



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The earlier guidelines issued by the Ministry of Environment and Forests dated 25th October 2007 shall stand withdrawn.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

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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

