade and the deregulation of laws which protect domestic producers and crops has resulted in the loss of livelihoods of indigenous corn producers in Mexico because of the dumping of artificially cheap, highly subsidized corn from the USA. Indigenous vegetable production in the Cordillera region of the Philippines has been similarly devastated by the dumping of cheap vegetables. The drop in commodity prices of coffee has impoverished indigenous and hill tribe farmers engaged in coffee production in Guatemala, Mexico, Colombia, and Vietnam and India. All these are made possible due to high export subsidies and domestic support provided to agribusiness corporations and rich farmers in the United States and the European Union.

Tourism and displacement: Examples of land being grabbed either forcibly by the state using the principle of eminent domain or under the lure of quick cash has resulted in diversion of significant amounts of land for mega tourism projects. In order to facilitate this, government tourism policies speak about the creation of land banks, and changes in legislation are veering towards state led acquisition of land to facilitate greater industrialisation and development. The governments have encouraged acquisition of land for tourism development and granted incentives for growth and expansion in many cases resulting in forced displacement of local communities in complete violation of the rights of the local people. Kevadia in Gujarat is one among many such cases. Kevadia, in the Narmada Valley of Gujarat, is the site of the controversial Sardar Sarovar Dam where over 250,000 people were forcibly displaced to make way for the dam. Those displaced are still awaiting permanent resettlement and compensation. Now a new tourism project is triggering a fresh round of displacements in Kevadia. The original 1777 acres of land that was acquired under the “public purpose” clause for the construction of the Sardar Sarovar Dam in 1961-63, has turned out to be far more than was needed for the project: 1400 acres has remained unused. According to government policy, tribal land that is not being utilized for ‘public purpose’ for which it had been acquired needs to be given back to the community. However, the Sardar Sarovar Narmada Nigam Limited (SSNNL), a government owned corporation and the newly constituted Kevadia Area development Authority (KADA) claim that they are the official owners of the 1400 acres. Even amid widespread protests, the SSNNL is going ahead with what its website calls an “ecotourism” project. It boasts that the project will “present the dam site in its pristine and natural glory, with hotels, cottages, water-parks, amusement parks, golf courses, nature trails, convention centre, water sports activities and cruises in the 150 km stretch of dam reservoir”. Tourism is slowly and surely gaining hold in Kevadia and surrounding areas. People’s resistances against such move are also growing. The protests by the local communities in these villages are not only against the issue of the State government auctioning and leasing out land for commercial activities like tourism that communities depended on for livelihood and sustenance but also the process of negating their decision making rights through the constitutionally approved process of local self governance that has been handed over to Kevadia Area Development Authority (KADA).

Land grabbing and forest destruction for production of Palm Oil in Indonesia - Global industrial demand for palm oil, used for bio-fuels and cosmetics, among other things, continues to drive the destruction of massive tracts of the Indonesian rainforest. Around 67 percent of the land taken for palm oil plantations is controlled by just 5 companies- Socfin Group or Socfindo (Belgian), London-Sumatra or LONSUM (formerly British, now Indonesian, Wilmar (Singapore) and the massive conglomerate Sinar Mas, where Nestle has a considerable stake. About 80 percent of the palm oil produced in Indonesia is exported to Europe.

Local communities who have lived on the land for generations are forced into urban slums, or else they become low-paid labour for the large palm oil producers themselves. This also includes small-scale
farmers. As they have no official certificate for the land, large corporate enterprises which are either foreign-owned or suppliers of foreign multinationals claim it is their land. Small farmers are forced to switch from their own crops to producing palm oil. The police and military are involved in such forced expropriation and in the last two years 15 farmers have been shot. Other human rights violations include intimidation and wrongful imprisonment.

In 2006 there was a presidential decree stating that production would increase, and [the Indonesian government] would guarantee distribution. With this, palm oil plantations in the country underwent a 1.3 million-hectare expansion. Although Indonesia has not signed a bilateral Free Trade Agreement (FTA) with the European Union (EU) yet, in 2009 a Partnership and Co-operation Agreement (PCA) was made. Since then, Indonesia has been flooded with zero tariff wheat and sugar exports from Europe, undercutting and threatening the livelihoods of small farmers, while wheat-based, processed noodles are promoted as part of a so-called "food diversification plan" (despite the fact that rice is the staple food in Indonesia). Moreover, the EU Commission agreed on a biofuels policy in which they explicitly said it is better to produce in tropical countries because of cheap labour and resources.

**Water as a commodity:** PAM Lyonnaise Jaya (Palyja) entered Jakarta water service as a private partner when the water utility PAM Jaya privatized its water service in June 6, 1997. It is now owned by a multinational corporation Suez Environment, Astratel, and Citigroup. Since then, Palyja has a sole right to serve the west part of Jakarta. More than a decade after that, it's not hard to see that Jakarta water is not getting better as it was expected when the privatization undertaken.18

This is not a case in exception. The policies of the multilateral funding agencies promoted privatisation of water. The 2001 Asian Development Bank (ADB) "Water for All" Policy clearly illustrates the Bank’s wide-ranging agenda in commodifying Asia’s water from resource management to provision of piped water services. Essentially, the policy promotes full cost recovery in water pricing, and steps up the entry of private investments in the water sector. ADB takes parallel efforts with the World Bank and Japan Bank for International Cooperation (JBIC) in pushing for privatization in the region and even takes step further by emphasizing on the concept of "tradable water rights". By using loans as leverage, ADB forces national governments to put in place requirements for profitability to facilitate private takeover of public services19. The Review of ADB’s Water Implementation Policy in 2005 has simply affirmed the need to accelerate privatization by more than doubling the Bank’s investments in the water sector. The ADB’s new Water Financing Program targets US$ 20 billion annual investments for 2006 -2010 in making water "a core business area of ADB operations".

**The exploitation of human labour**20. For nearly a decade, the people in Philippines are being plagued by the pro-market policy of the government. With its pro-market orientation, the government has reduced budget support for agriculture to a minimum and has radically brought down tariffs on both agricultural and manufacturing imports. Over the years, the country was turned from a net food exporter to a net food importer. Abandoned to global market forces as the administration embraced the ideology of globalization, the economy was channelled to the massive export of labour, export-oriented low-value-added manufacturing, particularly of electronic components, and providing personnel for the outsourced operations of transnational corporations (TNC) like call centers. According to the labour movements in Philippines, the effects of neoliberal restructuring are still being felt in the Philippines. As a result of neoliberal globalization, the Philippines, like many other countries have undergone massive industrialization, and informal or temporary employment has outstripped the amount of formal work, putting millions into a perpetual state of insecurity. The effect of temporary work on people is devastating, especially for youth, who are the hardest hit. Having their survival tied to only 3 month contracts means they can never plan or build lives, families and communities. As a result of the temporization of work, the poverty level has risen significantly, especially in sprawling urban poor communities. There are a lot of health problems (less that 1 percent of the national budget is spent on health care); there is limited access for most people to medicine and children cannot attend school - further limiting their chances to secure work when they are young adults.
The story of development aggression does not end here. The spectrum of appropriation of resources for private profit in conflict to people’s right to access and use of such resources continues to grow. Widespread destruction of natural resources and environmental degradation has led to serious climate change impacts. Increasing urbanisation, an offshoot of globalisation, has resulted in increasing over-dependence of people’s lives on commodities. There has been tremendous increase in demand for power. The impact is seen across the world - rivers are being dammed to produce hydro electricity - a form that has been labelled as greener than other forms of power production. The story of dams and its impacts are similar in most places. The Bakun Dam in Malaysia is reported to have caused the forced displacement of 5,000-8,000 indigenous persons from 15 communities by clear-cutting 80,000 hectares of rainforest. Indigenous peoples in Arunachal Pradesh and other states in North-East India, are suffering similar fate caused by the building of numerous hydroelectric dams. In India, the government does not have figures of people displaced by large dams since independence. This is the biggest sign of the fact that displacement and resettlement of people is the least concern of large dam builders. This is particularly clear when we see that India is the third largest dam builder country in the world. Development aggression has also impacted people’s access to basic public health system, education and access to life saving drugs medical drugs at affordable prices.

The essence of the criticisms to the current form of development regime is that they exist not to support the development of the poor countries but primarily to maintain imperialist hegemony and serve the interest of the developed world and the international finance, which includes the profits and gains by the transnational corporations. It does not help the countries to progress but help in plundering of their resources, increasing the miseries of the people and making development another tool of aggression.

Our role as members of civil society

The experiences from across the countries echo similar ravages caused by aggressive development practices. Possible issues that we can look into for our collaborative research are the following:

- Documenting the existing and emerging forms of development aggression from the region - sector specific case studies from each country
- Documenting success stories of communities’ struggles that have resisted and stopped onslaught of development aggression (learning from experiences of people)
- Economic crisis and economic vulnerability - the impacts; lessons learnt; precautionary steps for future and the points of advocacy with governments.
- Development induced displacement - both internal (within the boundaries of nation states) and external (across the boundaries of nation states).
- Documenting Land Struggles - documenting the phenomenon of land grabbing, appropriation of land by governments for private use, change in pattern of land ownership, the issue of landlessness and struggles by local communities.
- Informalisation of work - Rights and threats to Migrant workers, Domestic workers, contract workers, the vanishing labour rights
- Documenting the regressive gender distributive effect of development aggression - changing equations and emerging social, economic and political constraints.
- The increasing threat of food crisis - lost of self sufficiency
- The role of civil society in resisting development aggression

The paper was researched and written by Ananya Dasgupta, Programme Coordinator, Governance Law and Tourism Programme, EQUATIONS for the APRN research conference on Development, Hong Kong, December 2010.
EQUATIONS is a research, policy advocacy and campaigning organisation working on tourism and development issues in India since 1985. Working closely with communities impacted by tourism it aims at influencing people-centred forms of tourism that are non-exploitative, sustainable, equitable, democratic in their decision making and ensure significant local benefits.

Endnotes

8. A four-member committee was constituted by MoEF under the chairmanship of N C Saxena, member of National Advisory Council to look into the issue of diversion of 660.74 hectares (1632.66 acres) of forest land for Vedanta bauxite mining project and diversion of 1253 ha forest land for the POSCO project and the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA).
9. This Committee was subsequently formed by MoEF headed by former Environment Secretary Meena Gupta to investigate violations of all laws, government procedures and rules.
10. A statutory body formed under the Forest Conservation Act, 1980 for assessment of forest clearance proposals received by the central government involving forest area of more than 20 ha.
12. Ibid
13. While the country was already witnessing widespread protests against the Special Economic Zones (SEZ) Act 2005, the National Tourism Advisory Council (NTAC), a think tank under the Ministry of Tourism (MoT) floated in November 2006 the proposal of establishing Special Tourism Zones (STZs) on the lines of (SEZs) to boost tourism and increase investment, employment and infrastructure in the country.
14. A para-statal central body taking over the administrative rights of the region from the hands of the district authorities and the local self-government institutions like the Panchayats.
17. Interview extracts of Elisha Kartini who works for the Indonesian Peasant Union. It is part of the series of interviews that looks at the work of activists from Asia who came to Brussels in October 2010 to participate in the Asia Europe People’s Forum (AEPF8). Refer http://www.tni.org/article/activists-across-asia-explain-how-eus-free-trade-agenda-affects-them-1-indonesia-and-china
20. Temporary work status and threats from militia make it hard for Filipino workers to organise - An interview excerpts of Oshua Mata, Secretary General of the Alliance for Progressive Labor (APL), Philippines- a national labour centre that recognizes, organizes and mobilizes all types of workers and unions, with a commitment to social movement unionism - which goes beyond a narrow wage-earner focus to address also the social costs of oppressive political-economic systems. Refer http://www.tni.org/article/activists-across-asia-explain-how-eus-free-trade-agenda-affects-them-3-labour-rights-philii-0
21. These topics emerged during the discussion amongst APRN members during the Annual General Body Meeting in July 2010 in Baguio, Philippines. It was discussed that the following issues unite all southern block countries. These are not all inclusive.
A field visit to the Achanakmar Wildlife Sanctuary was undertaken between October 29 - 31, 2010 to study the developments at the Sanctuary vis-à-vis Project Tiger and the adivasis who live within the sanctuary. The objective of the fact finding exercise was:

- To document violations with respect to The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and The Panchayat Extension to Scheduled Areas (PESA) Act, 1996.

- To document lapses in resettlement and rehabilitation

- To document the tourism development taking place within the Sanctuary

Figure 1: Map of the Achankmar Wildlife Sanctuary

I. Brief History of the Achanakmar Wildlife Sanctuary (WLS)

Achanakmar was declared as a Wildlife Sanctuary in the year 1975 and is an important part of the Achanakmar-Amarkantak Biosphere Reserve. The Sanctuary, which is spread over an area of 551.552 sq. kms. is located in the Lormi Taluk of Bilaspur district and falls under the Bilaspur Forest Division. In 2003, the 37th meeting of the Steering Committee of Project Tiger held on 23rd January 2003 recommended that Achanakmar WLS be declared as Critical Tiger Habitat and be included in the Project Tiger. The date of notification of tiger habitat was 20.02.2009.

According to a letter dated September 17, 2010 written by the Deputy Inspector General of Forests to the Sr. Pay & Accounts Officer, Ministry of Environment & Forests on the subject of "Centrally Sponsored Plan Scheme ‘Project Tiger’ Administrative Approval for funds release to Achanakmar Tiger Reserve, Chhattisgarh during 2010-11." A total amount of Rs.1200.77 lakhs has been sanctioned by the National Tiger Conservation Authority (NTCA) for the year 2010 - 2011.
Below are the details of the flora and fauna in the WLS:

Animals: Tiger and leopard are the main carnivorous animals found in the sanctuary. The other animals are chausingha, sambhar, gaur, walking deer, langoor, monkey, wild boar, bear and the golden dog.

Birds: The birds which inhabit the sanctuary are peacock, parrot, myna, Indian coucal, kingfisher, vulture, bluethroat, eagle, jungle babbles, nightjar, pheasant and crane.

The forest has been categorised as a 'Northern Tropical Moist Deciduous Forest' with the following trees present: sal, saja, dhavda, tinsa, haldu, tendu, gooseberry, jamum, bel, karra and bamboo.

There are 25 forest villages within the core of the WLS of which 75% are of the Baiga community and the remaining are from the Gond community with a small number of Yadavs. The total population of these forest villages is 17741.

II. Brief History of the Baiga Community

The Baiga Chak region is located in the Mailkal hills of the Satpura mountain range and is spread over the districts of Shahdol, Mandla, Balaghat, Bilaspur and Kawardha. In 2001 when the Chhattisgarh state was carved from Madhya Pradesh, this region was divided between the 2 states with the first 3 districts remaining with Madhya Pradesh and the last 2 going to Chhattisgarh. The Baiga adivasis (categorised as Primitive Tribal Group) have lived in this region for centuries and consider themselves the protectors of the forests. Historically, they have had little connections with the people living in the plains. According to a special survey conducted by the Tribal Research Institute, Bhopal in 1992 - 93, the total Baiga population recorded was 1,34,357.

In Chhattisgarh, Lormi and Mungeli Blocks of district Bilaspur have the largest Baiga population. The majority of them live in 42 forest villages within the Achanakmar WLS and which is also considered one of the most backward regions of the country.

The lifestyle of the Baiga community is deeply connected with the forests wherein they practice agriculture without the use of the plough and grow 12 different kinds of crops using this method. They practice shifting agriculture, where they cultivate one piece of land for 3 years and then move to the next patch, allowing for forest regeneration. It was during the British rule when the forests were declared the property of the State that the community was pushed to poverty. To facilitate the cutting of forests for timber, the British brought the Baigas from the highlands to the foot of the hills and settled them in forest villages.

The Baigas of Chhattisgarh have repeatedly faced displacement due to various projects first in Bhoramdeo in district Kawardha, Bodla Block in district Kawardha and now in Achanakmar WLS in district Bilaspur.

III. Details of the Violations

A. Forced Displacement

There are a total of 25 villages in the core area that will be displaced due to Project Tiger. Resettlement and Rehabilitation has been planned in a phased manner of 6 villages at a time. Rehabilitation sites are being developed in the periphery of the Sanctuary.

In the first phase 6 villages (Kumba, Sambhardhasan, Bankal, Jalda, Bahaur & Bokrakhachar) were displaced in December 2009. According to the 'Revised Guidelines for the Ongoing Centrally Sponsored Scheme of the Project Tiger', the State is obliged to make the required arrangements as per Option II, which is what the 6 villages had opted for. Further, each household is to also receive 5 acres of land for agriculture.

Promises of living accommodation, school, health centre, roads and livelihood sources were made, based on which the forest department had people sign documents stating they are voluntarily moving from the original villages to the rehabilitation sites. However, when the villages were displaced at the peak of the winter season none of these were ready. In fact in the absence of shelters, the adivasis had brought with them some wood from the jungle so that they could build homes to live in.
At the time of displacement each head of the household was given Rs. 5000, which was exhausted for living expenses since the Baigas who earlier subsisted on the forest had to purchase much of their daily food requirements from the market. While bank accounts have been opened in the name of the head of the household only Rs 45,000 of the Rs 10,00,000 has been deposited and passbooks have not been handed over until now. People therefore are unable to withdraw money from their accounts and neither has the infrastructure developed. At the time of displacement, families had also not been allotted farm lands as was promised.

The displaced families were moved to *nistari* areas of villages in the periphery of the Sanctuary. This has led to a lot of animosity and resulting conflict between the communities in the host villages and the adivasis who have been displaced.

A meeting of representatives of civil society organisations and political parties was held with the DIG, National Tiger Authority and Mr. Bargaiyyan, Divisional Forest Officer (DFO), Forest Department on December 26, 2009. At this meeting Mr. Bargaiyyan accepted that there was no plan within the Forest Department to construct living accommodation for those who were displaced.

It was only after this intervention by the Baiga community through the civil society organisations and political parties, did the forest department take steps to fulfil promises made earlier.

When the fact finding team spoke with the adivasis who were displaced, they shared that they did not want to leave their lands, homes and forests. Yet, the forest department started putting pressure by refusing them to access the forests for minor produce and firewood. They also shut down schools in the region and threatened the adivasis that they would bring tigers and elephants and chase them out. When this went on for several months, they were forced to leave their homes.

The second phase of displacement will take place soon and the next set of 6 villages are experiencing this similar treatment. People in village Chaparwa reported that when they go into the forests to collect firewood, the forest guards harass them and do not let them bring back any forest produce. They have also started entering the villages to threaten them with drastic consequences like setting elephants on them.

While this process of forced displacement is taking place, and the Baiga community is being denied entry into the forest to collect minor forest produce, the Yadav community who own large numbers of cattle continue to graze them in the forests.

![Figure 2: Cattle owned by the Yadav community grazing in the forest](image)
B. Violation of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Some individual claims have been settled under the FRA, 2006. However, there has been no recognition of community rights at all. In cases where people had received individual certificates, these were being used as a "legitimate" way to displace the people claiming that their FRA claims had been settled. Yet, the forest department knowing that if community claims were settled, they would not be able to displace the adivasis as easily as they did. Further, the important right to protect forests as enshrined in the Act has been completely violated. The adivasis were not taken into confidence when the Sanctuary was declared as Critical Tiger Habitat. Neither was their help elicited in the protection of the forests and its wildlife including tigers.

C. Status of The Panchayat Extension to Scheduled Areas (PESA) Act, 1996

The adivasis shared that some parts of the villages in the forest are not recognised under the PESA. In these villages the Yadavs are the Sarpanch. Further, they also shared that there was no difference in the region being under PESA areas since the forest department is not following the provisions of the Act. While the government is obliged to discuss all developmental plans for the villages with the Gram Sabha, which is supposed to take the decisions, in actuality this does not happen. The fact that the adivasis were not consulted before declaring the Sanctuary as Critical Tiger Habitat is a case in point. The Act is therefore clearly being violated both in letter as well as in spirit.

D. Status at the rehabilitation sites

Out of the 6 villages displaced, the fact finding team visited the 3 villages of Bankal, Bokrakhachar and Samar Dhasan. When the team visited the rehabilitation sites, the adivasi men were sitting around since they did not have any work to do. The women were busy cooking or caring for the children. The adivasi men shared that they did not have any work to do since they had finished harvesting the crop and they could not go into the forests to collect either minor produce or fire wood.

People of the villages shared that they felt betrayed by the forest department. When they lived in the forests, they were not dependent on the market for anything apart from salt and oil. The people used to grow their food grains and vegetables and earned money from the NTFP they collected using which they fulfilled their other needs. During illness, they collected medicinal herbs from the forests and were able to take care of their health needs.
According to the Revised Guidelines for the ongoing Centrally Sponsored Scheme of Project Tiger, “In case resettlement has been done on a forest land, the new settlement will be eligible for access to forest resources for their bonafide use through the village level committee and Gram Sabhas.” However since the forests are far away from the rehabilitation sites (which were themselves nistari for the villages already living in the region), in actuality the displaced families are not able to access forests for minor produce.

Therefore, on moving to the rehabilitation sites, they have lost access to the forests because of the distance as it would take them 2 full days to go to the forests, collect the produce and return. Apart from collecting minor forest produce to sell, the adivasis also collected firewood for fuel from the forests. Now they have to buy firewood from the market. Therefore the adivasis have not only lost their only source of income, they are also having to spend more money than before as many more basic needs are having to be fulfilled by the market.

In terms of agriculture, land that the adivasis have been given, while being fertile, will take about 5 years of cultivating so that optimal productivity levels can be reached. Due to this the food grains that they were able to produce this year has not been sufficient for their annual food grain requirements, let alone excess to sell in the market. However, the villagers were not consulted when they were allotted lands or while choosing the site for the new village. No irrigation facilities have been made, making the adivasis dependent on the rains and are therefore able to cultivate only 2 crops a year.

The adivasis also shared that there are no other livelihood options at the rehabilitation sites. The only option would be to go to cities and work as contract labour at construction sites etc. a skill they do not have and also no aspiration for. They shared that they would not go to the cities and if things did not get better they would rather go back into the forests. Since the villages are resettled within the forest limits, no other development programmes like NREGA can be implemented.

The impacts of displacement are already visible. Mangalsingh Baiga, aged 45, died of starvation at one of the rehabilitation sites. The forest department has dismissed it as a case of death due to old age!

No schools and Public Health Centres (PHCs) have yet been constructed in the rehabilitation sites. While there is one borewell that has been dug in each village, of the 3 that we visited only one is in working order. The women of the other 2 villages have to travel approximately 1 km. to fetch water for drinking, cooking and cleaning purposes.

As is seen in the photographs below, all the homes for the displaced families are made of cement and seem rather like a colony than a village. None of the families use these structures to live in and instead stock the foodgrains that they have harvested in them. Further, the adivasis grow various kinds of vegetables near their homes and allow the creepers to grow on to their roofs. This serves 2 purposes, as a food supplement and also to keep their homes cool in the summers. This is not possible when homes are made of cement.

![Villagers have put up their homes behind the cement structures erected for them](image)
Mr. I. N. Singh, Conservator Forest (CF), Bilaspur Forest Division, on being asked about the status of rehabilitation, said that all that was promised as been delivered. He also went on to say that when the adivasis who still live in the core area visited the rehabilitation sites, stated that they would also like to move to the rehabilitation sites. He suggested that a team of representatives visit the sites and conduct an independent review and was firm in his belief that when such an exercise was carried out, they would be satisfied.

Mr. Bargaiyaan, DFO, Bilaspur Forest Division was unavailable for comment.

The adivasis at the rehabilitation sites reiterated what the adivasis still living in the forests said about their relationship with the tigers. They said that they do not understand why they had to removed from the forests for the tigers to survive since both the tigers and adivasis have always co-existed for centuries without facing any significant human-animal conflict.

Figure 5: Rehabilitation site of village Bokrakhachar - This sight reminds one of an urban colony, rather than a village

Figure 6: Rehabilitation site of village Bokrakhachar. Here again we see that families have erected their homes next to the cement structures
Figure 7: Rehabilitation site of village Samar Dhasan

Figure 8: Rehabilitation site of village Samhar Dhasan

Figure 9: Rehabilitation site of village Bankal
E. Tourism Development

While on the one hand people who have lived in the forests for centuries both living off the minor produce and protecting and regenerating the forests are being displaced in a brutal manner, on the other hand, the forest department in collaboration with the Chhattisgarh Tourism Board is developing tourism infrastructure like cottages, roads etc.

At Avrapani, which is in the list of villages to be displaced in the second phase, and where people are being harassed by the forest department, such tourism development is evident. The villagers of Avrapani also shared that several people from the city come and hunt illegally in the forests. Clearly the forest department is hand in glove in this, since no hunting can take place in the forests without the knowledge and implicit support of the forest department. Yet, when the adivasis go into the forests to collect firewood and other produce, they are falsely booked under the Forest Protection Act just to intimidate them.

Below are some photographs of the infrastructure being developed at Avrapani.

Figure 10: Tourism Development at Avrapani

Figure 11: Widening existing pathways leading towards the cottages is being planned
Roads leading to the core areas have been closed for the villagers. Yet the forest guest houses on these roads which are in the buffer zones continue to function. Below is a forest guest house at the Achanakmar gate of the Sanctuary.

![Figure 12: Forest Guest House at Achanakmar gate](image)

At the Achanakmar gate, there is there was no forest guard manning the gate. The only limitation evident, through a sign at the gate was the regulation on the nature of vehicle which can enter the Sanctuary. Therefore it would be easy for any vehicle to enter the Sanctuary without any regulation of number of vehicles that is entering the forest. The only manned gates were seen between the core and buffer areas.

![Figure 13: Boards at the Achanakmar gate](image)

IV. Recommendations

The adivasis fundamentally feel that there is no need for their removal from the forests in the name of conservation of tigers. The current move to oust communities in the forest is in direct violation of both the WLPA amendment of 2006 as well as the FRA, 2006 and should therefore be reviewed.

- An independent review of the status at rehabilitation sites including livelihood, living accommodation, access to forests, access to education, health services and other civic amenities must be conducted.
Based on the outcomes necessary steps should be taken and only then should the next phase of rehabilitation be taken up.

- All FRA claims should be first settled - specifically **community rights** should be acknowledged and settled.
- The FRA provision of right to protect the forests should be acknowledged and this should be taken into account before any further displacement takes place.
- Further, both the FRA, 2006 and the Revised guidelines for the ongoing centrally sponsored scheme of Project Tiger, 2008, mention the right of the adivasis and other forest dwellers to access natural and forest resources and this should be upheld.
- Currently, the form of displaced is forced (by manipulation). The forest department needs to show cultural sensitivity, especially while building the homes which should be such that they are specific to the cultural and social context of the communities. Further, resettlement sites should be identified such that they are near the forests so that people can access the natural and forest resources. This can be made possible by conducting PRA exercises with the communities.
- Money that is due to the people who have been displaced should be given and passbooks handed over to the heads of the households.
- Any tourism development that takes place should take the community into confidence and the process should ensure that the opinions of the community be respected and acted upon.

Members of the Fact Finding team: Rashmi Dwivedi, Motilal, (Baiga Mahapanchayat, Lormi), Swathi Seshadri (EQUATIONS, Bangalore), Gautam Bandopadhyay (Nadi Ghati Morcha, Raipur).

### Endnotes

3. **Option I** - Payment of the entire package amount (Rs. 10 lakhs per family) to the family in case the family opts so, without involving any rehabilitation / relocation process by the Forest Department.
   **Option II** - Carrying out relocation / rehabilitation of village from protected area / tiger reserve by the Forest Department. The details of the rehabilitation package according to Option II can be found at: [http://projecttiger.nic.in/whtsnew/revised_guidelines_css_pt.pdf](http://projecttiger.nic.in/whtsnew/revised_guidelines_css_pt.pdf)
4. Nistari areas are the village common lands including grazing lands, common property resources like parts of forest which are traditionally owned and used by the community.
5. Please see Annexure 1
6. Gautam Bandopadhyay accompanied the team during the visit to Mr. I.N. Singh.
Annexure 1: List of Villages visited/ government officials met

Date of visit: October 29 - 31, 2010

1. Mahuamacha
2. Bantipathra
3. Avrapani
4. Dudhwa Dongri
5. Dhameri
6. Sarsoha
7. Podharpara
8. Dangriya
9. Babudola
10. Chaparwa

Resettlement sites visited: Bankal, Bokrakhachar, Samhar Dhasan

Mr. I.N. Singh, CF, Bilaspur Forest Division

An appointment to meet Mr. Bargaiyyan, DFO, Bilaspur Forest Division on November 1, 2010 was taken, but was not present at his office when we went there. He also did not receive any phone calls when we tried to contact him.

Annexure 2: Testimonies

**Village Mahuamacha**

We do not want to leave our village. We came down from the hills and have settled here and do not want to leave. Whoever comes and whatever money they offer, we don't and will not leave.

We do not have rights to the forest produce. Since they are collected by the forest department and they do not follow the rules. We are not allowed to light a fire in the night. We cannot play the drums after 11.00 in areas where there is the tiger.

There is no school, water, electricity and other civic amenities.

Our slogan is "Baiga, Bhagva, Jungle, Pahad sab ek hi hai". The current perspective of seeing people different from the tiger is that of the government and not ours. We have lived with the tigers for centuries and know how to co-exist.

We have already faced displacement a multiple number of times - from Kundria dam to Avarapani to Mahuamacha and now for the tiger reserve.

Every village has a dalal and they (the forest department) is using them to break the villages.

Though this is a predominantly adivasi area, all villages are not under the PESA. Therefore in these villages there is no reservation for an adivasi sarpanch. Due to this the Yadav community (which is non-adivasi and are a dominant caste) become the Sarpanch and do nothing to further the welfare of the adivasi people in those villages. For e.g. the following four villages in this region - Patpara, Jhiriya, Nivashhar, Suri.
Village Bantipatra and Avrapani:

They (the forest department) have informed us that they we are in the list of next 6 villages to be displaced. We don’t want to go. They have also told us that infrastructure development has been sanctioned for us. We earn from our jungles. There is no limit on wood collection but there are limits on collection of NTFP. What will we do if we have to leave the jungles?

There is a lot of tourism in this village. People come from the cities to hunt deer, jungle boar, jackal. They also come and put up a camp and stay the nights for picnics. They eat and drink alcohol, make a lot of noise and leave the place dirty.

