

**TAMILNADU TRIBAL PEOPLES ASSOCIATION**  
**AITUC OFFICE, SODA SANGARAN BUILDING, OLD COURT ROAD,**  
**GUDALUR, THE NILGIRIS -643 212.**

**Mob : 80721 57819**

Date: 22 December 2023

To :

The Secretary,  
Ministry of Tribal Affairs,  
Rajendra Prasad Road,  
Shastri Bhawan,  
New Delhi-110001  
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Dear Sir,

Sub: Illegal eviction/relocation of Adivasis from Mudumalai Tiger Reserve – compensation, resettlement and rehabilitation - criminal conspiracy, forgery, cheating, fraud, falsification of accounts – Reg.

The 218 sq km Mudumalai Wildlife Sanctuary together with 103 sq km National Park was notified as Critical Tiger habitat (CTH) or Core Area of Mudumalai Tiger Reserve (MTR) of a total of 381 sq km vide [G.O. Ms. No.145, dated 28.12.2008, Environment and Forests (FR-V) Department, Government of Tamilnadu] under Sec.38 V of the Wild Life (Protection) Act (WLPA) as amended in 2006. A Buffer Area of 367.59 sq. km was notified six years later [G.O. (Ms.) No.200, Dated: 13.08.2012 Environment and Forest (FR V) Department, Government of Tamilnadu.

*The official relocation status as of November 2023:* First phase 212 out of 214 families; Second phase 246 out of 255 families; Third phase 95 out of 167 families; and Fourth phase nil out of 25 families. In all, 573 families are relocated out of 681 families with the remaining 108 families refusing to accept the relocation for various reasons.

The Madras High Court, on 19 February 2007, directed the Tamil Nadu government to complete the relocation process within a year. However, the actual relocation process commenced in different phases starting from 2012. Therefore, the legal framework governing these relocations is as per the Wildlife (Protection) Act 1972 as amended in 2006 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA). Subsequently, all the relocation activities initiated post 2013 should fall under The Right to Fair Compensation and Transparency in Land Acquisition, Resettlement, and Rehabilitation Act, 2013 (RTLARR). Thus, the applicable laws for recognising rights and relocation in the Mudumalai Tiger Reserve are WLPA 1972 as amended in 2006, FRA 2006 and RTLARR 2013 depending on the period in which the relocation has taken place. ***FRA recognised and vested forest rights in forest dwellers in 2006 itself when the law was enacted. In order to incorporate the rights thus recognised and vested, FRA provides a procedure to determine, approve, title and incorporate them in the Record of Rights of the Forest and Revenue Departments.***

We wish to bring to your **urgent attention** the following facts as per the aforementioned applicable laws:

