

Displaced Due to Conservation: Understanding the Public Perception and Legal Contours

Yashodhara Pattanaik^{1*}, Dr. Madhubrata Mohanty² and Dr. Jayadev Pati³

^{1,2,3} Faculty of Legal Studies, SOA National Institute of Law, Siksha O Anusandhan (Deemed to be) University, Bhubaneswar, Odisha, India.

^{1*} Email: yashodharapattanaik25@gmail.com ORCID ID: - 0009-0002-7899-3754

² Email: madhubratamohanty@soa.ac.in ORCID ID: -0000-0001-6482-4824

³ Email: jayadevpati@soa.ac.in

Abstract: As conservation efforts in the global platform continue to intensify for protecting the biodiversity, the already marginalized group find themselves frequently being forced to relocate to make way for such efforts. The increase in the number of protected areas have also increased the number of people being displaced which are usually the tribals, indigenous, and other forest dwelling people. This article discusses the issue of conservation induced displacement through the eyes of general people, where 120 people were asked to give their opinion on the issue. Besides, we have also explored the human rights, legal and judicial aspect of the issue. Though some respondent have admitted the necessity of conservation and understand the need of displacing the dwellers for the greater good, majority have acknowledged that such a displacement leaves the displaced people even more destitute and helpless. The alleged human rights violation faced by the vulnerable forest dwellers in such circumstances forces them to acquiescence to relocation. Despite the presence of international legislative frameworks and national laws like the 2006 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, displacement has often been done without providing adequate compensation, rehabilitation and livelihood restoration support. The lack of appropriate understanding of ground reality, poor implementation of existing law and absence of specific and comprehensive displacement related law has lead to dire situation of the displaced people from which recovering is difficult. This article advocates discouraging conservation practices at the cost of human suffering and a need for more humane, practical and sustainable approach to ensure both biodiversity and the forest dwelling people prosper well together.

Keywords: Conservation Project, Forest, Forest Dwellers, Involuntary, Forced Displacement, Eviction.

1. Introduction

Involuntary displacement has been in rise throughout the world for the last couple of decades affecting millions adversely. The increase in development projects worldwide has led to a staggering increase in the number of displaced people. Though, there is no certain number to allocate, the number of people displaced for development projects globally is no less than millions. Various research on the topic have concluded that displacement leads to an aggravated case of landlessness, homelessness, joblessness, loss of access to communal assets, marginalization and break down in social network; criterias that are found at the core of Michael Cernea's impoverishment risk and reconstruction model designed for displacement (Cernea, 2002). Besides development projects, which knowingly displaces people where many incidents are deemed to be involuntary or forced, conservation projects have also lead to a similar form of involuntary or forced displacement. For ages, conservation projects have been presented as a noble and necessary initiative to protect and preserve biodiversity, the most precious natural resources against the adverse effects of overpopulation, resource depletion and climate change. The increase in the number of protected areas for flora and fauna's prosperity has lead to a significant increase in the number of people displaced for conservation projects who are termed as '*Conservation Refugees*'. Conservation refugees are those people who are displaced from their land for the creation of protected or conservation areas and as of now, no other term exists to identify these people¹. The conservation refugees are often the tribals, indigenous and other rural and poor forest dwelling folks whose condition is anyway sensitive and displacement for conservation projects exacerbates their already dwindling state. Just like development induced displacement, data regarding the number of people involved in conservation induced displacement remains vague despite high number of vulnerable population being involved. Half the time, under the guise of environmental good, such displacements is barely paid attention and other times, environmentalists and activists put more focus on conservation, protection and preservation of ecosystem, even at the cost of human rights violations which, gets the topic of displacement of the vulnerable population very little importance. Lunstrum et al. (2016) has mentioned that displacement comes from the market logic of identifying land and natural resources as commodity, resulting in land grabbing and dispossession of population. Conservation based land use initiatives and resource extraction projects have led to forced displacement of millions of indigenous peoples from their traditional lands, which are mostly set aside specifically for ecological preservation. Efforts for environmental and animal conservation have always led to forced displacement of the forest dwellers citing need for forest land expansion. Though the intention behind such displacement is to create an unharmed place for the flora and fauna to grow and flourish, the displacement of tribals and indigenous people and the poor forest dwellers is an adverse effect of it. Brockington and Igoe (2006) have mentioned that though protected areas existed long before, the culture of displacement of the forest dwelling population gained traction post 1990. Conservation projects follow the fortress conservation model which fails to understand the human and biodiversity interdependence that has existed for ages; thereby, leading to an increased number of displacements of the forest dwelling population, resulting in their marginalization (Kabra, 2007). These projects ignore the symbiotic relationship people have with the ecosystem and displace the native people who have been a great assistance in promoting agriculture and keeping the soil from being degraded (Pyhala et al., 2016). Drolet et al. (2014) regarded that conservation rules, drawn up to safeguard flora and fauna have forced many tribal, indigenous and low income families to move. Curran et al. (2010) described conservation induced displacement as a serious and growing issue and has expressed grave concern over the growing displacement of population for conservation projects. As per Dowie (2010), the cultivation practices of the forest dwellers have for years been a method of conservation; however, in the eyes of the ecological study idea of the west which is predominant at present, these dwellers have become a hindrance for the ecosystem to flourish. According to Redford and Fern (2007), the fortress conservation method fails in considering the human aspect in its quest to fulfill the conservation goals and thus, the local population, instead of being made partners in the conservation projects are treated as disturbances to the biodiversity. Kurian and Vinodan (2018) have explained that conservation projects often lead to conflict and increased poverty as the livelihood and rights of the people are affected which is a serious issue in an over populated country like ours. Chakma (2024) has further highlighted that, some tiger conservation projects have cruelly displaced the forest population majorly for tourism benefit. According to Kabra (2003) and Torri (2011), displacement and forced relocation of these already vulnerable population leads to their marginalization and impoverishment which glaringly reflects the failure of the existing policies of the government that addresses rehabilitation and resettlement to restore the livelihoods of the people. Kabra (2009) while discussing displacement and its comparison between two protected areas has discussed that to create a human-free zone for ecological conservation, preservation and protection, people mostly from the marginalized communities were displaced. While some efforts were made to rehabilitate them, very few were made to restore their livelihood. In a panel discussion at the Human Rights Council, the UN Deputy High Commissioner for Human Rights stated that, the people with the least contribution to the environment deterioration are the ones bearing the cost of it (Rathore & Jain, 2021). When people have to leave their homes out of compulsion or are forced to leave, it is direct displacement and indirect displacement on the other hand is the loss or lack of opportunities (mainly livelihood opportunities) forcing the people to leave (Gogoi & Lahon, 2014). Both direct and indirect displacement has significant impact on the lives of the displaced people; however, only directly displaced people get some form of relief which is often insufficient (Challa, 2013). Siddhartha (2025) has pointed that conservation projects concerning with elephant corridors have lead to the acquisition of agricultural land of rural farmers for whom land is