Only 29 families have got the van adhikar patras for the land that we are cultivating. Those who have not got it are non-ādivasi and they are not cultivating much land.

Village Dhudhwa Dongir:

We do not get any forest produce in the cities. We will therefore not go. We will die here but we will not go. They (the forest department) catch when they go to the forest to collect NTFP including bamboo. There are no tigers here then why are we being displaced?

Village Chaparwa:

We don’t want to go. But we have been threatened. They (forest department) will not allow to go to the jungle. They have completely stopped our movement and are not allowing any minor forest produce to be collected. Whatever we collect is what we need for our own use, but they are not letting us collect for selling.

We have got van adhikar patras and 2-4 people have been left out. But the adult sons have not received any of this. Therefore they might not get separate land when we are displaced.

People are being forced to leave. They (the forest department) are controlling everything. 6 villages have already been thrown out and we are to be the next.

They say that the National Human is the Baiga, then why are we being thrown out of our homes, lands and forests like this?
SECTION I: TRENDS AND KEY ISSUES IN TOURISM DEVELOPMENT IN THE WESTERN GHATS

Introduction

The Union Ministry of Environment and Forest formed the 14-member Western Ghats Ecology Expert Panel (WGEEP), to recommend measures and assist the government in the preservation, conservation and rejuvenation of the environmentally sensitive and ecologically significant regions of the Western Ghats. The panel’s mandate is to assess the ecological status of the Western Ghats region, demarcate areas within to be notified as ecologically sensitive zones under the Environment (Protection) Act, 1986, and recommend modalities for the establishment of the Western Ghats Ecology Authority under the Act. EQUATIONS was invited by the Western Ghats Ecology Expert Panel (WGEEP) to submit a paper on “Tourism in the forest areas of Western Ghats” and join the consultative process started by the WGEEP to fulfill its mandate.

Tourism is increasingly being located in natural areas and areas with fragile ecosystems like mountains, hills, coasts, forests and wetlands. Different tourism products like ecotourism, wilderness, wildlife tourism, are growing rapidly in pristine and less accessible forest areas - the national parks and wildlife sanctuaries. Tourism has emerged as one of the key economic activities in the Western Ghats due to the rich biodiversity and verdant landscapes acting as the natural resources for tourism to thrive in this region. What is emerging also form a review of many papers that have studied the ecological significance and the issue of tourism increasingly being recognised as a factor and as a threat to ecological sustainability and diversity of the region.

Approach and Methodology

Considering the short time-frame, we have attempted a rapid assessment of trends in tourism in the Western Ghats and provided broad-based recommendations based on a few field visits. We also relied quite heavily on other studies done in the region by EQUATIONS as well as other researches and organizations in the past 10 years. For the field visits, the locations were chosen on the basis of the different kinds of tourism practices followed, geographies, access to the destination, the short-time frame, and previous studies conducted in the locations. The case studies are a result of the field visits and are an attempt to understand the impacts of tourism at these destinations. This paper intends to set a framework of issues for closer monitoring and more detailed impact assessment of tourism in the Western Ghats.

1.1 The Western Ghats

The Western Ghats, extending along the west coast of India, covers an area of 160,000 square kilometers and is one of 34 global biodiversity hotspots for conservation as defined by Conservation International (the Western Ghats and Sri Lanka are the two on the Indian subcontinent, the third being the Himalayas). The Western Ghats, also known as the Sahyadri Hills stretch for 1,600 kilometres along the west coast of India, interrupted only by the 30 kilometers long Palghat Gap, through the states Kerala, Tamil Nadu, Karnataka, Goa, Maharashtra and Gujarat. About 60% of the Western Ghats is in the state of Karnataka.
The area is extraordinarily rich in biodiversity. Although the total area is less than 6 percent of the land area of India, the Western Ghats contains more than 30 percent of all plant, fish, herpetofauna, bird, and mammal species found in India - over 5,000 flowering plants, 139 mammals, 508 birds and 179 amphibian species. Like other biodiversity hotspots, the Western Ghats has a high proportion of endemic species. At least 325 globally threatened species occur here. The region also has a spectacular assemblage of large mammals and is home to several nationally significant wildlife sanctuaries, tiger reserves, and national parks. The Western Ghats contains numerous medicinal plants and important genetic resources such as the wild relatives of grains (rice, barley, Eleucine coracana), fruits (mango, garcinias, banana, jackfruit), and spices (black pepper, cinnamon, cardamom, and nutmeg).
In addition to rich biodiversity, the Western Ghats is home to diverse social, religious, and linguistic groups. There is high cultural diversity of rituals, customs, and lifestyles in the region including a significant population of adivasis and forest dwellers. The ecosystem provides important services for human well-being, such as clean air and water, flood and climate control, and soil regeneration, as well as food, medicines and raw materials - and the dependency on it for livelihoods, cultural and spiritual sustenance is high. The approximately 50 million population in this hotspot on its approximately 1,60,000 sq km of land area results in a high population density of 260 people/km2 and exerting huge pressure on land and forests for agriculture, plantations and perennial crops as well as forms of development, industrialization, mining and tourism.

The Western Ghats mediates the rainfall regime of peninsular India by intercepting the south-western monsoon winds. The western slopes of the mountains experience heavy annual rainfall (with 80 percent of it falling during the southwest monsoon from June to September), while the eastern slopes are drier; rainfall also decreases from south to north. The wide variation of rainfall patterns in the Western Ghats, coupled with the region’s complex geography, produces a great variety of vegetation types. These include scrub forests in the low-lying rain shadow areas and the plains, deciduous and tropical rainforests up to about 1,500 meters, and a unique mosaic of montane forests and rolling grasslands above 1,500 meters.6

Dozens of rivers originate in these mountains, including the peninsula’s three major eastward-flowing rivers Godavari, Krishna, and Kaveri. The Western Ghats have several manmade lakes and reservoirs besides a number of streams. Smaller rivers which are west flowing include:

- Gujarat: Purna, Auranga, Par
- Maharashtra: Surya, Vaitarna, Damanganga, Ulhas, Savitri, Vashisthi, Gad, Kajavi, Kodavali
- Goa: Mandovi (Mahadayi), Zuari, Tiracol, Chapora, Talpona
- Karnataka: Kali, Gangavali (Bedthi), Aganashini, Sharavathy, Kollur-Chakra-Gangoli, Sita, Mulki, Gurupur, Netravathi
- Kerala: Chaliar, Bharatpuzha, Periyar, Pamba

The sources of these rivers, on mountain tops are traditional pilgrim sites. The rivers are important sources of drinking water, irrigation, and power. Several of them form remarkable waterfalls.

Because it is a largely montane area that receives between 2,000 and 8,000 millimeters of annual rainfall within a short span of three to four months, the Western Ghats performs important hydrological and watershed functions. Approximately 245 million people live in the peninsular Indian states that receive most of their water supply from rivers originating in the Western Ghats. The range forms the catchment area for a complex of river systems that drain almost 40% of India.7 Thus, the soils and waters of this region sustain the livelihoods of millions of people. With the possible exception of the Indo-Malayan region, no other hotspot impacts the lives of so many people.8

1.2 Tourism in the Western Ghats

1.2.a Tracing the development of Tourism in the Western Ghats

Tourism in the Western Ghats began with pilgrimages and social forms of tourism and continues to contribute to the most significant numbers of tourists in this region.

The next significant development was the advent of the modern day hill stations in India which can be traced back to the days of the British and the East India Company. Ootacamund or Udagamandalam (Ooty) in the Western Ghats was ‘discovered’ in 1819 by John Sullivan, then Coimbatore’s collector. Charles Malet came to Mahableshwar in Maharashtra in 1791 and later Mahableshwar became the summer capital of the Bombay Presidency. Kodaikanal in Tamil Nadu became a summer retreat for American missionaries because Lieutenant B S Ward went there in 1821. The British constructed the first roads and also the mountain railways to these remote mountain areas.9
Access to the destination has emerged as one of the most important factors in the expansion of tourism. The opening up and official designation as a tourism destination of these places has resulted in the movement of hoteliers and tourists into the surrounding areas. Proximity to urban centers has brought more footfalls into the remote areas of Western Ghats. Unplanned and unregulated urbanization that tourism promotes far beyond the carrying capacity of a place puts huge pressure in the context of scarcity of drinking water and the vastly inadequate sewage treatment facilities, air pollution caused by the massive influx of thousands of vehicles in the tourist, new roads and up-gradation of existing ones through prime forest areas in the name of tourism poses a grave hazard to ecological integrity.

Unplanned, unchecked growth of tourism practices in the hill ecosystems that are frailer than other ecosystems have led to the saturation of many hill station destinations in the Western Ghats region. With the number of tourists increasing every year and people visiting these areas in bulk at a particular time of the year, predominantly in the dry season, the resources are unable to rise to meet the demands of the tourists. The rapid growth of an affluent rural and urban middle class which had the leisure and means to travel for enjoyment was one of the many reasons that resulted in a tourism boom which changed the very landscape of towns such as Udagamandalam, in the Nilgiris. This saw changing socio-economic scenario of the region with increased construction activity, destabilizing hill slopes and triggering landslips, and the competition for basic resources such as fuel and water between tourists and local residents. In the paper "Hill Stations in the Western Ghats" M. S. Viraraghavan of the Palni Hills Conservation Council gives a lucid account of the fate that has befallen Kodaikanal (on the Palani hills, the eastern spur of the western Ghats) and the central role of unregulated mass tourism in this tragedy.

The Case of Kodaikanal

The rise in the number of tourists is indeed alarming and far beyond the carrying capacity of Kodaikanal. According to the information furnished by the Kodaikanal Tourism Officer the number of tourists in 1999 was 20.5 lakhs, a decade later, in 2009 it had risen to 32.8 lakhs, which is an astonishing figure for a town with a population of around 30,000!!

The economic benefits of such mass tourism are largely illusory. Most of them are day trippers, who carry their own food and so do not add to the local economy in any way (except to litter garbage everywhere). A large number of resorts/ hotels are mainly owned by outsiders and employ the hills people at best in menial jobs. Even such jobs are denied in more up-market resorts which prefer to employ more sophisticated plains-people. If the economic benefits are marginal mass tourism also acts as an incentive for those who profit from social evils, such as drugs. There is a drug circuit running from Goa and Hampi in winter to Kodaikanal (and Ooty, and Munnar, in Kerala) in summer. Large areas of inaccessible forest land are converted to ganja cultivation.

The alarming increase in the number of vehicles (most in poor condition) has a very significant impact on air pollution. The main Ghat Road runs through the pristine ‘Tiger Shola’ forest and a noted environmentalist had observed that many of the epiphytic plants in particular have disappeared. This is the same situation in the Nilgiri forests where orchids once abundant are no longer to be seen. The tourist influx has also resulted in the over collection of certain ornamental plant species, e.g. Aerides crispum orchid and woolly tree ferns have been collected almost to extinction.

The inadequate water supply arrangements of the town are severely strained by the mass tourist influx. Every year the municipality is forced to curtail water supply to the local populace from January onwards so that there is enough storage to cater to tourist influx in April and May, the so-called 'season'. It is a common sight to see poor women walking several kilometers in search of a pot of water during the season. Mind you, these are daily wage earners who can ill afford the time away from normal work. Every water source in town, and many are polluted, are utilized by a large number of water tankers which cater to local lodges. It is indeed a miracle that no large scale epidemic has so far occurred.

Source: Hill Stations in the Western Ghats, Kodaikanal - A Case Study, M. S. Viraraghavan, 2010
Biodiversity in the Western Ghats is threatened by a variety of human pressures and development “priorities”. The incursion of human development into these forests is rapidly and dangerously pushing back its boundaries, fracturing the evergreen stretches into unviable fragments. The Western Ghats were once covered in dense forests. Today, a large part of the range has been logged or converted to agricultural land for commercial plantations of tea, coffee, rubber and oil palm, or cleared for livestock grazing, reservoirs and roads. Mining, power plants, nuclear power plants, industries, highways, dams are increasing threats. The growth of populations around protected areas and other forests has also led to habitat destruction, increased fragmentation, wildlife poaching and human-wildlife conflict.11

The urban centers of Bengaluru, Mumbai and Pune have a large base of operators offering eco-tourism, adventure activities and weekend getaways in various regions of the Western Ghats. Another trend that has emerged is tourism in the form of conservation education, where NGOs, wildlife photographers, and wildlife specialists for example herpetologists conduct camps in remote locations for the urban youth.

It is not only the unregulated and unplanned tourism development at a small scale that has taken its toll on the Western Ghats, but also the so called “planned world-class tourism projects”. Glaring example of such development are Sahara’s Ambey Valley and Lavasa Corporation Limited’s Lavasa city. A hill station city, as it is being promoted, is a 25,000-acre area, nestled in the Western Ghats. Billboards along the Mumbai-Pune highway as well as on the company’s website hail Lavasa, located 2000-3000 feet above sea level in the central Indian state of Maharashtra, as “Free India’s first and largest private hill station.” The Lavasa Corporation, a subsidiary of the Hindustan Construction Company, embarked on a massive tourism project - to develop resorts, five star hotels, vacation homes, health and wellness facilities and other amenities, various town centers, and 12 private mini dams, all set amidst seven hills and around 60 kms of lake front. Activist groups on behalf of adivasis and local communities however allege that the Corporation has used the legal loophole to avoid obtaining environmental impact assessment (EIA) clearance from the Union Ministry of Environment and Forests. A public interest litigation petition is ongoing in the Bombay High Court against the State government and Lavasa Corporation Limited (LCL). In the meanwhile the Ministry of Environment and Forests in January 2011 issued a show cause notice against LCL declared “The LCL project is in violation of the Environmental Impact Assessment (EIA) notifications of 1994... The construction is unauthorized and there has been environmental degradation and having regard also to the fact that various steps are required to be taken by LCL... it is further directed that the order of status quo be continued and reiterated and no construction activity by LCL be undertaken.” As we finalise this paper, Lavasa Corporation has petitioned the High Court against the order, and the battle for Lavasa continues.

1.2.b Trends in the growth of Tourism Destinations and Establishments

In recent years, the trends in tourism have shown variation in terms of both economic and socio-cultural values. With changing lifestyles, economy and paid vacations, there has been a change in the attitude and perception of people toward travel and tourism. With the increased pressure of urbanization and the growth of a significant middle class, urban masses look for new get away locations, where they can get involved in active outdoor recreation. Thus, national parks and sanctuaries and other nature-based locations have emerged as favoured destinations.

A recent study12 by Karanth and De Fries (20110) on Nature Based Tourism in Indian Protected Areas quotes in its abstract.

“Previous research indicates that numbers of visits to protected areas (PAs) are declining in wealthy countries while foreign visitation is increasing in less wealthy countries. We focus on India to discern trends and implications of nature-based tourism in an emerging economy. We interviewed 91% of tourist facilities around 10 PAs to assess visitation, employment, and practices. Average growth rate was 14.9% (from ??7% in Bandipur to 44% in Periyar from 2002 to 2008) and 80% are domestic tourists. Many facilities (72% post 2000) are recently constructed and 85% occur within 5 km of PAs. Clustering of facilities in some PAs might facilitate easier management of resource use and establishment of best
practice guidelines. Contributions of facilities to local employment are marginal. Rules governing entry of people and vehicles vary widely”. Of the 10 PA’s investigated in this study 6 of them (Periyar, Mudumalai, Bandipur, Nagarhole, Dandel-Anshi) are in the Western Ghats making the findings and conclusions of the study very relevant for this paper.

Even a decade ago the 500 odd protected areas did not interest the holiday seekers as much. But, in recent times they have become “hot spots” for vacationers. As a result, the Government of India Ministry of Tourism and the states have brought out ecotourism policies and have pumped in money and effort to promote “ecotourism” products and destinations. From an approach of National Parks and Sanctuaries seen as ‘for conservation only’, state and central tourism departments as well as forest departments are increasingly promoting tourism and attempting to make the case that tourism aids conservation. Most ecotourism policies aim at increasing tourism by creating more services and facilities for the visitors around the protected areas.

We have highlighted below the number of official tourist destinations in the Western Ghats through a visual mapping of the forest areas, the tourist destinations and major urban hubs that act as a transit point to these destinations. As no baseline data was available across all these sites it has not been possible to show the explosion in tourism destinations in this fragile region.

Map 2: Tourism Destinations, Tamil Nadu
Map 3: Tourism Destinations, Kerala

Map 4: Tourism Destinations, Karnataka
Map 5: Tourism Destinations, Goa

Map 6: Tourism Destinations, Maharastra
However other studies do provide an indication of the scale of the growth of resorts in typical tourist destinations. The study “Status Assessment of Tourism on the Segur Plateau, Tamil Nadu - Impacts and Recommendations” indicates the growth in resorts in a small area covering just six villages.

**Figure 1: Number of new resorts established on the Segur Plateau from pre 1955 until 2008**

![Graph showing the number of new resorts established on the Segur Plateau from pre 1955 until 2008.](source: WWF, 2008)

The all India figures for tourist categories based on the last Domestic Tourist survey (2003 Ministry of Tourism) is the highest in South India for leisure and holidays followed by religious-pilgrimages, followed by the Western region of India (particularly Maharashtra). In the North of India for instance social and business dominates as reasons for travel.

The Tourist survey for Karnataka in 2005-06 revealed that 47.7 % of overnight visitors came for leisure and holiday (cultural activities) whereas 14.8 % came for resorts and 13.8 for wildlife. The country’s largest eco and wildlife resort chain, Jungle Lodges and Resorts, has almost all of its 13 eco and wildlife resorts in the Western Ghats region of Karnataka. During fiscal 2009-10, the resorts had about 80,000 guests, including 40 per cent repeat customers.

**Figure 2: Tourist arrivals in the ten parks, six of which are located in the Western Ghats.**

![Graph showing tourist arrivals in the ten parks, six of which are located in the Western Ghats.](source: Karanth and Defries, 2010)
What is even more worrying is the location of the resorts. Karanth and Defries (2010) clearly indicate that the more recent the resort the more likely it is to be hugging the periphery of the PA.

**Figure 3: Resorts classified by year of establishment and distance to protected area edge**

![Figure 3: Resorts classified by year of establishment and distance to protected area edge](source: Karanth and Defries, 2010)

The issue of lacking of planning is also a key one. Tourism is pushed regardless of a lack of any sensible destination level planning, impact assessment or carrying capacity assessment. While these terms appear in most policy and even regulatory documents, there is rarely a moratorium on tourism development because of lack of adherence to policy guidelines.

A classic case of the impunity of the industry in violating even existing laws is documented in the case study of Kodaikanal in the infamous Pleasant Stay Hotel Case. (Viraraghavan 2011)

"While the Pleasant Stay Hotel Case had undoubtedly an impact on discouraging violations of the law and Master Plan for sometime, recent times have seen a sharp increase in violations. In response to a letter seeking details of violations of the Master Plan, the Kodaikanal Municipality reported that there are 1503 buildings constructed without sanction, of which there are 233 zoning restriction violations and 769 other violations".

Most tourist destinations in the Western Ghats have gone beyond what can be observed commonsense fashion as the carrying capacity. Formal tourism planning is non-existent as state and central tourism policy focuses on expansion and promotion and does not consider regulation its mandate at all! Thus land use planning, permits and zoning controls, environmental and other regulations, community initiatives, and a host of other policy initiatives to shape tourism development are unfortunately also non-existent.

**1.3 Forms of Tourism**

We highlight here the two key forms of tourism in the Western Ghats region - Ecotourism & Wildlife and Pilgrim and Religious tourism. Other forms are cultural (and heritage) as well as social and business travel.

**1.3.a Nature based Tourism: Ecotourism and Wildlife Tourism**

The term 'ecotourism' has come to be used synonymously (and mistakenly) with tourism in protected areas and/or areas of significant ecological values like wildlife. Popular definitions of ecotourism have both economic and ecological values. According to IUCN, "ecotourism is environmentally responsible travel and visitation to relatively undisturbed natural areas, in order to enjoy and appreciate nature (and any accompanying cultural features - both past and present) that promotes conservation, has low negative visitor impact, and provides for beneficially active socio-economic involvement of local populations." According to The International Ecotourism Society, TIES, ecotourism is: "Responsible travel to natural areas that conserves the environment and improves the well-being of local people."
Ecotourism is based on principles of participation; consultation and sharing of benefits among all stakeholders especially the local community on whose resources ecotourism thrives. The participation of local people in ecotourism projects is essential for reasons that cover ethical, environmental and economic objectives. It is important that local people play an important role in managing their own destiny rather than be imposed by decisions taken by policy makers from outside. The arguments have tended to privilege economic benefits as a means to improving cooperation of local communities in the venture. It must however be recognized that the resources that ecotourism relies on belongs to local people and their partaking of the benefits is only fair.

Basic principles for ecotourism as defined in the Ecotourism in India - Policy and Guidelines, 1998 include compatibility with, and lower impact, on the environment. Biosphere reserves and forests are identified as ecotourism resources. The guidelines highlight scientific planning based on the thorough understanding of local resources and carrying capacity as well as continuous monitoring and detailed codes of conduct for developers, operators, visitors, host communities, NGOs and research institutions.

Unfortunately the realities on the ground point more to green-wash than any form of ecotourism. A solar heating system, water recycling unit or use of paper bags is good enough for an hotelier to lay claim to the ecotourism label. However they would evade putting into practice certain broadly evolved and accepted norms of ecotourism. This applies to most of the tourist destinations in the Western Ghats.

EQUATIONS own research over years has raised concerns on the supposed community benefits of ecotourism as practiced in its current form. The growing popularity of ecotourism in India has paid scant attention to the rights of indigenous people and concerns of civil society organisations. Largely ignored are the core issues that constitute ecotourism: participation and benefits of communities in such tourism and negative impacts of tourism on biodiversity and ecosystems. A Forest officer from Kerala summarises thus, "It all starts as ecotourism and ends up as mass tourism."

1.3.b Pilgrim Tourism

From the earliest times, the mountains have been considered the abode of Gods and revered and worshipped. There are hundreds of shrines and temples built atop the hills and innumerable caves and monuments linked to Hindu, Buddhist and Jain traditions all over the Western Ghats. Mohan Pai an ecologist has documented some of the well known pilgrim sites in the Western Ghats. The smaller sites are too numerous to be documented here.

There are over hundred Tirthas (holy places in the vicinity of rivers) and eighty Kshetras (places of pilgrimage) in the Sahyadri range. Tryambakeshwar is located at the source of Godavari near Nasik and contains one of the twelve ancient and sacred Jyotirlingas in India. Ramayana features Panchavati on the banks of Godavari near Nasik where Shri Rama stayed along with Sita and Lakshaman.

River Bhima rises 40 km north of Khandala and at the source of this river is situated another of the twelve famous Jyotirlingas of Bhimashankar. Most of the famous Ashta Vinayaka temples of Maharashtra are located in the Sahyadris - Lenyadri, Siddhatek, Pali, Theur, Morgaon, etc.

River Krishna rises near Mahabaleshwar along with four other rivers - Vena, Kakudmati, Savitri and Gayatri. The Shiva (Mahabaleshwar) temple is about 5 kms from the main bazaar of Mahabaleshwar hill station. There are legends associated with this spot in Mahabaleshwar. Mahatmya Pandharipurna situated 40 miles west of Sholapur on the banks of river Bhima also known as Chandra-bhaga is the foremost pilgrimage centre of Maharashtra that houses the famous shrine of Vithoba.

Alandi is situated on the banks of Indrayani river 12 miles north of Pune and has the Samadhi and shrine of the famous Maharashtra saint Jnaneshwar. On the mountain at Jejuri, high up the Karha valley is the temple of Khandoba. Kolhapur is situated near the banks of river Panchaganga and is known for the ancient temple of Goddess Mahalakshmi.

Goa has many ancient Hindu temples spread over at the foot of the Sahyadris. South of Goa there is Sringeri on the left bank of river Tungabhadra where Sri Shankaracharya established his chief monastery.
Baba Budan or Dattatreya Pitha, a laterite cave, considered holy by both Muslims and Hindus is in the Bababudan range. The legend says that the Muslim saint Baba Budan came and settled down here and brought coffee seeds with him from Persia. This was the beginning of coffee crop in India. Close to Chickamagalur, on the tallest peak in the Western Ghats of Karnataka - Mulaianagiri (1,923 m.) is a beautiful Shiva shrine. At the foothill of the Western Ghats at Belur and Halebid near Hassan are the Temples of Channakeshava and Hoysaleshwara with finely executed carved sculptures. These were built during the 12th century and are the finest examples of Hoysala architecture.

North of Udupi, near the base of the Kodachadri hills is the famous temple of Goddess Mookambika at Kollur. Udupi in Dakshina Kannada is famous for Krishna temple founded by Sri Madhavacharya, the great Dvaita philosopher and teacher. Kukke Subramanya temple at the base of the Kumara Parvata is in Dakshina Kannada. River Kaveri rises on the Brahmagiri hill in Kodagu its source is a small pond and there is a shrine to Goddess Kaveri. The place is known as Talakaveri.

The legend of Parasurama is probably based on the lowering of sea level which resulted in the emergence of the coastal strip which is now referred to as Konkan and Malabar. There are few shrines to Lord Parashurama - Pethe Parashuram in Konkan, one shrine in Goa at Paingunim and two in Kerala at Payanur and Thrivuvallom.

Sabrimala the famous abode of Lord Ayyappa is situated in thick forested area of the Western Ghats in the upper region of river Pamba in Kerala. The famous ancient temple of Lord Krishna is situated in Guruvayur, about 30 km from Trichur. Kaladi, eight miles east of Alwaye, on the banks of river Periyar is the birth place of Sri Shankaracharya. River Tambraparni arises in the Agasthyamalai hills. After a few kms from its source downstream, it reaches the Papanasam tirtha which is considered a very sacred place. There is a temple of Subramanya at Palni hills on a rocky hill about 450 ft high.

The most famous Buddhist monument in the Sahyadris are the Buddhist caves at Ajanta and Ellora near Aurangabad in Maharashtra. Junnar, where the hill fort of Shivneri is situated was an old Buddhist centre and it still has several cells and chapels and believed to be as old as 3rd century B.C. The other important Buddhist caves are at the Bhole or Khandala pass at Karla, Bhaje and Bedse. The Gandhar-Pali caves are located near Mahad junction on Mumbai-Goa highway in the Sahyadris.

Shravanabelagola a famous Jain pilgrimage centre is located 51 km south east of Hassan. There are 14 shrines on Chandragiri hill. Karkala is another Jain pilgrimage centre in the Western Ghats. In Moodabidri is the Savira Khamba Basadi, the most well-known of the 18 Jain temples. Kumbhojgiri, is 35 km away from Kolhapur and has around 24 temples dedicated to Jain Tirthankars within the complex, sacred to both Digambara and Swetambara sects.

Kerala and Goa also have ancient pilgrim sites for Christian linked to the histories of St Thomas as well as St Francis Xavier. There are relatively fewer sites of Muslim pilgrimage in this region.


Temples are also connected to river sources. While the temples attempt to protect these river sources, the growing level of pilgrimage tourism to these sites due to better roads has become a serious impact on the ecological features of these river sources. Bhimashankar receives thousands of tourists during the Mahashivratri festival, causing pollution from food waste, faecal matter, plastic bags, bottles and oil from motor vehicles that pollute the crystal clear waters of the spring where the River Bhima originates.

Pilgrim tourism is one of the most popular forms of tourism in the Western Ghats. Very few regulations have lead to huge number of tragedies like the recent stampede and loss of over 100 lives at Pullumedu, in Kerala’s Iddukki district. While the Kerala government has ordered a judicial probe into the horrific tragedy that occurred in the reserved forest region part of the Periyar Tiger Reserve, unauthorised vehicular traffic, lack of basic amenities for the huge crowds that flow in on days of religious significance, inadequate crowd control measures and deployment of police and disaster management trained personnel, contribute in hindsight to such tragedies.
The scale of pilgrimages have increased and the impact of such large numbers of people on resources and the ecology and quality of life of local people becomes a complex and highly charged political issue.

A study on forest disturbance analysis shows a distinct correlation between increase in pilgrims travelling through ecologically sensitive areas and decrease in forest cover.

Indiscriminate anthropological activities result in devastating impacts on forests, especially in hotspots of biodiversity like the Western Ghats (Roberts et al., 1998). Various levels of applications of geo-informatics on biodiversity conservation and management have been reported from all over the world (Riitters et al., 1997).

Periyar Tiger Reserve (PTR) is the largest protected area in the state of Kerala with an area of 925 km². Sabarimala Sastha Temple, a famous Hindu pilgrimage centre, is situated in the deep dense forests in the Pamba range in the south west portion of PTR, at an elevation of 461 m above mean sea level. It records an inflow of more than 500,000 pilgrims every year (Kerala Forest Department, 1999). The Pamba range of PTR was composed of forest types which included tropical evergreen, semi-evergreen, moist deciduous and grassland and the area supports rich biodiversity, amongst which are a large number of endemics (KFD, 2007). The temple and the major trekking paths come under this range. There are only few studies on the pilgrimage activity in relation to forest disturbance in PTR. The land use/land cover analysis of the study area using remote sensing data revealed that significant extent of the forest area was converted to non-forest land uses during the last few decades. The forest area decreased from 98.58% in 1967 to 54.43% in 2004 due to the increasing pilgrimage activity in the area (Table.1). The forest area has been converted to other land uses like construction of temporary and permanent buildings, open forests with cleared undergrowth to provide resting place for pilgrims, grasslands and barren area. The total removal of trees led to the increase in the barren area and grasslands. The increasing number of pilgrims in the recent years (Sathyapalan, 2002) shows a direct correlation with decreasing natural forest cover.

Source: Forest Disturbance Analysis Using Geoinformatics in Pamba Range of Periyar Tiger Reserve, Kerala, India, Abin Varghese, John C. M., Punnen Kurian and Thomas A. P

1.4 Tourism Impacts

Tourism is gaining the dubious distinction of being mentioned almost without exception as a threat in most scientific papers on threats to ecologically sensitive areas. The negative impacts are primarily environmental, socio-cultural and economic.