1. ***The Mudumalai Tiger Reserve was notified***

- a) without determining and recognizing the forest rights as required under Sec. 38V(5) (i) of WLPA and under FRA;
- b) without obtaining the consent of the STs and other forest dwellers and without consulting an ecological and social scientist familiar with the area that their activities or their presence impact the wild animals causing irreversible damage threatening the existence of tigers and their habitat as required under Sec.38 V (5) (ii) of WLPA;
- c) without obtaining the consent of STs and other forest dwellers and in consultation with an independent ecological and social scientist concluding that no reasonable options of co-existence are available as required under 38V(5) (iii) of WLPA;
- d) without obtaining the consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme as required under 38V (v) of WLPA;
- e) without providing the facilities and land allocation at the resettlement location while denying the recognition of existing rights 38V (vi) of WLPA;
- f) without preparing a resettlement or alternative package providing for *livelihood* as required under Sec.38V(5) (iv) of WLPA and *secure livelihood* as required under for Sec. 4 (2) (d) of FRA based on the law and policy of the central government which is provided for in LARR 2013 as below:
  - i. (i) Fair compensation, resettlement and rehabilitation are to be provided to all affected families as defined in Sec.3(c) of LARR
  - ii. (ii) The Collector is to determine the value of trees and plants attached to the land for which the services of experts may be used by him as provided under Sec.29 of LARR
  - iii. (iii) The special provisions for SCs and STs under the Development Plan shall include development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet their requirements as provided under Sec.41 (5) of LARR
  - iv. (iv) Compensation of twice the market value of the land (nos. 1 and 2), value of assets attached to the land or building (no.4), solatium of twice the market value of the land (no.5), as required under *The First Schedule* of LARR 2013 on compensation for land owners;
  - v. (v) A constructed house as per the Indira Awas Yojana specifications (no.1); Land for land, a minimum of one acre of land and for SCs and STs equivalent land or two and a half acres whichever is lower (no.2); a subsistence allowance of Rs.3,000 per month for a period of one year from the date of award (no.5); a onetime financial assistance of Rs.50,000 as transportation cost for shifting of the family, building materials, belongings and cattle (no.6); a onetime financial assistance for cattle shed/petty shops as determined by the government of not less than Rs.25,000 (no.7); one time grant for each affected family of an artisan, small trader or self-employed person or an affected family which owned nonagricultural land or commercial structure in the affected area of not less than Rs.25,000 (no.8); a one-time 'Resettlement Allowance' of Rs.50,000 (no.10), and stamp duty and registration fee for registration of the land or house allotted (no.11) under *The Second Schedule* of LARR 2013 on the rehabilitation and resettlement entitlements in addition to the provisions in the First Schedule;
  - vi. (vi) Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights (no.1); drainage and sanitation (no.2); assured sources of safe drinking water for each family (no.3); drinking water for cattle (no.4); grazing land (no.5); ration shop (no.6), panchayat ghar including hall, Panchayat President's office, computer room, kitchen, and pantry (no.7); Post Offices (no.8); seed-cum-fertilizer storage facility (no.9); basic irrigation facilities (no.10); transport facility (no.11); burial or cremation ground (no.12); sanitation facilities including individual toilet points (no.13); individual single electric connections (no.14); Anganwadi's providing child and mother supplemental nutritional services (no.15); school as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (no.16); sub-health centre within two km (no.17); Primary Health Centre (no.18); playground for children (no.19); a community centre for every hundred families (no.20); places of worship for every fifty families for community assembly (no.21); separate land for traditional tribal institutions (no.22); forest rights on non-timber forest produce and common property resources, if available close to

the new place of settlement and, continued access, use and livelihood rights to such forest or common property in the area close to the place of eviction (no.23); appropriate security arrangements (no.24), and veterinary service centre (no.25) under *The Third Schedule* of LARR 2013 on infrastructural facilities.

i.

- g) without adhering to the above mentioned provisions of the applicable laws, the government limited its liability to the Revised Guidelines for The Ongoing Centrally Sponsored Scheme of Project Tiger, 2008 (CSS) and its subsequent additional guidelines. This is neither legally aligned nor tenable with WLPA, FRA and LARR. This scheme is not a substitute for the laws even with the revised amount from Rs.10 lakhs to Rs.15 lakhs per affected family in April 2021.
- h) without adhering to the CSS Guidelines. For instance, Section 4.9 clearly refers to 'settlement of rights' as 'a new activity' in the creation of 'inviolable spaces for wildlife and relocation of villagers from core or critical tiger habitats in Tiger Reserves'. However, forest rights as per FRA **have not even been recognised for them to be considered for settlement**.
- i) ignoring that the CSS Guidelines 'requires payment of compensation (rights settlement in addition to the relocation package offered under the CSS at present)....Therefore, payment of compensation for the immovable property of people forms part of modifying / settling their rights which is a statutory requirement'. Therefore, the payment of Rs.15 lakhs "forms part of modifying / settling their rights which is a statutory requirement" **only** and not a substitute for the total compensation, resettlement and relocation as required under the laws. The Rs. 15 lakhs is but the central government share; the rest is the responsibility of the Tamilnadu government to mobilize.
- j) No forest dwellers shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete as required under Sec.4(5) of FRA.

