



TIGER RESERVES, CRITICAL WILDLIFE HABITATS AND FOREST RIGHTS ACT, 2006

Recently there have been some newspaper reports that the Ministry of Environment & Forests is flouting the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act* in tiger reserves and in the critical wildlife habitats. Such reports are false and misleading and as someone who has taken the lead in ensuring the proper and full implementation of FRA, 2006. I want to set the record straight.

Tiger Reserves

1. Section 38V of the Wildlife (Protection) Act, 1972 (as amended in 2006) explains the core or critical tiger habitat as well as the buffer or peripheral area of a tiger reserve.
2. A tiger reserve includes two parts:
 - A. Core or critical tiger habitat (National Park or Sanctuary status).
 - B. Buffer or peripheral area.
3. The phrase 'core or critical tiger habitat' is mentioned only in the Wildlife (Protection) Act, 1972, as a sequel to amendment made to the said Act in 2006. It is **NOT** defined in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
4. The phrase 'critical wildlife habitat' is defined only in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and **NOT** in the Wildlife (Protection) Act, 1972.
5. 'Core or critical tiger habitat' is different from the 'critical wildlife habitat'. Since tigers are territorial big cats, hence considering their social land tenure dynamics, the 'core / **critical tiger habitat**' has been viewed separately from the 'critical wildlife habitat', which is applicable to other wild animal species.

6. Based on deliberations with experts and simulation results from scientific data, it has been found that a minimum inviolate area of 800-1200 sq.km. is required to sustain a viable population of tigers (20 breeding females).
7. Establishing the core / critical tiger habitat as 'inviolate' involves two steps as per the Wildlife (Protection) Act, 1972:
 - A. Identifying the core / critical tiger habitat by establishing on the basis of scientific and objective area that such areas are required to be kept as inviolate for the purpose of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an expert committee constituted for the purpose (out of 17 tiger States, 16 have notified the core / critical tiger habitat following this process, and action is pending only from Bihar).
 - B. Establishing the identified core / critical tiger habitat as inviolate through voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in the Wildlife (Protection) Act, 1972. No Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for creating inviolate areas for tiger unless:
 - (i) The process of recognition / determination of rights and acquisition of land or forest rights of the ST and such other forest dwelling persons is complete.
 - (ii) The concerned agencies of the State Government need to establish with the consent of the ST and such other forest dwellers in the area, besides also consulting an ecological and social scientist familiar with the area, that the activities of the ST 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.

- (iii) **The State Government has to obtain the consent of the ST and other forest dwellers and come to a conclusion (besides consulting an independent ecological / social scientist) that no coexistence options are available.**
 - (iv) Resettlement package needs to be prepared providing for livelihood of affected individuals, while fulfilling the requirements of the National Rehabilitation and Resettlement Policy.
 - (v) **The informed consent of Gram Sabhas and affected persons has to be obtained for resettlement.**
 - (vi) The facilities and land allocation at resettlement area are to be provided, otherwise the existing rights of people shall not be interfered with.
8. The above provisions laid down in the Wildlife (Protection) Act, 1972 (section 38V), subsequent to the 2006 amendment are specific to tiger conservation, and are not only compatible but more stringent than the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
9. Under the revised Centrally Sponsored Scheme of Project Tiger (2008), two options have been given to people:
- Option-I: Payment of Rs. 10 lakhs per family in case the family opts so, without any rehabilitation / relocation process by the Forest Department.

Option-II: Carrying out relocation / rehabilitation by the Forest Department with the following per family norms out of Rs. 10 lakhs:

(a)	Agricultural land procurement (2 ha.) and development	35% of the total package
(b)	Settlement of rights	30% of the total package
(c)	Homestead land and house construction	20% of the total package
(d)	Incentive	5% of the total package
(e)	Community facilities (access road, irrigation, drinking water, sanitation, electricity, telecommunication, community centre, places of worship, cremation ground)	10% of the total package

10. The cash option has been provided for catering to people who are not interested in a resettlement and are prepared to establish themselves elsewhere under 'mutually agreed terms and conditions', as indicated in the Wildlife (Protection) Act, 1972. This has checks and balances as the money is provided through the District Collector after the villager produces evidence of his procuring land etc.
11. The relocation is voluntary, and is done only if people are willing to move.
12. Monitoring committees at the District as well as State levels are required to be constituted and detailed guidelines have been issued for handholding the people after relocation, besides ensuring the centrality of PI institutions, while involving independent agencies.

13. **Advisories have been issued to States for complying with the Wildlife (Protection) Act, 1972 read with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.**

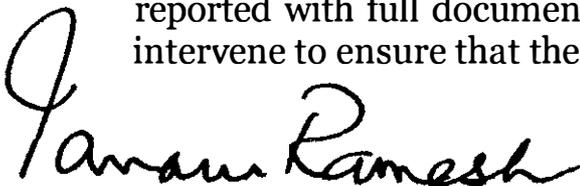
Critical Wildlife Habitats

1. FRA had come into force in January 2007 and the MoE&F had issued guidelines to the State/UT Governments for notification of the Critical Wildlife Habitats (CWLHs) in October 2007. During the last three years, not much headway could be made in notification of CWLHs. The State/UT Governments have been expressing difficulties in notifying CWLHs on the basis of the 2007 guidelines. Accordingly, MoE&F convened meetings with the Chief Wildlife Wardens and officers of the Wildlife Institute of India, discussed the guidelines and has now issued the revised guidelines, which are in consonance with the FRA.
2. **CWLHs are such areas of the National Parks and Sanctuaries that are required to be kept as 'inviolable' for the purpose of wildlife conservation as determined and notified by the MoE&F, after an open process of consultation by an Expert Committee.** Such areas are to be clearly identified on case-to-case basis following scientific and objective criteria and **only after settling the rights of tribals and other traditional forest dwellers.**
3. The identification and declaration of CWLHs are two distinct processes. While the **identification of an area required for betterment of wildlife conservation is purely a scientific exercise** to be carried out by the Forest Departments on a case-to-case basis in consultation with the scientific institutions (the criteria for identification of CWLHs have to be site-specific), **its notification is to be done only after extensive consultations (means consent) with the Gram Sabha and the affected persons/stakeholders .**

4. **The guidelines ensure that CWLHs are declared only with the voluntary consent of the affected people.** It also gives ample scope to the State/UT Governments to explore the possibility of 'co-existence'. If such a possibility is not practicable, the Expert Committee, which also includes the District Tribal Welfare Officer and an NGO working in the field of Tribal Welfare, will have consultations with the Gram Sabha /affected persons for their relocation, during which the available options (Option –I for payment of rupees ten lakhs per family and Option-II for comprehensive rehabilitation by providing land, house with facilities, community rights, by the Forest Department) for voluntary relocation would also be explained. **The relocation involves providing secure livelihoods to the persons to be relocated.** In fact they may choose the option most suited to them.

5. The guidelines for notification of CWLHs apply only to the National Parks and Sanctuaries and not to other forest areas.

The MoE&F will take all steps to ensure that the letter and spirit of FRA, 2006 is respected and followed in all wildlife conservation programmes. If there is any violation anywhere and that violation is reported with full documentation and evidence, it will be prepared to intervene to ensure that the situation is rectified forthwith.



Jairam Ramesh
MOS(I/C)E&F
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