Tourism Impacts in the Northern Western Ghats

Some high pressure tourist areas in the northern Western Ghats are Sanjay Gandhi National Park, Mahabaleshwar-Panchgani, Mathem, Panhala, Sinhgad, Bhima-shankar, Saputara, Radhanagari and Goa. All the PAs have some level of impacts of tourist facilities on the edges of these PAs. The impact of day visitors are different from the pattern of impact of overnight stay visitors. Both these groups require different management strategies. Based on the number of tourists alone, there are three high impacts, two medium impacts and three low impact PAs due to tourism.

In these PAs, 2 have major tourism development plans through the MTDC and several others are in the offing. These plans tend to increase generalized tourism and are only ‘ecotourism’ in name. This is probably one of the most serious concerns in which the two concerned line agencies, the Forest Department and the Tourism Department, require intense interactions to appreciate that tourism itself can form a major impact on the resource on which it depends, viz. wildlife. While its impact on the glamour species that tourists wish to see can be quantified to some extent, it is the less known
species, such as endemic plants, insects, etc. on which there are likely to be cryptic impacts which could lead to their extinction and/or to serious loss of critical habitats of endemic species. Other issues related to animal breeding behaviour, territorial behaviour, migration routes, etc. require more detailed studies as this is linked to the level of tourism pressure.

Based on very general observations, Bhimashankar gets over a lakh of tourists per year who come for pilgrimage to the temple. Karnala gets over 3 lakhs mainly day visitors, picnickers and people passing along the highway. Sanjay Gandhi National Park has the largest number of visitors who are picnickers and casual visitors to the temple. The carrying capacity for tourists in these PAs is already exceeded. However, there are PAs which if managed for sustainable ecotourism, can evolve a strategy where the activity provides alternate income generation for local people.

This means that an alternate income generation model has to be developed for these local people especially so that there is no temptation for selling their lands to other types of land users such as farm houses, roadside, small time or large hoteliers, business and small scale industries that can together constitute a major cumulative threat.

Source: Current Ecological Status And Identification Of Potential Ecologically Sensitive Areas In The Northern Western Ghats, Institute Of Environment Education And Research, Bharti Vidyapeeth Deemed University, Pune, Maharashra, October 2010.

Any tourism activity must be based on the principles of real ‘ecotourism’ which means that the strategy and activities must minimize its impacts on ecology and that the income generated must go to local people as a means towards alternate income generation and low impact form of home stay tourism rather than five star tourist complexes where the income generated goes to big business.

1.4.a Environmental Impacts of Tourism in Western Ghats

In recent years, the growth of India’s consumer class, combined with increasing access to private and public transport, has led to damaging new tourist developments. Problems include the clearance of natural vegetation for hotels and facilities, the cutting of trees for fuel wood, increased pressure on water and electricity resources, pollution from vehicles, overcrowding and litter. These are serious concerns, due to the fragility and ecological importance of the forests. Tourism causes increasing congestion and pollution as thousands of visitors flock to parks and sanctuaries in motorised vehicles; there are changes in accessibility, landscape and the ecological balance between man and nature. The benefit of revenue from tourism does not always redress these problems but goes towards the cost of administering the project.

Nature based tourism in the Western Ghats is being developed in two modes - either accessing core areas in Wildlife Sanctuaries and National parks with permissions from the Forest Department / tourism by the Forest Department or by "allowing" access at the periphery to private ventures.

The Forest Departments of respective states have been instrumental in developing tourism inside Protected Areas and unprotected areas under their jurisdiction. This activity has intensified under the guise of "ecotourism" wherein more and more areas are being opened up. To support ecotourism, additional infrastructure has also been installed in the form of roads, guest houses, cottages, camping sites and watch towers for wildlife viewing within Protected Areas.

Tourism remains largely unregulated while both government and private establishments often claim self-regulation. While there may be the occasional individual establishment that is mindful of the law, the cumulative impact of a number of establishments on the local area gets paid less attention with the showcasing of a few eco-friendly practices. Conservation stewardship is often hijacked with these few practices by the tourism industry.

Uncontrolled proliferation of establishments around forest areas has lead to habitat fragmentation. This may cause or increase human-animal conflicts as fragmentation may lead to displacement of animals
and their subsequent entry into human habitation and agricultural areas. The issue is further aggravated when many shops, restaurants and other smaller establishments come up on access roads and resting places. Apart from adding to fragmentation problem, there also tends to be a problem with constant garbage pile-ups, especially disposable plastic containers & packaging material. Garbage also attracts other wild animals especially scavengers and monkeys which may create management challenges and issues of tourists’ safety.

### Impacts of tourism in the Segur Plateau

The low effort of energy and water conservation, as well as a lack of waste segregation by the tourist facilities, shows there is little mitigation of negative environmental impacts occurring on the Segur Plateau. Given only 40% of the tourist facilities are connected to the municipal water supply, 60% of water use by this sector is actually unmonitored and/or unpaid for. Water in India is in limited supply and the demand is great, therefore, if such a large percentage of use continues to be unmonitored and unpaid for, more and more water will be drained from the water table diminishing the supply available for the environment and also for the local communities.

Nearly 50% of the tourist facilities discharge their grey (non-toilet) waste water directly onto vegetation or open pits, and while many of the facilities see this as direct recycling of the water there are potential risks associated with this activity. Untreated waste water can carry bacteria and chemicals that can pollute the surface and ground water, causing problems for later consumption by humans and wildlife. In addition to discharging untreated grey water, the low amount of biodegradable waste composting and the high percentage of resorts throwing this waste into a dump or pit (and later burnt or covered) means that any wildlife that accesses the property also has access to this waste. Bacteria and disease may be eaten by wildlife, such as deer, and then passed up the food chain, consequently potentially affecting the health of the wildlife population. Domestic animals such as cattle also eat waste which is problematic in the Segur Plateau as the local people rely on these cattle for their milk supply.


Rural and agricultural land is being diverted for constructing tourism establishments around forest areas. The impact of this on the local economy is escalating land prices which local people cannot afford and the loss of occupational sources (farming & agriculture). Eventually the owners are employed as security, housekeeper or other menial jobs on the premises which once belonged to them.

Increasing number of tourists and their vehicles will create disturbances to wildlife, and in some cases like Bandipur and Nagarhole, pose collision risks to animals.

With tourism revolving around how many tourists can be made to visit, quality of tourists is overlooked and a meaningful utilization of this opportunity to convey message of conservation is lost. Tourists are not even educated about basic behaviour that needs to be adopted inside forest areas. Instead what is offered, and therefore expected, is just a safari ride into the forest to try and spot flagship species.

#### 1.4.b Socio-Cultural Impacts of Tourism in Western Ghats

There are both direct and indirect impacts of tourism and development on tribal and other local communities. Many resorts serve weekend customers, during festival time and corporate getaways. Tourists indulging in loud parties with music blasting and under the influence of alcohol also disturb the quiet and peace of local people whose homes are in tourist destinations. This trend is particularly noticed during weekends and festivals and instances have been reported in various tourism sites in all over the Western Ghats. Another impact of tourism on local communities is the commoditisation of the adivasi culture and tradition by tourism promoters through “tribal dance and cultural show”. Mr. Tony
Thomas of One Earth, One Life, an organization in Kerala working on environmental issues and education noted that, such instances of “tribal dance” being conducted was rampant in many parts of the forest areas in Kerala and bordered on exploitation. He also was of the opinion that the tribal youth were being misguided by tourists and tourist operators, and were vulnerable to alcoholism and other forms of substance abuse.\textsuperscript{15}

The WWF study\textsuperscript{16} notes “Although around 60% of the resorts take their guests into the tribal villages, it is unclear as to whether or not any thought is put into these visits, such as the impact it may have on the people living there and whether they actually want to host visitors. A number of the facilities organise for tribal people to come and perform their traditional dance for their visitors. Some of the proprietors feel, however, that the tribal people are not proud of their culture; sometimes they arrive at a facility seemingly drunk, without any ‘traditional’ dress for which they charge a lot. This has caused a negative attitude toward the tribal people by a few of the proprietors”.

1.4.c Economic Impacts of Tourism in Western Ghats

The traditional sources of income in the various areas of Western Ghats region has been agriculture, plantations like tea, coffee, arecanut, rubber and spices. Employment with the Forest Departments in the various forestry and allied activities is also a source of income.\textsuperscript{17} The region is facing agricultural labour shortage akin to rest of the country, and two of the common reasons are migration to urban centers and low wages and the overall crisis in agriculture.\textsuperscript{18} Climate change has also been a factor in the decline of agricultural yield and also creating uncertainty in the sector.\textsuperscript{19} Given this backdrop, the local communities are looking at alternative sources of income and tourism has emerged as one of the alternatives.

Tourism has the potential to provide additional income sources to the local communities. Running small-scale home stays, naturalists, guides, drivers, handicrafts, cooks are some of the options that are taken up. There are few examples of Rural Tourism ventures in Karnataka which would be examined in detail, in the section on case studies, where tourism is conducted in a sustainable manner, and the income from tourism is used as a supplement to the main economic activity, which is agriculture and plantations. There are instances in Wayanad, Kerala, where the resorts purchase their requirements from the local market, thereby creating backward linkages to the local economy. Also, examples exist of local handicraft being purchased by tourists and the hoteliers.

However these are exceptions and not the norm. Capacity building of the local communities for engaging successfully in tourism activities, local ownership and the ability to influence decision making of plans and schemes vis-à-vis tourism by local people remains woefully inadequate, resulting in few economic benefits accruing to local communities. The trend remains that, the benefits of tourism are accrued by an elite few, and the equitable distribution of the benefits from tourism and allied economic activities to the local and indigenous communities, remain unfulfilled.

SECTION II: LEGISLATIVE, POLICY AND INSTITUTIONAL TRENDS AND THEIR IMPLICATIONS

This section focuses on laws and policies at the intersection between tourism development in natural ecosystems and protected areas and the conservation and protection of these ecosystems. Much of the tourism in the Western Ghats is located in these fragile ecosystems.

2.1 Legislative Framework

2.1.a Environment (Protection) Act, 1986

The Environment (Protection) Act (EPA), 1986, under the jurisdiction of the Ministry of Environment and Forests (MoEF) is officially considered to be the umbrella legislation to regulate environment degradation and pollution. It also attempts to provide a critical framework to enable the coordination of bodies such as Pollution Control Boards set up through air and water related legislations that precede
the EPA. The EPA primarily empowers the central government to take measures necessary to protect and improve the quality of environment by setting standards, regulating the siting of industries and so on. Under the Environmental Protection Act, 1986 (EPA) the two key notifications closely linked to the development of ecotourism are the Coastal Regulation Zone Notification (CRZ), 1991 and Environmental Impact Assessment Notification (EIA), 1994.

The EPA is less known for its role in environmental protection and prevention of damage through land use planning and safeguarding certain areas against the pressures of commercial exploitation. Section 3(2)(v) of the Act empowers the central government to take all such measures that it deems necessary to protect and improve the quality of the environment and prevent environmental pollution. It allows for the restriction of areas in which certain developmental activities can be prohibited. Further, section 5(1) of the Environment (Protection) Rules (EPR), 1986, specifies certain criteria like topographic and climatic features of an area, biological diversity of the area, environmentally compatible land use, extensive cultivation, proximity to the protected areas, etc. that can be considered while prohibiting or restricting certain operations in different areas.

Section 3 of EPA gives power to the Central Government i.e. MoEF to take all measures that it feels are necessary for protecting and improving the quality of the environment and to prevent and control environmental pollution. To meet this objective, MoEF can restrict areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards [Section 3(2)(v)]. Section 5(1) of EPR, states that the Central Government can prohibit or restrict the location of industries and carrying on certain operations or processes on the basis of considerations like the biological diversity of an area (clause v) maximum allowable limits of concentration of pollutants for an area (clause ii) environmentally compatible land use (clause vi) proximity to PAs (clause viii). Section 3(2)v of the Environment (Protection) Act (EPA), 1986, and Section 5(1) of the Environment (Protection) Rules (EPR), 1986 give the Central government the power to restrict “industries, operations, or processes or class of industries” on “the basis of considerations like the biological diversity of an area”. The government and non-governmental sectors have used these clauses to highlight the sensitivity of a region and thus grant it a special status, “to protect and improve quality of the environment”. In the more recent instances, these areas have been called Ecologically Sensitive Areas (ESAs) or Ecologically Fragile Areas (EFAs).

One of the earliest recorded instances of the effective use of these clauses was in 1989, in the categorisation of industrial activity in Doon Valley in Uttarakhand. The notification first specified that any mining, tourism and grazing activity and other types of land use can be taken up in the valley only after the management plans were drawn up by the State Departments concerned and these were approved by the Central government. It categorised industries as Red, Green and Orange on the basis of the extent of pollution they may cause and its impact on the valley. In the subsequent years, a sustained campaign by environmentalists resulted in the declaration of Mahabaleshwar-Panchgani (2001) and Matheran (2002) in Maharashtra as ESAs. Both these areas had been experiencing the impact of large-scale, unplanned tourism and related development. In both cases, the Supreme Court ordered, among other things, the preparation of a zonal master plan for the area, by the State government, and the appointment of a monitoring committee.

The paper by Kapoor, Kohli and Menon (Kalpavriksh, 2009) gives an extensive documentation of the ESA process and challenges. We have extracted below in toto portions of the paper relevant to tourism development in forest areas of the Western Ghats.

On March 21, 2002 the Expert Committee to Identify the Parameters for Determining Environmental / Ecological Sensitivity of Hill Stations, was constituted. In 2003 the Hill Stations Committee submitted its report to the MoEF. This however remains in draft stage and copies of the draft are not accessible on MoEF website.

The National Wildlife Action Plan (NWAP) 2002-2016 states under its policy imperatives that the Plan cannot be executed in isolation and wildlife conservation cannot be restricted to National Parks and
Sanctuaries. It states therefore “Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity which will not survive in the long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere.”

In section III (5.2) 1, the NWAP states, “All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986.” As per section XI (5.2) of the Plan this task was to be completed by the MoEF by the year 2004. The NWAP further states “Extend 'Ecologically Fragile' status under EPA 1986 to adjoining areas of PAs, 'crucial wildlife corridors' and to all Biosphere Reserves, World Heritage Sites, Ramsar Sites and other areas notified under international conventions and treaties.”

Section 9 of the Wildlife Conservation Strategy 2002 states “Lands falling within 10 km. of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under section 3(2)(v) of the Environment (Protection) Act and Rule 5 Sub-rule 5(viii) & (x) of the Environment (Protection) Rules”.

The Indian Board for Wildlife (IBWL), the apex advisory body in the field of Wildlife Conservation in the country, in its XXI meeting in January 2002 resolved “lands falling within 10 km. of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under section 3(v) of the Environment (Protection) Act and Rule 5 Sub-rule 5(viii) & (x) of the Environment (Protection) Rules”22. EQUATIONS research and recent research commissioned by the Ministry of Tourism itself23 and other recent research Karanth and Defries (2010) indicate that tourism establishments have mushroomed and continue to exist within immediate periphery of most National Parks.

The Supreme Court and ESAs

In response to a Writ Petition (No. 460) (Goa Foundation v/s Union of India) filed in 2004, the Supreme Court in its order dated December 4, 2006 gave specific directions on declaration of an area of 10 km around Protected Areas as ESAs. Most state governments had not responded to the earlier orders/directions of the Court. The order clearly stated the need to notify the areas within 10 km of the boundaries of wildlife sanctuaries and national parks as Ecologically Sensitive Areas with a view to conserving forests, wildlife and the environment, and to give due regard to the Precautionary Principle. Presently, state governments are in the process of submitting their responses to the Supreme Court. Only Goa had sent its proposal to the National Board of Wild Life for its approval. But recently Haryana, Sikkim, Chattisgarh, Assam, Karnataka and Gujarath have also sent in their proposals to the MoEF. After all these plans are submitted by the state governments, they are sent to the Supreme Court for final approval. This matter is still pending with the Supreme Court.

2.1.b Wild Life (Protection) Act, 1972, Amendment 1993 and 2002

Section 28(d) of Wild Life (Protection) Act 1972 (WLPA) gives power to the Chief Wildlife Warden of the State to grant permit to enter or reside in a sanctuary for tourism purposes.

Through an amendment in 2003 specific regulatory measure were introduced in the Act under Section 33 (a). This section prohibits construction of commercial tourist lodges, hotels, zoos and safari parks inside a sanctuary except with the prior approval of the National Board of Wildlife (NBWL)24. According to Section 5C WLPA the task of the NBWL is to promote the conservation and development of wildlife and forests. It has been constituted by the Central Government with effect from 22.09.03.25

The Director General of Tourism, GoI is a member of the NBWL. This potentially opens up the possibility of including mechanisms/policies to regulate the kind and form of tourism operations in Protected Areas. The same applies with regard to the inclusion of the Managing Director, State Tourism Development Corporation as a member of the State Board for Wild Life (SBWL).26

The report of the Tiger Task Force “Joining the Dots”, a team constituted in 2005 by the National Board for Wildlife for reviewing the management of Tiger Reserves have commented strongly on the ill effects of unregulated tourism in tiger reserves. According to the report “While tourism itself remains unchecked,
so does the impact of tourism on the reserves. The most basic data that should be calculated for each 
park is the carrying capacity of the parks and the delineation zones where tourism is permitted and 
where it is banned”. Their recommendations include issues such as: "Each protected area must have 
its own tourism plan that should indicate the area open to tourism in the reserves; tourism activities 
should not be allowed in the core of the national parks and the tiger reserves; there should be a ceiling 
on the number of visitors allowed to enter at any time in a given part of the reserve. The ceiling has to 
be decided by the field director of the park keeping in mind the carrying capacity of the habitat and the 
availability of facilities, transport and guides”. The recommendation also states "Wildlife tourism should 
not get relegated to purely high-end exclusive tourism." The report refers to The National Wildlife 
Action Plan (2002-2016) that says "ecotourism must primarily involve and benefit local communities 
and the first benefits of tourism activities should flow to the local people.27

2.1.c The Forest (Conservation) Act, 1980

The Forest Conservation Act (FCA) also has the potential to regulate tourism development in forest 
areas. However, certain provisions in FCA - namely Section 2(ii) and 2(iii), have been used for allowing 
tourism related activities in forest land.

According to S2(ii), "notwithstanding anything contained in any other law for the time being in force in 
a State, no State Government or other authority shall make, except with the prior approval of the 
Central Government, any order directing any forest land or any portion thereof may be used for any 
non-forest purpose". Most state governments have interpreted tourism as a forest related activity that 
is related to or ancillary to conservation, and through such an interpretation "misused" the Act to allow 
tourism. This has resulted in spread of tourism activities on forest land. Except for some very recent 
developments, the Central Government has not invoked its powers under this section to regulate 
tourism in forest areas.

As per a recent media report,28 in a letter to Himachal Pradesh Government, the MoEF has said, "Eco-
tourism has been regarded as a non-forest activity and, as such raising permanent structures to promote 
eto-tourism amounts to violation of the provisions of the Forest (Conservation) Act 1980." C D Singh, 
a Senior Assistant Inspector General of Forests in the Ministry, has in particular come down heavily on 
the state governments allowing non-forest activities without the prior approval of the Ministry. Singh 
has asked the Haryana government in particular, to provide details of all such activities undertaken in 
forest areas and told other state governments including Himachal Pradesh to refrain from allowing 
similar violations on forest land.

According to Section 2(iii) of FCA, any forest land or any portion thereof may be assigned by way of 
lease or otherwise to any private person or to any authority, corporation, agency or any other organisation 
not owned, managed or controlled by Government. This section is ambiguous pointing to a loophole by 
which tourism and tourism related operations can enter forest areas. In certain cases it can also be 
used to stop tourism related development in forest land.

The writ petition29 filed by the Nagarhole Budakattu Hakku Sthapana Samithi and others, in 1996 
against the State of Karnataka and M/s. Gateway Hotels and Gateway Resorts Ltd was against State 
Government leasing out 56.41 acres of forest land to M/S Gateway Hotels and Gateway Resorts 
Limited, a division of the Taj Group of Hotels. The initial permission to the project was granted in 
violation of the rules of the FCA and the WLPA. A single Bench of the Karnataka High Court allowed the 
plea and directed that the possession be reverted to the State Government. Aggrieved by the order the 
respondents appealed in the High Court. The division bench of the High Court set aside the earlier 
judgement and allowed the appeal with some conditionalities. Aggrieved that this implied a post facto 
clearance by the Central Government under the FCA, Nagarhole Budakattu Hakku Sthapana Samithi 
and others, filed a Special Leave Petition before the Supreme Court of India. The Supreme Court 
reserved judgment until the decision of the Central Ministry of Environment and Forest regarding 
clearances was at hand. In 1998, MoEF rejected the application of M/s. Gateway Hotels and Gateway 
Resorts Ltd under the FCA and the project was stalled.
2.1.d The Biological Diversity Act 2002

As part of India's endorsement of the UN Convention on Biological Diversity, the Biological Diversity Act came into being in 2002. The Biological Diversity Act 2002 is a law meant to achieve three main objectives: a) conservation of biodiversity; b) sustainable use of biological resources and c) equity in sharing benefits from such use of resources.

The Act does not explicitly mention tourism. Article 37 of the Act deals with the issue of declaring a Biodiversity Heritage Sites. However, it is not clear whether tourism is an activity that will be allowed within these areas and what role the local communities would play in the management of these areas.

2.1.e Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) does not have any specific mention about tourism. Section 5 of FRA empower the holders of forest rights to stop any activity that has detrimental impact on the wildlife, forest, biodiversity of the area and negatively impacts their natural heritage and culture. With ample examples of negative impacts of tourism on environment and lives of the local communities, Section 5 of FRA needs to be interpreted for making Grama Sabha approval mandatory for tourism projects.

2.1.e Article 244 of the Constitution of India, the Fifth Schedule and Panchayats (Extension to the Scheduled Areas) Act, 1996

The Constitutional Provisions (Fifth Schedule with Article 244) empower the Governor of a State to regulate and make regulations for Scheduled areas for Scheduled Tribes so that what rightfully belongs to the tribals cannot be taken away. It disallows the transfer of indigenous peoples lands to non-indigenous peoples. The 73rd Amendment of Constitution of India is applicable in Schedule V Areas through the Panchayat Extension to Scheduled Areas Act, 1996 (PESA) to improve the system of participatory governance in the Scheduled Areas. PESA was introduced to ensure effective participation of the tribal inhabitants in public affairs, including policy making, as the original statements of the Constitution do not precisely clarify what "planning and decision making" means. The Act was designated to be a legislative means of promoting self-governance in tribal areas through the creation of local village bodies (Gram Sabhas). The PESA Act in recognition of the traditional and customary laws of the tribal areas mandates the Gram Sabhas to:

- Approve the village’s plans & projects for social and economic development before they are implemented by the Gram Panchayat.
- Identify beneficiaries for poverty alleviation programmes.
- Give certification for utilization of funds by the Panchayat for the mandated activities, thus making the Gram Sabha a powerful instrument in socio economic development of the tribals.
- The Gram Sabha or Panchayat at the appropriate level has to be consulted and approval taken before any land acquisition is done for development projects in Scheduled Areas.

EQUATIONS research in tribal dominated areas shows that the panchayats are not consulted when tourism projects or plans are prepared by the governments, private investors or companies. The panchayats get to know about the project or plans at the implementation stage only after all clearances have been given by various other departments. While clearances on power, water supply and sewage are given by the electricity department and public works department respectively, the issue of land allocation and conversion if any is done at the District Collector's level. The role of the panchayat is then reduced to a formality when a letter of intent is written to the panchayat for specifying purpose of land-use and a 'No Objection Certificate' is requested from the panchayats. At this stage, the panchayats practically have hardly any say as clearances have already been given by other departments. In many such places tourism is currently being pushed where indigenous and local communities are struggling for basic rights for land, autonomy and access to resources on which their lives and livelihoods are dependent.
EQUATIONS' research also shows that administration in these states promote the growth of tourism privileging this over the rights of the panchayats to decision making and control over resources like land and water bodies - many of them common property resources. It is a matter of serious concern that governments, both at state and central level are seen to be privileging the promotion of tourism over people's rights and in violation of the democratic principles enshrined in our constitution through the 73rd and 74th Amendments.

2.2 Policy Framework

2.2.a National Tourism Policy 2002

The National Tourism Policy (NTP), 2002 states - "wildlife sanctuaries and national parks need to be integrated as an integral part of an India tourism product, and priority needs to be given to the preparation of site and visitor management plans for key parks, after a prioritization of parks".

NTP acknowledges the environmental impacts of tourism but has not clearly stated what it proposes to do about it. Moving beyond realizing sustainability as an important objective, NTP does not lay down specific do's and don'ts in terms of actual policy measures. A recent move by the Ministry of Tourism to adopt or adapt the Global Sustainability Tourism Criteria maybe a move towards mitigating the negative environmental impacts - but it is too early to say what substantive action will come from this initiative.

2.2.b Ecotourism in India - Policy and Guidelines, Ministry of Tourism - Government of India, 1998

The guidelines were formulated to ensure regulated growth of ecotourism with its positive impacts of environmental protection and community development. The policy and guidelines are addressed to all state governments, industry associations and those involved in tourism development and preservation of environment and natural resources.

The policy draws heavily on the definition provided by the United Nations World Tourism Organisation (UNWTO) and enlists the key elements of ecotourism as being: natural environment as prime attraction, environment friendly visitors; activities that do not have a serious impact on the ecosystem and positive involvement of local community in maintaining ecological balance. The policy states that a selective approach, scientific planning, effective control and continuous monitoring are required for ecotourism development.

The policy pans all ecosystems of India and considers these as major ecotourism resources, with the assumption that the natural resources have been well protected and preserved. It indicates that all of these ecosystems are potential ecotourism destinations.

The policy identifies all seven Biosphere Reserves, including Nilgiris, as ecotourism resources. Nilgiris as several case studies show is under immense pressure due to unregulated tourism development and the pressure is on the rise. The expansion of tourism has not been selective or scientifically planned. There has been no control or monitoring as prescribed in policy and guidelines.

2.2.c The National Environment Policy 2006

The National Environment Policy (NEP) recommends that forest and wildlife areas be targeted for promotion of ecotourism and overlooks tourism as an impacting agent. The Policy accuses poverty as the main factor behind depletion and destruction of natural resources. The commercialization of environmental services and assigning an economic value to wildlife as suggested by NEP supports commoditisation and privatisation of resources, including wildlife and ecosystems. The result is opening more areas for more tourism.

2.3 State Policies

2.3.a Karnataka

In 2004 the state formulated a Wilderness Tourism Policy which states that wilderness tourism is a constituent of ecotourism. The recently introduced Karnataka Tourism Policy 2009-14 states that the...
Wilderness Tourism Policy shall be part of the overall tourism policy of the state. The wilderness tourism policy in its objectives section states that the reason for encouraging and permitting wilderness tourism is for furthering the cause of conservation through appreciation, respect and enjoyment by the public. Hence specified areas of national parks, wildlife sanctuaries and forests will be opened up as conservation tool. Casual tourists will be discouraged. It is further stated that wilderness tourism should benefits the local community, especially tribals. The Forest Department will work out ways and means by which such benefits are accrued. Coming to wilderness tourism operators, the policy names certain agencies through which wilderness tourism may be operated, like Jungle Lodges and Resorts Ltd and Youth Hostels Association. The policy states that private resorts will not be permitted to operate within National Park/ Wildlife Sanctuaries (WP/WS) or their enclosures. It however states that private sector players will be invited to develop themed projects that will have minimal impacts on the environment and on projects that will help nurture the existing environment.

However the Policy does not clarify where the private players will be invited to develop these themed projects and has no guidelines to ensure that the environmental impacts of these themed projects are minimal! It talks about establishing an eco-tourism zone stretching from Coorg to Karwar - a considerable part of the Western Ghats - with chain of nature camps branded as Jungle Trails.

Karnataka Tourism Policy 2009-14 mentions that "ecotourism will be developed and promoted as a core activity and could also be done through Public Private Partnerships (PPP) and in close collaboration with the forest department. Experiences from other states show that PPP models end up promote privatisation of what are often public resources. The essential component of involvement of "public sector" is relegated to providing the logistic support of providing land, necessary connections to water, electricity, connectivity and the necessary legal clearances for the project. The Karnataka Tourism Policy reconfirms the point where it states that all tourism developments will be mainly undertaken by the private sector with the government playing the role of the facilitator through formation of land banks, Special Tourism Areas (STA), formation of Development Authorities (DA), and streamlining procedures for maximum expansion.

On the whole, the policy framework for tourism in the state of Karnataka is one towards mega expansion of tourism and tourism infrastructure. There is cursory mention of conservation, community benefit and regulation, but does not spell out the mechanisms towards this.

2.3.b Kerala

The defining framework for ecotourism in the state of Kerala is the Kerala Tourism Vision, 2025 formulated in 2001. The Vision states as one of its objectives, "To promote sustainable and eco-friendly tourism in the State based on the carrying capacity of the destinations. The strength of Kerala Tourism is its excellent natural resources in the form of backwaters, hill stations and beaches. Having understood the need for looking into the sustainable development of these destinations, Kerala Tourism focuses on the conservation of ecology to reduce the negative impact of tourism on the environment and intends to promote development of tourism based on the carrying capacities of the destination. The development of the tourist destinations will be controlled and regulated based on the guidelines formulated through Area Development Plans to have a planned development."

This approach requires a stock taking of current practices and lessons learnt from the ground to realise what aspects have contributed to 'non-sustainable development of destinations'. Moreover, 'carrying capacity' is only one of the components for sustainable and eco-friendly tourism. Other components also need to be explored. The case studies in this paper are pointers to what is actually happening on the ground.

2.3.c Tamil Nadu

The Tamil Nadu Tourism Development Corporation, based on the tourism policy note 2010-2011 has established an Eco-Tourism Wing with the objective of promoting Ecotourism in Tamil Nadu in a big way. In 2010 this wing came out with Ecotourism Policy for Tamil Nadu in consultation with the State Environment and Forest Department.
The policy mentions local community playing a vital role in organising ecotourism activities and conservation of environment. It also talks about economic growth of local communities by engaging in the process as hosts and local benefits. However the policy does not talk about community participation in deciding if a particular place should be developed as tourism destination. Once the destination is finalised, the development and management of the same will be preferably done by the forest department, involving the local community. It does not seem to envisage a role for local communities in planning for physical infrastructure, zoning exercises, evolving tourism management plan and monitoring and impact assessment. The policy talks about standards, continuous monitoring and codes of conduct for visitors. However the kind of ecotourism envisaged is high value low volume, banking on the tourists' willingness to pay.