## 2. *The relocation from Mudumalai Tiger Reserve violates*

- a) each and every provision under Sec.38 V (5) as above;
- b) the provision that STs and OTFDs shall not be evicted or removed from the forest land under their occupation until the recognition of their rights is complete as required under Sec. 4(5) of FRA and therefore an offence under Sec. 7 of FRA;
- c) the provision Sec.3(1)(g) read with Sec.2(1)(be) where wrongful dispossession of land or interference with rights including rights over forest (as defined under Forest Rights Act), land and water etc and Sec.3(1)(za)(A) where obstruction of rights to common property resources are offences of atrocities under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as amended in 2016

## 3. *The Relocation fraud*

- a) 421 Mountaden Chetty families (MBCs) were/are living on revenue lands surrounded by the Tiger Reserve with titles to their lands. 100 or so ST families living on forest lands provide labour to them. There are another 2,000 families or so in the three revenue villages in the Wildlife Sanctuary area which is now part of the CTH. The relocation began in 2016-17. Only. 235 families, 58 tribal and 177 Chetty families, were relocated in the first phase from Bennai and Nellikarai villages. This was followed by the relocation of 55 tribal and 200 Chetty families from Mandakarai, Nagampalli and Pulliyalam villages in 2017-18. The last phase that should have got over in 2019 involves 25 tribal and 186 Chetty families from Mudugulli and Gundithal villages.
- b) The Chetti community, living in the core area as landowners, chose Option II, and has been rehabilitated in Aiyankolli village. The Ministry of Environment, Forest and Climate Change sanctioned Rs 25.5 crores for the relocation. The tribals, living in forest settlements, whose forest rights under FRA have been illegally denied, were considered landless and provided cash compensation under Option I of CSS.
- c) 21 Adivasis filed the FIR accusing land brokers EJ Joseph, Baby, Srinivas, Radhakrishan and Babu; lawyer C Sukumaran; notary Jaya Joseph and Nellakottai range officer Suresh Kumar of criminal conspiracy, forgery, cheating, fraud, falsification of accounts and dishonesty. They have also been charged under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The probe is yet to yield any result and the accused continue to be

free. A complaint was preferred to the National Commission for Schedule Castes who ordered a probe.

- d) Further, those relocated from Nagampalli and Mandakarai to Ayyankolli of Cherangode 5 years ago have not been provided any facilities till date and many of them stay in rented houses. They have declared their intention to return to their original habitations.

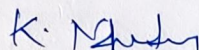
**In the light of the above facts, we demand:**

1. The full implementation of FRA in Mudumalai Tiger Reserve and the Elephant Corridor including community rights, especially Community Forest Resource rights under Sec.3(1)(i), in all habitations, whether forest settlements or revenue villages;
2. Justice for the Kattunayakan, Paniyan, Mullu Kurumbar, Betta Kurumbar and Irular tribal peoples of Puliyalam, Mandakarai, Nagam Pally, Kundithaal and Mandakamoola who were illegally evicted from the Mudumalai Tiger Reserve by ensuring fair compensation, resettlement and rehabilitation as per the WLPA 1972, FRA 2006 and LARR 2013;
3. Arrest and take legal action without delay against the Forest Department officials, lawyer, land brokers and others named in the complaint for cheating the compensation amount given to the tribal people;
4. Fair compensation, resettlement and rehabilitation strictly as per the provisions of LARR 2013;
5. Initiate disciplinary action against the concerned officials for misconduct under the relevant service rules noting that the violations of various provisions of laws invite very severe penalties including imprisonment under the SC and ST Prevention of Atrocities Act, 1989.

*All reference to the provisions in WLPA 1972, FRA 2006 and LARR 2013 are given in full in the attached Annexure*

Thanking you

Yours Faithfully,



(K. Mahendran)

District Incharge

Tamilnadu Tribal Peoples Association

Gudalur, The Nilgiris – 643 212

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**ANNEXURE**

**Full text of the legal provisions under reference**

<b>I. Wildlife (Protection) Act 1972 as amended in 2006 (WLPA)</b>		
1.	Sec. 38V(5) (i)	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;
2.	Sec.38 V (5) (ii)	the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;
3.	38V(5) (iii)	the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist