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b) It has been established by the State Government that the presence or the activities of the holders of forest rights will cause irreversible damage to the species and their habitat;

c) The State Government concludes that the option of co-existence is not feasible or available;

d) A resettlement package has been prepared which provides secure livelihoods to the affected individuals and communities;

e) The free informed consent of Gram Sabha has been obtained in writing to the proposed resettlement and the package;

f) Facilities and land allocation at the relocation site are complete in all respect as per the promised package.

3.6. Notwithstanding the provisions of the Wild Life (Protection) Act, 1972, the FRA, 2006 provides that the procedure of admitting claims, and recognizing and vesting forest rights within National Parks and Wildlife Sanctuaries has to be undertaken by the Gram Sabha, the Sub-Divisional Level Committee and finally the District Level Committee under Section 6 of the FRA, 2006.

3.7. The procedure prescribed for determination of CWH by this Protocol has been formulated with the above legal framework in mind. This protocol should be adopted by the State Government in supersession of the previous guidelines issued by the MoEF. It should be ensured while implementing this Protocol that the determination and notification of CWH is in accordance with the provisions of the FRA, 2006.

4. COMMITTEES FOR THE PROCESS OF DETERMINING CRITICAL WILDLIFE HABITAT:

Constitution of Committees:

4.1.1. National Steering Committee: As per Section 2(b) of the Forest Rights Act, 2006, the Critical Wildlife Habitats are to be notified by the Central Government in the Ministry of Environment and Forests. For scientific and objective evaluation of the proposals received from State Governments, a National Steering Committee (NSC) will be constituted under the Chairmanship of the Addl. Director General of Forests (WL), comprising eminent ecologists, conservationists, social scientists, and representatives of Ministry of Tribal Affairs and Ministry of Environment and Forests. The composition and Terms of Reference of the National Steering Committee are given in the ANNEXURE.

4.1.2. Expert Committee: Section 2 (b) of the Act provides that Critical Wildlife Habitat should be determined after an open process of consultation by an Expert Committee (EC), which would include relevant experts and representative of the Ministry of Tribal Affairs. The committee will carry out extensive consultation with the Gram Sabha so as to incorporate genuine views and requirements of the people. The EC is proposed to be constituted at the range level, and depending on requirement, a