

At the Nexus of Policy and Practice: Forest Governance, Conservation and Forest Rights in Buxa Tiger Reserve, India

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Abstract: *The Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act in 2006 was proclaimed to redress perpetuated injustices inflicted on the forest dwellers through appropriation of their ancestral lands. The present study aims at assessing the implementation status of the Act in the Buxa Tiger Reserve, West Bengal. The study is based on a semi-structured interview schedule, focus group discussions and secondary data. Results revealed the precarious condition of the people living in the core areas of this Reserve due to state-driven pressure for relocation. Increased awareness about the Act was recommended for enforcement of land rights.*

Keywords: *Forests, Injustices, Relocation, Tiger reserve, Tribal communities*

Introduction

The Duars plains of northern West Bengal were inhabited by semi-nomadic tribes like Mech, Rava, Dhimal and Garo while Lepcha, Limbu, Rai and Dukpa population resided in the Darjeeling hilly terrains. The British gained full control over the forests of North Bengal after they took possession of Darjeeling in 1835 from the Kingdom of Sikkim and acquisition of Duars region from Bhutan following its defeat in the Anglo-Bhutan war of 1864-1866. Immediately, the forest dwellers of the region were evicted from their ancestral homelands as the colonial rule reserved the forests in the name of protection. The once forest dependent communities became environmental refugees and dearth of alternative sources of income made them unpaid labours who started working in the forestry sector for free.¹

The Forest Department (FD) created forest villages inside the reserved forests in order to meet the demand of labours for management of forests particularly in the Jalpaiguri area but the villagers were not given any tenurial rights over their homesteads and agricultural lands. These villagers live inside the forests

at the mercy of the FD authorities and it depends on the eagerness of the forest officers to supply labour when required. This gave rise to a new system called service jagir where mention of daily wages was found without specifying the amount for a specific number of days for each year for the service rendered by the labours.²

The British also created 'fixed demand holdings' which were settlements of charcoal burners and traders who sold charcoal and timber on behalf of the British Raj. These villagers were given only homesteads on lease for which they had to pay rents. The commercial forestry created several forms of settlements with distinct features in the region.³

Legitimization of Forest Rights in Northern West Bengal

The forest dwellers in the region continued to suffer for long in the post independent period. The emergence of leftist workers' and peasant uprisings like Tebhaga movement, Berubari movement, Naxalbari movement during the 1950s and 1960s in the Duars region of North Bengal gave courage to these forest villagers to initiate a movement against the exploitative begar (unpaid) system. The first organized forest villagers' movement took place in 1966 initiated by the Ravas in the forest villages of Cooch Behar, Jalpaiguri and Buxa Forest divisions altering the production relations, political economy of the forestry and changed the social hierarchies existed in the 'feudal society of service jagirs'. The participation of other communities residing in the forest village of the Duars boosted the movement and it continued for another eight years. Eventually, the forest villagers in Jalpaiguri and particularly in Buxa started settling in new territories of reserved forests. The Government of West Bengal (GoWB) in 1971 introduced the system of wage labour in North Bengal but simultaneously imposed landholding ceilings. The concept of *faltu* (useless) villagers emanated in every village as the FD were reluctant to recognize the second-generation villagers as registered inhabitants and they had no official rights on lands.⁴

In 1999, Uttarbanga Bana Basi Samittee (UBBS) was founded with the twin objectives of implementation of Joint Forest Management (JFM) provisions along with transforming forest villages into revenue villages. In 2000, UBBS merged with the Himalayan Forest Villagers Union. This merger resulted in the establishment of North Bengal Regional Committee (NBRC) of the National Forum of Forest People and Forest Workers (NFFPFW) in 2001. The movements persisted consistently but peaked in 2002 when the Ministry of Environment, Forest and Climate Change issued an order of eviction. The NBRC spearheaded national campaigns to reform forest rights and played an active role in the preparation of the draft bill of Forest Rights on behalf of NFFPFW.⁵

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights), Act 2006 (FRA) was promulgated by the Government of India (GoI) for redressing the "historic injustices" meted out to the tribes and other

traditional forest dwellers through the forest policies both in the colonial and post-independence period (Government of India, 2006). FRA recognized a wide range of individual and community rights of the forest dwelling communities who have been living in such forests for generations but whose rights have not been recorded. The promulgation of this Act was crucial also for the relocation and rehabilitation policy. The Act pointed out that local people could be displaced from the Protected Areas (PAs) for protection of wildlife but the idea of relocation was kept as the last resort.⁶

In this backdrop, the present paper aims to explore the status of implementation of FRA in the Buxa Tiger Reserve (BTR) situated in the northern West Bengal.