¹ Conservation Refugees explained https://everythingexplained.today/Conservation_refugee/#Ref-1

livelihood. The acquisition of land cuts off their source of livelihood, forcing them to move to some other place and in a way pushes them towards poverty. Such projects due to loss of land, livelihood and access to resources, inevitably causes resentment and leads to protest and violence from the local communities.

Shahabuddin & Bhamidipati (2014) have stated that thousands of people have been displaced for such reason out of which majority were from the marginalized group. The authors recounted that the rehabilitation and compensation provided were highly inadequate and failed to take into account the customary link and also the daily dependence they have on the nature, forcing the displaced population to an extreme impoverished condition. According to Daniel and Berhanu (2018), these displaced communities though were relocated and were provided with new land, they lost social ties and access to forest resources on which they have depended. Agarwal and Redford while discussing the need to focus on respecting the cultural and social value of the place from where people are being displaced besides just focusing on the conservation project, have highlighted that, there exists a lack of adequate legislative and policy framework addressing the issue of forced relocation for conservation projects (Agrawal and Redford, 2009a; Agrawal and Redford, 2009b). The compensation provided often does not count the vivid needs and impacts suffered by the people, thereby falling short to mitigate the consequences of loss of livelihood (Rantala & Vihemaki, 2011). Adams and Hutton (2007) have remarked that many times, conservation projects are prioritized because of political interest which conveniently ignores the poverty and other sufferings it brings for the people who will lose their land and livelihood just to make way for such projects. In the rare case of successful resettlement of people displaced for conservation project, Kabra (2013) observed that adequate relief package consisting of generous monetary compensation and resettlement with land and other basic amenities, proper planning and documentation, transparent process, dedicated officers and political interest plays a critical role in ensuring adequate post displacement relief. This reflects that active interest in not just conservation efforts but relocation efforts also can create a win-win situation for both the humans and biodiversity and one need not be sacrificed for the other. Kabra (2009) also highlighted that, better rehabilitation and livelihood restoration for the displaced people was possible because of political standing; highlighting the importance of strong political will for better resettlement outcome. Further, Krueger (2009) affirmed that better guidelines and governance can help align the implementation of conservation policies in a better and effective way to minimize the harms created by displacement. This paper shall discuss three key objectives, first to understand the perception of people regarding displacement of population for conservation projects; second, to examine the scope of displacement and recognize the human rights violation faced by the people in such situation and lastly, to understand the national and international legal framework that governs in such case or the lack thereof in India.

2. Materials and Methods

Displacement of tribals, indigenous population and other forest dwellers is not a new phenomenon. For ages, these vulnerable groups have been displaced to make way for development or ecological conservation projects whose benefit never reaches them despite their massive sacrifice. Displacement of these people for conservation project is a relatively less discussed topic. In this study we have used a mixed method of research to understand the social and legal aspect along with public point of view regarding displacement of population for conservation project. Primary data has been collected to gauge the public perception regarding conservation induced displacement. A simple random sampling technique was used and the sample size of 120 respondents was taken to ensure diversity in opinions on the topic. The respondents were all educationally sound adults who voluntarily agreed to respond to the survey. These individuals were fully informed that their response shall be used for research purpose only all the while maintaining anonymity. A carefully curated questionnaire containing 10 close ended statements was circulated online to gather data regarding the social, ethical and legal issues surrounding conservation induced displacement in India. The participants were to respond to the questions using any of the two responses provided that is 'Agree and Not Agree'. Descriptive statistics was used to find out the percentage of response in each question to understand the public perception. For secondary data, various literary works were collected such as academic literatures, reports, news articles, national and international legislative frameworks and Indian case laws to provide a brief overview of conservation induced displacement taking place in India. The limited number (120) of respondents restricts the generalization of public perception. Additionally, the study is limited to social, ethical and legal aspect which can potentially overlook other relevant aspects which is another limitation.

3. Results

The results presented in this section have been achieved from primary data that was collected. The responses presented here reflect a diverse perception regarding conservation induced displacement. The result regarding the ethical consideration of conservation induced displacement showed that 42.5% of the respondents have agreed that despite displacement, conservation projects should be prioritized as it protects the biodiversity. 57.5% responded not agree to the same statement reflecting that majority of the people agreed on the fact that conservation projects should be prioritized but not at human cost. Regarding their opinion on the effect of such displacement on the vulnerable people's right to life and livelihood mentioned in Article 21 of the Constitution of India, 74.2% of the respondents have agreed to the fact that the displaced people's life and livelihood would be significantly affected when the communities will be displaced for the conservation projects. 90% of the respondents have agreed on the fact that government fails to ensure that the displaced people are actively engaged in the decision making aspects of conservation projects that can displace them, highlighting a significant issue relating to transparency and communication. Moving on to the effects of such displacement on vulnerable groups, 78.3% of the respondents have agreed that women, children, elderly, tribals and the other marginalized groups suffer gravely due to such displacement because of their strong emotional, cultural and economic connection with the land. 83.3% of the respondents have agreed that authorities when providing compensation and rehabilitation to the displaced people often underestimate the effects of displacement on individuals, particularly the social, cultural, psychological and long-term effects, highlighting the need to understand and acknowledge the multifaceted effects of displacement. This leads to the need for targeted support to ensure the displaced people, particularly these groups do not end up worse post displacement. 82.5% of the respondents agree that the government has failed in assisting the displaced people with their livelihood restoration which had a significant impact on their life and livelihood affecting their long term recovery post displacement, reflecting on the lack of consideration towards the economic revival of the displaced population and access to alternate livelihood opportunities. 80.8% of the respondents agreed that rehabilitation and compensation provided to the victims is inadequate and not provided timely which in a way intensifies the sufferings of the displaced people indicating a weak response in restoring the displaced population's way of life. 82.5% of the respondents stated that public consultation should be made mandatory for decisions regarding rehabilitation and relocation and active participation of women should be encouraged in it considering the varied needs of the people so displaced, particularly of the women often goes unheard, highlighting the lack of participatory decision making practice. 73.3% of the respondents have agreed that the present legal framework and monitoring mechanisms in India is weak and inadequate indicating a concern over the existing inadequacy in implementation, institutional ineffectiveness and lack of proper address to the issue of displacement. 72.5% of the respondents have agreed that if the goals for the conservation projects stand unmet or are modified later, the people displaced should be legally allowed to reclaim their lands and reestablish their rights to the land and the surrounding resources. The findings present the public perception on conservation induced displacement where though, some of the respondents have agreed that displacement can take place for the sake of conservation projects, in the rest of the social and legal questions surrounding displacement, majority have also agreed on the fact that the people so displaced face violation of their rights, the rehabilitation and compensation provided is poor with lack of efforts to restore their livelihood and the legal framework governing such displacement is weak and inadequate. This reflects that, the respondents do understand that there exists a serious lack of balance between protecting the biodiversity and wildlife and the rights of the human. They have voiced the idea that this type of displacement is barely brought to attention and have agreed on the fact that both conservation