The Policy also envisages opening up of new areas. Opening up newer areas without proper monitoring mechanisms have shown that it can lead to negative environment and social impacts. The guiding principles of the policy states that "resources that are traditionally used by the local community are to be harnessed for ecotourism wherever required". The government will help the sector to set up hotels in potential eco tourism spots outside the wilderness/protected areas. As evident from the examples of other national parks this only paves the way for unregulated proliferation of resorts and establishments and the gradual privatisation of common property resources.

2.4 Institutional Frameworks and Implications

The Ministry of Environment and Forest (MoEF), Government of India (GoI) set up Protected Areas (PAs): national parks and wildlife sanctuaries and later community reserves and conservation reserves under the Wild Life (Protection) Act, 1972 and its subsequent amendments. In the process, large populations of indigenous people and forest dwelling communities were forcibly displaced and alienated from traditional lifestyles and access to forest based resources. The irony is the same protected areas were later opened up for tourism activities. These are largely driven by the forest department with little or no control and participation by local communities in regulating, decision making or reaping benefits from them. Current national policies and tourism policies of various states and union territories in India prioritise infrastructure driven tourism, and rarely address in practical terms the issues of impacts, regulation, and management. The trend towards more centralised forms of decision making such as special tourism zones and development authorities accentuates top down forms of decision making and a further alienation of local communities from their rights to decision making and control of natural resources.

The WGEEP itself has as one of its mandates the proposal for a Western Ghats Ecology Authority. There has been a recent trend among civil society conservation groups to call for the establishment of a Western Ghats Conservation Authority. We believe that such a move may be well intentioned but can have many negative (unintended) consequences that have to be cautioned against.

One of them is to balance between ecological and conservation led concerns with concerns of people particularly forest and nature dependent forest people and forest dwellers. Often environmentalists see people as a nuisance in their bid for purist form of conservation. In the documentation of India’s Ecologically Sensitive Areas34 (Kapoor, Kohli, Menon 2009), the critical role played by NGOs such as BEAG is commendable. The role of apex institutions like the Supreme Court is also evident. However what is disconcerting is the lack of representation of wider peoples movements and concerns.

Our concerns are also derived from our experiences with tourism based or tourism centric development authorities such as those established in Kevadia, Chilika or those proposed by the Kerala Conservation and Preservation of Tourism Act (or Special Tourism Zones) which favour tourism led development process that prioritizes and privileges tourism centric "development" activities over other forms of development. These development authorities transfer the powers from Local Self Governing Institutions (LSGIs) to Development Authorities. They are also known to usurp powers and mandate of Local Self Governing Institutions that have been bestowed on them by the 73rd and 74th Constitutional Amendments of the Constitution of India and PESA.
Authorities in this country have rarely been bottom-up and mostly function in top-down ways. It is also known that an authority may arrest detrimental projects but is prone to political and economic manipulations which may hamper the aims of conservation. Irrespective of their role - conservation or development, the powers such 'Authority' is endowed with overrides powers of other local government institutions. We need to discuss more thoroughly the roles and powers of the proposed authority and ensure accountability to a democratic monitoring and influence. We need to be careful regarding the structuring of this proposed authority so that local communities, gram sabhas and LSGI’s have adequate powers and not just representation.

The process of setting up Authorities also promotes centralizing power of decision making on issues such as control of natural resources like water and land (on which the tourism industry for one is highly dependent). The issue of control on natural resources can be seen in the case of the National Tiger Conservation Authority whose mandate is to conserve tigers and their habitats through eco-development and people’s participation as per approved management plans. However in the name of eco-development, tourism is also pursued without any adequate regulations to protect the wildlife and the ecosystem from unregulated tourism activities. On the other hand the local people have to face the brunt of restricted access to forest areas and Non Timber Forest Product (NTFP) or Minor Forest Product (MFP) for their livelihood. In the long battle for ensuring the enactment of the Forest Rights Act, which was largely led based forest based peoples movements. This act has transformed the paradigm of forest ownership and governance principles, and it is not surprising that peoples entitlements under the act have been slow to come. However the rush to declare "inviolate" zones such as Critical Tiger Habitats has been extremely fast.

A sector like tourism, which needs to be localised and site-specific to ensure maximum benefit and least negative impacts, requires the consultative, regulatory and implementing powers to rest with local communities through the institutions of the panchayat and gram sabhas.

The other institutional and policy mandate of the WGEEP is in relation to the declaration of ESAs. In the context of tourism, as the paper by Kapoor, Kohli and Menon (2009) comprehensively documents - the acceptance of ESA by local communities has been mixed depending on multiple interests.

"In both the cases of Matheran and Mahableshwar - Panchgani, “The notification has incurred strong opposition by shopkeepers and hoteliers as these restrictions hamper their business interests. The most affected group is the migrant labour population. Because of the clause in the notification prohibiting change in land use, they cannot build their houses in the area, although this does not mean that Matheran has seen no change in its land use. Illegal structures (hotels, resort extensions) are being constructed by powerful hotel owners in Matheran violating the regulations of the notification”.

In the case of ESAs the authors also go on to highlight areas and concerns similar to those highlighted by us in the case of a Conservation or Development Authority.

Kapoor, Kohli and Menon (2009) draw attention also to the process of the declaration of ESAs. In three of the declared ESAs, the notification was the outcome of the opposition of some individuals or groups to a specific developmental project. In the remaining five, developmental activities that had been taking place over long periods of time but which had expanded or gained in intensity in the immediate past were seen to be threatening the region in question. The early declarations are a result of the triangulated relationships between the judiciary, the politician and the environmentalist. Following the preparation of the parameters for declaring ecologically sensitive areas, the role of the environmental bureaucracy and the expert gained significance. Both Mahabaleshwar and Matheran declarations came out of court cases filed by the BEAG. The Aravalli declaration is linked to a case filed by Vikalp Samiti and the Doon Valley declaration came out of the litigation by a group of citizens and NGOs like RLEK and FoD. The Mount Abu declaration is also associated with an order passed by the Supreme Court of India. Same is with the setting up of the Taj Trapezium Zone Pollution Authority, following a case filed by environmental lawyer, M.C. Mehta.
The process of declaration of ESAs relied on seeking urgent judicial/political intervention and bureaucratic action. This is especially true for the earliest ESAs, where in notifications were issued without any discussions or deliberation in the area where they were to be implemented. They were in response to perceived threats to the environment (and livelihoods of orchard farmers in Dahanu) from infrastructural, industrial or tourism related activities. However, it does raise questions of compromising a larger democratic process for the purpose of the end result.

Negotiations have also occurred at another level. This is between those proposing the ESAs and the MoEF. In cases like Matheran, the area declared as ESA was much smaller than the originally proposed boundaries. Discussions with Regional Planners revealed that this made it difficult for them to devise development plans for Matheran, as the pressures in the area not within the ESA would have a constant bearing on areas where the ESA stipulations are applied. Specific details on this issue have been dealt with in the chapter on Matheran ESA in Kapoor, Kohli and Menon (2009). However, at the time of the declaration of the ESA what was of prime importance for the environmentalists was to get a legal protection for any portion of the area that was under severe threat from tourism.

The constitution of the committees or authorities for an ESA is optional and only takes place where the MoEF deems it fit. If set up, the composition of these committees and the powers granted to them become critical in determining the compliance of the notification clauses. Many important issues like the preparation of a Master Plan, or a Tourism Plan, or carrying capacity studies of these areas and sometimes granting of clearances to the developmental projects are left to the discretion of these committees. If the committees are designated as mere monitoring bodies without any powers to take action against violators, they remain mere reporters of non compliance to the MoEF. Further, committees and authorities are dependent on the central government for the renewal of their term and finances that might limit their functioning. Finally, there is also the question if the implementation of the ESA clauses would be more effective, if the individuals who were instrumental in drafting the notification or initiating the process were part of the monitoring or implementation related committees. One cannot conclude on this, but it is surely an aspect that needs to be considered while deciding on the composition.

Section III: CASE STUDIES

Case Study #1: Masinagudi, Tamil Nadu

Masinagudi is a village that lies at the foothills of the Nilgiris. Until 10 years ago, it was a small village that housed a population of a couple of thousand. Over the past few years it has become one of the hubs of tourism, with an alarming increase in the number of resorts. Masinagudi and the surrounding villages form the Segur Plateau that borders the Mudumalai Wildlife Sanctuary and National Park, which has been declared a Tiger Reserve. It also lies in the elephant corridor.

The Mudumalai Wildlife Sanctuary was the first sanctuary to be declared in Southern India in 1940. It is spread over an area of about 321 sq. km. It is situated at an elevation of 1000m above mean sea level. The average mean temperature is 24.3 C in the hot season and in the cold season is 4.8 C. Masinagudi range is spread over about 80.4 sq. km in Mudumalai Wildlife Sanctuary and is located in the southeast part of the sanctuary. These areas are declared as reserve forest areas. The eastern part of the sanctuary, beyond Masinagudi, gets very low precipitation; about 800 mm. Dry cultivation is practiced in Masinagudi. Kurumbas, Irulas, Chettis and Paniyas are the hill tribes who have been living in the sanctuary and near Masinagudi for a long period of time.

The animals that are seen there include elephant, gaur, bison, chital, sambar and occasionally one sees a tiger or a leopard. There are three main forest types seen in the Mudumalai National Park: tropical moist deciduous, tropical dry deciduous and southern tropical thorn. In certain places mixed vegetation types are present. Mudumalai tiger population is part of the single largest tiger population in India. It acts as a source for populating the Northern and Eastern parts of the Western Ghats landscape complex. This tiger population is capable of existing at reasonably high density due to the deciduous nature of its forests.
Water sources in Mudumalai and adjoining areas are the Moyar, Bidharahalla, Kakkenhalla and Avarhalla rivers and Maravakandi reservoir. Some of the resorts have their own private bore wells, which may be more than one in number.

Over the past few years, it has been seen that tourists are flowing into the area in large numbers. This has caused the natural ecology of the area to be disturbed by the increase in noise and pollution levels as well as the excessive utilization of natural resources. Many of the resorts that are present in Masinagudi are found to be lying on the periphery of the Wildlife Sanctuary, and are therefore very close to the habitats of the wild animals. There have been reports of the resorts playing loud music and throwing parties in the wee hours of the night. This has caused a lot of disturbance to the animals, although none of it has been documented; neither is the Forest Department doing anything about this.37

There have also been reports of hunting of deer in these resorts. While there seems to be nothing that the Forest Department can do, the existence of laws that control or curb this hunting may be used to prevent it. The problem seems to be that people are aware that they can flout the law, just because there is no one to stop them. Any drive through the Bandipur-Mudumalai sanctuary from Ooty to Mysore will provide evidence of devastating damage. There are always a few victims - peacocks, deer, small game and even occasionally a leopard - hit by a speeding truck, bus or car.

Scientists from the Bombay Natural History Society and the Indian Institute of Science have documented the ravages.38 Although the highway is closed during the night, from 9.00 p.m to 6.00 a.m, the minute the gates open, one can notice a huge rush of vehicles plying on the road with excessive honking and over-speeding.

One contentious issue between the Forest Department and the private resort owners is the fact that Masinagudi is a part of the elephant corridor.39 Now, with human encroachment into the habitat of these large mammals, there has been widespread documentation of man-animal conflict.

Elephant herds complete with tiny calves are forced to wait increasingly long periods to cross the road to the waterholes. Their natural corridors are blocked. Local adivasis have noted that animal behaviour patterns have changed. The elephants are more angry and aggressive than ever before. Where earlier adivasis walked confidently through the herds, now they must be careful.40 In 2008, an elephant killed a local young man and injured a woman in Mudumalai and earlier this year a foreign tourist was killed by an elephant from the Blue Valley resort, as she was taken to a remote area by the guide.

The 11 government tourist facilities lie within Mudumalai Wildlife Sanctuary or within reserve forest or revenue land and none of them are fenced. Of the private facilities, 69% have a boundary connection to government revenue land or reserve forest. They cover an area of 791 acres, and 91% are fenced (usually with electric wires). The percentage of private land fenced ranges from 68-100% of the area, with the exception of Singara village which only had 5%. None of the 11 government tourist facilities are fenced and as a result they pose very little obstacle to the movement of animals. Private facilities, on the other hand, have a large amount of area fenced. On the Segur Plateau this may have an important negative impact on wildlife because the majority of the resorts are situated in a crucial corridor for the movement of many species, especially elephants. Therefore, there is a high possibility that the movement of wildlife is being hindered, and that further movement restrictions would be likely with unchecked development of tourist facilities.
The table below shows the visitation details of the Mudumalai Wildlife Sanctuary and National Park, Udhagamandalp.

<table>
<thead>
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<th>Year</th>
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<th>Foreign</th>
<th>Total</th>
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</thead>
<tbody>
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<td>7429</td>
<td>94945</td>
</tr>
<tr>
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<tr>
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<td>--</td>
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<tr>
<td>2005-06</td>
<td>119824</td>
<td>578</td>
<td>120402</td>
</tr>
<tr>
<td>2006-07 upto Jan 2007</td>
<td>122790</td>
<td>657</td>
<td>123347</td>
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</table>

Masinagudi has a total population of 15,000. It was originally a tribal area. But hydroelectricity projects in Singara and Moyar hamlets brought a lot of immigrant labour who stayed back. Today there are just 600 tribals in the area. About a fifth of the people in the village rear cattle, most of the bovines are scrub cattle that are valued only for their dung that is sold in neighbouring Kerala. The cattle are also sold for meat in neighbouring Kerala. The 500-odd families in Moyar are particularly dependent on cattle rearing—the village has 2,500 cattle.

Masinagudi residents are apprehensive of what Mudumalai tiger reserve holds for them. The panchayat of Masinagudi in Nilgiri district has dug its heels against the notification of a buffer zone of the tiger reserve. In a Tamil Nadu government notification of December 2007, the entire 321 sq km of the Mudumalai protected area was designated a critical wildlife area or core of tiger reserve-parts of it was earlier formed a national park and parts a wildlife sanctuary, each with different implications for people living in its vicinity. On the anvil is also a proposal to declare 500 sq km of contiguous area as a buffer zone. The declaration is causing much heartburn in Masinagudi. Although no relocation has been proposed, people in Masinagudi fear that a buffer zone notification will prevent them from grazing cattle and that they will not be able to take tourists in jeeps to the tiger reserve.42 To date, no buffer zone has been created in Mudumalai, and it is only the core zone or critical tiger habitat (321 square kilometres) that has been declared.

There has been strong opposition to the proposed buffer zone and elephant corridor. "There are vested interests behind the opposition to the declaration of the buffer zone. Every day people trek into forest illegally. If a village forest committee with forest officer is made in charge of tourism, this will stop. At present resort owners control trekking and tourist jeeps. They are those who stand to lose once a buffer zone is declared," contends N Mohanraj, Coordinator for Nilgiris and Eastern Ghats Landscape of the World Wildlife Fund, Masinagudi. He has a point. There are 50 resorts/ hotels in Masinagudi and the adjoining villages of Bokapuram, Mavanahalla, Vazhaithotam and Chokanhalli. In Bokapuram, buildings erected by outsiders have come up too close to the protected forest. Tourism has its downside.

Nilgiris Biosphere Fading Glory, a study by EQUATIONS in 2006 notes that prostitution is reported to be growing in the resorts. Local people are employed in mostly menial jobs. The report notes more than
150 wild animals are killed on the Mysore-Ooty road between April and June every year. Wildlife experts say that the resorts have mushroomed because the forest department has not provided accommodation in the protected area. “Some resorts that will stand to lose some of their treks and other activities once the buffer zone is notified, but there also resorts that want their activities legalized,” says Nigel Otter, a wildlife enthusiast from the region. The Bokkapuram Panchayat President, Ms. Saroja agreed that there have been gross violations in the name of tourism, but added in the same breath that a lot of locals preferred to be employed in the tourism sector now rather than in estates in other areas. Unregistered establishments providing accommodation lure tourists using guides stationed near the Tiger Reserve, who get a healthy commission for bringing in the tourists. Night Safaris are common where private jeeps from the resorts take the tourists in the night, on the roads surrounding the Mudumalai Sanctuary to spot wildlife against the rules set by the Forest Department. Some of the tourists are taken on illegal trekking paths in the forests leading to conflicts with the wildlife. There seems to be general agreement among the locals that tourism needs to be monitored whereas resorts claim that it is the advent of tourism that led to development in this region. These are crucial days ahead in how tourism is dealt with in this region, and it is to be seen if the ongoing impasse between the tourism industry and the forest department will be resolved.

Case Study #2: Wayanad, Kerala

The district of Wayanad is of an area of 2126 sq. km. It is bound on the east by Nilgiris and Mysore districts of Tamil Nadu and Karnataka respectively, on the north by Coorg district of Karnataka, on the south by Malappuram and on the west by Kozhikode and Kannur. The altitude of Wayanad varies from 700 to 2100 meters from sea level. The hill ranges of Vythiri taluk, through which the road from Kozhikode ascends the Wayanad plateau over mind-boggling bends and ridges are the highest locations. From the highest altitude of the Western Ghats on the western border of the district, the plateau of Wayanad gradually slopes down eastward. Further from Mananthavady, it becomes a common plain of paddy fields with the swift flowing River Kabani coursing through it. The reserve forests through which the river flows are Begur, Rampur, Kurichiyat, Kuppadi and Mavinhalla regions in Kerala and Kakankote and Begur in Karnataka. Its geographical position is peculiar and unique. The difference in altitudes of each locality within the district presents a variation of climatic conditions. The idyllic nature of Wayanad, its nearness to Udagamandalam and Mysore with metalled roads to these centres has led to tourism becoming popular in this district. Wayanad is one of the principle areas in Kerala for tourism. Over the past ten years, tourism has been seen to be growing steadily, and more and more resorts and hotels have been sprouting up in the area. There are three main taluk areas that have been distinguished in the district and these are Sulthan Bathery, Vythiri (Kalpetta) and Manathavady.

The following are some of the tourist attractions of the region, which are popular.

- Chembra Peak, Pakshipathalam: Trekking
- Edakkal Caves: Heritage
- Wayanad Wildlife Sanctuary - Tholpetty and Muthanga ranges: Wildlife Sanctuaries
- Kuruwa Island
- Pookode Lake, Banasura Dam: Boating
- Soochipara, Kanthanpura, Meenmutti and Chethalayam: Waterfalls
- Thirunelly, Thrissiley, Valliyoorkkavu, Jain: Temples

It has been documented that the number of resorts and homestays in Wayanad has increased manifold in the recent past. The officials of District Tourism Council say that there are at least 350 homestays in Wayanad and many more unregistered establishments come up every other month. There are allegations of fraudulent land transactions and also a number of land transactions in the Wayanad
district part of which is attributed to the booming land rates associated with tourism. The Responsible Tourism initiative started by the Tourism Department in Wayanad has petered off and there has been no further follow up on the evaluation of the initiative. The Wayanad Tourism Organisation (WTO), a council of the tourism industry with resort and homestay owners of Wayanad, claims that they are eager to be part of a Responsible Tourism initiative, but the tourism department has lacked initiative. Some of the resorts own large swaths of plantation land and follow a model of "enclave tourism", where the tourists are within the property of the resort for the complete period of stay and whatever money they spend remains within the private establishment with very few benefits to the local community.

**Wayanad Wildlife Sanctuary**

The Wayanad Wildlife Sanctuary is the area that is contiguous with the Nagarhole National Park and the Bandipur Tiger Reserve in Karnataka and the Mudumalai National Park in Tamil Nadu. Wayanad Wildlife Sanctuary is present in the north eastern part of the district with discontinuous patches of Reserve Forest. The tourism zones are divided into two ranges: Muthanga and Tholpetty. The vegetation that is seen is mostly moist deciduous forests with patches of semi evergreen forests. The faunal variety is the same as the rest of the Biosphere Reserve and it is reported that the tiger sightings are quite common in the Tholpetty, Rambur and Mavinahalla regions. Elephant migrations are also common between the different states that have integrated the Biosphere Region. The government claims to give importance to the scientific conservation of the sanctuary with special emphasis and regard to the tribal populations that live in the area.47

The major tribes in Wayanad are Paniyas, Adiyas, Kattunayakan, Kurichiyans, Urali Kurubas, Mulla Kurubas and Jen Kurubas. They mainly dwell in the forest areas of Wayanad. The Muthanga Range of the sanctuary has a population of approximately 2400 tribals in 110 settlements. Since, being in a protected area, according to the Forest (Conservation) Act, 1980 and Wildlife (Protection) Act, 1972 the tribals are not allowed to earn a living or harvest NTFP from the forest. To address this, Eco Development Committees (EDCs) have been formed at every settlement. Every tribal household can have upto 2 members in an EDC. The problem is most of the EDCs are non-functional. In Muthanga, one of the EDCs’ is fully functional and they generate income via tourism.48 Whereas, in Tholpetty range, none of the EDCs are currently functional as tourism has come to a halt for the past year due to deeply mired local political issues. The issues started with agitations led by local taxi drivers against attempts by the Range Officer in Tholpetty to regulate tourism, and protests by a political party after one of their local leaders’ vehicles was searched at the forest check post. Due to the volatile situation, the Forest Department took a decision to put a halt to tourism activities.

The DFO and Wildlife Warden, Bathery, Srivalsan stated that uncontrolled tourism has been a problem in Wayanad Wildlife Sanctuary. Earlier, safaris were allowed at the Muthanga range throughout the day, causing increased pressure on wildlife. Private vehicles and taxi jeeps were allowed in the safari. There were incidents of tourists getting down from the vehicle during the safari on sighting of elephants. Now the forest department has reduced the safari timings to 2 slots of 3 hrs each in the morning and evening. Even then, the numbers of jeeps and vehicles going on the safari have not been regulated. The jeeps travel to almost 20 kms inside the sanctuary amounting to almost 150 jeep trips in a day. The forest officer in Tholpetty notes that due to increased exposure to tourists, the animals have moved away from the area into deeper forests. The elephants in the region have turned aggressive in face of the constant disturbance due to safari.49 She is of the opinion that what starts as ecotourism ends up as mass tourism hampering the cause of conservation. The DFO has proposed for a study to be conducted for carrying capacity and visitor management of the Wayanad Wildlife Sanctuary, so as to have a control on the number of visitors and vehicles allowed for the safari. A training program has also been planned to train tribal EDC members as guides and trackers. It is to be seen if the carrying capacity study will be conducted scientifically and the recommendations implemented.
Lack of Visitor Management

The number of tourists visiting destinations like Kuruva Islands, Edakkal Caves, Pookode Lake, Soochipara and Meenmutty waterfalls are unprecedented and out of control. Pookode Lake is part of the ‘Clean Destination Programme’ launched by the District Tourism Promotion Council (DTPC). Kudumbashree women are part of the Clean Destination Programme, where they come and collect the litter and maintain the cleanliness of Pookode Lake. They work from morning to evening to achieve this, but the number of tourists that arrive are so high compared to the number of women working there, that it is an uphill task for these women. Added to working hard daily, they are not paid their wages on time, sometimes the delays extending to months.

At the Banasura Dam, the Kerala State Electricity Board runs a hydel-tourism project. This involves taking tourists on speed-boats around the islands created by the reservoir. The speed boats are extremely noisy, can be heard kilometers away, and leak oil onto the waters of the reservoir. Moreover, the surrounding Banasura hills have been identified as an important Elephant Corridor. One can only imagine the disturbance the sound of the speed boat would cause to the wildlife. In the hills surrounding the dam, many resorts are being built to cash in on the lovely views. Outside the dam, lot of vendors queue up selling their wares to the tourists, and the packaging of whatever they buy is promptly littered around. The same is the case at other destinations in Wayanad, the numbers of tourists that arrive are far more than what the authorities can handle and littering is one of the biggest problems. At Kuruva Island, tourism is managed by the Vana Samrakshana Samiti (VSS). The footfall of tourists is more than 2 lakh visitors a year, with an average of 3000 visitors daily. The VSS have tried their best to regulate entry of tourists and their activities on this fragile island ecosystem with its bamboo forests, on the Kabini River. They have fenced of parts of the island, and tourists are allowed only on a certain path. But the path itself had to be widened due to the increasing number of tourists. Forests are meant
to be seen and heard, and not the other way round of tourists being heard by the forests. But that is exactly what is happening at Kuruva islands. Some of the tourists come drunk, though the VSS tries to confiscate bottles of alcohol, it is still smuggled in. The VSS members clean the destination daily, but it’s a humungous task to monitor thousands of people who litter the destination. The only positive from the Kuruva island experience is the management of the destination is in the hands of the local community and the funds generated are being used for development of the surrounding villages. They are managing many destinations like the Chembra peak, Meenmutty waterfalls apart from Kuruva Islands. But, with the growing rate of tourists visiting Wayanad, the sustainability of tourism is at risk. To add to the woes in Wayanad, the tourism department opens up new destinations at ecologically fragile destinations every year, without having proper mechanism to manage and regulate tourism at existing destinations. As a resort owner noted, it’s the only way to garner more funds.

**Case Study #3: Parambikulam Wildlife Sanctuary, Kerala**

Lying in the southern part of Western Ghats, immediately south of Palghat gap, Parambikulam Wildlife Sanctuary exhibits mountainous terrain. The sanctuary lies between the Anamalai hills and Nelliampathy hills. The altitude ranges between 300m and 1438m above MSL. There are 7 major valleys and 3 major river systems. Geologically the sanctuary has Hornblende biotite gnesis and charnockites. Major peaks in the sanctuary are Karimala (1438m), Pandaravarai (1290m), Kuchimudi, Vengoli (1120m) and Puliyarapadam (1010m). Apart from the natural rivers and streams, the sanctuary possesses three man-made reservoirs namely Parambikulam, Thunacadavu and Peruvapuripallam whose cumulative water spread is 20.66 sq. km. The reserve is the most protected ecological section of Anamalai sub-unit of Western Ghats, surrounded on all sides by protected areas and sanctuaries of Kerala and Tamil Nadu, the reserve is endowed with a peninsular flora and fauna. The region being a major ecological continuum from Peechhi to Eravikulam through Anamalai aids the large viable populations of wildlife.52

The Parambikulam Tiger Reserve was inaugurated, the second in the Kerala State after the Periyar Tiger Reserve, on February 17, 2009. The new reserve has a total area of 648.5 sq km, with a buffer zone of 225.3 sq km. The newly added core area measures 188.2 sq km. and the existing core of the Parambikulam Wildlife Sanctuary is 235 sq km.53 In the Parambikulam Reserve, 250 families were living in the core area. Of this, 78 had expressed 'initial willingness' to relocate in February 2010.54

The management of the Reserve has undergone positive changes brought about since Sanjayan Kumar, an officer of the Indian Forest Service, took over as warden in 2006. Prior to that, tourism was unregulated, and tourists drove around in their vehicles unmonitored. They also discarded garbage, particularly plastic water bottles, along the forest trails. The park was opened to tourists with a boarding and lodging facility with seven tents in Anappady, the main administrative centre of the sanctuary. Six other facilities were also made available, in machans (platforms), watch towers and dilapidated foresters’ quarters in the interior parts of the sanctuary, where visitors could stay or look at wildlife or just enjoy nature. Adventure trails were opened up for trekking. The number of vehicles entering the sanctuary was restricted to 30 a day. In order to eliminate the plastic menace it was made mandatory for tourists to surrender all their plastic bags and water bottles at the entrance at Anappady. The sanctuary management instead started providing tourists with Parambikulam mineral water bottles, each costing a nominal Rs. 5. The bottle has to be returned on exit, failing which a fine of Rs.100 is imposed on the tourist. A curio shop at Anappady, managed by tribal people, sells products such as honey, eucalyptus balm (made of eucalyptus oil and beeswax) and caps and T-shirts bearing the logo of the sanctuary. In order to cut down on the disturbances caused by the vehicles taking tourists around, the sanctuary bought four 14-seater vans on loan. The profit they fetched enabled to repay the loan within a short period. The number of visitors to the sanctuary is now limited to 200 a day. The core has six settlements, with a total human population of about 1,100. The buffer also has at least 600 people in different settlements.55 Tourism is being managed by Village Eco-Development Committees in these six settlements along with the Forest Department. There are 6 presidents of these Eco-Development Committees who report to the Warden.
The fact that Parambikulam is surrounded by Protected Areas has also curbed private establishments coming up around the Reserve. But, recently the Forest Officer in charge of Parambikulam Tiger Reserve has changed. It is to be seen that the controlled tourism that was being conducted will continue. The Forest Department has to make sure that further expansion and construction of additional accommodations does not take place. There are shortcomings in the capacity building of the tribal communities that needs to be addressed.

Waste management, though far ahead than many other destinations in the Western Ghats, needs improvement as wild boars and monkeys are being attracted to the waste generated by the tourists and the settlements. Environmental education in the form of effective interpretation centres and other educational content along with well-trained staff should be developed. Parambikulam Tiger Reserve heralds a hope for better management of tourism in Protected Areas with involvement from the local communities, and it should be ensured that the good work continues in spite of change in administration. The issues of settlement and displacement due to the declaration of the Tiger Reserve should be handled sensitively and justly in accordance with the Forest Rights Act of 2006.

Case Study #4: Uttara Kannada Circuit: Yana-Sirsi-Yellapura-Dandeli, Karnataka

Yana-Sirsi-Yellapura

Sirsi is a town in the Uttara Kannada district in the Indian state of Karnataka. It is a hill town that is surrounded by lush green forests of the Western Ghats and the region is popular for a large number of waterfalls. Hubli is the nearest town, and the main businesses around the town are mostly subsistence
and agriculture based. Adike (Supari) (Areca nut) or (Betel nut) is the primary crop grown in the villages
that surround the town, making it one of the major trading centres for Arecanut. The region is also
popular for many other spices like cardamom, pepper, betel leaves and vanilla. The major food crop is
paddy and rice is the staple food of the people. In the recent past, there have been demands to grant
Sirsi the Uttara Kannada district headquarters status, which currently is with the coastal town Karwar.
Other towns close to Sirsi falling in the Uttara Kannada district and Western Ghats belt are Yellapura
and Dandeli.

