

follows the provisions of the Wild Life Protection Act, 1972, and other applicable laws, except to address the hurred matters of determination and notification of CWH.

2.2. The Wild Life (Protection) Act, 1972 provides for the conservation and management of National Parks and Wildlife Sanctuaries. The FRA, 2006 applies to National Parks and Sanctuaries, where forest rights are being recognized and vested in Scheduled Tribes and Other Traditional Forest Dwellers in such areas. These rights can only be modified within or resettled outside of the CWH as per the provisions of the FRA, 2006.

2.3. While taking care of the conservation and protection imperatives of wildlife and its habitat, it is equally important that forest rights and secure livelihoods are ensured to Scheduled Tribes and other traditional forest dwellers living within, or resettled outside of the CWH.

2.4. These objectives are to be achieved following a process, which is simple, implementable, acceptable, and can be completed within a reasonable time frame.

3. RELEVANT PROVISIONS OF THE FRA, 2006 FOR DETERMINATION OF THE CRITICAL WILDLIFE HABITAT:

3.1. The relevant provisions in the FRA, 2006 relating to the determination of CWH and other issues, in National Parks and Wildlife Sanctuaries, are contained in sections 2, 3 and 4(1) & (2).

3.2. Section 2(b) of the FRA, 2006 defines CWHs as areas within National Parks and/or Wildlife Sanctuaries that are determined on a case by case basis, following a set of scientific and objective criteria, and are required to be kept inviolate for the purpose of wildlife conservation. Therefore, the definitive characteristic of a CWH is the decision that the area is required to be kept inviolate for wildlife conservation.

3.3. As per section 2(b), a CWH may only be determined and notified after an open process of consultation by an Expert Committee, which includes experts from the locality appointed by the State Government and also a representative of the Ministry of Tribal Affairs. The process of determination must also satisfy the procedural requirements in sub-sections 1 and 2 of section 4 of the FRA, 2006.

3.4. Section 4(1) of the FRA, 2006 recognizes and vests forest rights in Scheduled Tribes and other traditional forest dwellers. The Forest Rights are listed in section 3 of the FRA, 2006, which, *inter-alia*, secure individual or community tenure or both.

3.5. Section 4(2) of the Act provides that the forest rights provided under section 3 of the Act can subsequently be modified or resettled outside the Critical Wildlife Habitats. However, no forest rights of Scheduled Tribes and other traditional forest dwellers can be modified or resettled from any CWH unless all the provisions of section 4(2)(a) to (f) of the FRA, 2006 are complied with, namely:

- a) The process of recognition and vesting of rights is completed as per section 6;