project and rights of the human should both be balanced. Regarding the ethical aspect of conservation induced displacement, the respondents have varied opinions where in one hand some have voiced that it is our duty to protect our nature and biodiversity, in the other hand some have acknowledged that it is the displaced people who lose the most and have stated that rights of the people must be protected simultaneously and it is the responsibility of the government to ensure that the displaced people are not left vulnerable. The respondents have accepted that conservation projects should be taken up after appropriately compensating and rehabilitating the people as these people are often the poorest in the society. If we summarize their opinion, it basically agrees with the displacement of population for conservation projects; however, they have also pressed on the fact that the people being displaced should be properly rehabilitated and adequately compensated as both nature and the well being of the citizens are equally important.

4. Discussion

The primary data collected presents the perception of people regarding the issue of conservation induced displacement in India. While many have agreed on the fact that it is ethical for conservation projects to displace people as such projects are of critical importance for the protection and preservation of biodiversity, presenting the fact that the environmental good outweighs human cost, equal number of people have also agreed on the fact that such displacement violates many rights of those people, plunging them to a state of marginalization. Displacement is not per se bad as it can open up many doors for the underprivileged people and give them an opportunity for a better life. But, the way this displacement is taking place, forced, coerced, lacking in consideration for rehabilitation and resettlement and poor compensation, the good part of displacement is barely acknowledged. The lack of livelihood restoration aspect in this case exacerbates their economic condition even more to the point where poverty is mostly a single step away. Besides, the affected women face such displacement a bit more harshly due to their reliance on nature and natural resources for their daily life and livelihood and this state of dependence is hardly achieved in the relocated area. The agreement with the idea that if projects objective stays unmet or in case of alteration, the land should be returned to the displaced is a thoughtful suggestion that deserves adequate discussion as such action if put into use can be beneficiary to the displaced population and their preservation of culture and traditions. Further, the agreement with the fact that the current legal framework is weak and inadequate shows that, despite the issue existing for years, barely any consideration is given towards addressing it. This highlights a grave unresolved dilemma on the issue and whether is it okay to displace people for environmental good, considering many conservation projects have relied on the fortress conservation model to displace thousands of vulnerable people despite resistance from the people who were the local residents of the area.

4.1 Conservation, Displacement and Human Rights Violations

The Fortress Conservation model is a form of environmental protection practice which believes that for biodiversity to preserve and prosper there is a need for inviolate areas where human interaction is completely absent. It is an approach that assumes wildlife and humans cannot coexist peacefully which has resulted in local or tribal and indigenous populations and other forest dwelling being forcibly removed from their native ancestral lands to protect, preserve and promote biodiversity. The model is often enforced by park rangers and forest officials using their power. Despite such practice being accepted as morally wrong, leading to human rights violations, loss of traditional practices, knowledge and disruption of culture, this model has gained traction in India and has been used repeatedly, raising concern against the ethical consideration and the endless breaches in human rights. This model has its roots in the United States of America, where national parks such as the Yosemite National Park or the Yellowstone National Park and many other parks though are open for public have removed the native people from the land for uninterrupted biodiversity protection. Conservation projects following the fortress conservation model have demanded displacement of population which has become a problematic practice in India. What originally started as a protection of ecosystem and wildlife from excess use of natural resources, hunting, poaching and extinction, has now become a tool to displace people even when such projects yield no benefit. People have conveniently forgotten that, these people who are being displaced have traditionally been the conservation partners of the nature through their agricultural and pasturing practice for years. According to news reports, as many as 600,000 people were displaced between 1957-2007 for conservation projects, and around 160,000 people are to be displaced from Kumbhalgarh Wildlife Sanctuary of Rajasthan in 2023 alone^{2,3}. While we appreciate the initiative to conserve and protect flora and fauna and preserve the biodiversity, displacement conveniently undermines the right to life along with other human rights of the displaced people, who are majorly from the vulnerable group of the society and have lived on that land for generations. As per the India's Tiger Reserves report (2024), as many as 500,000 scheduled tribes and many other forest dwellers are to be relocated for tiger projects only and since 1973, some around 92,600 people displaced for the same purpose have been relocated. This reflects that resettlement of the displaced population is slow as a snail compared to the displacement. The table I below shows the number of people displaced for tiger conservation projects from 2021 onwards.

Table I: People displaced to give way for tiger conservation projects after 2021

Sl. no.	Displaced in the year	No. of people displaced	Location
1.	2021	4400	Srivilliputhur-Megamalai Tiger Reserve, Tamil Nadu
2.	2022	4400	Ramgarh Vishdhari Tiger Reserve, Rajasthan
3.	2022	45,000	Ranipur Tiger Reserve, Uttar Pradesh
4.	2023	72,772	Veerangana Durgavati Tiger Reserve, Madhya Pradesh
5.	2023	4000	Dholpur-Karauli Tiger Reserve, Rajasthan
6.	2023	160,000	Kumbhalgarh Wildlife Sanctuary, Rajasthan

Source: India's Tiger Reserves report (2024)

There are also cases where thousands of families were displaced for tiger conservation projects where no tiger was seen at all which reflect how flawed our system is (table II). Additionally, there is no concept of returning the land if such projects fail or the goals stay unmet for a long time thereby, failing in both conservation and violating human rights all for nothing.

