Forest Laws in the Context of Ecotourism
Ecotourism

• Responsible travel to natural areas

• All natural areas are treated as forests, with or without trees.
Forests

• Notified Forests:
• Deemed Forests
Forest Laws

• Indian Forest Act, 1927: Reserve Forests, Protected Forests
• Wild Life (Protection) Act, 1972: National Parks, Wildlife Sanctuaries, Tiger Reserves, Conservation Reserves, Community Reserves (Protected Areas or PAs).
• Forest (Conservation) Act, 1972: Restrictions on dereservation/clearing/assigning.
• The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. (Forest Rights Act 2006).
• State Laws
IFAF 1927 and Ecotourism

• No reference to tourism in any form.
• Trespass in reserve forests is an offence.
• Concept of tourism or recreation as a forest product was not born.
Wild Life (Protection) Act 1972 and Tourism

- National parks and Wildlife Sanctuaries: “areas of adequate ecological, faunal, floral, geomorphological, natural or zoological” significance. No mention of natural beauty or recreational value.

(Yellowstone National Park is meant to be a “public park or pleasuring-ground for the benefit and enjoyment of the people” and, similarly, Yosemite was created “for public use, resort and recreation”).

- CWLW can permit entry into a national park or wildlife sanctuary for the purpose of:
  (a) Investigation/Study
  (b) Photography
  (c) Scientific research
  (d) Tourism
  (e) Lawful business

  (section 28)
National Tiger Conservation Authority (NTCA) and Ecotourism (WLPA 1972)

- Lay down normative standards for tourism activities and guidelines \{section 38-O(c)\} in tiger reserves.
- Tiger Conservation Foundations “to promote eco-tourism with the involvement of local stake-holder communities ----” \{section 38-X(2)(a)\}.
- Core areas of tiger reserves to be “inviolate” \{section 38-V(4)\}.
- NTCA has power to intervene in land use changes any where in the country \{section 38-O(g)\}.
- NTCA was trying to “phase out” tourism from tiger reserves and other PAs until 2012.
Forest (Conservation) Act, 1980 and Ecotourism

- No reference to ecotourism.
- List of exempted activities, i.e. those “relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wire less communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes”, does not include ecotourism.
- Government of India has sent out directives saying that ecotourism is a “non-forest” activity (at par with building dams, highways, industry etc.).
Forest Rights Act 2006 and Ecotourism

- Communities can claim neighbouring forests as “Community Forest Resource” (CFR) and get the “right to protect, regenerate or conserve or manage” such areas.

- Critical wildlife habitats” of PAs to be “inviolate”.

- Ecotourism can be a tool to save CFR areas as they can provide incomes to communities without exploiting the forests.

| Sikkim | 584,100 | 385,202 | 385,202 | NA | 0% | 66% | 66% |
Impact of forest laws on ecotourism

• Conflicting and confusing provisions. Individual whims rule the scene.
• Ecotourism can be allowed but it is not recognised as an objective of conservation of nature.
• Passive approach. No effort at mainstreaming.
• No investments in building in-house ecotourism expertise.
• No monitoring of impact.
• Emphasis on containment, not on promotion/refinement.
THANK YOU