Methodology

The data for this study was collected from both primary and secondary sources. Primary data was collected through semi-structured interviews and focus group discussions (FGDs). The primary data was collected from the villages of BTR between December, 2015 and March, 2016 and November, 2024 and December, 2024. Semi-structured interview schedules were used for conducting interviews with the local people living in the vicinity of the forests, staffs of the civil society organizations and forest officials. The secondary data was collected from published sources like books, journals, periodicals, reports of the government and civil society organizations.

One core village called Bhutia Basti located in the East Division of BTR and a village called Pampu Basti located in the fringes of West Division were selected as study sites. Twenty households, primarily tribes were selected from each of the two villages for semi-structured schedule-based assessment. Three panchayat members each from the two villages were also consulted for understanding the institutional mechanism of FRA implementation and its effect in the lives of the forest dwellers. In addition, at least four Forest Rights Committees (FRCs) members were selected from each village for in-depth interview.

Enforcement of FRA in BTR

The FRA passed in 2006, came into operation on 1st January, 2008 but in West Bengal it was initiated in March 2008. The GoWB issued two orders simultaneously through the Department of Backward Classes as well as Department of Panchayat and Rural Development instructing the districts with forest cover to create FRCs. The order issued by the GoWB was found to be inconsistent with the provisions of FRA. Lack of knowledge about the provisions of FRA among the state agencies exacerbated the problem of FRA implementation. The legislation clearly specified that gram sabhas in the individual village or hamlet level should establish FRCs. The Department of Backward Classes Welfare in its order stated that gram sansads should play central role in the implementation of the FRA portraying it as de facto gram sabhas. This clearly

violated the provisions of the legislation as gram sansads were established not at the level of hamlets but as a group of hamlets under the Panchayat Act of the state. Under the FRA, the gram sabha was assigned the primary responsibility of receiving and verifying the claims. The Act also stipulated that FRCs shall be constituted by the gram sabhas in its first meeting through an election process. It was also specified that a committee will select a chairperson and a secretary from its members. The GoWB undermined this provision in reality.

The West Bengal Panchayat Act, 1973 specified that the gram sansad includes all the voters belonging to a constituency within the gram panchayat. Despite the formal constitution of FRCs at the gram sansad level, the government denied their powers and autonomy by placing it under the Gram Unnayan Samiti (GUS) i.e. village development council. Political control over the GUS facilitated the appointment of government nominated invitees and Beat Forest Officers in the FRCs. Contrary to the FRA, the government allowed the GUS to determine the member of the FRCs. On 3rd October, 2008, the government formally renamed the Forest Protection Committees (FPCs) into Joint Forest Management Committees (JFMCs) through an official resolution and emphasized their role in the protection of the degraded forests in the districts of northern West Bengal (except Darjeeling Gorkha Hill Council Area), Murshidabad, Nadia and Hooghly. The Act aimed to strengthen the role of the gram sabhas and communities in protecting and conserving the forests but this resolution contravened the FRA's intent.⁷

Status of Forest Rights Claims

It was found from the field surveys that majority of villagers in both the villages were not familiar with the provisions of FRA. FD took no initiative in informing the villagers about the FRA provision in Bhutia Basti while only 11% respondents in Pampu Basti said FD provided them information about the legislation (Figure 1). The panchayat also played little role in building awareness about FRA. Even within that, the performance of Bhutia Basti gram sansad was comparatively better (9%). All other sources like media and neighbours had failed to generate awareness among the potential beneficiaries about FRA. The grassroots organizations like North Eastern Society for Protection of Nature and Wildlife (NESPON) and Uttar Banga Ban-Jan Shromojibi Manch (UBBJS), an organization fighting for forest villagers' rights was quite active with the issue of implementation of FRA in this region but strikingly these organizations also did not take active part in building awareness about the legislation. The category of 'others' connotes friends and relatives who probably themselves being unaware about the Act failed to provide any information to the villagers. Colossal ignorance about the legislation is a prime obstruction in making FRA operative in BTR. The area is inhabited mainly by the backward communities. Lack of education, economic backwardness, geographical remoteness, traditional norms and culture had kept these communities separate from the

mainstream society. In such situation, administration should play a more effective role in making local people aware about the contents of FRA and its importance in the lives of the forest dwellers.