Tourism Trends - in and around Sirsi

Tourism in and around Sirsi is centred on two categories of destinations: Pilgrimage spots and Nature-
based tourism. The major Pilgrimage spots are the Marikamba Temple, Sahasralinga, Madhukeshwara
Temple in Banavasi and the three Mathas- the Swarnavalli Mutt, the Vadiraj Mutt and the Jain Mutt
near Sonda. The major nature-based tourism spots are rock formations at Yana, Unchalli Falls, Magod
and Sathodi falls near Yellapura. The rock formations at Yana house a famous Shiva temple, which also
attracts a sizeable number of tourists. There are many other lesser-known waterfalls and view points
around Sirsi and Yellapura. One of the reasons for the rise of tourism in Sirsi has been attributed to
Anubhav Travels, now Anubhav Holidays, which started the concept of package tours for tourists
largely from Maharashtra, almost ten years ago. Other reasons are the high volume of domestic tourists
due to the presence of the pilgrimage spots, and improved connectivity via road to Goa and Maharashtra,
Coastal Karnataka, and other urban centres like Hubli and Bangalore. Also new roads have been made in
the recent past to previously inaccessible tourist spots like Yana and Unchalli Falls. The concept of
resorts is still alien in the region. There’s only one resort, Banana County which is in Yellapura, and is run
by the Anubhav Holidays. The same group is building another hotel on the Sirsi-Hubli road. Most of their
clients are from Maharashtra and urban centres in Karnataka. Lately, there have been instances of the
concept of homestays and rural tourism that have emerged in this region.

Environmental Aspects

The Uttara Kannada district has been a region of high ecological importance due to the presence of rich
biodiversity in the thick forests. This hilly district, with the highest proportion of its area under forests
in South India, is divided into five ecological zones: coastal, northern evergreen, southern evergreen,
moist deciduous, and dry deciduous. The evergreen forests are particularly rich in the diversity of plant
species which they support - including wild relatives of a number of cultivated plants. They also serve
a vital function in watershed conservation. The moist deciduous forests are rich in bird species; both
moist and dry deciduous forests include a number of freshwater ponds and lakes that support a high
diversity of aquatic birds. The region also gave birth to the famous ‘Appiko Movement’ inspired by the
earlier ‘Chipko Movement’.

Impacts of Tourism

Due to growing tourism, there has been increased pressure on the environment. At Yana, the unique
rock formations are surrounded by thick evergreen and moist deciduous forests, have witnessed a
rapid increase in number of tourists over the past years. Not less than 5 years ago, Yana was reachable
only via trekking, and there used to be a dirt road till the nearest village. The volume of visitors was
considerably low taking into account the accessibility of the destination. Now, there’s a metalled road
that stops 500m short from the foot of the rock formations. This road was constructed despite vehement
opposition by local activists. Yana now attracts approximately 15,000 visitors a year and the change
shows through in a very apparent fashion. Waste has become a huge problem, with tourists littering
plastic packaging of eatables either bought at the tea shop at the destination, or which they carry. Also
hordes of tourists arrive on holidays in large groups for picnics and throw their plates and other wastes
at clearings in the forest or by the numerous streams in the area. There is no proper garbage collection
and disposal mechanism in place. The locals from the nearby village collect the garbage from the area
(1 or 2 villagers) on a nearly daily basis and burn it. The Eco Development Committee (EDC) is practically
non-functional. A middle-aged gentleman, from the town of Karwar who had come visiting to Yana after
a gap of 6 years, found the place unrecognizable with the newly constructed roads, adjoining building at the Shiva temple, and the hustle and bustle of tourists. He bemoaned the loss of a once pristine habitat.

**Photo 6: Litter collected in Yana, in the background newly constructed buildings (left). Paper and plastic plates left behind by picnickers on the way to Yana (right)**

Similar is the case with places like Unchalli Falls, where a local villager, Mr. Hegde owns a refreshment stall, located 500m away from the falls, at the gate where the metalled road ends and the dirt track starts. He tries his best to educate tourists passing by asking them not to litter. This is of no avail as within a matter of hours, more litter appears on the path. At Unchalli Falls, the Forest Department has constructed a gate, pathways, steps and viewpoints. But what lacks is a destination management plan and structure, which would ensure there are regulations on the number of people visiting at particular timings, staff to educate and enforce the rules on the visitors, and involvement of the local villagers in the management of the destination and an equitable distribution of tourism revenues with them. The Magod Falls near Yellapur shares a similar story, but at least the local Village Forest Council (VFC) along with the Forest Department has attempted to keep the destination clean. The situation, though far from ideal, is better than at Yana and Unchalli Falls. Sahasralinga, near Sirsi, a place where 1000 Shivalings have been carved on the rocks in the river, is also a spot that attracts a large number of pilgrims. The serene river banks have turned a dumping yard for all kinds of litter including plastic, bottles, and discarded clothes and so on. Another issue that repeatedly crops up is the disposal and waste management at tourist accommodations. A year ago, a PWD Yatri Nivas was constructed near the Swarnavalli Mutt. It has been noted that all the grey water and untreated waste is directly left into the river causing pollution. Also, the Yatri Nivas constructed is RCC and does not fit aesthetically into the village scene. Even the larger resorts like Banana County do not subscribe to the green building concepts of using environmental friendly building materials or renewable energy. The recent spate of expansion of the road network extending till pristine destinations like Yana and Unchalli Falls has caused fragmentation of the forests and the forest ecosystems.

**Rural Tourism**

The economic activities in the surrounding areas of Sirsi in the Uttara Kannada district are primarily agriculture and plantations of arecanut, coffee and spices. Majority of the land holdings are small in nature. There are also problems arising due to very competitive rates in the export market of spices. Added to this, the real threats of climate change, and changing seasonal patterns which has become unpredictable, coupled with unscientific methods, and falling yields. This has partly led to the local communities looking at tourism as an additional source of income. The concept of homestays has caught on in Sirsi.

One such example is, Mr. H.D Hegde, a chartered accountant based in Sirsi, along with a group of other residents of Sirsi have taken the initiative to make tourism’s benefits reach the local communities and not just in the hands of an elite few. They have a registered a Co-Operative society to conduct a
A rural tourism venture called Spice Route Souharda Sahakari Niyamita (Spice Route). Spice route has tied up with the U.K-based Village Ways, a responsible tourism initiative.

Their first guests arrived in November 2010. Spice Route has received an interest-free loan from Village Ways to construct a guest house that accommodates 6-10 tourists at a time. The Co-operative society has been registered, and the members are from local villages.

The salient features of the initiative as told by Mr. H. D Hegde are:

- All members become shareholders by depositing Rs.100.
- This concept is different from the homestays as the guests do not stay in a village farm home, but at a separate guest house in the village. This decision has been consciously taken so as not disturb the village culture and the privacy of the community.
- They wish to generate tourism revenue without disturbing the village economy and ecology.
- The guests will comprise of foreigners and they might look to cater to urban Indians at a later point in time.
- Only local food would be served to the guests, acquired from the village farms. The food will be cooked by the village women.
- They would train 6-8 guides per village, and use their services in a rotational basis. The guides would be trained as naturalists, on local culture and customs and imparted language skills in English. The guides would primarily be talented local youth.
- In addition, they would employ housekeeping staff for the maintenance of the guest house.
- They would also look to sell local products and handicrafts to the guests.

The Co-operative society has an ambitious target of achieving occupancy of 300 days in a year. On successful implementation in one village, they wish to expand to more villages in the region, and provide additional income to the local communities and households. Occupancy is usually percentage.

Another example of rural tourism in Sirsi is conducted by Vanastree. Vanastree is a small collective dedicated to promoting forest garden biodiversity and food security through the conservation of traditional seeds. They mainly involve themselves in nurturing local food production traditions by promoting the concept of the forest home garden within the village farm homes and working on value addition of food, other allied agricultural products and crafts. As an offshoot, they started the concept of an eco-homestay, where the guests would be involved in activities of the household they visit. Sunita Rao of Vanastree says, “We are very particular about the kind of guests we host at the homestay why (Nellithota Forest Retreat, near Mathighatta village). We initially started by inviting only friends and people whom we knew. Later, the interns who worked with Vanastree were also accommodated. We made sure that the guests who came were educated about certain rules and acceptable limits.” The Nellithota Forest retreat has been doing well, with increasing requests and enquiries for stay.

However, all is not well, inspite of being careful; Vanastree has had to deal with tourists who consume alcohol against their wishes. There are dangers associated with this form of tourism, and unless strict regulation and awareness is created among both the local communities and the tourists, there tends to be a very high potential for things to go out of control. Some of the issues of what can actually go wrong will be discussed with the example of Dandeli.

Dandeli

Dandeli is a town in Uttara Kannada district of Karnataka in the Western Ghats, near to Goa. Dandeli is located 117 km from Karwar, 75 km from Hubli, 98 km from Sirsi, and 481 km from Bengaluru. Dandeli is promoted as a tourist spot for nature lovers. It is well known for the Tiger Reserve, paper mills, dams and tourism. A significant part of Dandeli’s population consists of economic migrants from all over India. The Kali river which is the main water source, is also one of the most popular white-water rafting destinations in South India.
The Dandeli Wildlife Sanctuary along with the Anshi National Park was declared as the Dandeli-Anshi Tiger Reserve. Recently, it has also been notified as a Hornbill Reserve. Both Dandeli Wildlife Sanctuary and its adjacent Anshi National Park house huge tracts of moist-deciduous and evergreen forests. Although a known habitat of the rare black panther, the large size and the density of the forest make spotting them very difficult. The forests of Dandeli and Anshi are home to over 200 species of birds and many large mammal species. The main tourist attractions apart from the safari and white-water rafting are the Kavala Caves, Syntheri Rock, Molangi, Sykes point and the Supa Dam. The reserve has a population of more than 20,000 people living within and on the periphery of its boundaries. There are pockets of revenue land within the reserve boundaries, where agriculture is practiced. The number of revenue settlements is 54. A Tiger Conservation Foundation has been set up in order to facilitate and support the management of the tiger reserve for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people. Tourism in the reserve has increased rapidly over the past 5 years. People visiting the Dandeli-Anshi Tiger Reserve alone has increased from 6000 in 2001 to more than 25,000 presently. This has also led to increased tourism revenues and the Tiger Conservation Foundation has funds of Rs.22 lakhs allotted for the 24 villages in the reserve. Each of the 24 villages has an Eco Development Committee (EDC) constituted of the local communities. These EDCs are engaged in tourism and forest management activities. The EDC at Syntheri Rocks has been particularly effective in managing the destination and utilizing the tourism revenue. However, many of the EDCs have not been functional and some locals allege that some of the office-bearers of the EDCs are influential people who are not bringing any benefits to the local communities. The DFO agrees that there are problems, and he is slowly trying to reform the situation and make the EDCs more effective.

The Dandeli-Anshi Tiger Reserve has two tourism zones - Kulgi and Anshi camps. At the Kulgi camp, safaris are conducted in the mornings and evenings. Private Jeep taxis and private vehicles are allowed in the safari. The reserve does not own vehicles of its own for conducting the safari. Though, there are rules that the visitors should not disembark during the safari, it is openly flouted by the tourists and the guides. The Forest Department has tried to educate the tourists about this through their website, by asking the tourists to focus on the rich biodiversity of bird species, reptiles, amphibians, insects and trees. But this has not translated on the ground. Spreading the message to the tourists and the tourist establishments in the area has been challenging. The tourists can be regularly heard complaining about how they were not able to sight anything substantial. The manager of the Bison Resort, one of the many popular resorts in the region, when asked about the problems in the Reserve, cited that the "sightings are very poor, and the forest department should take necessary steps so that the situation is improved", without understanding and appreciating the nature of the forest.
The Tourism Boom and the after-effects

Over the past few years, owing to the increased tourism activity, many resorts and homestays have sprung up around the Dandeli Wildlife Sanctuary. Many of these establishments are cheek by jowl by the boundaries of the reserve. It was observed that some of the resorts situated in the forest were using noisy and polluting diesel generators for electricity backup. There have also been complaints about night safaris being conducted, where the tourists start either much ahead of the scheduled time at 5.30 a.m or continue late into the night, for a better chance of "sighting".

Photo 7: Profusion of resorts jostling for advertising space near Dandeli-Anshi Tiger Reserve

Some of the local people have come together and formed an association of homestays with a common set of guidelines focusing on eco-homestays. They have named it the Kali Parisara Pravasam Samasthana (Kali Eco-Tourism Organization). The homestays are situated at a farm house without the guests staying with the family or home. The basic idea behind this separation is to minimize the exposure of their families to tourists. Local youth have been employed as cooks cum house-keepers of the homestay. Kadumane, a homestay situated around 4 kms away from the Kulgi Nature Camp is run by Mr. Narasimha Chapkhand. He is one of the main persons behind the Kali Eco-Tourism Organisation. He is a farmer by occupation and also conducts street plays and awareness programs on environmental issues. Kadumane was started 2 years ago, with a strict focus on ecotourism. Narasimha accommodates his guests in a small farm-house which is surrounded by his own farm and plantations. He uses most of whatever he produces to prepare food for the guests. He also does bee-keeping and grows many fruit trees to attract the birds and mammals like the Malabar Giant Squirrel. He uses whatever solid and liquid waste generated as manure for his farm. He takes his guests on bird-watching walks, boating (on a raft made by him), treks and wildlife spotting.

Initially, when it started out, Kadumane had a strict no-alcohol policy. But Narasimha says that a very large majority of the tourists who come to Dandeli want to indulge in alcohol and he had to grudgingly tweak his policy and allow consumption to become financially viable. He noted that alcohol consumption and illegal activities like drug abuse were on the rise in the local communities and tourists. This view was vouched for by another local, who’s a jeep owner and driver. He also went on to say that there were stray cases of prostitution.

The DFO noted that tourists’ were being cheated by some of the tourist establishments and drivers. The DFO of Dandeli, Sunil Panwar, has taken a few initiatives to involve the local communities through
EDCs and VFCs, and a mechanism to share the revenues generated by tourism with the communities through the Tiger Conservation Foundation. There are plans in place to test this model at the Kulgi Nature Camp. Also, the example set at Syntheri Rocks is planned to be emulated at other tourist destinations in the reserve. It is to be seen whether these plans will be implemented. But the larger issue of unregulated tourism continues unabated.

The Uttara Kannada district, one of the most forested districts in South India, is slowly waking up to both the benefits and negatives of tourism. Tourism around Sirsi has still not developed to the stage of being unmanageable like many other destinations, and it is the right time for policy makers and stakeholders to step in before it is too late.

**Case study #5: Homestay Tourism in Kodagu, Karnataka (based on a study by EQUATIONS in 2007)**

The picturesque Kodagu district, is one of the smallest district of Karnataka covering an area of about 4,104sq.km (around 2.2% of the area of the state). Kodagu consists of three administrative units or taluks of Madikeri, Virajpet and Somwarpet with Madikeri city (previously known as Mercara) as the district headquarters. It is surrounded by Hassan district in the north, Mysore in the east, Dakshina Kannada on the west and the state of Kerala to the south.72

The name Kodagu originated from "Kodinalenad" which means "dense forest land on steep hills". Nestled on the slopes of the Western Ghats, its pleasant climate and natural beauty have given Kodagu epithets like the Scotland of India and the Kashmir of the South. The land is covered with lush green forests, interspersed with coffee plantations and orange groves and valley cultivated with paddy. It is the birthplace of the river Cauvery. There are basically three forest types - wet evergreen forests, moist deciduous forests and dry deciduous forests. The district has three wildlife sanctuaries: Brahmagiri Wildlife Sanctuary, Talakaveri Wildlife Sanctuary, and Pushpagiri Wildlife Sanctuary, and one national park, Nagarhole or Rajiv Gandhi National Park. The forest cover of Kodagu has reduced considerably over the last few years comprising of not more than 30 percent of the total area. Increasing pressures have led to the conversion of even reserve forests and sacred groves into agricultural lands and plantations.

Most of Kodagu’s economy has been based on agriculture, plantations, and forestry. The coffee boom, in the nineties, led to the shrinkage of the paddy area, as paddy fields were converted into coffee estates. With the coffee prices now declining, the farmers have begun cultivating ginger in the paddy fields. Kodagu was once synonymous with oranges but have now become scarce due to pest and disease.

In recent years, however tourism, especially homestays has started to become more important. Kodagu being just 5 hours away by road from Bangalore and about 2 ½ hours from Mysore, weekend stays are booked in advance, mostly from employees of the IT sector for leisure or for corporate getaways.

**Homestays in Kodagu**

The Home stay concept of "Atithi" was launched by the Karnataka State Tourism Department in the state in 2002.73 It is believed to be a strategy developed by the government to overcome shortage of accommodation given the growth in the tourism industry. Besides providing an insight into the local culture and cuisine, homestays claim to be an inexpensive proposition when it comes to other forms of accommodation such as hotels.

There are varied assessments about the number of homestays. As no set guidelines specific to homestay exists, there is a lot of disparity regarding registration, criteria, taxes and tariff, even the number of homestays operating in the district at present. According to the media, around 700 odd homestays are operating in the district at present. The District Commissioner (DC)74 has quoted a figure of 900 homestays. The number, however, is only around 350-400 according to the Kodagu Tourism Promotion Council (CTPC)75. The official website (http://kodagu.nic.in/tour/lodges.htm) notes 23. According to the DC, out
of the total 900 home stay operating in the district, only 43 are registered ones - either registered with
the Commercial Taxes Department or the Tourism Department. However, only a few qualify as a genuine
homestay option. The existing houses and small buildings in and around Madikeri city particularly, are
often converted into temporary homestay options during the peak tourist season.\textsuperscript{76} Besides, in the
absence of regulatory guidelines, issues such as security, commercial taxes, excise duty, liquor licensing,
policy harassment, and cultural issues among others have cropped up.\textsuperscript{77}

At present, there are 37 registered hotels, lodges, guest houses and holidays homes and 4 resorts in
Kodagu\textsuperscript{78} of which resorts like Orange County are spread over an area of upto 300 acres. With homestays
emerging as an equally popular option among tourists, there exists a competition not just between the
hotels, resorts and homestays but also within homestays.

Other issues of concern linked with tourism

The conversion of agricultural land for commercial purposes particularly tourism has been on the increase.
Ever since the Class C & D lands (degraded forest lands) were handed over by the Revenue Department
to the Forest Department in the late 1990s, buying private lands has become an expensive proposition
especially in Madikeri city and nearby areas. As a result, vast expanses of agricultural land are being
acquired and converted into resorts, holiday homes and other tourist facilities by business magnates
mostly from outside the state.\textsuperscript{79}

The laws relating to the selling of land and even the cutting of trees on private lands in Kodagu are
complex. It has to do with the complicated land tenure system that exists in the district. The conversion
of any land (excluding forest land) for commercial purpose requires the permission of the District
Commissioner with the recommendation made by the City Municipal Council (CMC) or the Madikeri
Urban Development Authority (MUDA) depending on the area of jurisdiction in which it falls. Madikeri
and surrounding areas (within 5 km radius) including 9 villages fall under the CMC’s jurisdiction, while
the rest fall under MUDA.

License is granted under the Section 256 of the Municipal Corporation Act as per its adherence to the
zonal regulations that exists under the Comprehensive Development Plan (CDP).\textsuperscript{80}

As per Section 21 of the Karnataka Town & Country Planning Act 1961, Comprehensive Development
Plan (CDP) indicates the manner in which the development and improvement of the entire planning
area is to be carried out and regulated. CDP is generally developed for a period of 10 years. The CDP
(1996-2006) was developed without carrying out an extensive geological survey to determine the stability
of the region and its drainage patterns and so on. Kodagu being a hilly terrain, unplanned development
can lead to landslides. Besides, it can also obstruct the natural drainage flow, flooding the entire region.
The flooding of Madikeri city in 2006 was a result of a heavy rains and the obstruction of the natural
drainage pattern.

The CDP has identified areas for development in Madikeri. Within the earmarked region, pockets of
agricultural land, forest land and water sheets have also been identified. The CDP has specified that
these areas needs to be preserved in their existing status. Land requirements for the year 2011 was
developed based on the existing development pattern and also taking into consideration the likely
population of 2011. The land use analysis of the year 1996 & the proposed land use for the year 2011
are given below:
### Land Use Analysis - 1996

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<th>S. No</th>
<th>Nature of Land Use</th>
<th>Area in hectare</th>
<th>% Total Developed area</th>
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<td>Industrial</td>
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<td>Public &amp; Semi public</td>
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<td>Parks &amp; open space</td>
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<td>8.77</td>
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<td>6.</td>
<td>Traffic &amp; Transportation</td>
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<td>Total Developed area</td>
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<td>100.00</td>
</tr>
<tr>
<td>7.</td>
<td>Vacant land</td>
<td>201.33</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Agricultural land</td>
<td>88.49</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Forest land</td>
<td>206.68</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Water Sheet</td>
<td>14.50</td>
<td></td>
</tr>
</tbody>
</table>

### Proposed Land Use - 2011

<table>
<thead>
<tr>
<th>S. No</th>
<th>Nature of Land Use</th>
<th>Area in hectare</th>
<th>% Percentage of Total Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Residential</td>
<td>417.97</td>
<td>41.63</td>
</tr>
<tr>
<td>2.</td>
<td>Commercial</td>
<td>28.44</td>
<td>2.83</td>
</tr>
<tr>
<td>3.</td>
<td>Industrial</td>
<td>22.22</td>
<td>2.21</td>
</tr>
<tr>
<td>4.</td>
<td>Public &amp; Semi public</td>
<td>39.35</td>
<td>3.92</td>
</tr>
<tr>
<td>5.</td>
<td>Parks &amp; Open spaces</td>
<td>44.50</td>
<td>4.43</td>
</tr>
<tr>
<td>6.</td>
<td>Traffic &amp; Transportation</td>
<td>119.77</td>
<td>11.93</td>
</tr>
<tr>
<td></td>
<td>Total area to be developed</td>
<td>672.25</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Agricultural land</td>
<td>15.28</td>
<td>1.52</td>
</tr>
<tr>
<td>8.</td>
<td>Forest land</td>
<td>302.03</td>
<td>30.09</td>
</tr>
<tr>
<td>9.</td>
<td>Water Sheet</td>
<td>14.50</td>
<td>1.44</td>
</tr>
</tbody>
</table>

As per the above statistics, if the rate at which Madikeri and surrounding areas are being developed continues then the area with respect to residential will be doubled and commercial will be tripled. Most of the vacant area is being used up for the expansion. However, the decrease in agricultural land suggests that some of the agricultural might also be used for the expansion of residential, commercial and industrial area.

Club Mahindra got permission for the conversion of 30 acres of agricultural land for constructing around 120 cottages under these regulations. Other similar projects under consideration are: a proposal of 50 cottages by the Cauvery Resorts; 24 cottages by the Coorg International Hotel, Sahara’s proposal of 120 acres of land in Kaloor, 20-40 cottages by a Delhi operator in Hatti, a proposal of developing 110 acres of land in Tiger hills and 120 acres in Kattekadu. Places like Mookudlu, Bettathur and Bhagamandala also are being considered for such projects.

Unregulated development is slowly transforming the entire landscape of Kodagu and degrading its environment subsequently. The tourist spots are strewn with garbage and plastic bags. Talacauvery
which is the birthplace of the river Cauvery and also one of the main sources of drinking water is polluted. This apart, the conversion of agricultural land to build resorts, holiday homes and other tourist facilities has adversely impacted agricultural production, food security and the livelihood of farmers as well as poor labourers who depend on those lands.

Even though Kodagu receives high rainfall, due to the terrain most of the rainwater gets wasted as surface run-off. Very little of it seeps into the ground and helps in ground water recharge. Kodagu already faces a problem of water shortage during summer. The increasing demand for water with the increase in the inflow of tourists, will only add to the problem.

SECTION IV: RECOMMENDATIONS

The pilgrim sites, hill stations, National Parks and protected areas of the Western Ghats have been popular tourist destinations. In recent years, the growth of India’s consumer class, combined with increasing access to private and public transport, has led to a rash of growth in tourism of all kinds and in tourism linked infrastructure. The trend towards resource intensive mega tourism projects- Lavasa, Ambey Valley, amusement parks, golf courses is even more alarming.

Problems include the clearance of natural vegetation for hotels and tourist facilities, increased pressure on water and electricity resources and fuel wood, pollution from vehicles, noise, overcrowding, poor waste management and litter. These are serious concerns, due to the fragility and ecological importance of the forest, rivers and scrubland in the region. The character of many of these destinations have changed, from a tranquil place for relaxing and appreciating nature, to becoming commercialized and polluted and spent destinations. Few people want to limit the growth of tourism in the region but most business owners and government planners favour the continued growth of mass tourism and little effort has been made towards community involvement and benefit as well as sustainable and responsible forms of tourism.

Our recommendations fall into three categories:

A: Developing a clear vision and strategies for tourism, conservation and community rights and participation

B: Regulation, policy, guidelines and institutions

C: Ensuring sustainability in tourism

A: Developing a Clear Vision and Strategies for Tourism, Conservation and Community Rights and Participation

There is an urgent need to shift priorities in the vision of tourism from merely increasing tourist numbers, number of multiple category hotels / resorts and infrastructure to addressing critical issues such as sustainability. The tourism industry is not, and cannot, be the standard-bearer of conservation stewardship. Ways and means to transfer this to local communities need to be worked out with the state playing a facilitative and regulatory role. Several national and international guidelines could be referred to wherein attempts by communities to arrive at vision and principles of tourism development are reflected in the form of charters and codes. There are inspiring examples of people’s charters on tourism from other states in India.

- We recommend that the Ministry of Tourism (MoT) takes the lead to support a detailed and participatory visioning and strategising exercise that lays out general guidelines for tourism in the whole Western Ghats region, takes into account the perspectives and needs of different stakeholders and allows varying and even conflicting interests to come into play. A comprehensive broad tourism vision and guidelines document for the Western Ghats should be the final outcome of this process, which can be used as a guideline for the states to form their ecotourism/tourism policy in the Western Ghats region.
- This comprehensive visioning and strategic planning exercise should be prioritised and privileged as a critical step prior to announcing/approving any further policy/scheme given that the adverse impacts of unplanned and unregulated tourism on the Western Ghats are evident.

- Policy to consider the aspects of conservation of the rich natural heritage and biodiversity, protect and respect the socio-cultural heritage and rights of indigenous people, responsibility in tourism, people centeredness and equity in the way tourism is envisioned; governance and coordination between different states and forest departments, strengthening role of local elected governing bodies in tourism, building capacities and skills of people to participate and to engage in tourism.

- To supplement such strategic exercises, partnering with the MoEF, NGO, academic institutions etc for detailed technical studies to be undertaken on carrying capacity and tourism impact assessments (not only Environmental Impact Assessments) and/or limits of acceptable change.

**B: Regulation, Policy and Institutions**

Nature-based tourism potentially can generate public support for conservation but adds to existing challenges of managing PAs and eco-sensitive areas already facing pressure. This is particularly true for the Western Ghats where 80% of the tourists are domestic. Based on the trends of increased tourism and opening up of more and more areas, as well as the damage that unregulated tourism has caused, there is an urgent need for establishing and enforcing regulations to manage tourists, resource use, and land-use change around PAs and other ecologically fragile areas in the Western Ghats.

- The opening up of more areas within the Western Ghats for tourism is an aspect that calls for serious relook and stringent regulation, since research points to the fact that current forms of tourism in the Western Ghats do not create strong links between tourist numbers, conservation of biodiversity and sustainable local benefits. The states and their respective Tourism Departments along with the Forest Departments and Tribal Affairs Departments must ensure a regulatory role in addition to being a facilitator of tourism.

- Managing and minimising negative impacts (environmental, socio-cultural and economic) are the most important factor in ensuring sustainability. Also, the focus and resources spent on opening new tourists destinations should be shifted towards making existing tourism destinations sustainable. Most tourist destinations in the Western Ghats flout a general understanding of carrying capacity. There is hardly any tourism planning that considers these parameters. Managing tourism destinations is an important part of controlling tourism’s impacts. Destination management includes land use planning, permits and zoning controls, environmental and other regulations, community initiatives, and a host of other techniques to shape the development and daily operation of tourism-related activities. Tourism plans (both perspective plans and management plans) need to be laid down and made open to consultation before any expansion of tourism is considered.

- Another important regulatory role is balancing between local residents’ needs, conservation needs and the needs of tourism - particularly to access to resources, services and facilities.

- Existing laws and policy, in whatever shape, needs to be implemented rigorously. Tourism establishments should be 10 km away from the periphery of forest areas, especially Protected Areas. Migratory routes should be prohibited for occupation by tourism establishments. Research to determine the number of resorts the parks and the local communities can sustain without damage. Megaprojects and resource intensive tourism projects should be scrutinised particularly carefully.

- The issue of establishing the Western Ghats Ecological Authority or Conservation Authority is a complex one because of the nature of these Authorities being top down and allowing very little genuine space for multiple interests and peoples voices. One of the mandates of the WGEEP is to take a call on the declaration of ESAs. As indicated in the main paper, while tourism is seen as a significant cause for rapid destruction of fragile ecosystems, and in fact has been the principle reason why Matheran and Mahabaleshwar-Panchgani in the Western Ghats were given ESA status,
the process of declaring a place as an ESA requires nuancing. The political factors and interests (particularly pro-tourism expansion interests) become the key reason why many of the committee and regulations are paid no heed to. Therefore merely declaring a region as an ESA is not enough and the various interests need to be negotiated in the process and continually thereafter.

- Tourism infrastructure, particularly accommodation, should be encouraged to be eco-friendly, with careful use of locally available materials. Incentives for the same need to be given in the form of subsidies and also further scientific research in this field should be encouraged for innovations. At the same time, the use of local material must be regulated to ensure that these are not being consumed unsustainably. If awareness schemes have little impact on monitoring, the prospect of stringent regulation should be resorted to.