Table II: People displaced for Tiger Conservation projects from areas where tigers were never seen

No. of families displaced	Location
2752	Kawak Tiger reserve, Telengana
2534	Sahyadri Tiger Reserve, Maharashtra
227	Dampa Tiger Reserve, Odisha
157	Satkosia Tiger Reserve, Odisha

Source: India's Tiger Reserves report (2024)

Historically, the indigenous and tribal populations have always been forced to suffer for the greater good, even when they themselves barely receive any benefit. In the case of such conservation projects, apart from the loss of land, property and livelihood, the displaced people i.e. the tribals, indigenous population and other poor forest dwellers, face many other forms of human rights violations. Besides lacking in providing the dwellers with free and prior information and with the weak and flawed consent taking process, these people are often pressurized, coerced and receive continuous threat to voluntarily leave the land. These people depend on the natural resources for their daily life and livelihood. As a means of coercion, they are denied access to the forest resources significantly affecting their economic condition. The lack of access to natural resources hinders their traditional practices as well, mainly economic and medicinal and they are unable to pass it to their next generation,

² Wildlife Sanctuaries lead to Displacement <https://www.youthkiawaaz.com/2024/08/around-600000-tribes-have-been-displaced-by-expansion-of-wildlife-sanctuaries/>

³ India's Tiger reserves <https://www.rightsrisks.org/by-country/india/500000-tribals-to-be-displaced-by-the-project-tiger/>

breaking the chain of knowledge and traditional practice. Many a times, people also face hindrance in accessing basic and civic amenities and services and such situation continues until they on their own accept the 'voluntary relocation'. Such kind of life, more or less feels like living in a jail where basic human rights are violated and only when you agree to certain conditions, do you feel relief. The alleged systematic abuse is seen from the local authority or the forest department who do not hesitate to violate the rights of the dwellers in their quest to protect the biodiversity (Torri, 2011). The most gruesome violation is seen in the form of arbitrary arrest, torture and other forms of mistreatment, abuse which is mostly physical and sometimes even sexual and even killing. These tactics erodes the trust from the government and creates an atmosphere of fear which in a way compels people to leave just to survive. In cases where the affected people protested, they are arrested, abused and threatened to quit resisting and opt for 'voluntary relocation'. This voluntary relocation is a gimmick laced with threat and pressure to leave from the very people whose duty is to serve and protect them. Despite all this there is barely any way to access justice as most of the time the process is lengthy and costly which these people cannot afford. Many a times, these people are unable to speak up against such atrocities or provide proof of such violations and other times the officials just escape in one way or the other. The lack of a comprehensive law dealing with displacement and resettlement, the inadequate enforcement of the existing law and the absence of an oversight mechanism is what lets such people escape punishment and in a way becomes a helping hand in the continuation of the perverse culture of abuse and fear. There are times where relocation becomes important to reduce the human-animal conflict; however, the rehabilitation and compensation provided there is not any better. There is a vast gap between law on paper and law in practice resulting in dissatisfaction amongst the displaced people. The compensation and rehabilitation promised is found to be inadequate and poor, which exacerbates the marginalization of the already marginalized people of the society. Apart from the lengthy period of providing the promised compensation and rehabilitation, many a times, several deserving people are excluded from receiving such relief for various reasons; sometimes due to lack of legal documents proving their claim as many people living in such areas follow cultural or traditional land rights practices and sometimes due to flawed data collection mechanism that leads to absence of many deserving names from the list of beneficiary, or some other issues. The people who lose their land, livelihood, social ties along with culture and tradition for the environmental good are often left to fend on their own with little assistance from the people that displaced them and gave promises of better life in the relocated area. Additionally, the notion that relocation might bring better opportunities though is very thoughtful, presents a harsh reality which contradicts the noble thought as even accessing basic essentials becomes difficult, let alone living similar or better life style. The displaced people in the relocated area often face exclusion, discrimination and oppression. They are considered as cheap source of labour where their economic condition barely changes, exacerbating their difficulties three fold. Laced with defects from everywhere, even if we were to consider the environmental good, we cannot condone the fact that presently, the conservation projects are executed in such a way that it lead to displacement of population and the lack of adequate relief instead of bringing benefit and new opportunities, pushes the displaced population towards poverty and marginalization.