Poor knowledge about the process of FRA implementation among various officials of Backward Classes Welfare Department which is the nodal agency also acted as a roadblock in recognizing the rights of the communities under FRA.⁸ In the beginning, FRCs in BTR were created at the sansad level but subsequently they ceased to exist in the wake of rising opposition by 15 villages of BTR and a mass petition was submitted to the Sub Divisional Officer in Alipurduar on 25th August, 2008.⁹

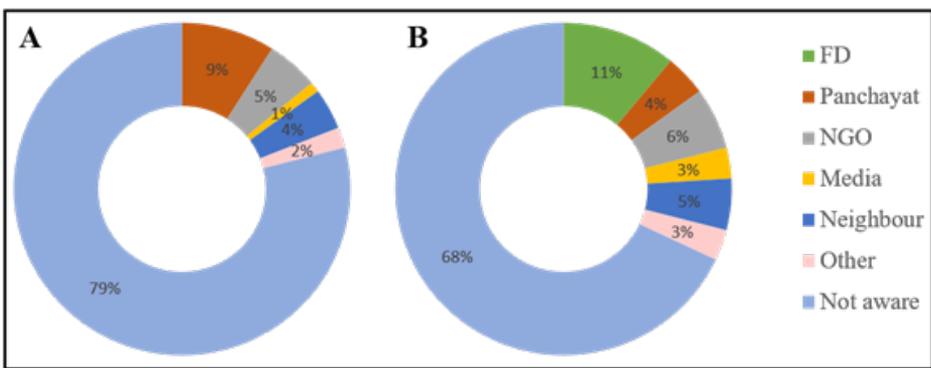


Figure 1: Sources of Awareness on FRA of Two Forest Villages of BTR. (A) Bhutia Basti, (B) Pampu Basti (N = 20 in each village)

FRA implementation witnessed delays as most of the FRCs in Duars region became non-functional after they were formed in the hamlet level. The functionaries gave importance primarily on Individual Forest Rights (IFRs) in BTR. IFR is significant as it provides right to hold and live in the forest land under the individual or common occupation for habitation and cultivation, conversion of lease/ pattas /grants on forest land into permanent titles and right to land which safeguards from illegal displacement. FD was given immense authority regarding the process of implementation of FRA.¹⁰

The respondents of Bhutia Basti said that before Parliamentary elections of 2009, the date of submission of claim form was announced. The villagers in both the villages said that they were unaware about the date as it was not discussed in the gram sabha meetings. It was found from a FGD discussion in Bhutia Basti with members of the gram sabha and gram panchayat pradhan (head of gram panchayat) that villagers did not turn up in the gram sabha meetings. The pradhan said that they informed the villagers about the meetings but the villagers were apathetic about participation in the meetings. The villagers in both Bhutia Basti and Pampu Basti said that most of them failed to submit the

claim form within the stipulated date as they had no information. Many of the villagers pointed out that those who were aware about the submission date had to run to the Forest Range Officer for getting the form certified by him and in the process many of the villagers missed the date.

This process of filing the claim form was completely contrary to the provisions of the FRA as it had not entrusted any responsibility of certifying the claim form by any individual forest officials. In the initial phase, arbitrary cut-off dates were announced for submission of claim forms and in the process many of the villagers missed the date. The villagers as well as the key informants of the FGDs said that the process of filing the claims started for IFR only. In a personal interaction with Lal Singh Bhujel, convener of UBBJSM it was found that the negligible number of pattas or titles wherever distributed was faulty. The pattas were handwritten without mention of the concerned legislation and the amount of land for which the pattas were distributed. The title holders did not get agricultural loans from the financial institutions as above mentioned defects posed questions about the legality of the pattas and disputes persisted.¹¹