- Renewable energy methods, such as solar/biogas/biomass systems should be encouraged. Natural topography of the land to allow water catchment basins and soil conservation systems should be preserved. If there are none, then the architect and landscape planner should create water catchment and soil conservation methods.

- Regional criteria as to how tourist facilities can become more sustainable need to be created. Establish indicators through a multi-stakeholder process to investigate the use of tax break, subsidies, and reward schemes from the Government to support resorts in their endeavour to become more sustainable.

- While regulating the growing number of tourism establishments, subsidies to small and medium enterprises in tourism, on investments in environmental management systems like solar, water harvesting, sewage and solid waste management may be considered.

- The forest departments should consider taking steps such as closing certain over-visited protected areas for rejuvenation; regular monitoring and checking repeatedly for signs of damage.

- The issue of growing number of pilgrim “tourists” requires special attention. The need for special regulations that would be sensitive to faith based responses as well as put in place practical guidelines and facilities that cater to burgeoning numbers are essential. But this needs to be negotiated carefully between the different government departments and temple boards in relation to issue like the devastation of fragile areas, the provision of facilities. This is critical to avert both human and ecological disasters.

- A reliable base of information is required to be developed on which tourism plans are made and implemented. Registration of establishments and collection of data from tourism establishments to corroborate official data must be done. A system for regular collection, publishing and analysis of tourism statistics needs to be put in place. This should include critical indicators like revenues from tourism, number of people directly and indirectly employed in the sector, occupancy rates in accommodation units and profits of tourist business.

- Bridging gaps in information through local research as well as secondary research to put together the big picture. Undertake collaborative & participatory rapid impact assessments (RIA) as a first round. Tourism impact assessments, assessment of the number of tourists into the various destinations carrying capacity studies and a scientific approach needs to be undertaken before setting up any establishment rather than just demand vs. supply principle.

- Capacity building and facilitating the emergence of community based institutions to assess tourism impacts at local level (to monitor, manage and regulate impacts) will help in systematically documenting the tourism impacts at the local site level, establish community based methodologies for studying tourism impacts and provide the base to develop regulatory and management measures. Development of tools to assess tourism impacts and sustainability of these assessment tools in the long term with an emphasis on local assessment and ownership. As these are through participatory methodologies, it will ensure ownership, establish meaningful relationships and build capacity of local communities to take forward the activities into the future.
Training of guides to ensure compliance by them and tourists is important. Educating tourists on safaris and adventure tourism activities like trekking should be mandatory so as to avoid conflicts with the wild animals and also regulate environmental and noise pollution. Interpretation centers could also be located outside the park premises. Tourism Operators and Forest Departments need in particular to make special efforts to increase public awareness on not to look out for sighting of tigers and other large mammals as the sole purpose of wildlife tourism. Night time movement of tourists should be regulated and monitored in and around protected areas to avoid disturbance to wildlife.

Strengthening role of local governing bodies and peoples participation in tourism is the other pressing need. There is a rush to open up new tourism destinations while the existing destinations are in shambles due to the absence of an effective management and democratic decision-making systems.

The Panchayats need to engage in the design and implementation of tourism more directly. The ability of local communities through grama sabhas to engage with the representatives and negotiate power structures and dynamics is a crucial factor for tourism to be more reflective of their aspirations and interests and take cognizance of their rights and responsibilities. Their capacities for the same also need to be built.

Other local institutions such as Eco Development Committees and Village Forest Councils should also play an increasing role in management of tourist destinations in forest areas. Regulations must take into account the fact that JFM Committees/ VSS-VFC/EDC are under the control of Forest Departments with little evidence of a broader democratic process of direction setting and decision making.

Land acquisition for tourism resorts needs to be studied and monitored and the Panchayats need to have a say in allotment of revenue land for tourism purposes. Imposing a moratorium on further expansion of tourism till such time when the vision, strategies and policy making steps are taken, is necessary.

Consultation between the tourism industry and local communities, organizations and institutions is essential if they are to work alongside each other and resolve potential conflicts of interest.

Improved communication between tourist facilities, NGOs, forest department and other stakeholders and the education of all stakeholders as to the importance of sustainable and responsible tourism.

C: Ensuring Sustainability in Tourism

Tourism promotion in Western Ghats should target tourists both domestic and foreign who meet the criteria of being sensitive to the ecological fragility, respect the socio-cultural context and willing to contribute to the local economy, such that those coming to visit realise that they are privileged to be visitors. Tourism infrastructure, marketing and policies need to consistently align to such a positioning. The manner in which the Western Ghats are promoted, facilities on offer, regulations in place and their enforcement and visitor awareness must gear itself to wean out tourists who do not appreciate these core aspects of the Western Ghats.

Environmental Impacts

The tourism industry in the Western Ghats needs to be moved to sound environmental practices. The conservation and sustainable use of resources - natural, social and cultural - is crucial and makes long-term business sense.

Using resources sustainably. Specific species of wood that can be grown on property for use/consumption. All new developments to use sustainably harvested local materials (where possible) during construction and maintenance. All new developments to use ecologically friendly technologies & materials, incorporate the use of sustainable architecture (e.g. light/air flow) to reduce energy consumption, minimise pollution (incl. noise & light)

Water usage by tourism establishments is a serious problem. A strategy for water conservation and water management systems needs to be prepared. Engage in water harvesting and recycling. Engage
in recycling/treatment practices of water, encourage use of environmentally-friendly chemicals and biodegradable soaps/detergents. To meet shortage of water for local consumption, in accordance with building bye laws, rain water harvesting and recycling of water should be ensured for all establishments, especially tourism establishments.

- A waste management and garbage disposal strategies for tourism intensive areas needs to be worked out. Segregation of wastes and recycling are important options, and also the safe transportation of the waste to notified areas with recycling plants. The zero waste concept may also be adopted. A ban on polythene bags and plastic should be affected immediately and implemented in true spirit along with spreading of awareness. Encourage tourist facilities to work with product importers/sellers to reduce level of packaging and to increase recycling.

- Treatment of sewage must be made mandatory for all establishments.

- Reduction of over-consumption and waste avoids the costs of restoring long-term environmental damage.

- Ensure tourist facilities set targets/goals towards the reduction of energy, water and waste, increase use of renewable energy sources, install ‘smart’ valves and shower heads regulate water flow, reduce overflow and release water only when required; install duel flush or low flow toilets; fix leaks and maintain regularly, CFL lighting, no air-conditioners must be the norm.

- Promoting native vegetation growth especially those that will encourage wildlife, stop the planting of exotic species, reduce or remove fencing from the property.

- Only manually-powered or sail boats should be used in the various water bodies for tourism purposes and motor/speed boats should be avoided, restricting it to rescue operations.

- Widening of roads and developing other related infrastructure to boost tourism and increase access to more interior destinations in the Western Ghats should be carried out only after sound research on pros and cons and proper public consultations.

**Socio-Cultural Impacts**

- With the privileging of tourism social impacts of displacement, changing social structures, acculturation, loss of traditional livelihoods and cultural practices are visible.

- Regulation and monitoring of tourist activities in the forests needs to be done and punitive action taken against both tourists and locals who are engaged in alcohol abuse, drug abuse or sexual exploitation.

- Tourism Operators need in particular to make special efforts to not commoditise adivasi culture in the form of showcasing tribal dance in tourism establishments. More sensitive and dignified forms of engagement with authentic tribal culture should be explored.

- Greater involvement of local communities in the tourism sector not only benefits them and the environment in general but also improves the quality of the tourism experience. Some activities could be the increased use of local labour, ensuring local economy multipliers, encourage local village visits by tourists in consultation with local people, develop a guide licensing system for local people, consult local people when trekking routes are established, using local knowledge. Also be sensitive to cultural and religious practices such as local deities, sacred groves.

**Economic Impacts**

Tourism in the Western Ghats needs to support a wide range of local economic activities, and takes environmental costs/values into account in its economics and pricing. There are many stakeholders and sections of the government and industry who hope that tourism will become one of the pillars of the development in many interior regions in the Western Ghats. A more sound economic analysis of the current and likely economic impact of tourism, and taking cognizance of the high degrees of vulnerability is necessary before such views are nurtured.
The states and Panchayats can, through appropriate policy measures and taxes, ensure that benefits accruing from growth in tourism are equitably distributed in the Western Ghats, both regionally and across sections of people.

Considering that the degree of local benefit derived from tourism activities has strong links to the ownership pattern, the states and the local self-governing institutions (LSGI’s) should consciously take steps to improve local entrepreneurship and ownership and development of sustainable ecocultural sensitive forms of tourism. This can be achieved through speedy access to soft loans and credit for those locals, who are keen on venturing into the tourism, but do not have collateral.

Another important measure for the states to consider would be the creative use of information technology like website and the internet to ensure that small operations get visibility and are able to attract tourists. Interpretation centres and facilities for online booking would help smaller community owned tourism establishments to run tourism business more effectively.

Support the making and selling of sustainably produced traditional handicrafts and other produce and increase the quality of local produce, so that more can be sourced locally. To ensure strong backward and forward linkages, the states, in consultation with institutions of local self governance, could identify those raw materials that are available locally in sufficient measure, over and above the regular requirements of the local communities, and encourage their use by tourism businesses like resorts, hotels and homestays. The states and Panchayats could consider making local sourcing of some raw material mandatory. Tourist facilities to consciously increase percentage of goods and services sourced locally.

Encourage positive attitude towards local people learning skills and support the investment in inhouse training so local employees can progress to more highly skilled jobs.

Building capacities and skills to engage in tourism. Areas where capacity building of local community could be enhanced are in the management of tourism enterprises and destinations, tourist-community interface, business and entrepreneurial skills, handicrafts and running micro-enterprises. Capacity building and training opportunities, especially to be trained as naturalists, guides, conservationists with language skills need to be provided by the Department of Tourism and the industry, to the local community, especially youth and women.

### Education, Awareness and Sensitisation about Sustainable Practices

Personnel, who are engaged as guides as well as establishments and operators in contact with tourists need to be trained on aspects of Western Ghats’ ecology, indigenous peoples, local communities and also the rich cultural heritage of the many communities that have inhabited Western Ghats. Education of both the local population and tourists about the fragility of the Western Ghats and the urgent need to comply on use of plastics, consumption of natural resources and energy, waste and litter, noise pollution, the kind of facilities and service they demand , general tourist behavior etc is also important.

The interpretation centre needs to be made an integral part of the tourism activity in Western Ghats with tourists encouraged to make it as part of their tourist itinerary. There is a need to produce more quality, innovative and creative awareness and education material.

The Department of Environment & Forests may also consider organising more nature camps and awareness campaigns for various groups ranging from school and college students, local community peoples, tourists and others.

Marketing that provides tourists information that increases respect for the natural, social and cultural environments of the area.

Staff training which integrates sustainable tourism into work practices. Engage in visitor education through signage, guidebooks, investing in trained guides. Ensure visitor briefing on social & ecological impacts, rules/regulations (park & tourist facility) and safety issues. Encourage tourist facilities to
inform guests as to what they are trying to achieve (i.e. steps towards responsible and sustainable

tourism).

The Western Ghats are our country’s unique natural and cultural heritage. There are pockets where
local communities and organisations, committed forest officials and conscientious industry players are
taking good initiatives in tourism, but these are few and far between. Unplanned, thoughtless and
unregulated tourism development in the Western Ghats is threatening to put this heritage at serious
risk. It is high time that the Ministry of Tourism, the Ministry of Environment and Forests, the states of
Maharashtra, Goa, Karnataka, Tamil Nadu and Kerala, the local communities residing in the rich
ecosystem, took bold and decisive steps and demonstrated leadership to prevent this from happening.

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2. Different sources estimate this as 140000 to 160000 square kilometers
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Tourism Project in Kalpitiya Islands: Stop and Review now

February 2011

An International Fact Finding Mission (IFFM) with members from India, Nepal, Sri Lanka and Thailand visited Kalpitiya islands from the 23rd to the 27th of February, 2011 with the objective of studying the ramifications of the Kalpitiya Integrated Tourism Resort Project (KITRP). During its visit, the IFFM met with representatives of state departments, religious institutions and civil society, political leaders and members of the affected communities.

On the basis of its extensive interactions with a wide spectrum of stakeholders, the IFFM has made the following observations.

- The project today is adversely affecting the livelihoods of the people and will surely have a negative impact on their social and cultural realities as well.
- Already, the project has caused land alienation and resulted in severe restrictions on people’s access to sea and fishing activities.
- Entire communities face an imminent threat of displacement which appears to be under way even now.
- The entire process is suffering from a severe lack of comprehensive, precise and timely information for communities. Non-transparency, non-accountability and non-responsiveness on the part of government resulting in the absence of the possibility and opportunity for the people to participate is a matter of grave concern.
- While a study of the environmental impact of the project (EIA) has been conducted, no such study has been done on its social, economic and cultural impacts. Even the EIA suffers from a lack of precision and depth.
- The KITRP is not in accordance with the Sri Lanka Tourism Master Plan and the Coastal Conservation Act Amendment of 2006. In this context, a lack of collaboration among relevant government departments is apparent.
- To facilitate large scale private sector investment, KITRP has come up with a detailed Investors Guidelines. However, no regulatory mechanism is in place.
- The people strongly resent this tourism project and are resisting it. However, the resistance has been weak so far due to their fear of state repression.

In the light of the above observations, the IFFM recommends the following:

- The project must be stopped with immediate effect. A review should be conducted taking into account the aspirations of the people and their notions of development.
- The review should respect the social, economic, cultural and political rights of the people with information flow, transparency and participation thereby ensuring accountability on the state’s part.
- To address the issue of increasing land alienation, legal land titles should be given.
- Peoples’ livelihoods should not be disturbed on any account. All necessary measures to ensure this such as unimpeded access to coast and such others must be taken.

In sum, the IFFM team affirms that food sovereignty be clearly recognized as a fundamental right and is not compromised in the name of development.
The IFFM Team

1. Dr. Ms. Ujjani Halim, Food Sovereignty Network South Asia (FSNSA) & Institute for Motivating Self-Employment (IMSE), India,
3. Fr. Sarath Iddamalgoda, Human Rights Center, Sri Lanka.,
4. Ms. Swathi Seshadri, EQUATIONS, India
5. Mr. Pramesh Pokhariyal, All Nepal Peasants Federation (ANPFa), Nepal
6. Dr. Ms. Madhabi Roy, India [Rappoteur]
Equations Analysis of the Coastal Regulation Zone Notification 2011

March 2011

The Coastal Regulation Zone Notification issued on 6th January 2011 under Section 3 (1) & Section (2) (v) of the Environment (Protection) Act 1986 and Rule 5 (3) (d) of the Environment (Protection) Rules 1986, supersedes the CRZ Notification issued on 19th February 1991.

The Coastal Regulation Zone Notification, 2011 (CRZ Notification 2011) has come into force with a view to ensure:

- Livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches.
- To promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming.
- To declare the coastal stretches of the country and the water area upto its territorial water limit.
- Restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances

CRZ Notification 2011 is a specialised Notification regulating developmental activities by restricting the setting up and expansion of industries, operations or processes along the coast. However, it recognises the need to protect the interest of people on the coast and the protection of the coastal ecology. We reiterate a Notification is weaker than an Act when it comes to protection of the coast.

Our analysis is to secure the protection of fragile coastal ecosystems and the rights and livelihoods of coastal communities. Our analysis is specifically related to tourism development issues vis-à-vis protection of coast.

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<tr>
<td>Introduction</td>
<td>Impose restrictions on activities in the coastal zone including areas on the seaward side of the Low Tide Line.</td>
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<td>The definition includes the territorial water limits of 12 nautical miles including the sea bed</td>
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<td>Definition also includes inland water bodies influences by tidal action-both the bed of the water bodies as well as lands adjacent to such water bodies</td>
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<td><strong>Explanation</strong></td>
<td>Bring transparency in the process of its implementation</td>
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<td><strong>3. Prohibited activities</strong></td>
<td><strong>3 (i)</strong> Prohibiting setting up of new and expansion of existing industries.</td>
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<td></td>
<td>Removing the list of non-polluting industries in the field on Information Technology and other service industries in the CRZ of Special Economic Zone (SEZ)</td>
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<td><strong>3 (i) (c)</strong></td>
<td>Facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ 1 based on an impact assessment study including social impacts</td>
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<td><strong>3 (i) (d)</strong></td>
<td>Development of green field Airport already permitted only at Navi Mumbai</td>
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<td>Special consideration granted to Navi Mumbai will open the flood gates for large scale infrastructure development in the areas.</td>
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<td><strong>3 (i) (e)</strong></td>
<td>Allowing reconstruction, repair works of dwelling units of local communities including fishers</td>
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<td>3 (iii)</td>
<td>Prohibiting setting up of new and expansion of fish processing units including warehousing exudes hatcheries and natural fish drying</td>
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<td>3 (v)</td>
<td>Setting up &amp; expansion of units or mechanism for waste disposal and effluents</td>
<td>3(v) (c) - permitting treatment and disposal of waste and effluents arising from hotels, beach resorts located in non-CRZ-I areas</td>
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<td>3(vi)</td>
<td>Discharge of untreated water and effluents have been prohibited</td>
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<td>3(vii)</td>
<td>Land filling from waste dumping has been prohibited</td>
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<td>3(ix)</td>
<td>Prohibiting land reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities</td>
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<td>3(x)</td>
<td>Mining of sand, rocks and sub-strata materials is prohibited</td>
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<td>3(xi)</td>
<td>Prohibits drawl of groundwater and construction within 200mts of HTL, allows local communities and only for their use and allows only manual extraction for drinking, horticulture agriculture and fisheries and where no other source of water is available</td>
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<td>3(xii)</td>
<td>Prohibition of constriction activities in CRZ-1</td>
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<td>3(xiii)</td>
<td>Prohibits dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation</td>
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<td>4. Regulation of Permissible activities</td>
<td>Permissible activities are regulated</td>
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<td>For the projects which are listed under this notification and also attract EIA Notification 2006 for such projects clearance under EIA only shall be required subject to being recommended by CZMA</td>
<td>Any projects which attract EIA under EIA Notification 2006 should undergo EIA and public hearing. As recommended in the Swaminathan Committee Report, 2005 environmental and social impact assessment should be made compulsory for any developmental activity along with a public review process. Inclusion of Social Impact Assessment (SIA) is very important and so is the suggestion for EIA to account for social and economic costs that environmental degradation causes to local communities. Since the exiting EIA notification 2006 amended till 2009 does not require all projects to undergo mandatory EIA and public hearings and does not address the issue of social impacts, therefore the EIA notification 2006 should be simultaneously amended to take into consideration any development in CRZ areas</td>
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<td>4 (i) (d)</td>
<td>Construction involving more than 20,000 Sq mts built-up areas in CRZ II considered with EIA Notification 2006</td>
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<td>It is a welcome move that all construction projects, irrespective of the investment involved, are being proposed to be regulated.</td>
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<td>4 (i) (e)</td>
<td>MoEF may under a specific or general order specify projects which require prior public hearing of project affected people</td>
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<td>Construction projects under EIA Notification 2006, when classified as B1 project requires mandatory EIA studies and public hearings, in this case why should MoEF should order for public hearing when it is mandatory in all cases, Hence any project in CRZ areas should undergo EIA and public hearings and to simultaneously amend the EIA notification 2006, to include mandatory EIA studies and public hearing, for any development undertaken in CRZ areas.</td>
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<td>4 (ii) (i)</td>
<td>Regulation of demolition or reconstruction of building of archaeological, historical, heritage ad public use</td>
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<td>4.2 (i)</td>
<td>The project proponents shall apply with the following documents seeking prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority</td>
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<td>All these applications and reports should be submitted to the LSGIs and made publicly available prior to the public hearing</td>
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<td>4.2 (i) (c)</td>
<td>Comprehensive EIA with cumulative studies for projects</td>
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<td>in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration</td>
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<td>Important to include social impact assessment of the project. For all projects a comprehensive EIA report instead of a rapid EIA report should be mandatory for clearance under CRZ. These EIA reports for permitted activities should be prepared by consultants accredited by MoEF.</td>
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<td>4.2 (i) (i)</td>
<td>No objection Certificate from the concerned State Pollution Control Boards for the projects involving discharge of effluents, solid wastes, sewage</td>
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<td>Apart form pollution control boards NOC should also be sought from LSGIs</td>
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<td>4.2 (vi)</td>
<td>The clearance accorded to the projects valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.</td>
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<td>4 (v) (a)</td>
<td>Mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by</td>
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<td>the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.</td>
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<td>4 (v) (b)</td>
<td>The compliance report be displayed on the website of the concerned regulatory authority.</td>
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<td>4 (vi)</td>
<td>To maintain transparency in the working of the CZMAs, responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory</td>
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<td>5 (v) Preparation of Coastal Zone Management Plans</td>
<td>Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas</td>
<td></td>
<td>This is a good move that the MoEF has included the HTL as the reference for demarcation of the hazard line.</td>
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<td>6. (d) Enforcement of the CRZ Notification 2011</td>
<td>The dwelling units of the traditional coastal communities including</td>
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<td>fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory, CZMAs and the dwelling units shall be regularized subject to the following condition, namely- (i) these are not used for any commercial activity (ii) these are not sold or transferred to non-traditional coastal community.</td>
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<tr>
<td>8 (i) (III) (iii)(A) (j) - Norms for regulation of activities permissible under this notification</td>
<td>Permitted in NDZ- construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants</td>
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<tr>
<td>8 (i) (III) (iii) (A) (L)</td>
<td>Permitted facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing</td>
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<td>units, fish curing facilities</td>
<td>development of green field airport already permitted only at Navi Mumbai</td>
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<td>8 (i) (III) (iii) (A) (m)</td>
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<td>Tourism continues to be allowed in vacant plots between 200 &amp; 500m in CRZ III area, This provision has been misused by allowing tourism establishments by converting common property resources and agricultural land. MOEF can grant such permission beyond 500 mts in CRZ III area or in CRZ II area with permission from MOEF, SCZMA and from local self governing institution</td>
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<tr>
<td>8 (i) (III) (iii) (B) (i) - Area between 200mts to 500 mts</td>
<td>development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors</td>
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<td>8 (IV) In CRZ-IV areas</td>
<td>The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities</td>
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<tr>
<td>8 (IV) (c)</td>
<td>No restriction on the traditional fishing and allied activities undertaken by local communities</td>
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<td>8 (V) (1) - Areas requiring special consideration</td>
<td>8 (V) (iii) (b) - Slum Rehabilitation Schemes</td>
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<td>Based on the recommendations in the M.S. Swaminathan Committee Report in July 2009 emphasising on better housing for slum dwellers in certain areas in Mumbai, the 2011 Notification embarks on Slum Rehabilitation Schemes and</td>
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<td>8 (V) (1) (e)</td>
<td>To protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'. This provision will restrict establishments like tourism from opening up one new projects in open plots within CRZ II areas which may also be ecologically fragile areas.</td>
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<td>Redevelopment of Dilapidated, Cessed and Unsafe Buildings&quot; through joint ventures or public-private partnership subject to the condition that stakes of the State Government will not be less that 51%. Firstly the people should not be rehabilitated for development. It is the State's duty to take care of the people, hence upliftment of the families in slum need to be consider with the use of government funds and by providing them all the facilities for better livelihood. It is the responsibility of the state to provide better facilities for their people and not to be done through private participation since private player do not do any development without self-profit motive.</td>
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Guidelines for Development of beach resorts or hotels in the designated areas of CRZ- III and CRZ- II for occupation of tourists or visitors with prior approval of the MoEF: Annexure III of the Notification

MoEF continues to not define the term "designated areas" thereby allowing for subjective interpretations. This would make possible the converting of coastal zones into Special Tourism Zones and bringing the administration of areas under development authorities. All these models have led to reversal of the process of decentralisation of power in contradiction to the 73rd and 74th Amendment of the Constitution. There is every possibility of governments, both central and state, to exploit this provision in their relentless drive for acquisition of land to facilitate new infrastructure and industrial development and facilitate the interest of the investors for the development of tourism in the country.

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<td>I (a)</td>
<td>The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between LTL and HTL</td>
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<td>I (b)</td>
<td>The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more</td>
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<td>The hazard line does not take into consideration the components of various eco systems for example the ecological boundary of sensitive areas. Moreover, to safeguard the coastal zones form unregulated activities like tourism, mining and infrastructure development, the provisions of CRZ I, II and III should be adhered to while permitting activities based on the hazard line thus mapped. It will provide better framework for prohibiting activities on the land ward side. Otherwise there remains a possibility of creation of loopholes thus allowing vested interests to grab coast for activities like tourism. It is also critical that MoEF give a time</td>
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<td>I (c)</td>
<td>Only permitted live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach</td>
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<td>This provision has been misused by tourism establishments to convert and privatise common property resources and agricultural land for tourism purposes.</td>
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<td>I (d)</td>
<td>No flattening of sand dunes shall be carried out</td>
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<td>I (l)</td>
<td>Groundwater shall not be tapped within 200 metre of the High Tide Line</td>
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<td>I (m)</td>
<td>Extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool prohibited within 500 metres of the HTL</td>
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<td>I (o)</td>
<td>Necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach</td>
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<td>I (p)</td>
<td>To allow public access to the beach, at least a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart</td>
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<tr>
<td>II</td>
<td>Prohibition of construction of beach resorts or hotels in ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories)</td>
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Child Pornography and its links to tourism

March 2011

Introduction

Growth in tourism is welcomed as it is seen as a key contributor to economic growth. However, tourism often grows without taking into account protective or mitigative measures. As a result, tourism has lead to the exploitation of children in the form of trafficking, prostitution, pornography, child sex tourism and child labour. As a consequence of this kind of exposure, children become more vulnerable to drugs, crimes, HIV/AIDS, exploitation and alienation from communities and families.1

ECPAT International traces the origins and spread of child pornography. The beginning of the 1970’s saw an increase in commercial production of child pornography in the Western world, mainly in Denmark, Holland and Sweden. Some of the children in the pornographic materials produced in Europe, included children from India, Mexico and Africa. In the mid-70s commercial child pornography became available in the United States as well as in Europe. The beginning of 1980’s saw increased governmental regulation, first in the USA and later on in Europe. This resulted in a decrease in commercial distribution and instead most child pornographic material was in the realm of non-commercial exchange between paedophiles and child molesters.

The developments in information technology and communication systems have contributed in a big way to the increase and ease of exchange of child pornography. Internet facilities make it easy and accessible to organize sexual abuse of children, and make a perfect platform for different child perpetrators/ offenders. Due to the development of new technologies, it is easier to produce and distribute child pornography materials, locally, nationally and internationally. The Internet helps perpetrators to be anonymous and send e-mails with attached child pornographic images all over the world. The internet can be used to make contacts with other offenders and to distribute home made and commercial child pornography materials around the world, and even get in contact with children. Even when a pornographic image is discovered it is hard to eliminate it from the internet completely (100%) because an image that has been uploaded on the web can be downloaded and viewed by many others individuals on the web.

Perpetrators, who sexually abuse children, often document this activity through video or a photo camera which results in basic child pornography production. Internet Watch Foundation (IWF) in its annual report (2006) reported that there has been a four-fold increase in the number of images involving severe child abuse including sadistic sexual activity. Moreover, there was a 34% increase in the number of reports of child pornography.

Sexual exploitation of children doesn’t have to be through actual intercourse with a child, since even producing and/or possessing child pornography is a form of exploitation. Child pornography can appear in different ways and can be published in various forms, like magazines, books, drawings, writings, tapes, and sent via mobile phones or computer files. There are even ways of making pornographic pictures of children without the child being aware of being exposed to sexual exploitation, which are being distributed, sold or traded later on. Due to new technologies, and the possibilities it provides, it is possible to combine two images into one, or even distort pictures to create a new one. This process is called “morphing”, and makes it easy to make pornographic images from non-pornographic images of real children, producing what is called “virtual children”. Since “virtual children” are about a desire for sexual relations with children, it is also an exploitation of children. “Grooming” is another phenomenon that occurs on the Internet, and includes exploitation of the child by an adult using different chatrooms and websites to meet and talk to a child for a physical or virtual meeting that successively grows into a sexual act.
In a study undertaken in 2007 by the Ministry of Woman and Child Development (MWCD), Government of India, that surveyed 12,447 child respondents on abuse, 20.90% were subjected to severe forms of sexual assault that included sexual abuse, making the child fondle private parts, exhibit private body parts and being photographed in nude. Over one fifth of these children faced more than three forms of sexual abuse. 4.46% reported being photographed in the nude.

Among the victims of child pornography, 52.01% were boys and 47.99% were girls. 48.17% of the child pornography cases were with 5-12 year old children. 28.02% were adolescents (15-18 years) and 23.81% were 13-14 years of age. Out of the total child respondents in the study who were photographed in the nude, 5.27% of the children were not going to school, 2.83% of the children were going to school, 4.75% were working children, 5.39% were street children and 4.68% children were in institutional care. The same study also showed that 30.22% of total number of child respondents reported being exposed to pornographic pictures. Out of these children 42.35% were in the age group of 15-18 years, 30.26% in the age group of 13-14 years and 22.86% were in age group of 5-12 years.

The Holders of Child Pornography Materials

The holders of child pornography can be both foreign as well as domestic are often close caregivers within family and related persons. All of these fall in the category of perpetrators. Some of them who are strangers to the child usually go under the cover acting like somebody who is willing to help the poor family and who is providing the children with toys and other supplies that cannot be obtain by themselves. Sex tourists are also a source of child pornography since they travel around the world to have sex with minors, and even document it.

Another problem within child sex exploitation is that the parents are often not aware of the fact that their children are at risk, or are already being victimized by pornographers, sex tourists, pimps and others forms of perpetrators/offenders. There are also cases where the parents are aware of the situation, but do not see anything wrong with pornography, believing that it only involves taking pictures. To excuse or to rationalise the action of abusing a child, perpetrators/offenders use the argument that sex with a child is an cultural aspect and therefore acceptable, and/or that the financial and/or supply contribution, that they provide for the child in exchange for sex, are beneficial for the child, the family and the community, and that there is nothing wrong in what they are doing.