4.2 The Legal Point of View

Globally, the increasing cases of conservation induced displacement has created an ethical dilemma where people are beginning to question whether it is okay to displace the local community many of whom are from the vulnerable groups of the society who, for ages have coexisted peacefully with the flora and fauna only to protect, preserve and for the prosperity of biodiversity. This supposedly unintentional consequence has raised several questions about the human rights violations of the people being displaced. This section shall present both national and international legislative analysis that deals with the situation. Along with this, some key judicial decisions protecting the rights of such indigenous people will also be examined. Internationally, many notable frameworks exists which sadly India has failed to accommodate appropriately. The International Labour Organization (ILO) Convention No. 107 (Indigenous and Tribal Peoples Convention) of 1957 provides the tribals and indigenous with many rights and although it displays an inclusive approach, it lacks a ground reality approach where there has been an assumption that gradually the tribal and indigenous population will assimilate with the general population without much difficulty. The reality offers a stark contrast as the already vulnerable population not just faces difficulty in integrating with the general population; they actively face discrimination and isolation which often goes unaddressed. They have been affirmed with human rights enjoyment without any discrimination and their cultural rights though, have been mentioned to be recognized and protected, due to lack of ratification of the ILO Convention No. 169 of 1989, which is a revised version of the 107 Convention in India, upholding them have become difficult and many a times is found to be violated along with other rights. The indigenous people under this updated convention enjoy the rights on their land and resources and hold the right to decide their own developmental priorities. According to the convention, the removal of the population should be the last resort and before any form of relocation free, prior and informed consent of the people should be taken. Despite the provisions of rights and prevention of discrimination being mentioned in International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and Universal Declaration of Human Rights being applicable to all which includes the vulnerable groups as well, the failure to ratify the ILO convention has led to the lack of legal obligation on upholding any aspect of the convention including rights and consent. This directly affects the people displaced for conservation projects as they not just lose their cultural rights and are forced to move from their land without prior information and without adequate compensation, but their relocation is often involuntary as well. The lack of ratification of the 1989 modified version of the convention has ceased the implementation of important rights relating to the tribal and indigenous people's against forced displacement and relocation in India, resulting in the involuntary displacement of thousands of those vulnerable populations every year in the guise of conservation and development. The 1992 Rio Declaration on Environment and Development had laid down some principles ensuring that protection and preservation of environment is not undermined for development. The principles involve from upholding human rights and making humans the centre of sustainable development to mandating environmental impact assessment and making the indigenous people, particularly women and youth's participation essential while implementing sustainable development practices. It has also urged States to recognize and support the culture, identity and interests of the indigenous people as they play a key role in environmental management. While the intention was noble, it lacked implementation as it was a declaration, making its execution entirely difficult and ultimately failing in its purpose due to lack of efforts by the State. The concept of free, prior and informed consent has a place in the 2007 United Nations Declaration on the Rights of Indigenous People as well. The declaration has affirmed a similar approach to that of the ILO Conventions no. 107 and no. 169 in one single framework. The declaration has prohibited forced removal of the indigenous people and has mandated consent before relocation. Despite providing a strong standard for the protection of those people, its non-binding nature makes the implementation of its principles difficult even in States that supports it, leading to continuous violation of the rights of the indigenous people by the Authorities who swore to protect it. The 1992 Convention on Biological Diversity is the only binding treaty regarding conservation of biodiversity. Its main goals are to protect the biodiversity, checking the natural resource depletion and ensuring the benefits derived from nature and natural resources are shared fairly. The convention has two additional agreements supplementing it; one is the Cartagena Protocol of 2000 which deals with organisms and modern biotechnology and the other is the Nagoya Protocol of 2010 which focuses on fair benefit sharing and genetic resources. The convention has made efforts in its articles to respect and recognized indigenous communities, their identity, culture, traditions, practices and knowledge, maintaining its rights based approach. However, their phrase "as far as possible" and "as appropriate" opens up space to evade responsibility and have been a subject of serious criticism. The convention has been ratified in India and its principles can be seen in the Biodiversity Act of 2002 which itself has issues with implementation reflecting a large gap on the ideals and on ground implementation of the framework. In 2022, at the United Nations Biodiversity Conference, the Kunming- Montreal Global Biodiversity Framework, a global biodiversity conservation agreement was adopted which focused on human rights integration in conservation projects. It called for conservation of land and water while respecting the rights of the local residents. The framework has acknowledged the role of the local communities as conservation partners, shifting from fortress model of conservation to a rights based approach to conservation. Despite being a significantly stronger framework than its predecessors, the failure in national implementation and enforcement has remained consistent. The lack of legal compulsion in inclusion of this framework in the regional legal scenarios can lead to increase in the number of displacement of local communities as an approach to conserve land which has been mentioned as a target. This framework is by far one of the most comprehensive rights based approach taken on conservation projects; however, its success depends on its national implementation and enforceability and in India, due to the lack of enforceability, the existing acts and rules in concern with forest land and resources violate the framework's principle. The 1998 United Nations Guiding Principles on Internal Displacement was crafted to

address the human rights violations due to involuntary and forced displacement of population within the boundary of the states. They have laid down guidelines for protections and have emphasized on adequate efforts to resettle and reintegrate the displaced people and to give special attention to the vulnerable groups. It is a non binding framework that presents as a moral guideline to protect the rights of the people who are going to be displaced. The failure of this framework lies with its lack of enforcement and to hold parties accountable. Without a solid intervention just for the sake of justice and without adequate international binding obligation, conservation induced displacement becomes another instrument used for exclusion of the vulnerable groups globally, which eventually becomes detrimental to human rights and their culture, tradition and knowledge affecting the environment equally considering the long existing interdependence of man and nature.

The national legislative framework addressing conservation often presents a complex issue where conservation of biodiversity clashes with the rights of tribals, indigenous and local forest dwellers that is often not addressed appropriately. In India, the tribals, indigenous and other forest dwelling communities have equal rights as that of any other urban and rural dwellers. The makers of the Indian Constitution have recognized the disadvantages suffered by the tribal and indigenous population and have provided certain specific provisions to ensure they are protected and have a fair chance at development. The 5th and 6th Schedule of the Indian Constitution lets the President make decisions on declaring Schedule Areas and mandate the formation of a Tribal Advisory Council and Autonomous District Councils in the North-East with supreme governing power to govern according to customs of those areas. Besides that, the Constitution also made special provisions for their advancement (Article 15 (2)), protecting their culture, language, and art (Article 29), and reservations for them in the Assembly and Parliament along with education, government jobs and other places of importance where they are likely to face issues due to their status. There are several laws that strive to protect and preserve the biodiversity but none exists to address the issue of displacement. The Forest Conservation Act is a landmark legislation that came into effect in 1980 for preventing the diversion of forest land for non-forest purposes. The Act restricted power with the Central Government and prescribed that any de-reservation, leasing or conversion of forest land cannot be undertaken without prior approval; further, recommended the constitution of an Advisory Committee to consider such proposals and also made provisions for penalties. The 1980 legislation was amended in 2023 (Forest Conservation (Amendment) Act). It restricts the meaning of forest land to only those lands recorded as such after 1980 and allows interventions in non-forest activities such as safaris. It has been criticized to lessen protections, endangering biodiversity, and threatening tribal lands by making it easier to divert forest lands for commercial purposes. The 1980 Act was meant to stop the diversion of forest lands for non-forest purposes; however, this amendment has interjected several exceptions to this prohibition, including the establishment of zoos, safaris and eco-tourism facilities. While forest-dwelling communities are evicted so as to inviolate spaces, these very spaces are being opened up for commercial tourism, creating a notion of double standard. The framework that is supposed to keep the forest inviolate from encroachment of the tribals, explicitly displaces the local community and welcomes tourists.