The claims process started in 2008 and pattas were distributed sporadically in forest villages before Parliamentary elections of 2009. The new government following the State Legislative Election in 2011 challenged the validity of those pattas issued during the Left Front regime. The gram sabha members and panchayat pradhan of Bhutia Basti in a FGD pointed out that the villagers who received individual pattas belonged to the Scheduled Tribe communities. The Other Traditional Forest Dwellers did not receive any pattas in the whole of North Bengal region as they were unable to show the proof of 75 years of "permanent" residence in the concerned land. Prevalence of unpaid labour system, which induced the FD to shift the villages whenever and wherever required for easy supply of labour, resulted in the absence of permanent residence proof in the area. The submission of electric bill was given as an option of permanent residence proof by several local authorities but forest dwellers failed to avail this option also as electrification was done very recently in the villages.¹²

In several villages, the officials visited from 2012 and interacted with the villagers on FRA but still the process was very slow. Many people of both the villages said that they have claimed for the patta but have not received any response either of acceptance or rejection. The officials came in the BTR several times till December, 2015 and had surveyed the land but pattas were distributed sporadically. Few of them even said that when officials came for survey from Kolkata, the villagers in many areas have to provide them money.

Field visits revealed that the office of Divisional Forest Officer (DFO) of both East and West division of BTR provided an estimate of the total pattas distributed (Table 1). 490 pattas were distributed till 22nd December, 2015 covering a total of 685.015 acres of land in the BTR (West) while 477 pattas were distributed till 22nd December with a land allotment of 790.56 acres in the BTR (East). Table 1

shows highest number of IFR titles were given in the Uttar Poro village followed by Garam Basti in BTR (West) Division. On the contrary, Pampu Basti received the smallest number of IFR titles.

Table 1: Status of Implementation of FRA, 2006 in BTR during 2013-14

Forest Village	Gram Sabha	Claim Received		Rights Settled		Not Disposed of Claims are Lying With
		Form A	Form B	Form A	Form B	
Buxa Tiger Reserve (West) Division						
Pampu Basti	Pampu	-	-	05	-	
Uttar Poro	Uttar Poro			143		
Garam Basti	Garam Basti			135		
Kalkut	Kalkut			68		
Panijhora	Panijhora			44		
Adma	Adma			79		Unknown
Merchant Para (F.D. Holding)	Merchant Para (F.D. Holding)			10		
Mill Para (F.D. Holding)	Mill Para (F.D. Holding)			06		
	Total	-	-	490	-	
Buxa Tiger Reserve (East) Division						
Lapraguri	Lapraguri	1198	1075	58	-	
Balapara	Balapara			48		
Khuttimari	Khuttimari			84		
Kumargram	Kumargram			15		
Shiltong	Shiltong			117		
Chipra	Chipra			50		
Sankosh	Sankosh			42		
Bengdoba	Bengdoba			9		Lying with SDLC
Newlands	Newlands			10		
Buxa Road	Buxa Road					
28th Mile	28th Mile			8		
Lepchaka	Lepchaka					
Forest Basti	Forest Basti			18		
Daragaon	Daragaon					
Forest Basti	Forest Basti			11		
Sokedinkha	Sokedinkha			7		
	Total	1198	1075	477	-	

Source: Government of West Bengal, 2014

The number of distribution of titles for West Bengal cannot be discerned district-wise or PA wise. The aggregate data of the title distribution in West Bengal as found from the report of Ministry of Tribal Affairs showed that West Bengal received 131,962 claims for IFR out of which 44,444 titles were distributed till 31.07.2025 (Table 2). The DFO of BTR (East) division pointed out that claims were rejected on the ground of false residence proofs, excess land size claimed by the villagers and lack of sufficient proof of residence. The interactions with the forest officials made it clear that shortage of staff for field verification and

misinterpretation of the provisions of FRA at various levels of the committees delayed the recognition of IFRs. However, diametrically opposite claims made by both the sides, i.e. FD and villagers, made the situation worse.

Table 2: Distribution of Title Deeds under the Forest Rights Act, 2006 as on 31.07.2025