Social Risk Factors

There are different factors which makes the children vulnerable to sexual exploitation/abuse:

1. **Societal Acceptance**: A society that in a way accepts (even if it is accepted in a subtle way) the sexual abuse/exploitation of children, is putting the children in to a risk zone of being victims for the abuses. Once a society sets norms about different subjects, in this case sexual exploitation, it becomes "natural" and "unquestioned", especially for the child.

2. **Poverty**: Poverty is a factor that creates a climate for a child that increases the risk of being an easy victim for sexual abuse/exploitation. It is also a factor that limits the opportunities for families to provide a safe childhood for their children and therefore is putting children in a risk zone of child sexual abuse/exploitation.

3. **Living and working in the streets**: Children on the streets lack a safety net, like parents and other caregivers. This makes children vulnerable and makes them an easy prey for abducting etc, and can be an indirect force into prostitution.

4. **Inadequate Laws and Corruption**: Some countries have weak law enforcement against the issue, and even weak investigation force and protection of the children. Corruption among police and other significant law officials is an obstacle when trying to combat sexual abuse/exploitation of children.
Harm to Children

Any kind of sexual abuse/exploitation of a child, including child pornography, can leave the child victim with serious and lifelong, even life threatening consequences. The consequences may involve, besides physical and psychological disorder, even repression in spiritual, moral and social development of the child. The physical violence contains kicking, beating, and of course the sexual abuse upon the child. The physical violence upon children is often perpetrated by pimps, traffickers and sometimes, the customers. Feelings of shame, guilt and low self-esteem and belief of not being worthy are some of the psychological consequences of being sexually abused/exploited, as well as stigmatizing and leaving a child outside the family and society. This also contributes to nightmares, sleeplessness, hopelessness and depression in the child. All these factors may lead a child into suicide, substance abuse, or other self destructive behaviour. Other consequences are that children develop eating disorders and they may act with “pseudo maturity” where their role boundaries may be confusing.

Harm occurs also when a child is being exposed to child pornography, where he/she is most likely to be in danger of being desensitised and seduced into believing that pornographic activity is something normal for children. It can also be a way of providing a modelling that may affect children’s behaviour and result in learning experience which connects sex to exploitation, force or violence. Children who are being victimized for this kind of abuse can experience symptoms that include physical symptoms and illness, but also emotional withdrawal, anti-social behaviour, mood-swings, fear and anxiety. Healy 2004 noted that children who were involved in sex rings, all of whom were sexually abused, 54.8% of the children were also used in the creation of pornography. Children who are sexually abused or exploited may be at high risk of becoming perpetrators or abusers themselves. Those who have been photographed may also take drastic measures, for example, burning the house where the pictures are located or stealing back the record of their exploitation and are always the victims of an unlawful and often destructive act.

Another way of harming children is through “grooming”, that occurs on Internet, in chat rooms, where a predator can easily approach a child. Through the contact with a child over some time, the predator gains a child’s confidence: develops a relationship, encourages the child to send and/or receive pornographic pictures as a way of saying that the abuse is acceptable, and later on arranges a meeting in person for actual abuse and production of pornographic material as well.

Child Pornography’s Links to Other Forms of Sexual Exploitation

Child pornography is often linked with several actors across borders, and can, for example, be linked with different countries. One country can be a place where production takes place, and the child that is being used for the pornographic production is from a second country, and the final pornographic product could be or end up in a third country. Through child trafficking or child prostitution one can “recruit” children for pornographic images, which leads to child pornography and ends up in consumption of child pornography materials.

An investigation undertaken by Redd Barna a Norwegian organization tilted “The sexual exploitation of children in developing countries” (1989) highlighted that the children in child pornographic material were the same children who were exploited through prostitution. Most of the material were private productions and usage, since offenders and customers of different kind take pictures with child victims, and have the pictures or/and videos as a souvenir. These materials are also being shared between paedophiles within their associations. Healy (2004) also shows that viewing child pornography increases the likelihood of sexual abuse of children. There are discussions among social scientists about an correlation of the usage of child pornography as a starting point to other sex crimes. The research paper also pointed out that a significant number of child molesters who have been arrested were in possession of child pornography. The Police Department, in Los Angeles, estimated that half the 700 child molesters, who were arrested over the 10 years, were in possession of child pornography, of which 80% owned either child pornography or adult pornography.
The link between child prostitution, child sex tourism and child pornography is found to be strong. The countries where child prostitution and child sex tourism is a common aspect are also becoming a source for child pornography, since the two forms of abuse are linked to one another. Even a person, who is in possession of child pornography, is also most likely to be an active abuser of children or on the way to becoming one.

A study undertaken by Johns Hopkins University on International Child Sex Tourism in 2007, reemphasises the strong linkage between child sex tourism and child pornography. Out of the 50 cases documents in the study 21 cases contained child pornography produced by the offender during the abuse or in possession of child pornography made by somebody else.\(^{16}\)

**Offenders’ Use Pornography Materials for these Purposes:**\(^{17}\)

1. **Arousal and gratification:** Individuals use pornography to stimulate their sexual drive and to aid in sexual stimulation. Some may only fantasise and others may use it as a prelude to actual sexual activity with minors.

2. **Validation and justification:** of paedophile behaviour: The paedophile uses pornography to convince him/her self that their behaviour or obsession is not abnormal, but is shared by thousand of other sensitive, intelligent and caring people.

3. **To lower a child's inhibitions:** Child abusers use pictures of other children having sex to assist in the seduction of a child and encourage reluctant children to freely participate. Images are often used as a way to show a child what the offender wants the child victim to do. Pornography may be used under the appearance of "sex education" to create sexual arousal in the child.

4. **Blackmail:** Sexually explicit images are used to ensure the lifelong silence of the victimised child by threatening to show the pictures to parents, peers or others. Child victims will not always report pictorial records—even if they report sexual abuse—because they may be ashamed of what happened to them as well as of their participation in the pornography.

5. **A medium of exchange:** Child pornography is used as a means of establishing trust and camaraderie with other paedophiles and molesters and as proof of their good intentions when establishing contact with other exploiters. It is a medium of communication with fellow exploiters in public and private sex markets.

6. **Access:** Some exploiters exchange pornography to gain access to other markets and to other children.

7. **Profit:** Although most do not sell child pornography, there are some paedophiles and child molesters who sell home-made videos and photos on a one-to-one basis. Some child exploiters sell their self-produced materials to finance trips overseas to popular sex tourist destinations.\(^{18}\)

Since demand for child pornographic materials is rising, the children are more vulnerable and are pushed into prostitution. Child sex tourism and trafficking makes the children even more vulnerable for sexual purposes, where production of child pornography can occur.

**The Legal Framework**


The *UNCRC* 1989 gives basic international legal standards for the child. Article 34 and 35 emphasises that state parties should undertake to protect the child from all forms of sexual exploitation and sexual abuse. States are also supposed to have appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or the traffic in children, for any purpose or in any form.
The Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child prostitution and Child Pornography (2000) is an extension of the measures expected to be taken by the State Parties, in order to guarantee the protection of the child from sexual exploitation, including child pornography, and Article 3 emphasizes that every state party shall include the sale of children, offering, delivering or accepting a child for the purpose of sexual exploitation, as well as producing, distributing, importing, offering, selling and possessing child pornography, under criminal or penal law, whether the crime is committed domestically or abroad.

The Convention on Cybercrime, 2001 has a broader definition on child pornography which covers pornographic material and prohibits that producing child pornography for the purpose of its distribution through a computer system; offering or making available child pornography through a computer system; distributing or transmitting child pornography through a computer system; procuring child pornography through a computer system for oneself or for another; possessing child pornography in a computer system or on a computer-data storage medium, realistic images representing a minor engaged in sexually explicit conduct.

The Council of Europe’s Convention on the Protection of children against Sexual Exploitation and Abuse (Article 20, 2007) calls upon the states to take measures to ensure that production, offering or making, distributing, transmitting, procuring, possessing, knowingly obtaining access, through information and communication technologies of child pornography is being criminalized.

The ILO’s Convention No 182 (1999) emphasises the worst forms of child labour, where Article 3 comprises the use, procuring and offering of a child for production of pornography or pornographic performances and Article 4 requires regulation on the issue by national laws or regulations on the issue for the elimination of that kind exploitation.

The Indian Situation

In India legal system the issue of child pornography received scant attention until recently. The Indian Penal Code 1860 (IPC) and in a few cases the Indian Post Office Act 1898 was applied to prosecute the offender for the offence related to use of obscene materials. Section 292 and 293 of IPC prohibits selling, hiring, distributing, public exhibitions, circulation, production or possesses an obscene book, pamphlet, paper, writing, drawing, painting, representation or figure or any other obscene object and material.

The Indian Post Office Act 1898 under Section 20 punishes transmission by post of indecent or obscene, printings, paintings, photographs, lithographs, engravings, books or cards, or any other indecent or obscene article. Only one case has been registered under this Section in India.19

In 2000, the Information Technology Act 2000 came into force which punished transmitting obscene materials in electronic form but it failed to address the issue of child pornography which exploits children in many ways.

The term ‘pornography’ when used in relation to an offence is not defined in any statutes in India but the term ‘obscenity’ has been explained in two statutes in India, and these legislations prescribe that ‘obscenity’ in certain circumstances constitutes an offence. These legislations are (i) The Indian Penal Code, 1860 (‘IPC’) and (ii) The Information Technology Act, 2000 (‘IT Act’).

Although neither the IPC nor the IT Act defines what ‘obscenity’ is, section 292 of the IPC and section 67 of the IT Act, (which corresponds to section 292 of the IPC) explain ‘obscenity’ to mean anything which is lascivious or appeals to the prurient interest or if its effect is to deprave and corrupt persons. Therefore according to the law in India, anything that is lascivious or appeals to the prurient interest or if its effect is to deprave and corrupt persons would be considered to be ‘obscene’.

In 2006 an Expert committee was appointed by Government of India to review and propose amendments to the Information Technology Act (IT) 2000. The Expert Committee recommended the strengthening of protection of children against exploitation in child pornography. In 2009 the Information Technology
(Amendment) Act 2008 came into force incorporating a Section 67 (b) which prohibits publishing or transmitting or causes to be published or transmitted material in any electronic form that depicts children engaged in sexually explicit act or conduct. This Section also prohibits:

a. creation of texts or digital images, collects, seeks, browses, downloads, advertising, promoting, exchanging or distributing material in any electronic form depicting children in obscene or indecent or sexually explicit manner or

b. cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resources, or

c. Facilitates abusing children online or

d. Records in any electronic form own abuse or that of other pertaining to sexually explicit act with children.

This amendment has taken into consideration the international child protection standards set forth in the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, both which India has signed and ratified.

Furthermore it is specifically addressing computer-related crimes against children. This amendment is in recognition of the increasing use of information technologies to "groom" children (preparing a child for abuse by lowering their inhibitions and gaining their trust).

In addition to the above mentioned legislations the Indecent Representation of Women Prohibition Act 1986 prohibits and punishes publishing, production, selling, hiring, distribution, circulation or sending by post of any book, pamphlet, paper, slide, film, writing, drawing, painting, photographing representing indecent representation arranging or taking part in publication of advertisement that contains indecent representation of the girl child. This Act was limited in use as it leaves out audio material and simulated images. This Act does not apply to male children.

Another important legislation is the Goa Children’s Act 2003. It was the first Act in the Country which recognised that tourism is a contributor to child exploitation. This Act punishes any sexual assault with imprisonment. If any form of soliciting or publicizing, or providing of children to any adult or even other children for purposes of commercial exploitation, occurs is considered as a criminal act, and will be charged under the Act. This includes hosting websites, taking suggestive or obscene photographs, providing materials, soliciting costumers, guiding tourists and other clients, appointing touts, using agents, or any other form which may lead to abuse of a child. The only disadvantage of this Act is that it is applicable only to the State of Goa.

Indian Case Studies

1. Freddy Peats vs India, 1996 (Session Case No. 24 of 1992)20

Country of offence: Goa, India

Law charged under: Indian Penal Code, Immortal Traffic Prevention Act, Indian Post Office Act Drugs and Cosmetic Act

Status: Convicted

This was the first case which created public awareness on child abuse and pornography. Freddy Peats, a foreigner with unknown origin, was convicted in India in year 1996 for sexually abusing children, prostituting boys under the guise of running a shelter and in possession of 2305 child pornographic photos, 135 strips of negatives as well as medication and narcotic substances. He was charged under Indian Penal Code (Sections 342, 355, 323, 337, 328, 292, 293, 377); Immortal Traffic Prevention Act (Section 4,5,6 and 9); Indian Post Office Act (Section 20) and under Drugs and Cosmetic Act (Section 27). This was the first conviction for running an organised paedophilia racket in India.
2. Wilhelmus Weijdeveld vs. India, 2009

Country of offence: Tamil Nadu, India
Law Charged Under: Information Technology Act 2000
Status: Convicted

In November 2009, for the first time a case was registered against an offender under the Section 67 (b) of the Information Technology Act (Amendments) 2008. Wilhelmus (56), is a Dutch citizen who started his stay in India as a tourist and eventually ended up running an orphanage, where he was sexually abusing five of the boys at the orphanage. 7th November 2009, he was arrested by the cyber crime wing of the Tamil Nadu police, after being alerted by the INTERPOL that he was uploading child pornography materials on the internet. The case is still pending before the Session Court of Chennai.

Subsequently many cases of child abuse have been unearthed, many of them with direct links to tourism, and however the record of convictions of these cases have been abysmal. The case of Weijdeveld who was charged under the Information Technology Act 2000, is the first case charged under the ITA since its amendments came in to force and is a good example to show the importance of having a specific law rather than clubbing it with other laws which makes the offences less serious.

In annexure 3 we have a series of case studies from around the world to show how child pornography and child abuse and tourism are linked to each other. They also illustrate how child pornography is spread world wide, either through tourism or other forms of contact, like the Internet. Children are being 'adopted' from poor families with false promises of a better life for the child, indicating how easy it is to take advantage of the poverty of families who are desperate for their children to have a good life. The cases are also an illustration of how easy it is to access children. All this serves also as an indication to the fact that we need to improve the control and supervision of different sectors where children are the main focus, for example, teaching institutions, beaches etc, since it attracts perpetrators/ offenders, and make children vulnerable.

Response Mechanisms

The Declaration and Agenda for Action which was developed at the First World Congress against Commercial Sexual Exploitation of Children which took place in Sweden in 1996 called upon the state parties to combat commercial sexual exploitation of children and pornography by developing strategies and plans of action.

In December 2001, the Second World Congress was held in Yokohama, Japan to reaffirm, the protection and promotion of the interests and rights of the child to be protected from all forms of sexual exploitation since the first World Congress. At this Congress the Yokohama Global Commitment 2001 was proclaimed to reaffirm the commitment. After this a number of states have established centres which specialise in the investigation of online child sexual abuse.

In 2008, the World Congress III against Sexual Exploitation of Children and Adolescents was held in Rio de Janeiro, Brazil. It called on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement frameworks for the protection of children from child pornography/child abuse images by emphasising the following

- Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the
production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.

- Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.

- Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.

- Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.

- Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.

- Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.

- Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.

- Make technologies easily available, affordable and usable for parents and other caregivers, including assisting with the use of filters to block inappropriate and harmful images of children.

Recommendations

Child pornography is a real and pressing problem that exists at the local, national and international levels. New technologies and the growth of internet are creating more commercial opportunities for child exploiters and pornographers and facilitating development and extending the reach of distribution networks. These technologies also facilitate organised sexual abuse and violence against children by networks of commercial buyers, sex tourists, paedophiles and traffickers, as well as various forms of prostitution of children and young people. The global distribution of child pornography via the internet and other technologies without laws to protect children makes it difficult for national law enforcement authorities to prosecute offenders locally. It is therefore of primary importance to direct educational campaigns and training towards parents, teachers, students, legislators, civil servants, child welfare agencies, the private sector and law enforcement personnel on a national level. International exchange of information and training is vital. The INTERPOL, Standing Working Party on Offences against Minors initiated in 1992 is a good example of the kind of collaboration which is necessary. Currently, the Standing Working Party includes law enforcement officials from 29 different countries who are actively collaborating in their efforts to prevent the sexual exploitation of children. "Operation Starburst," the first major international operation against individuals using the Internet to trade child pornography, is a further illustration of international cooperation. In 1995, this worldwide police operation resulted in the arrest of 15 offenders in Britain and a number of others in Hong Kong, Germany, South Africa, Singapore, Canada and the United States.
Regulation of child pornography presents special challenges that require technical knowledge. Law enforcement officials around the world require technical training. Governments must be willing to provide funds for such training and the necessary equipment. The establishment of an international resource organisation which would employ a team of specialists in the areas of investigation, law enforcement, behavioural science, prosecution, law and computer technology could be an invaluable resource for the global community.

The protection of children must become a global priority and nations must commit their resources accordingly. This protection includes a firm commitment to the detection and prevention of sex crimes against children and to the treatment of children who have been sexually exploited. The World Congress has been called in order to promote such a goal and should provide a forum where India needs to affirm the norms for protection of children set forth in the United Nations Convention on the Rights of the Child.

The recommendations flow from the data and the facts emerging from this secondary research. It is critical that various stakeholders demonstrate serious intent to address the issue of sexual exploitation of children decisively and consistently. The recommendations are specifically for India.

**Prevention and Protection**

**Educational and awareness raising bodies need to:**

- Develop educational programs addressing the issue of child pornography and its links to other forms of abuse, with aim to provide education for the children on the different aspects of the problem; situation recognition, how to protect them selves etc, online and in real life. Provide information about laws related to sexual contact, risks and dangers related to transmitting sexual images, and nature and tactics used in online grooming by sexual offenders.
- Use differentiated strategies relevant to particular age groups: for adolescents give focus to safe use and access to the internet, recognising and acting against risky situation online and practicing refusal and resistance techniques.
- Recognise schools as potential valuable partners for child protection and identify standards and measures to involve them in preventing and assessing sexual victimisation when it is taking place.
- Establish seminars and parental meetings in schools to provide information and education for parents and caregivers on what child abuse is and how it affects the child, how to prevent and protect their children from sexual abuse, and even how to recognize, approach and help a child when any form of sexual abuse has occurred.
- Take responsibility to reach out with the information and education to the children and families who don’t have access to school for different reasons, as well as identify the reasons and take appropriate measures against it.
- Study children and adolescents’ online sexual behaviour in chat rooms, websites, blogs, a forum- to ensure information is practical and specific to these platforms and that relevant help is provided.
- Education, awareness, reporting and support must be available for community members as well, to ensure that child abuse images and sexual exploitation can be stopped and addressed, online and offline.
- Give acknowledgment to the extent of the problem and allow public discussions on the issue. Through media carry out discussions and debates on the issue, to raise the awareness about child exploitation and create an open dialog in the society.
- Public policies are needed to tackle child pornography and take into account the relationship between child pornography and other forms of sexual exploitation of children, tourism, Internet etc.
- All the information should be available in local languages.
Internet

- Priority should be given for development of software that will detect and block child pornography, which should be available for organisations, families, private persons, companies etc.
- Develop report sites on the internet with an easy access for the Internet user to report detected child pornography images.
- Use various strategies relevant to give focus, information and education in how to use and access to the Internet safely, recognising and acting against risky situations online with respect to child pornography and other forms of exploitation.
- Address the responsibility of Internet providers and other relevant actors for preventing and responding to reported child pornography and online child sexual abuse.

Support and Rehabilitation for the child victims

- Establish shelters and rehabilitation centres for the child victim who are free of fee, provides anonymity for the child, confidentiality, and provides the child with help and support at any level and on conditions of the child.
- Develop specialized therapy treatment, attractive to children and their families, with long-term support services for victims of child abuse.
- Introduce regular and mandatory health controls for children, physical and psychological, in schools or other relevant bodies, to increase the possibility of early detection of child abuse, and give support and protection for the child.

Law enforcement responses

- Recognize the importance of, and give priority for establishing well developed definitions and laws against child pornography particularly and in relation to other forms of abuse.
- Increase advocacy to make all actions and materials that represent sexual exploitation of children illegal across different countries and legal instruments: viewing and possessing child pornography, fictitious child pornography such as simulated or computer-generated images of child pornography or pseudo child pornography and other material which represents the sexual exploitation of children.
- Develop databases for more effective investigation, prosecution, identification and assistance: a centralised database of cases/ images is essential to accelerate effective identification of victims and offenders; determine the type of offences and their scale, define counteraction, treatment and recovery measures accordingly.
- Develop specialized sectors within the police department that will consist of professionals with specialization on the issue to take action against child pornography and other forms of child abuse, more frequently, which increases protection and prevention of children exploitation.

Tourism Industry

- Acknowledge the responsibility of the tourism industry in the action against child abuse and assign up Code of Conduct comprising Children’s Rights including protection and prevention from sexual exploitation.
- The Code of Conduct for tourism industry should be mandatory for implementation and monitoring of the implementation should be provided.
- Give priority for detection of the risk areas in the tourist resorts for child abuse, and establish supervision for these areas where discovery of child abuse can be detected and prevented.
- Establish a well developed collaboration between tourism industry, police department and other relevant actors for the issue of child abuse and child pornography.

Research Team: The research on this paper has had several people contributing to it. Selma Koso who interned with EQUATIONS wrote the initial draft and S Vidya, of EQUATIONS, and Joyatri Ray (in a volunteer capacity) worked on it subsequently.
Annexure I:

Accepted Definitions of the term Child Pornography

Sexual exploitation consists of several types related to one another, which are trafficking for sexual purposes, prostitution, pornography and sex tourism. These forms of exploitation include children, with no exceptions for age, gender, background or planned work for them. There are also two categories of child pornography; which are child pornography and child erotica. Child pornography refers to "sexually explicit reproduction of a child's image" and child erotica to "any material, relating to children, that serves a sexual purpose for a given individual".

In the paper Child pornography and sexual exploitation of children online (2008), prepared by Lars Loof et al, names three categories in which investigative agencies frequently divide evidential material:

1) Indicative, which is material depicting, clothed children, which suggests a sexual interest in children
2) Indecent: material depicting naked children which suggests a sexual interest in children.
3) Obscene: material that depicts children in explicit sexual acts."

Following are various International and national definitions which defines child pornography, hence we think it is important to document the important definitions to understand the nuances of the term pornography.

Globally accepted definitions

Child Pornography:

"States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials." (Article 34, UN Convention on the Rights of the Child, 1989).


"( . . . ) any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose." (Article 2(c) of Optional Protocol on the sale of children, child prostitution and child pornography, 2002).

India is bound to the definition of UNCRC and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and needs to follow up since the ratification of the convention and the protocol. There are also few other definition which are globally accepted, but the conventions are not ratified by India yet, but they are still important to be documented. Some of them are as following:

"For the purposes of this Convention, the term "the worst forms of child labour" comprises: ( . . . ) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances". (Article 3 (b), ILO convention 182, 1999)

"The term 'child pornography' shall include pornographic material that visually depicts: a minor engaged in sexually explicit conduct; a person appearing to be a minor engaged in sexually explicit conduct; realistic images representing a minor engaged in sexually explicit conduct". (Article 9 (2) of the Convention on Cybercrime, 2001)
Definitions specifically adopted in India

"Whoever -(a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct; or (b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner, or (c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or(d) facilitates abusing children online; or (e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children shall be punished(…)” (Article 67B, Information Technology (Amendment) Act, 2000).

"For the purposes of above definition a book, pamphlet, paper, writing, drawing, painting representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it”. (Section 292 of The Indian Penal Code 1860).

"Indecent representation of women’ means the depiction in any manner of the figure of a woman; her form or body or any part thereof in such way as to have the effect of being indecent, or derogatory to, or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals.” (Article 2, Indecent Representation of Women Prohibition Act, 1986).

" ‘Sexual offences’ for the purpose of awarding appropriate punitive action means and includes; ‘Grave Sexual Assault’ which covers different types of intercourse; vaginal, oral, anal, use of objects, forcing minors to have sex with each other, deliberately causing injury to the sexual organs, making children pose for pornographic photo or films (...).” (Section 2, Goa Child Act, 2003).

Annexure 2

The legislative landscape

United States of America (USA)

The Federal Code of USA, comprises child pornography as a crime. It prohibits employment, uses, induces, entices or coerces of a minor to engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct. It criminalises the material that depicts sexual exploitation of children and criminalizes transportation and production, both interstate and foreign commerce, of visual depiction that involves a child who is engaged in a sexually explicit conduct. The code also prohibits any person to mail, transport, interstate or abroad, as well as receiving, distributing or reproducing of child pornographic material. Finally the Code prohibits any person outside USA to employ, use, persuades etc, a child for production of sexually explicit material for import into United States, or the person outside USA to receive, transport, distribute or sell child pornography with intention to import it in to USA.

The PROTECT Act 2003 (Amendment Act To Federal Code) adds few more sections which further criminalise "reproduction of child pornography for distribution through mails, for interstate or foreign commerce, including computer, as well as advertising, promoting, presenting, distributing or solicits by computer any material that reflects the belief, or that is intended to cause another to believe, that the material is, or contains an obscene visual depiction of a minor engaging in sexually explicit conduct; or a visual depiction of an actual minor engaging in sexually explicit conduct". The Act further prohibit any person to distribute, receive, or possess with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that depicts a minor engaging in sexually explicit conduct, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or
sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex.

**Africa**

In Africa the *Charter on the Rights and Welfare of the Child* 1999 calls upon the states to take legislative, administrative, social and educational measures to protect the children from the torture, inhuman or degrading treatment, physical or mental injury or abuse, neglect, maltreatment including sexual abuse. Under Article 27 of the Charter it specifies on sexual abuse and calls upon the states to undertake protection of child from all forms of sexual exploitation and sexual abuse and take measures to prevent the inducement, coercion or encouragement of a child to engage in sexual activity, as well as to prevent child prostitution or similar sexual practices, and usage of children in pornographic activities, performances and materials. In 2009 the Films and Publications Amendment Act, (No. 3 of 2009) came into force besides the existing African Charter on the Rights and Welfare of the Child. Under Section 24 B of the Act it prohibits any person to possess, create, produce, contribute to or assist in any creation or production of child pornography. It also criminalizes the importation, procurement, obtaining, exportation, broadcasting, distribution of any film, game or publication, and also advocating, advertising, encouraging or promoting child pornography or the sexual exploitation of children.

**Asia and the South-Western Pacific Ocean**

**New Zealand**

The Film, Video and Publications Classification Amendment Act 2005 simply categorizing any offence that involves child pornography as crime and emphasizing that a person commits an offence when knowing or having reasonable cause to believe that the publication that is objectionable.

**Philippines**

*Republic Act of Philippines* (No. 7910, 1992, Article 5) emphasizes that any person who hires, employs, uses, persuades, induces or coerces a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall be imprisoned.

**Sri Lanka**

Sri Lanka *Penal Code was amended* in 1998 and inserted a Section which prohibits any person to hire, employ, assist, persuade, use, induce or coerce a child to appear or perform in obscene or indecent exhibition or show or to pose or model for, appear in any obscene or indecent photograph or film of who sells or distributes, or otherwise publishes, or has to his possession, any such photography or film.

**Europe**

*Europe Convention on Cybercrime* 2001 (Title 3, Article 9, 2001) called upon the state parties to adopt appropriate legislative and other measures in aim to criminalize offences under its domestic law, even when committed intentionally. The criminal offences are considered to be production of child pornography for the purpose of its distribution through computer system, offering or making available child pornography through a computer system, distributing or transmitting child pornography through a computer system, procuring child pornography through a computer system for oneself or for another person or possessing child pornography in a computer system or on a computer-data storage medium.

In addition to the above convention in 2007 Council of Europe came up with the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse 2007 which further called upon the state parties to take legislative or other measures to ensure that the producing, offering or making available, distributing or transmitting, procuring, possessing, knowingly obtaining access, through information and communication technologies, to child pornography is criminalised (Article 20). The convention also emphasizes the states obligation to take legislative or other measures to criminalised recruiting a child into participating in pornographic performances or causing a child to participate in
such performances. Also coercing, profiting from, exploiting a child and knowingly attending pornographic performances involving the participation of children (Article 21).

Norway

*The Norwegian Penal Code* under Section 204 prohibits production, acquiring, importation, possession, and supplement of any form of sexual assault of children or presentation sexualising children, and who ever handles or deals with any presentation of sexual assault of children or presentation sexualising children is committing a crime.

Ireland

*The Child Trafficking and Pornography Act* of Ireland 1998 reads that any person shall be guilty of an offence if that person knowingly produces, distributes, prints or publishes any child pornography, as well as if that person knowingly imports, exports, sells or shows any child pornography, and the following Chapter 6 is complimentary to the Chapter 5, where even possession of child pornography is criminalized.

United Kingdom

*The Sexual Offences Act* 2003 in United Kingdom prohibits any person to intentionally arrange or facilitate prostitution or involvement in pornography in any part of the world of another. Under this Act it is considered as an offence if the person intentionally causes or incites or control over any of the activities of another person to become a prostitute, or to be involved in pornography, in any part of the world.

Legalisations which puts onus on the Internet service providers

- United States of America and Australia are the countries which have develop legislation that makes it punishable for the Internet service providers and domain hosts to not report child pornography to the police within a reasonable time.
- United States of America and South Africa are the countries which have laws that make it possible for the police to give orders to Internet Service Providers (ISP) to provide the police with IP address, specific data about a specific person etc, for the investigation.
- The problem with encryption is solved by United Kingdom and Australia through development of laws allowing the police to have access to passwords and other encrypted material during an investigation, meaning that the person who possess computer with passwords is obliged to give the password to the police if requested, and to refuse the cooperation makes it punishable by law.27

Annexure 3

Case Studies from across the world

1. *Wragg Durham vs. United Kingdom, 2001*(reference not found)28
   Country of offence: Malaysia
   Law charged under: Sex Offenders Act
   Status: Convicted

Wragg (UK citizen), charged under Sex Offenders Act, was caught when he got off a flight from Kuala Lumpur at Manchester airport and police searching his bag found a camcorder with child pornography, while searching his bag. He pleaded guilty to charges of smuggling, possessing and taking obscene pictures of children. Case of Wragg is the first case where the filming of child pornography abroad has been prosecuted in the UK, using the Sex Offenders Act. He was also a part of Wonderland that is a famous global child pornography ring, where 750 000 pornographic images were distributed on the internet.
2. Brett Stevens vs South Africa, (Case No. CA & R 54/07, 22 June 2007).29
Country of offence: South Africa
Law charged under: Sexual Offences Act & Films and Publications Act
Status: Convicted
The case of Brett Stevens is that he got convicted by the Eastern Cape Division of the Higher Court of South Africa under section 14(1)(b) of the Sexual Offences Act and Section 27(1)(a)(i) and (ii) of the Films and Publications Act, for abusing two five-year old girls while they were sleeping, and taking pictures of them while nude. He also photographed them during a more active participation including physical touching on the girl’s private parts that resulted in 71 photographs.

3. Wayne Nelson Corliss vs. USA, 2009 (reference not found)30
Country of offence: Thailand
Law charged under: unknown
Status: Convicted
Wayne Nelson Corliss, was arrested 2008 for travelling to Thailand three times between 2000 and 2002 to have sex with boys aged at that time 6 and 9 years. He was found guilty for five counts; that included, among other, distribution and possession of child pornography and travelling to foreign countries to engage in illegal sexual activity, and sentenced for 20 years in prison. (Information about the law he was charged under is not provided)

Country of offence: Honduras (Dominican Republic, Mexico)
Law charged under: The Mann Act (White Slave Traffic Act)
Status: Convicted
Marvin Hersh (citizen of Central America), college professor, travelled to Honduras and was sexually engaged with minor boys, and he convinced one of the boys parents that their son would have better educational opportunities if he came with Hersh back to America. The parents agreed and the boy followed with Hersh to America where he was presented as his son. This resulted in sexual acts two to three times a week, and included pornographic materials as well. During an investigation on Hersh by Department of Children and Families (DCF), Hersh claimed that the boy was his son, and agreed on DCF’s wish to search through his house. Pornographic images on minors in sexual activities were found on his computer and also revealed that Hersh has molested 8 years old boys in USA and abroad. He was convicted for 105 years in prison, under The Mann Act, for, among others, transporting a minor to foreign country for commercial purposes as well as for receiving and possessing child pornography.

5. Gregory Kapordelis vs Russia, 2004 ( No. 1:04-cr-00249-CAP-GGB-1)32
Country of Offence: Russia
Law Charged Under: The PROTECT Act
Status: Pending
Kapordelis is who was a medical provider in Georgia and also worked as a physician at summer camps. He was arrested for having sex with young boys while travelling to Russia. He is charged for 13 counts, and child pornography is one of them. The case is still pending, but the charge is made under The PROTECT Act.

One of the more famous cases in the United Kingdom was "Operation Cathedral." In September 1998, the largest international investigation by the United Kingdom police, over 100 people in 12 different countries, including the United Kingdom, Germany, the United States and Italy, were arrested with conspiracy to distribute child pornography.33
Organizations Working on Child Pornography

**ASACP** - Association of Sites Advocating Child Protection is a non-profit organization focused on elimination of child pornography from the internet. The main measures are reporting child pornography and organizing efforts of the online adult industry in action against child sexual abuse. ASACP also provides information to parents on how to prevent children from viewing "age-inappropriate" material online and also keeps the members informed on the laws and regulations on child pornography.

**ACPO** - is an Anti Child Porn Organisation, comprised of volunteers from all around the world, and its main focus is on stopping the sexual exploitation of the children around the world, but for the last 5 years ACPO has also been addressing the problem with child pornography on the Internet, and also the usage, by the predators, of Internet to get to the child pornography.

**ATSEC** - Action against Trafficking and Sexual Exploitation of Children is a non-profit organization in Bangladesh and consists of 15 different NGOs. All of the NGO’s together are working for prevention of trafficking in children and women and sexual exploitation. The work is through advocacy, awareness, social mobilization etc, and is concerning "sub-national", national and regional levels. The aim is to defeat inhuman actions, including exploitative sexual crimes against women and children.

**CEOP** - (Child Exploitation and Online Protection Centre) is dedicated to elimination of the sexual abuse of children and is a part of UK policing. Main objectives are about tracking and bringing offenders to account with local and international forces.

**CHILD WISE** - is working with providing direct assistance and support, awareness raising and education within the community on the issue and is the leading child protection charity working in Australia, Asia and the Pacific. It is also building capacity for communities to protect children as well as to respond to new possible risks to children. CHILD WISE is also reducing the impact of child sexual abuse and exploitation.

**CPIU** - (Counter Paedophilia Investigative Unit) is created by computer experts, law enforcement agents, and counter-paedophilia experts in the aim to fight the sexual offenses and to stop child pornography on the internet. They provide information about Internet Safety and other relevant information on the topic.

**ECPAT** - is an International NGO, working to ensure that the Internet and other facilities are not misused in a purpose of exploiting children in any way, including child pornography. Through collaboration with governments, law enforcement, technology industry and other NGO’s, ECPAT is trying to develop protocols for reporting and responding to such crimes as well as raising the awareness and education.

In August 2010, ECPAT International launched make-IT-safe website. The website can be accessed from [http://www.make-it-safe.net/](http://www.make-it-safe.net/). This website is launched to call on the Industry and the governments to make their services and products safer for children and to empower young people to promote the issue of Internet safety and promote the signing of code of conduct by cyber-cafes in countries around the world.

**ICMEC** - (International Centre for Missing and Exploited Children), is a global service agency that is in cooperation with Interpol, among others, to combat child pornography and other forms of child exploitation. Their root is in Belgium, where the government of Belgium wanted to take measures against child abuse and searched for help from the USA’s National Centre for Missing & Exploited Children, and got launched by them. Now it has grown and helped other countries and organisation, which are now working to identify and coordinate a global network of organisations fighting child sexual exploitation etc.

**INTERPOL** plays a great role in investigating child pornographic crimes, as it focuses on commercial exploitation and trafficking of children, the predators themselves, violent crimes against children and child sexual abuse images. The work is based on co-ordination of international investigations, information and intelligence analyses and management of their own Child Abuse Image Database (ICAID).
EUROPOL, European Law Enforcement Agency which aims at improving the effectiveness and cooperation of the competent authorities in the Member States in preventing and combating terrorism, unlawful drug trafficking and other serious forms of organised crime.44

IWF- (Internet Watch Foundation) is a United Kingdoms hotline for reporting, among others, child pornography. IWF has partnership with the online industry, law enforcement, government, the education sector as well as charities, international partners and the public in aim to minimise the availability of child sexual abuse content hosted anywhere in the world and criminally obscene and incitement to racial hatred content hosted in the UK. IWF is an independent self-regulatory body, funded by the EU as well as by internet service providers, mobile operators, filtering companies etc.45

NCMEC - (The National Centre for Missing & Exploited Children) is an organisation in USA that have the mission to help prevent child abduction and sexual exploitation, as well as to help find children who are missing and assist victims of sexual exploitation, their families, and the professionals who serve them.46

Net Clean White Box -
Net Clean Technologies, a Swedish based company that develops technical solutions to support protection of children on the Internet. It has experience in fighting sexual assault of children on the Internet, and therefore develops products in cooperation with police department’s world wide, and is providing a blocking system for child pornographic material that is used by companies, governments and organisations.47

PREDA - (People’s Recovery, Empowerment Development Assistance Foundation) is a Philippine organisation whose services have direct focus on helping children trafficked into prostitution and sold as sex slaves to local and foreign tourists and children in prison. With the fast response team PREDA is able to provide direct action for abused children and rescue them from abusive situations and protect them.48

SANGONET - in South Africa, a pro child website (Sangonet) has been launched by the Film and Publication Board (FPB) and is working for elimination of child pornography in South Africa, through taking reports from members of the public on child sexual abuse images.49

Save the Children- International organisation that is taking measures against sexual exploitation against children. The approach is through strengthening local responses for the prevention of exploitation and abuse, on a community, local organizations, civil, national and international society level.50

VGT- (The Virtual Global Taskforce) is fighting online child abuse and is made up for of law enforcement agencies from around the world. The main aim is to create an effective, international partnership of law enforcement agencies that helps to protect children from online child abuse. Three of the objectives with VGT are to make the Internet a safer place, identify and held children at risk, as well as to hold perpetrators “appropriately to account” The VGT is made up of the Australian Federal Police, The Child Exploitation and Online Protection Centre in the United Kingdom, The Royal Canadian Mounted Police, The US Department of Homeland Security and Interpol, and also the Italian Postal and Communication Police Service.51

Organisations in India

ALF - (Alternative Law Forum) was started by a collective of lawyers in year 2000 in India, who saw a need for an alternative practice of law, since they believed that “practice of law is inherently political”, and are aiming to a practice of law that will combat the issue of social and economic injustice, and also do work on child pornography.52

ATSEC INDIA- Is an International NGO that also operates in India and works with an “all-out” effort to provide children and women with protection from trafficking and sexual exploitation.55

CHILDLINE - is the first 24-hour telephone line that is always available for vulnerable children, and that is a free emergency phone service. It is also possible to link the children that call forward to services
for care and rehabilitation. CHILDLINE also has a function of a platform that is bringing together the
Ministry for Women & Child Development, Government of India, UNICEF, Department of
Telecommunications, street and community youth, non-profit organisations, etc, and is working for the
protection of the rights of all children in general. The special focus of CHILDLINE, among others, is
children affected by physical, sexual, or emotional abuse and even children of commercial sex workers.

**NLSIU** - (The National Law School of India University) is situated in Bangalore, Karnataka and is a
national institution aimed to act as a “pace-setter” and to experiment in legal education, and is also a
body that tackles the field of child pornography.

**TULIR** - is a nongovernmental and non-profitable organization that is committed to work against child
sexual abuse in India, with the location in Chennai. Some of their objectives are to “support and
participate in local, national and international efforts to promote and protect the rights of the child”,
awareness rising and to carry out research, documentation etc.

**YPPSA** - (The Youth Partnership Project in South Asia) is working for child survivors of commercial
sexual exploitation in South Asia, including India, and is empowering and builds capacity of youth
to take the lead in fight against Commercial Sexual Exploitation of Children (CSEC). Through YPPSA,
young people in Bangladesh, India and Nepal have developed peer support programmes in schools,
specially located in areas that are considered to be at high risk with aim to share information and
provide support to prevent offences within CSEC. YPP is also reaching out to local communities
through awareness campaigns.

All of the organisations listed above, international as national (India), are not all working specifically on
child pornography, but they are working on issues related to different forms of child exploitation that
may be a source of child pornography. To combat child pornography the main mechanisms are developed
for the child pornographic images in the electric form on the internet. Since internet is an easy-access
phenomenon for child pornography and anonymity is a possibility, it makes a perfect platform for
publishing, distributing and downloading child pornography. Besides the anonymity and the easy access,
Internet provides predators and offenders with connections world wide and even so with child pornography
in a bigger amount and variety, which is the reason why the priority when combating child pornography
is concentrated on the Internet. But the child pornography on the Internet has a root in some kind of
abuse of a child that has occurred in the real life. So in fact all the measures taken to combat child
abuse are at the same time indirectly combating child pornography as well.

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Oppose plan for Section 144 during CWG 2010 for the uninterrupted movement of the Commonwealth Games officials and athletes

25 June 2010

We are alarmed at this proposal of Delhi Traffic Police. Imposing Section 144 CrPC is unreasonable, unjustified and a disproportionate use of a provision that has been provided in the criminal justice system to deal with emergency/urgent situations like riots and arson. It is a complete mockery of the law that Delhi Traffic Police proposes to impose such a section for controlling traffic in Delhi during the CWG 2010.

A recent media report indicates that in order to prevent the general commuters from infringing the dedicated lanes, Delhi Traffic Police is preparing to impose Section 144 Criminal Procedure Code, 1973 (CrPC) on the demarcated areas for the duration of the Commonwealth Games (CWG 2010). This according to them is to ensure uninterrupted movement of the officials and athletes during the Games. According to the media report, this step has been resorted to following the rejection of the request of the Delhi Police for imposing a hefty penalty on violators, by the Delhi Government.

We are alarmed at this proposal of Delhi Traffic Police. Imposing Section 144 CrPC is unreasonable, unjustified and a disproportionate use of a provision that has been provided in the criminal justice system to deal with emergency/urgent situations like riots and arson. It is a complete mockery of the law that Delhi Traffic Police proposes to impose such a section for controlling traffic in Delhi during the CWG 2010.

Another news report subsequently makes no mention of Sec 144 CrPC. We along with other concerned groups wish to express our alarm at such a move by the Delhi Police, in case better sense has not dawned, and it has not been quashed already.

Action under this section is anticipatory, imposed generally in cases of emergency and meant to be used sparingly. Orders under this section are justifiable only when it is likely to create annoyance, injury or risk of injury to human life or safety, obstructions, or disturbance of the public tranquillity, imperilling public safety and health. During the CWG 2010, the athletes and officials will be transported from the games village to the respective games venues in specially designated vehicles The commuters of Delhi going about their daily lives pose no risk or danger to their life and health.

Declaring a certain portion of the road as “disturbed” under Section 144 of CrPC in this situation is blatantly absurd. The nature of the punishment of seizure of vehicle is not commensurate with the nature of the supposed crime. When the Delhi government was rightly unwilling to impose fines, the imposition of far more severe rule is unwarranted.

Preservation of the public peace and tranquility is the primary function of the government, and the law is not to be resorted to, when there are gaps in implementing policy. Penalizing common citizens in their zest to provide special arrangements for the participants and officials of the ensuing CWG is certainly not the way to do it.

The obsession of the Central as well as Delhi Government of showcasing CWG 2010 as a gala event is coming at the cost of undermining basic rights of the its citizens and treating them as criminals in their
own city - while they go about conducting their daily lives. Civil society protests about numerous other violations of basic rights of citizens - the right to be consulted and informed, the right not to be evicted, the right to fair labour conditions, the right to their environment, the right to development that benefits the common man, the right not to be criminalized if you are a beggar, a street vendor, homeless - the CWG 2010 is increasingly standing for the gross violation of such rights instead of what it is supposed to stand for - Humanity, Equality, Destiny - ironic indeed!

Indeed as the countdown to the Games begins, the concerns and protests of civil society groups and peoples organisations at “the Games at any Cost” is on the increase. Unfortunately, the behaviour of the state when seized with real and imagined security concerns, along with the pursuance of its "development" agenda, has only led to the infringement of basic civil political and human rights of ordinary people. The disenfranchisement of citizens of their dignity and rights is such a common occurrence now that we are urged to accept this as the cost of progress and development. In the case of the CWG 2010 - we are urged additionally to accept this as a necessary sacrifice for "national pride".

To sign on to this petition or for further information contact:
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Endorsed by as on 28 June 2010:
1. Kalyani Menon-Sen
2. Arvind Lodaya
3. Henri Tiphagne People’s Watch
4. Anuradha Pati
5. Nityanand Jayaraman, Independent Journalist
6. Rajan Alexander
7. Vimalbhai
8. Dunu Roy
9. Soumya Dutta, Bharat Jan Vigyan Jatha
11. Sharath Nayak
12. Vincent Manoharan
13. Nina Rao
14. Aasha Ramesh
15. PJ Bahadur
16. SICHREM

Annexures:
A. To refer to sec 144 of the CrPC: http://www.mha.nic.in/pdfs/ccp1973.pdf
B. Media Reports
Trespassing into the road areas segregated for uninterrupted movement of athletes and officials during the Commonwealth Games might attract a criminal case against violators. The Delhi Traffic Police, in order to prevent the general commuters from infringing on the dedicated lanes, is preparing to impose Section 144 (CrPC) on the demarcated areas throughout the duration of the Games.

According to the Traffic Police, any motorist found violating the order, would be booked under the provision of the IPC and the vehicle would be seized. The move comes following the request of the Delhi Police for imposing a hefty penalty on violators, which was rejected by the Delhi Government.

"The objective is to ensure uninterrupted movement of the Commonwealth Games officials and athletes during the event. We are left only with the option of imposing section 144 as our request for levying hefty penalty was turned down," said Ajay Chadha, special commissioner of police (Traffic). He further said no vehicle would be allowed to enter the segregated area, which is one third of the total road space "Violation of the orders would attract legal action that may result into seizure of the vehicle," he added.

Notably, section 144 of Criminal Procedure Code (CrPC) enables a magistrate to restrain an individual or public from a certain act by a written order, which is valid for two months. At the same time, violation of the order amounts to a criminal offence with provisions in section 188 of the Indian Penal Code (IPC). The disobedience to the order promulgated by the magistrate might lead to imprisonment and fine. The traffic police chief said that they would ask the authorities to delegate the power to power to this effect to an officer of the rank of assistant Commissioner of police.

Chadha further said the trials for the dedicated lanes are likely to be started next week. "The NDMC has been carrying out the work of painting the dedicated lanes so that the commuters can identify them easily. The work is likely to be completed soon following which the lanes would be ready for trials," he added.

In order to separate the dedicated lanes, they would be coloured differently and signages will be put along the route for the convenience of the motorists at every 500 metre. It is noteworthy that the traffic police will be providing dedicated lanes only to the athletes and the members of the Commonwealth Games Federation (CGF), who will be staying in the Games Village and The Ashok and Samrat hotels respectively. It has denied providing separate lanes to the officials and guests.

"The organising committee (OC) has identified 19 hotels across the city for providing accommodation to the officials. We are not inclined to facilitate them with dedicated lanes as it would pose traffic disruption on several arterial routes," said the special commissioner. The dedicated lanes will be in addition to the route taken to ferry them from IGI Airport to their respective accommodations, he added.
The Commonwealth Games might be scheduled for October, but the traffic plan for the event is already being put in place. The extreme right lane on all routes leading to the venues will be set aside for Games-related traffic. After the lanes are painted blue by the end of June, the traffic police is expected to start awareness drives to sensitise drivers on how to use roads with lane restrictions.

At a high-level meeting of the core group on Commonwealth Games chaired by Lieutenant-Governor Tejendra Khanna earlier this month, detailed transport and traffic circulation plans, entry and exit points and parking slots were finalised. The plans will get a final shape at the next meeting to be chaired by the L-G in June-end.
Tourism Leave Our Coasts Alone!
A Call to Protect India’s Coastal Ecology from Irresponsible and Unregulated Tourism

Statement on World Tourism Day
27 September 2010

On World Tourism Day 2010, EQUATIONS calls for a re-examination of the claim that tourism and biodiversity are mutually dependent. Documenting numerous instances of tourism's irresponsible development on the coast, we reiterate the urgent need for stringent regulation to protect our coasts and the rights and livelihoods of coastal communities. To endorse this statement please send a mail to campaigns@equitabletourism.org.

Speaking on the theme of World Tourism Day 2010 “Tourism and Biodiversity” UNWTO (World Tourism Organisation) Secretary-General Taleb Rifai, claims, “Tourism and biodiversity are mutually dependent. UNWTO wishes to raise awareness and calls upon the tourism stakeholders and travellers themselves to contribute their part of the global responsibility to safeguard the intricate web of unique species and ecosystems that make up our planet”. The High Level Dialogue on Tourism, Biodiversity and Sustainable Development, in the southern Chinese city of Guangzhou, the host of the WTD celebrations, will reportedly debate issues ranging from the economic value of biodiversity for tourism, to how to integrate biodiversity protection into planning for sustainable tourism. We wonder, if apart from the UNWTO itself, anyone else actually believes its propaganda!

Cashing in on Biodiversity
That tourism and biodiversity are mutually dependent is a myth increasingly being propagated. The UN International Year of Ecotourism in 2002 was an earlier global attempt to do this. The purpose these myths serve is to open the doors to the global tourism industry in ecologically fragile areas, and establish tourism as the new patron of conservation, dislodging the role and rights of indigenous people and nature dependent communities. Concepts such as the economic value of biodiversity promote the idea of nature as a tradable commodity, which suits very well a consumptive industry such as tourism.

Tourism is the only industry that sells a product it does not own! The coasts, the rivers, the mountains, the forests and the deserts - are all sold as tourism products - without acknowledging that these exist only because they have been revered as sacred, and protected in sustainable ways, by indigenous and nature dependent communities through their cultural, social and economic practices and their choices of lifestyle and livelihood.

A sorry tale
When one considers the coastal ecosystem holistically, both sea and landward, it is a miracle of rich biodiversity with varied degree of life forms - the sand dunes, beaches, wetlands, mangroves, estuaries, backwater lagoons and coral reefs.

- **Mangrove theme park at Pappinissery Panchayat, Kannur, Kerala**
  Constructed on tidal flats, mangroves and abandoned filtration ponds of thick mangrove vegetation, the site falls within a coastal zone, which is ecologically fragile. The plan involves construction of health clubs, watchtower, food court, recreation centre, conference hall, biotech toilets all proposed to be constructed within the mangrove and inter tidal area.

- **Velaghar-Shiroda, Sindhudurg district, Maharashtra**
  Earmarked for tourism development by the government, the local fisher folk are presently contesting land acquisition and eviction notices served by the Maharashtra Tourism Development Corporation.

(MTDC) on behalf of a prominent Indian hotel group, which plans to build a five-star hotel and beach resort with aqua-sports.

- **Andaman Islands**

Most tourism development here particularly in the popular Havelock and Neil Islands is in contravention of the CRZ Notification, 1991. A private resort in Corbyn’s Cove Port Blair is located so close to the beach, that sea sand accumulates on the road and in the premises of the resort, which needs to be cleared periodically.

- **Seaside resorts at Mandarmani, Purbo Medinipur district, West Bengal**

According to the local District Magistrate, construction and running of these hotels has resulted in an ecological disaster. Sandbanks were flattened and the natural vegetation, screw pines, were cut down for construction. Since roads cannot access most of the hotels, cars ply on the beach for tourists to enter or leave the resorts. Red crabs that abound on the beach, as well as other fauna, are crushed under the unregulated vehicular traffic. A rise in pollution has also affected the coastal marine life and dwindling of catch of the local fishing community. Despite the Calcutta High Court issuing a directive that no future construction would be permitted at any place in Mandarmani that fell within the CRZ, construction continues in violation of the court’s order.

- **Kanyakumari, Tamil Nadu**

Rampant tourism development has left no space along the beach and the immediate stretches of land adjoining the sea towards the southern side are completely occupied by the hotel industry. Amusement parks and water theme parks are the recent additions to attract domestic tourists. A theme park, which has planned its operation to cover 4000 visitors a day, has levelled the sand dunes to have an elevated structure for a clear view of sunrise and sunset.

This sorry tale continues along the coast- in Goa, in Andhra Pradesh, in Orissa, in Pondicherry and in Gujarat. Violations involve not just construction in no-construction zones, but flattening sand dunes; rapid coastal erosion; privatising beaches pushing out fisher folk and traditional occupations; letting untreated sewage into the sea, estuaries and backwaters; dismal solid waste management; use of unsuitable building materials and unsustainable energy practices; overburdening fragile ecosystems such as coral reefs and backwaters by increased tourist visitation; and pushing in consumptive models that leave heavy ecological footprints on fragile ecosystems.

Travelling the length of India’s 7500 km coastline is testimony to how tourism development in the pursuit of profits has failed to demonstrate stewardship towards either coastal ecology or the rights of coastal communities.

**Coastal Regulation- a battle of two decades to protect the coast**

The only notification for the protection of the Indian coast is the Coastal Regulation Zone (CRZ) Notification of 1991. No sooner was CRZ notified, than the attempts to dilute it began!

The first amendment to the CRZ Notification was because of pressure from the tourism lobby. The tourism industry argued that the prescribed 200 meters of "No Development Zone" restricted them from competing with beach hotels of countries where no such restrictions existed. They claimed the tourism industry would require only 25 to 30 kms of India’s 7500 km coastline, and hence relaxing the NDZ from 200m to 50m in CRZ Notification would not harm India’s coastal ecosystem! Under pressure, the Ministry of Environment and Forests (MoEF) amended the CRZ Notification in 1994 reducing the NDZ area all along tidal water bodies. On being challenged, the Supreme Court quashed the amendment terming the step taken by MoEF as ultra vires, and restored the NDZ. This was a short-lived victory as the CRZ has been amended 21 times between 1994 and 2005, each dilution weakening the regulatory regime, many of these at the behest of the tourism industry.

In the last, few years there has been an attempt to replace the CRZ Notification with a management oriented Coastal Management Zone Notification (CMZ), a move that drew wide protests from coastal
movements and civil society organisations, whose key concerns have not been taken into account in recent versions of the notification.

The recent move to exclude the ecologically fragile Andaman & Nicobar and Lakshadweep Islands from the ambit of CRZ Notification 1991 and to bring them under a separate Island Protection Zone Notification is another retrograde step, as it contains no specific regulatory provisions for tourism at all. Up to the year 2003, the construction of tourism establishments within 200m from the High Tide Line in the Islands was prohibited. Under pressure from the tourism lobby, this was reduced to 50m. Even with the diluted provisions, the violations by the tourism industry in the Islands are rife. We wonder what the case will be when tourism does not come stringently under the scanner for violations, past and future.

Sadly, there is little evidence along the Indian coast of tourism industry's intent to be law abiding, let alone its claim of being a steward of biodiversity.

On World Tourism Day our call is "Tourism - leave our Coasts alone!"

To endorse this statement, contact us at campaigns@equitabletourism.org
EQUATIONS, # 415, 2C-Cross, 4th Main, OMBR Layout, Banaswadi, Bengaluru 560043, India
www.equitabletourism.org

Endorsed as on 27th September 2010
1. Ranjan Solomon, Alternatives/Badayl
2. Anita Mathew, Consultant women and child rights, Goa India
3. Annette Groth, MP, Spokeswoman for Human Rights, Die Linke (The Left) in the German Parliament (former Director of ECTWT)
4. National Forum of Forest People & Forest Workers, India
5. tourism investigation & monitoring team (tim-team), Bangkok/Thailand
6. Rajan Alexander, Development Consultancy Group, Bangalore
7. Manu Alphonse, SOCIAL WATCH-TAMILNADU
8. Subrat Kumar Sahu, Filmmaker and Journalist, New Delhi, India
9. CENTRE FOR RESPONSIBLE TOURISM, Goa, India
10. Asha Kilaru, Independent Public Health Researcher, Bangalore, India
11. Vimal Bhai, Matu Peoples' Organisation
12. Nidhi Agarwal, Himdhara - Environment Research and Action Collective, Palampur, Himachal Pradesh, India
14. Mamata Dash, Activist and Independent Researcher, India
15. Nora Kropp, Bangalore Birth Network, India
16. Milind Wani, Kalpavriksh, Documentation & Outreach Center
17. Radha Holla, Campaign Coordinator, IBFAN Asia/BPNI, India
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20. Bindia Thapar, Illustrator and Graphic Designer
21. Srinivas Ganjivarapu, Samata
22. Archanaa, Chennai
23. Dalit Bahujan Shramik Union Andhra Pradesh
24. Syed Liyakhat
25. Madhusree Mukerjee, Author of Churchill’s Secret War and The Land of Naked People
26. Ecumenical Coalition on Tourism (ECOT), Thailand
In a letter to Shri. Sujit Banerjee, Chairman, Committee - Guidelines for Forest and Wildlife Ecotourism set up by the National Tiger Conservation Authority (NTCA), we raise certain issues such as the need to expand the scope of regulation of tourism beyond tiger reserves, the composition of the committee, non-acknowledgement of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the Terms of Reference (ToR) and on the process of finalising the guidelines.

To

11th January 2011

Sujit Banerjee,
Chairman, Committee - Guidelines for forest and wildlife ecotourism
Ministry of Environment and Forest, National Tiger Conservation Authority
Annexe No 5, Bikaner House, Shahjahan Raod, New Delhi - 110011

Dear Mr Banerjee,

Wishes for 2011!

We refer to the GO number 7-16/2010-NTCA dated 28th December 2010 for constituting a Committee for finalising the guidelines for forest and wildlife ecotourism.

We welcome the idea of ensuring that tourism is regulated particularly in ecologically sensitive areas. We however have the following concerns / suggestions, which we hope you will be willing to engage with:

1. Unregulated tourism has impacted a whole range of ecologically sensitive areas and ecosystems. For the Committee to focus only on tiger reserves is a limited scope. We would like the regulation of tourism in a range of ecosystems to be considered.

2. Following this, the composition of the committee therefore seems overly weighted towards tiger conservationists. We are concerned that other perspectives particularly those of forest based committees, communities dependant on natural resources and small and community based player in tourism, will not find its way into the committee’s deliberations.

3. The Forest Rights Act is a key legislation which the Committee does not seem to acknowledge and reflect in its Terms of Reference and in the constitution of members.

4. The Indian Board for Wildlife, in its XXI meeting in January 2002 resolved that “lands falling within 10 km of the boundaries of National Parks and Wildlife Sanctuaries should be notified as eco-fragile zones under section 3(v) of the Environment (Protection) Act and Rule 5 Sub-rule 5(viii) & (x) of the Environment (Protection) Rules”. Despite this, a rash of tourism establishments are found cheek by jowl in the immediate periphery of every Protected Area of repute. The Ministry of Tourism’s Report on survey of tourist accommodation in and around Corbett National Park has shown the negative impacts of tourist resorts and lodges. The Terms of Reference of this Committee does not give any indication of how its recommendations will carry any more weight than the earlier guidelines, recommendations and notifications that have been flouted with impunity by the tourism industry.
5. The process by which the Committee will finalise its guidelines needs to be made clear:

   a. Will its guidelines be open to influence and consultation by other stakeholders? If so how and when.

   b. What are the documents on impacts of tourism in ecologically sensitive areas that the Committee is open to studying? EQUATIONS and other organisations and researchers have over the past many years produced papers and reports on these issues which we would like the Committee to take into account.

We sincerely hope that you see our inputs in the spirit of contributing towards responsible and sustainable tourism.

We look forward you hearing from you.

Sincerely,
Rosemary Viswanath
Director, EQUATIONS

Copy to:
- Rajen Habib Khawja, Secretary, Ministry of Tourism
- T Chaterjee, Secretary, Ministry of Environment and Forest
EQUATIONS is a research, advocacy and campaigning organisation working since 1985 on the impacts of tourism particularly in terms of rights and benefits to local communities. We envision tourism that is sustainable & non exploitative, where decision making is democratised and access to and benefits of tourism are equitably distributed.

Networking • Research • Campaigns • Advocacy

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