



Government of India
Ministry of Environment and Forests
(Wildlife Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110003

F. No. 1-39/2007 WL-I (pt)

Dated: 7th February 2011

To
The Chief Wildlife Warden
All States/Union Territories

Sub: Revised Guidelines for identification/notification of Critical Wildlife Habitats as per the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,

The Ministry of Environment and Forests vide letter of even no. dated 25th October 2007, had circulated the guidelines with respect to notification of Critical Wildlife Habitats. However, thereafter, there has been long demand from various quarters to amend/revise the guidelines for notification of Critical Wildlife Habitats.

The Ministry, after considering the matter has decided to revise the guidelines with a view to facilitating the State/Union Territory Governments for identification and notification of Critical Wildlife Habitats, as has been provided in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. In this context, I am directed to forward herewith a copy of the said **revised guidelines** for further necessary action.

The earlier guidelines issued by the Ministry of Environment and Forests dated 25th October 2007 shall stand withdrawn.

Yours faithfully,

(Prakriti Srivastava)

Deputy Inspector General (WL)

Telefax: 011-24360704

E.mail: digwl-mef@nic.in

Encl: As above

Copy to:

1. Principal Secretary (Forests), all States/Union Territories.
2. Principal Chief Conservator of Forests, all States/Union Territories.
3. DIG, Forest Policy Division, MoEF.
4. NIC Cell- with a request to upload the enclosed guidelines on the official website of MoEF.

**GUIDELINES FOR NOTIFICATION OF CRITICAL WILDLIFE HABITATS
INCLUDING FUNCTIONS OF EXPERT COMMITTEE, SCIENTIFIC
INFORMATION REQUIRED AND RESETTLEMENT AND MATTERS
INCIDENTAL THERETO.**

1. Background:

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 also known as FRA was enacted vide notification dated 2nd January 2007. The Scheduled Tribes & Other Traditional Forest Dwellers (recognition of Forest Rights) Act, 2006 has been enacted to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generation but whose rights could not be recorded, and also to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land. The Rules under the Act have been notified on 1st January 2008.

1.2. The Nodal Ministry for the implementation of the said Act is the Ministry of Tribal Affairs(MOTA). However, with respect to provisions of Section 2 (b) and Section 4 of the Act, the Ministry of Environment and Forests (MoEF) is the nodal Ministry. Section 2(b) of the Act defines '**Critical Wildlife Habitat**'. As per the definition, 'Critical Wildlife Habitat' means such areas of National Parks and Sanctuaries that are required to be kept as inviolate for the purposes of wildlife conservation as determined and notified by the MoEF, after open process of consultation by an Expert Committee. The 'Critical Wildlife Habitats' are to be clearly identified on case to case basis following scientific and objective criteria.

2. Relevant provisions of the Act with respect to declaration of Critical Wildlife Habitats:

2.2. Section 4 (2) of the said Act specifies that no forest rights holders shall be resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation **except** in case all the conditions specified under **(a) to (f) of Section 4(2)** are satisfied.

2.3. Section 4 (2) (a): *(the process of recognition and vesting of rights as specified in Section 6 is complete in all the areas under consideration)-*

This Section provides that the process of recognition and vesting of rights as specified in Section 6 (i.e, the Gram Sabha to initiate the process and after due verification, pass a resolution which would be forwarded to the Sub-Divisional Committee, which would then after further verification forward the same to the District Level Committee. The decision of the District Level Committee will be final and binding.) is complete in all the areas under consideration.

2.4. Section 4 (2) (b): *(it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wildlife (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat)-*

This Section provides that activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat needs to be established.

2.5. Section 4 (2) (c): *(the State Government has concluded that other reasonable options, such as, co-existence are not available)-*

This Section provides that the State Government satisfies itself that other reasonable options, such as co-existence are not available.

2.6. Section 4 (2) (d): *(a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in relevant laws and the policy of the Central Government)-*

This Section provides that a resettlement or alternative package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and policy of the Central Government.