Sl. No.	Name of the State	Number of Claims Received			Number of Titles Distributed			Number of Claims Rejected	Total Number of Claims Disposed off	Percentage of Claims Disposed off with Respect to Claims Received
		Individual	Community	Total	Individual	Community	Total			
1	Andhra Pradesh	285,098	3,294	288,392	226,651	1,822	228,473	58,410	286,883	99.48
2	Assam	148,965	6046	155,011	57,325	1,477	58,802	-	58,802	37.93
3	Bihar	4696	0	4,696	191	0	191	4,496	4,687	99.81
4	Chhattisgarh	890,220	57,259	947,479	481,432	52,636	534,068	406,787	940,855	99.30
5	Goa	9,757	379	10,136	856	15	871	951	1,822	17.98
6	Gujarat	183,055	7,187	190,242	98,732	4,792	103,524	2,331	105,855	55.64
7	Himachal Pradesh	4,981	683	5,664	755	146	901	54	955	16.86
8	Jharkhand	107,032	3,724	110,756	59,866	2,104	61,970	28,107	90,077	81.33
9	Karnataka	289,236	5,940	295,176	15,355	1,345	16,700	262,379	279,079	94.55
10	Kerala	44,455	1,014	45,469	29,422	282	29,704	12,835	42,539	93.56
11	Madhya Pradesh	585,326	42,187	627,513	266,901	27,976	294,877	322,407	617,284	98.37
12	Maharashtra	397,897	11,259	409,156	199,667	8,668	208,335	172,631	380,966	93.11
13	Odisha	732,530	35,843	768,373	463,129	8,990	472,119	146,340	618,459	80.49
14	Rajasthan	113,162	5,213	118,375	49,215	2,551	51,766	65,921	117,687	99.42
15	Tamil Nadu	33,119	1,548	34,667	15,442	1,066	16,508	12,711	29,219	84.28
16	Telangana	651,822	3,427	655,249	230,735	721	231,456	94,426	325,882	49.73
17	Tripura	200,557	164	200,721	127,931	101	128,032	68,848	196,880	98.09
18	Uttar Pradesh	92,972	1,194	94,166	22,537	893	23,430	70,736	94,166	100.00
19	Uttarakhand	3,587	3,091	6,678	184	1	185	6493	6,678	100.00
20	West Bengal	131,962	10,119	142,081	44,444	686	45,130	96,587	141,717	99.74
21	Jammu & Kashmir	33,233	12,857	46,090	429	5,591	6,020	39,924	45,944	99.68
	Total	4,943,662	212,428	5,156,090	2,391,199	121,863	2,513,062	1,873,374	4,386,436	85.07

Source: Ministry of Tribal Affairs, 2025

Status of Community Rights and Community Forest Rights in BTR

The FRA recognized Community Rights (CR) which denotes right of ownership, access to collect and use forest land and forest resources (Ministry of Tribal Affairs, 2018). During the field study, it was found that the process of implementation of CR and Community Forest Rights (CFRs) was very slow. Table 2 clearly shows 10,119 claims were filed for CRs in West Bengal out of which only 686 titles were distributed till 31st July, 2025. In the monthly progress

report published by the Ministry of Tribal Affairs on the enforcement of FRA, it was found that the number of titles distributed in West Bengal remained same from 30th April, 2017 to 31st July, 2025.¹³ The situation in North Bengal could easily be discerned from the number of CRs title distribution in whole of the state as evident from Table 2. The implementation of CRs would enable the forest villagers to access and collect the forest resources like firewood and minor forest products, right of livestock grazing, right to access biodiversity, waterbodies and fishes. The delay in the implementation of CRs and CFRs augmented the distress of the local populace as they depend on forest resources for their livelihood. The untold fact of the democratization of forest management through recognition of CRs and CFRs was not known by the villagers.

Status of Other Rights under FRA

Section 3(2) of FRA states “Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare...”¹⁴ Almost 95% respondents from Bhutia Basti and 98% respondents from Pampu Basti said no initiatives were taken for diversion of forest lands for infrastructural development. Villagers often encounter threats of imprisonment from the FD while applying for No Objection Certificate (NOC) which is mandatory for any kind of construction. The villagers of Bhutia Basti said that they have to pay money to the FD whenever any guest visits them. The exemption from paying money is permitted only if the host personally receives their relatives from Jainti check post. The villagers also reported that similar payments are demanded if any wedding takes place in the village. All the villages of cores area of BTR are subject to these practices.

The need of FRA implementation lies in providing security to the forest dwellers in terms of their right to live in ancestral lands and the right to ownership, access and management of the forests.

Issues of Relocation

The Government of West Bengal had undertaken the relocation initiative from the core area of BTR. 28th Mile and 29th Mile Forest Villages, Santrabari, Jainti, Bhutri and Pana are the villages slated for relocation for a long time (Table 3). The relocation initiatives hastened after capture of images of a tiger in the BTR in 2021 and increase in the compensation package from ₹10 lakhs to ₹15 lakhs. Two forest villages viz. Bhutia Basti and Gangutia had been relocated in 2024 to Banachhaya, a new settlement near Mechpara Tea Garden in Kalchini Block with a compensation of ₹ 15 lakhs for each family along with plots through forest pattas.¹⁵ It was observed in a FGD with people from Bhutia Basti before relocation that people want to relocate, provided they are given the basic

amenities and alternative income generation. Lack of basic facilities like educational institutions, health care facilities, electricity and seasonal floods from the Jayanti River had only augmented their predicament and so they are ready to move outside the forest.

The plan of relocation halted for the rest of the villages as the local politicians took centre stage in preventing the relocation process. The relocation issue became a political issue in the area before assembly elections of 2011 and in order to secure their vote bank it was stated that villagers will not get the relocation package as the area does not fall under the core area. The state government took the initiative of realignment of the core and buffer zones of this area in 2010 in order to follow the directives of Wild Life (Protection) Amendment Act, 2006 but due to several technical errors the process halted. The restoration of the earlier notification pointed out that all the villages' fall in the core area except the tourism zone of Jainti. The implementation of FRA is imperative in the area as the title holders will have the right to stay in their ancestral lands unless it was found that coexistence is impossible. The completion of distribution of titles will lead to conversion of all the forest villages into revenue villages which will ensure their stay.¹⁶

Table 3: List of Villages in BTR Undergoing Relocation

Forest Village within Notified Tiger Habitat	Number of Families Residing	Relocation Process Initiated		
		Forest Village	Number of Families	Status of Relocation
28th Mile and 29th Mile Forest Villages	180	28th Mile and 29th Mile Forest Villages	180	Not yet Initiated
Santrabari	146	Santrabari	146	Not yet Initiated
Jainti	300	Jainti	300	Under Review
Bhutia Basti	33	Bhutia Basti	33	Completed
Gangutia	301	Gangutia	301	Completed
Bhutri	82	Bhutri	82	Not yet Initiated
Pana	234	Pana	234	Not yet Initiated

Source: Sarkar, 2025¹⁷; Bhattacharya, 2022¹⁸; Government of West Bengal, 2014¹⁹

Change in pattern of land use and establishment of settlements by encroaching forest lands had increased the number of human-wildlife conflict. The villagers said they live at the mercy of the forest bureaucrats and perennial threat of 'dire consequences' continued to flow if the villagers do not listen to their words.

Conflicts over Forest Rights and Conservation of Tiger

The slow process of implementation of FRA made the villagers of the core area of BTR sceptical about the policies of the government and they fear that government wants to oust them from their ancestral lands. Booming tourism sector in the Jainti village situated in the core area heightened the threat of

eviction. The FD initiated Jayanti village's relocation in 2008 by proposing formation of a rehabilitation management committee by the locals but the plan remained unfulfilled. Prior to December 2021, no tiger was seen since 1998.²⁰

The last census on tiger indicated the presence of three tigers in the BTR but many wildlife experts doubted this finding as no photographic proof was captured despite installation of cameras across the forests. One of the members of State Wildlife Board, who took part in the last tiger census observed tiger presence along the Bhutan border but remained uncertain whether those tigers are residents of BTR or transitory tigers from Bhutan.²¹ According to local villagers, the absence of tiger in the BTR is apparent from the lack of cattle depredation, despite the cattle being left to graze deep in the forests. Findings indicate that the absence of work in the area contributed to increased poaching and the FD labelled these marginalized tribes as 'criminals' without any substantive proof. Mr. Lal Singh Bhujel, convener of UBBJSM, during an informal interaction opined that tiger habitats were destroyed due to extensive Teak plantations both before and after independence.

Conclusions

Taking cue from the above discussion, it can be argued that GoWB made gross violations of FRA in BTR. The non-implementation of CRs and CFRs had crushed the possibility of democratization of forest governance in a wider spectrum. The objectives of FRA could not be fulfilled till date due to the apathetic nature of the bureaucrats and their motive to retain control over forest villagers. The ceaseless animosity between the FD and local people can be checked if FD works in coordination with the Non-Governmental Organizations and other government departments like tribal welfare department. Instead of denigrating the local populace, the FD officials should make these people understand the need of relocation for their own development as well as for conserving the biodiversity and wildlife in cases where relocation is an absolute necessary.

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