The cornerstone of India's wildlife protection legislation is the Wildlife Protection Act of 1972. The aim of this act was to protect and preserve the rich biodiversity of our country thereby, establishing protected areas for both plants and animals such as national parks, zoos and tiger reserves as per the act's purpose. The act further prohibits hunting, the trade of animals and products derived from animals and prohibit illegal acquisition of property. The act however, follows the exclusionary method of conservation approach which displaces thousands of forest dwellers who often lack legal land title affecting their customary rights without proper procedure, due consent and adequate compensation and rehabilitation. The acquisition of land and compensation is to be made as per the 2013 central land acquisition law (the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013). The 2002 amendment added that local communities will be consulted before the creation of community reserves under its wing, but overall did not do much about the core issues. The 2023 amendment as well did not change much except for aligning itself with international conservation goals and introducing regulation on exotic species. Till date, this act has no statutory obligation to resettle the people whose lands will be acquired for the establishment or expansion of protected areas. The free, prior and informed consent aspect is also lacking excluding the dwellers from participating in any decision making despite years of international obligation. The failure to consider the human aspect of such conservation projects continues to be a critical issue even after several amendments. The 1996 Provisions of the Panchayats (Extension to Scheduled Areas) Act otherwise known as the PESA Act forms and empowers Gram Sabha with immense authority to manage resources and has mandated the requirement of the Sabha's approval before the commencement of any project that can have a significant impact on the community. Further, the Gram Sabha or the Panchayat shall be consulted before land acquisition and relocation and their recommendation is necessary before mining project begins. The lack of prior and free information and poor consent approval process dilutes the purpose of this act making it easy for conservation project supporting agencies to violate the law with utter disregard towards the community. The Biological Diversity Act of 2002 was an international obligation of national implementation of the Convention of Biological Diversity to promote biodiversity conservation, sustainability and fair benefit sharing. The act established a Biodiversity Management Committee who had various roles one of which was to prepare a People's Biodiversity Register with the consultation of the local community which would contain details of all the natural resources, their medicinal and other value and its associated knowledge. Further, with the help of local bodies' consultation, places of importance shall be declared as Biodiversity Heritage Site. Though this act does stand strong in bringing the international commitment of conservation to a national level, it has failed in understanding the human effects of conservation projects which often leads to displacement of population.

Amidst so many laws prioritizing conservation, the 2006 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act stands out to be the only legal framework prioritizing the rights of the tribal, indigenous, pastoralists and other forest dwellers. The act recognizes the forest dwellers rights who belong from the vulnerable group of the society. Under this act, displacement should be absolute last resort and the people being displaced from the forest are to be provided with decent resettlement packages which should consider their livelihood aspect as well. Further, without free, informed and a written consent, no resettlement plan is to take place and relocation shall not take place until the promised land and amenities have been provided in the relocated area. No dweller is to be removed until their right has been recognized and verified and if a land remains unused for 5 years for which compensation hasn't been paid, the act prescribes to restore the right to land. This act is the only one that addresses forced displacement of population and has provided remedy for it. The 2012 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules had further added more protection for the benefit of the forest dwellers while also promoting inclusive conservation without harming the former. As per the rules, displacement is only acceptable when the coexistence of human and wildlife becomes difficult. Resettlement should be consented by the Gram Sabha and the Sabha should further recognize settlements and hamlets that are not surveyed to ensure the rights of the people there are recognized. It also approves conservation plans and can claim rights to the forest resources that the people conserved. It refuses the use of area acquired for conservation for non-conservation use. Resettlement plans should be tracked by the State Monitoring mechanisms and extreme vulnerable groups should be provided proper protection. This act is the only framework that comprehensively addresses displacement and rights of the forest dwellers; however, the poor implementation and unawareness of laws to the dwellers leads to poor execution of such a protective law resulting in human rights violations of the vulnerable groups. Additionally, the 2013 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act which guides the land acquisition and compensation for land acquisition though has mandated Environmental Impact Assessment and Social Impact Assessment in case where development projects can potentially have a significant impact on the environment and the lives of the people; no conservation based law has considered it nor have they approved of rehabilitation; only acquisition of land and compensation is as per the act. Despite such broad framework on conservation and thoughtful considerations towards the protection of the rights of the dwellers, the core issue has always been the improper and inconsistent implementation of existing framework leading to consistent human rights violations. The lack of appropriate implementation of international obligations along with poor execution of national laws has repeatedly resulted in the displacement of the vulnerable population for conservation projects. Additionally, we lack a robust overseeing and accountability holding mechanisms leading to haphazard execution of the existing laws which would otherwise been able to provide decent relief. Despite many efforts the number continues to rise thereby, raising an important question on how long the poor implementation of the existing laws and the lack of comprehensive displacement based framework in India is going to continue displacing people. Such a complex scenario calls for immediate actions from the policy makers and a check on the twisted understanding of conservation projects.

It should be noted that the people displaced for conservation projects are already at a disadvantage as they are from the most vulnerable group in the society. They rely on their land and natural resources for basically everything in their life and displacing them affects every single aspect of their life significantly. Despite such ground breaking laws, the land rights of these people are violated time and again and due to the lack of a comprehensive law on displacement, the post displacement situation becomes even more terrifying. There have been many instances where the Court has stepped in to uphold the rights of the tribal and indigenous people. In 1997's landmark judgment of *Samatha v. State of Andhra Pradesh* discussing the transfer of land for mining purposes, the Supreme Court held that such a transfer violates the Fifth Schedule of the Indian Constitution⁴. The Court further mentioned that the prior consent of the tribals is important before commencing such projects as they enjoy many rights over the land and the transfer of land affects particularly the cultural rights. The Court ordered to stop the mining activities and declared the transfer void, further mandating 20% of mining profit to be reserved for the tribals. The Supreme Court in *Wildlife First v. Union of India and Others* (2008) faced a constitutional challenge on the FRA 2006, which gives rights to forest-dwelling communities⁵. The petitioners argued that the FRA impedes forest conservation and violates both fundamental rights and duties mentioned in the Constitution presenting it as if FRA is against sustainable development. Notably, the Court required fair execution of due procedure and directed the states to undertake an independent inquiry to consider the claims made under the FRA; and, if a claim was rejected, the rejections must be validated and be considered in terms of due process but did not stop eviction. Further, the Court in 2019, ordered to evict the people whose claims were rejected but due to huge protests later, put a stay on the eviction. This case is a classic example of the complex issue between conservation projects needed for ecological benefit and violation of rights due to the displacement of tribals that still remains unsatisfactorily answered. In the *Orissa Mining Corporation v. Ministry of Environment and Forests* (2011), otherwise famously known as the Niyamgiri case, the Supreme Court discussed the matter of consent of the tribals⁶. The Court said that for development projects, it is the right of the tribals to decide on which development project should commence on their land and emphasized a participatory decision approach involving the affected people. The Court ordered the State Government and the Ministry of Tribal Affairs in settling the displaced people and their claims. The increase in the number of displacement of the vulnerable population due to various conservation and development projects has made it necessary for the judiciary to continue protecting these vulnerable people by strengthening mechanism and fostering stakeholder collaboration to ensure an inclusive approach to development ensuring the rights of the indigenous communities are upheld irrespective of anything.

