

74  
114

## IMPLEMENTATION PROTOCOL FOR DETERMINATION AND NOTIFICATION OF CRITICAL WILDLIFE HABITATS IN NATIONAL PARKS AND WILDLIFE SANCTUARIES

### PREAMBLE:

*The purpose of this Implementation Protocol is to detail the procedure for determining Critical Wildlife Habitats within National Parks and Wildlife Sanctuaries as required by the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006. This involves identifying and vesting such areas that are to be kept as inviolate to ensure the conservation of wild flora and fauna. This Implementation Protocol is in no way intended to cause or force resettlement or relocation of Scheduled Tribes and Other Forest Dwellers from National Parks and Wildlife Sanctuaries, but to facilitate the determination and notification of Critical Wildlife Habitats following due process of law. This conformity with the Scheduled Tribes and other Traditional Forests Dwellers (Recognition of Forest Rights) Act, 2006 is a mandatory requirement.*

### 1. BACKGROUND:

1.1. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the FRA, 2006), came into force on October 25<sup>th</sup> 2007. As per the FRA, 2006, the Ministry of Environment and Forests (MoEF) has been identified as the agency to determine and notify Critical Wildlife Habitats (hereinafter referred to as CWH). The Ministry of Tribal Affairs (MoTA) is the nodal ministry for recognition and vesting of individual and community forest rights.

1.2. Accordingly, the Ministry had issued guidelines for determination and notification of CWH on 25<sup>th</sup> October 2007. Since many States encountered field level issues in the implementation of these guidelines, revised guidelines were prepared after a process of consultation with Chief Wildlife Wardens, Wildlife Institute of India, and Civil Society Organizations (hereinafter referred to as CSOs). The revised guidelines were issued on 7<sup>th</sup> February 2011, in supersession of the previous guidelines. However, there was an impression that these earlier guidelines (25<sup>th</sup> October 2007) were not fully in consonance with the spirit of the FRA, 2006, and therefore, a meeting was called under the chairmanship of Hon'ble Minister of State (I/C) MoEF on 4<sup>th</sup> March 2011 to address these concerns. Following the discussions in the meeting, it was decided to withdraw the guidelines of 7<sup>th</sup> February 2011, and rework these to accommodate all genuine concerns.

1.3. Therefore, this Protocol has been framed to determine and notify CWH within National Parks and Wildlife Sanctuaries, to harmonize the provisions of the FRA, 2006 and the Wild Life (Protection) Act, 1972, and to address concerns of conservation of wildlife and its habitat, while safeguarding the forest rights of the Scheduled Tribes and Other Forest Dwellers.

### 2. OBJECTIVE:

2.1. The purpose of this Protocol is to give effect to the provisions of the FRA, 2006, which envisages the creation of inviolate CWH within National Parks and Wildlife Sanctuaries, so as to ensure the conservation of, and the prevention of damage to, wildlife and its habitat within the determined area. It is clarified that this Protocol is not intended to replace or affect the management of National Parks and Sanctuaries, which