2.7. Section 4 (2) (e): *(the free informed consent of the Gram Sabhas in the area concerned to the proposed resettlement and to the package has been obtained in writing)-*

This Section provides that free informed consent of the Gram Sabha in the area concerned has been obtained to the proposed resettlement location and also for the promised package, in writing.

2.8. Section 4 (2) (f): *(no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package)-*

This Section provides that no resettlement shall take place until facilities, and land allocation process at resettlement location are complete as per the promised package.

3. Previous Guidelines issued by the Ministry of Environment and Forests with respect to notification of Critical Wildlife Habitats:

3.1 The MoEF vide letter No. 1-39/2007 WL-I dated 25th October 2007 had issued guidelines with respect to notification of Critical Wildlife Habitats. The said guidelines had, *inter alia*, elucidated the criteria and process for declaration of 'Critical Wildlife Habitats' and also the process of notification of the Central Level Committee and the State Level Committee. A detailed account of the Terms of Reference of the State Level Committee was also provided for in the guidelines. Further, the details regarding the information to be submitted to the Expert Committee(s) as well as the procedure to be followed by the MoEF were also provided for in the said guidelines. The guidelines were circulated to all the State/Union Territory Governments for necessary action.

4. Need for revised Guidelines with respect to notification of Critical Wildlife Habitats:

4.1. As indicated in **para 3.1** above, the guidelines were circulated to the State/Union Territory Governments for identification of Critical Wildlife Habitats. However, many State Governments are yet to take concrete action for identification. One reason that has been brought out repeatedly for this delay is the difficulty being faced by the respective

State/Union Territory Governments in adopting the guidelines for practical implementation on ground.

4.2. In order to implement the provisions of the Section 2 (b) of the said Act, it is, therefore, imperative that a more practical approach for identification and subsequent declaration/notification of Critical Wildlife Habitats is adopted. By doing so, it is expected that the State /Union Territories would come forward with their proposal in a more reasonable 'time bound' manner. Keeping this aspect in mind, the following guidelines for identification and declaration of Critical Wildlife Habitats have been formulated. **These guidelines are indicative and may be adopted by the State Government in supersession of the previous guidelines issued by MoEF. It may please be noted that the purport of these guidelines is only to assist the State Governments to complete the process urgently in a time bound manner. If the State has already adopted a methodology in accordance with the existing Act, it may complete the process as per the methodology best suited to them.**

5. Identification of Critical Wildlife Habitats:

5.1 For a faster identification of the Critical Wildlife Habitats, it is of essential that the concerned Park Manager/DFO in consultation with the local scientific institution, having field level experience in faunal and floral ecology, should conduct necessary field visits and identify the inviolate areas in and around the National Parks and Sanctuaries, based on scientific parameters, within a time period of **60 days from the date of communication of these guidelines.**

5.2 The details/proposal of the inviolate areas, so identified and verified by the Park Manager & Scientific Institution, should be submitted to the Chief Wildlife Warden **within 15 days** of preparation of the proposal.

5.3 The Chief Wildlife Warden, after scrutiny of the proposals should forward the same to the MoEF **within 15 days** of receipt of such proposals **OR within 30 days**, in case, all the

proposals with respect to the State/Union Territory are being forwarded in one single consolidated proposal.

5.4 All the proposals should invariably be accompanied by a map, preferably of size 1:50,000 and should also be adequately supported by facts and figures of the topography, geology and ecology, including photographic evidences.

5.5. Action by Ministry of Environment and Forests:

5.5.1 The MoEF, should refer the proposals received from the Chief Wildlife Warden to the **Central Level Committee** that has already been constituted vide letter no. 1-39/2007 WL-I dated 30th October 2007. A copy of the said notification of the Central Level Committee is at **ANNEXURE-1**.

5.5.2 The Central Level Committee would examine on case to case basis the proposals so received and submit its recommendation to the MoEF.

5.6 Consultations with Forest dwellers in the identified inviolate areas:

5.6.1 In order to declare Critical Wildlife Habitats, Section 2(b) of the Act provides for an open consultative process by the Expert Committee. This Expert Committee would have detailed consultation with the right holders before declaration of the Critical Wildlife Habitats.

5.6.2 The Chief Wildlife Warden, on receipt of the proposal of identified inviolate areas in and around the National Parks and Sanctuaries, **should simultaneously**, while forwarding such proposals to the MoEF, **direct** the concerned Expert Committees to initiate the process of consultation.

5.6.3 The State/Union Territory Governments shall constitute the Expert Committee as under:

1	Park Manager/Wildlife Warden/DFO	Chairman*
2	District Tribal Welfare Officer	Member
3	A representative of the local Non Government Organization working in the field of Tribal Welfare	Member
4	Range Forest Officer	Member-Secretary

** The field work would be done by the members under the supervision of the Chairman. The Range Officer (Member Secretary) would submit the report to the Chairman thereafter.*

** The expert committees can be on practical requirement of a Range (one or more) and can be different for different ranges.*

5.6.4 The State/Union Territory Governments shall prescribe the terms of reference of the above committee so as to include provisions for extensive consultation with the affected persons also.

5.6.5 The Conservator of Forests /Field Director/officer in the equivalent post should constitute the Expert Committee(s) immediately after receipt of the guidelines.

5.6.6 The State Governments could also have additional expert committee(s) with the above composition so as to achieve the requisite goal in a faster time frame. However, such committees should be in consonance with the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

5.7. Rehabilitation Scheme:

5.7.1 The Expert Committee during the process of consultation would explicitly explain the 2 Options, presently being followed by the MoEF for rehabilitation. These two options include:

(a) **Option I** – Payment of the entire package amount (Rs. 10 lakhs per family) to the family in case the family opts so, without involving any rehabilitation / relocation process by the Forest Department.

(b) **Option II** – Carrying out relocation / rehabilitation of village from protected area / tiger reserve by the Forest Department, and working out a package of compensation.

5.7.2 Expert Committee should sensitize the Gram Sabha and/or the individuals regarding the benefits of the rehabilitation package.

5.7.3 The Park Manager, after satisfying himself, should prepare a financial outlay plan, as per the salient points indicated in **ANNEXURE-2** that would be essential to implement the rehabilitation process, with respect to each of the identified Critical Wildlife Habitat.

5.7.4 The Park Manager should forward such proposal(s) to the Chief Wildlife Warden, including a relocation plan along with the financial outlay based on Option-1 or Option-2 or both as agreed to by the families. **The proposal(s) may also be forwarded even if only a few families accept the proposal for rehabilitation.**

6. Procedure for forwarding the proposals to the Ministry of Environment and Forests:

6.1 The Chief Wildlife Warden while scrutinizing the proposal shall verify that all the information, as required under the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, have been duly collated and compiled.

6.2 The Chief Wildlife Warden should, thereafter, forward proposal(s), with respect to each of the identified/proposed Critical Wildlife Habitats, to the MoEF. While proposal(s) for rehabilitation of families could be forwarded 'as and when' these are received from the respective Park Managers, efforts for rehabilitation of all remaining families should be continued and proposals forwarded accordingly.

6.3. The Chief Wildlife Warden should prioritize areas identified to be declared as Critical Wildlife Habitats and in case where there are no human habitations/rights to be settled, such proposals should be forwarded to the MoEF on an **URGENT** basis.

6.4. Action by the Ministry of Environment and Forests

6.4.1 The MoEF, would, after the receipt of the proposal, seek necessary financial assistance from Planning Commission/Internal re-appropriation of the Ministry's budget for implementing the rehabilitation process in a time bound manner.

6.4.2 After the receipt of necessary financial allocation, the MoEF would convey the same to the concerned Chief Wildlife Wardens.

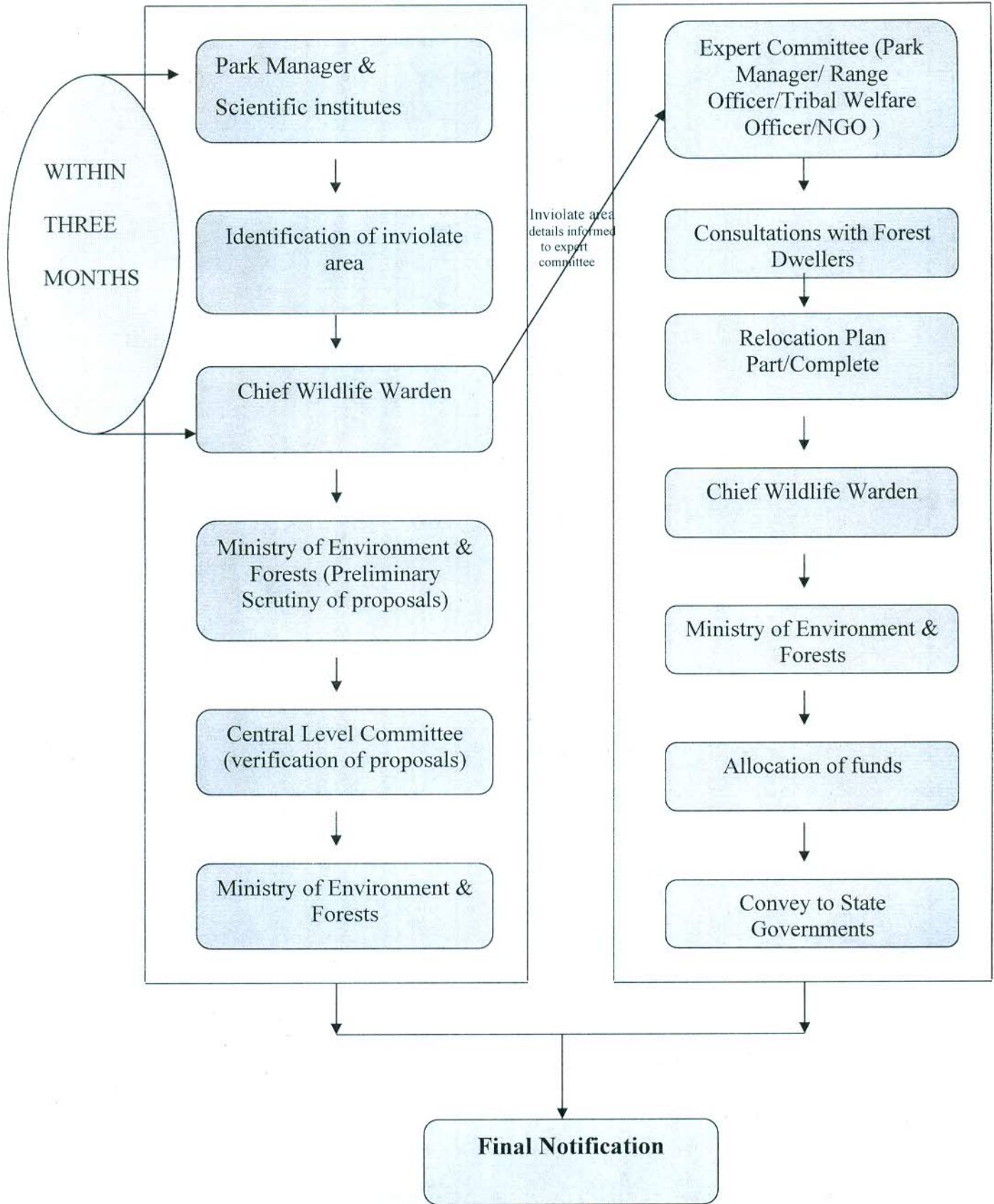
6.4.3 The MoEF shall notify the critical wildlife habitats and make the information thereof public.

6.4.4 Such notification will be in English and in the official language of the State, and posted on the Ministry's website also.

7. The earlier guidelines issued by the Ministry of Environment and Forests dated 25th October 2007 shall stand withdrawn.

Procedure for identification of inviolate areas.

Procedure for resettlement.





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Government of India
Ministry of Environment & Forests
(Wildlife Division)

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SPEED POST
Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi-110003

F. No. 1-39/2007 WL-I
Dated: 31st October 2007

Notification

In pursuance of the Section 2(b) of the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Ministry of Environment & Forests constitutes the following Central Level Committee for the identification of 'Critical Wildlife Habitats':

1	Addl. Director General of Forests (WL)	Chairman
2	Director, Wildlife Institute of India, Dehradun	Member
3	Shri Valmik Thapar	Member
4	Shri Mahendra Vyas	Member
5	Member-Secretary, National Tiger Conservation Authority	Member
6	Inspector General of Forests (WL)	Member-Convener

The Terms of Reference of the Central Committee would examine, on a case-by-case basis, proposals received from the States for declaration of critical wildlife habitats in tiger reserves/protected areas, within 30 days of receipt, and submit the proposals to the Ministry of Environment & Forests for final notification. The Committee may also co-opt concerned Chief Wildlife Warden's. TA/DA to non official members would be paid as per SR 190.

This issues with the approval of Secretary (E&F).

(Dr. Anmol Kumar)

Deputy Inspector General (WL)

Distribution:

1. The Addl. Director General of Forests (WL), MoEF.
2. The Inspector General of Forests (WL), MoEF.
3. The Member-Secretary, NTCA, Bikaner House, New Delhi
4. The Director, WII, Dehradun.
5. Shri Valmik Thapar, 19, kautilya Marg, Chanakyapuri, New Delhi.
6. Shri Mahendra Vyas, H-53 D, Saket, New Delhi-53.

Copy to:

1. PPS to Secretary (E&F)
2. PPS to DGF&SS

21/11/07

ANNEXURE-2

1. Area under the proposed Critical Wildlife Habitat
2. Total settlements inside the proposed Critical Wildlife Habitat (*Details to be given separately*)
3. Total households in the settlements (*Details to be given separately*)
4. Total non resident families(*Details to be given separately*)
5. Total population(*Details to be given separately*)
6. Families willing to relocate from the proposed Critical Wildlife Habitat (*Details to be given separately*)
7. Families unwilling to relocate from the proposed Critical Wildlife Habitat (*Details to be given separately*)
8. Total eligible families willing to relocate within the settlements(*Details to be given separately*)
9. Total eligible families willing for **Option-I**, i.e, payment of the entire package amount (Rs. 10 lakhs per family) to the family in case they opt so, without involving any rehabilitation/relocation process by the forest department. (*Details to be given separately*)
10. Total eligible families willing for **Option-II**, i.e, carrying out relocation/rehabilitation of villages from Protected Area/Tiger Reserve by providing land, house with facilities, incentives, settlement of rights, community facilities etc by the forest department. (*Details to be given separately*)
11. Total land area under the resident & non-resident families in the settlement. (*Details to be given separately*)
12. Total land area under families willing to relocate(*Details to be given separately*)
13. Total land holdings under non-resident families willing to relocate(*Details to be given separately*)

14. Total land area under families unwilling to relocate (*Details to be given separately*)
15. Total area that will be added to the proposed Critical Wildlife Habitat after the relocation (*Details to be given separately*)
16. Details of families willing to relocate, each range-wise (*Details to be given separately*)
17. Details of data on human-animal conflict and assessment of impact of human presence on animal numbers and animal habitat
18. Resolution of Gram Sabha certifying that in areas included within the proposed critical wildlife habitats, the process of recognition and vesting of rights has been completed.