5. Conclusion

Conservation induced displacement presents a serious issue where human rights are being violated for the good of the environment. The fortress conservation practice has led to an increase in inviolate areas restricting human interaction, despite years of human and biodiversity coexisting peacefully without much issue. Justified as a greater good, this form of displacement, significantly affects the already marginalized group of the society, increasing their sufferings multiple fold. The affected people face a vast range of human rights violations, starting from intimidation and threat to arrest, abuse and even killing, all for the 'voluntary relocation' of the affected people. There are several occurrences where despite no presence of wildlife in the area, conservation projects have been carried out. The people's perception has unanimously accepted that despite its benefits, displacement for conservation projects have a negative impact on the displaced community and India lacks proper legal framework to address the issue despite its existence for years. The lack of proper laws to address the situation and the weak implementation of the existing laws has let down the promised better life for which the people were displaced from their ancestral land breaking their culture, traditions and social ties which carries great importance to the people who belong majorly from the tribals and indigenous population. It is important to consider human first approach for such projects as the impact of these conservation projects leads to extreme marginalization of the already vulnerable group of the society. It is important to provide the communities that are to be displaced prior and adequate information before taking their consent. Partnering with the local residents would be beneficiary as for ages both human and biodiversity have grown side by side for years without much setback from either side. The partnering should involve equal participation from women as well, considering the fact that they are emotionally, socially and psychologically more affected from such displacement. Conservation projects should be allowed only after relocating the affected people, not before that and all basic and civic amenities and services should be made available at the relocated area before relocating them or as soon as possible to continue their life without much interruption. Resettlement should not be done at a location that would alter their way of life, rather should be in a location where a similar lifestyle to the pre-displaced one can be practiced. Further, the government should try to resettle all of the displaced people together to ensure their social network stays intact and so does their tradition and culture. Attempt should be made to let the displaced population keep their culture and traditions intact, by allowing supervised visitations to their native lands. Apart from that, adequate compensation and alternate livelihood options should be provided and workshops for the same should be organized to ensure long term economic assistance is provided, considering they lost their traditional livelihood option due to displacement. In case, the objective of the projects is completed or altered, the displaced people should be allowed to return to their land as per availability. The existing compensation, rehabilitation and resettlement framework though looks good on paper, in practice is severely weak, thereby affecting the very purpose of its framing. Despite the notion of 'voluntary relocation', such relocation lack in impact assessment, which leads to inadequate understanding of the vivid needs of the people, particularly the social, psychological and cultural needs that barely gets addressed. The current Wildlife Protection Act should be amended to include social impact assessment and rehabilitation and resettlement aspect and other beneficial regulations which is presented under the 2013 Land Acquisition Act. A strong political motive should exist not just for conservation but also for adequately resettling and compensating the displaced people. Adequate consideration should be given to maintain the People's Biodiversity Register and it should be evaluated to understand the cultural and intellectual implication the displacement would cause, acting as a reminder to relocate people as a last resort. There is a desperate need of a specific and comprehensive legal framework addressing all kinds of displacement and adequate amendment in the existing framework to ensure that the displaced population do not suffer, rather are able to enjoy the promised better life. This article, by any means in not against conservation; rather the authors support conservation practices and promotes the sustainable ones actively. Aiding to the support, according to the authors, conservation practices at the cost of human life should be restricted and avoided as much as possible and a more humane, practical and sustainable approach should be followed to ensure both biodiversity and the dwellers get a chance to prosper without much setback to ensure long term benefit to both people and the ecosystem.

Acknowledgment: The authors acknowledge the institution for providing access to resources, all the participants who have contributed their knowledge and time for the empirical part of this work and all the authors, media posts and institutes whose previous works have contributed to this research.

Ethical consideration: All participants to the data collection were informed of the data being needed for a research work and their consent was taken. They were fully aware that the work is for a publication purpose, they shall remain anonymous and consented voluntarily for the same.

Use of artificial intelligence (AI): The authors declare that no generative artificial intelligence (AI) tools were used in the preparation, analysis, or writing of this manuscript.

Conflict of Interest: The authors declare no conflicts of interest.

Funding: This research did not receive any financial support.

⁴ Samatha case: AIR 1997 Supreme Court 3927

⁵ Wildlife First case: Writ Petition (Civil) No. 109/ 2008

⁶ Niyamgiri case: Writ Petition (Civil) No. 180 of 2011

References

1. Adams, W. M., & Hutton, J. (2007). People, parks and poverty: Political ecology and biodiversity conservation. *Conservation & Society*, 5(2), 147–183.
2. Agrawal, A., & Redford, K. (2009a). Conservation and displacement: An overview. *Conservation & Society*, 7(1), 1–10.
3. Agrawal, A., & Redford, K. (2009b). Place, conservation, and displacement. *Conservation & Society*, 7(1), 56–58.
4. Brockington, D., & Igoe, J. (2006). Eviction for conservation: A global overview. *Conservation & Society*, 4(3), 424–470.
5. Cernea, M. (2002). *Impoverishment risks and reconstruction: A model for population displacement and resettlement*. ResearchGate. https://www.researchgate.net/publication/262688048_Impoverishment_Risks_and_Reconstruction_A_Model_for_Population_Displacement_and_Resettlement_2002/citation/download (accessed in October of 2025)
6. Chakma, S. (2024). *India's tiger reserves: Tribals get out, tourists welcome*. The University of Arizona, James E. Rogers College of Law. <https://indigenous.arizona.edu/sites/default/files/2024-07/IndiaStatusofTigerReserves2024.pdf> (accessed in October of 2025)
7. Challa, K. (2013). Development-induced displacement: Legal and human rights perspectives. *Bharati Law Review*, 73–83.
8. Curran, B., Sunderland, T., Maisels, F., Asaha, S., Balinga, M. P. B., Defo, L., Dunn, A., von Loebenstein, K., Oates, J., Roth, P., Telfer, P., & Usongo, L. (2010). Response to 'Is the displacement of people from parks only 'purported' or is it real?' (Schmidt-Soltau 2009). *Conservation and Society*, 8(2), 99–102. <https://doi.org/10.4103/0972-4923.68905>
9. Daniel, D., & Berhanu, A. (2018). Effects of conservation-induced displacement on the Bacha of Southwest Ethiopia. *Ethiopian Journal of the Social Sciences and Humanities (EJOSSAH)*, 14(2), 40–67. <https://dx.doi.org/10.4314/ejossah.v14i2.2>
10. Dowie, M. (2010). Conservation refugees. *Cultural Survival Quarterly*. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/conservation-refugees> (accessed in September of 2025)
11. Drolet, J., Sampson, T., Jebaraj, D. P., & Richard, L. (2014). Social work and environmentally induced displacement: A commentary. *Refuge*, 29(2), 5–8.
12. Gogoi, R. M., & Lahon, T. (2014). Paradigm shift: The situation of development induced displacement in India. *Asian Journal of Social Sciences and Humanities*, 3(1), 132–139.
13. Kabra, A. (2003). Displacement and rehabilitation of an Adivasi settlement: Case of Kuno Wildlife Sanctuary, Madhya Pradesh. *Economic and Political Weekly*, 38(2), 441–447.
14. Kabra, A. (2007). Preservation via dislocation. *Seminar*, 58–62. https://www.researchgate.net/publication/267837547_Preservation_via_Dislocation (accessed in September of 2025)
15. Kabra, A. (2009). Conservation-induced displacement: A comparative study of two Indian protected areas. *Conservation and Society*, 7(4), 249–267.
16. Kabra, A. (2013). Conservation-induced displacement: The anatomy of a win-win solution. *Social Change*. https://www.researchgate.net/publication/270606235_Conservation-induced_Displacement_The_Anatomy_of_a_Win-Win_Solution (accessed in September of 2025)
17. Krueger, L. (2009). Protected areas and human displacement: Improving the interface between policy and practice. *Conservation & Society*, 7(1), 21–25.
18. Kurian, A. L., & Vinodan, C. (2018). The downside of environment protection in India: Origin of conservation refugees. *Economic & Political Weekly*, 53(28), 26–27.
19. Lunstrum, E., Bose, P., & Zalik, A. (2016). Environmental displacement: The common ground of climate change, extraction, and conservation. *Area*, 48(2), 130–133. <https://doi.org/10.1111/area.12193>
20. Pyhälä, A., Osuna Orozco, A., & Counsell, S. (2016). *Protected areas in the Congo Basin: Failing both people and biodiversity?* The Rainforest Foundation UK. https://www.researchgate.net/publication/308033389_Protected_Areas_in_the_Congo_Basin_Failing_both_People_and_Biodiversity (accessed in September of 2025)
21. Rantala, S., & Vihemäki, H. (2011, June). *Human impacts of displacement from protected areas: Lessons from the establishment of the Derema Corridor, north-eastern Tanzania* [Paper presentation]. Conference on Nature™ Inc? Questioning the Market Panacea in Environmental Policy and Conservation, The Hague, Netherlands. https://www.researchgate.net/publication/264864647_Human_impacts_of_displacement_from_protected_areas_lessons_from_the_establishment_of_the_Derema_Corridor_north-eastern_Tanzania (accessed in September of 2025)
22. Rathore, A., & Jain, S. (2021). Environmental refugees and recognizing their long due rights. *Jus Corpus*. <https://www.juscorpus.com/environment-refugees-and-recognizing-their-long-due-rights/> (accessed in October of 2025)
23. Redford, K. H., & Fearn, E. (Eds.). (2007). *Protected areas and human displacement: A conservation perspective*. Wildlife Conservation Society. https://www.researchgate.net/publication/228392860_Protected_Areas_and_Human_Displacement_A_Conservation_Perspective (accessed in September of 2025)
24. Rights and Risks Analysis Group. (2024). *India's tiger reserves: Tribals get out, tourists welcome*. <https://www.rightsrisks.org/wp-content/uploads/2024/07/IndiaStatusofTigerReserves2024.pdf> (accessed in October of 2025)
25. Shahabuddin, G., & Bhamidipati, P. L. (2014). Conservation-induced displacement: Recent perspectives from India. *Environmental Justice*, 7(5), 122–129. <https://doi.org/10.1089/env.2014.0012>
26. Siddhartha, A. (2025). Capturing land for elephant corridors in South India through the conservation-agrarian squeeze. *Environmental Management*, 75, 2749–2762. <https://doi.org/10.1007/s00267-025-02192-4>
27. Torri, M. C. (2011). Conservation, relocation and the social consequences of conservation policies in protected areas: Case study of the Sariska Tiger Reserve, India. *Conservation & Society*, 9(1), 54–64.

Laws and Regulations:

1. 1992 Convention on Biological Diversity
2. 1992 Rio Declaration on Environment and Development
3. 2007 United Nations Declaration on the Rights of Indigenous People
4. 2013 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act
5. 2022 United Nations Biodiversity Conference, the Kunming- Montreal Global Biodiversity Framework
6. Cartagena Protocol of 2000
7. International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights
8. Nagoya Protocol of 2010
9. The 1996 Provisions of the Panchayats (Extension to Scheduled Areas) Act
10. The 1998 United Nations Guiding Principles on Internal Displacement
11. The 2006 Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act and 2012 Amendment Rules
12. The Biological Diversity Act of 2002
13. The Constitution of India
14. The Forest Conservation Act 1980 and 2023 Amendment
15. The International Labour Organization (ILO) Convention No. 107 and no. 169
16. Universal Declaration of Human Rights
17. Wildlife Protection Act of 1972 and 2002, 2023 Amendment