

Guidelines to notify critical wildlife habitat including constitution and functions of Expert Committee, scientific information required and resettlement and matters incidental thereto.

As envisaged in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Critical Wildlife Habitats are to be declared by the Central Government in the Ministry of Environment and Forests after a process of consultation by Expert Committees. In this regard, these guidelines are issued, which include both criteria as well as the process.

1. Application for notification of critical wildlife habitat :

- (a) The State Government shall initiate the process for notification of a critical wildlife habitat by submitting an application on a case by case basis, to the Ministry of Environment and Forests, under intimation to the nodal agency under the said Act. The application shall include, among others, information as required under these guidelines.

2. Criteria and Process for deciding Critical Tiger/wildlife habitats in tiger reserves / protected areas

With the aim of maintaining viable populations of tiger and other faunal and floral species to conserve biodiversity and life support ecological systems in natural wilderness areas, the following criteria would be followed:

- a. Delineation of critical tiger/wildlife habitat (inviolable space/habitat) required for the sustenance of a viable populations of tiger and other wild animals in tiger reserves and protected areas vis-à-vis the Wildlife (Protection) Act, 1972, as

amended in 2006, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

b. A minimum inviolate space of 800-1000 sq. km. should be maintained as the inviolate area to support a viable population of tiger in tiger landscapes, based on tiger life history parameters, territory sizes and populations viability analysis.

c. For National Parks and Sanctuaries, other than Tiger Reserves, critical wildlife habitat area should be demarcated on the basis of species area curves specific for each bio-geographical area, as classified by the Wildlife Institute of India (Rodgers and Panwar, 1988). The size of the inviolate area within each critical habitat zone will be based on its potential to harbor viable populations of umbrella species (endemic species, top carnivores, mega-herbivores, indicator, wild relatives of species of economic value, endangered and threatened, and migratory species), which would serve to conserve the entire biodiversity of the area.

d. Besides National Parks and Sanctuaries, identified corridors of significant wildlife values should also be examined according to the above criteria for delineation as critical wildlife habitat.

3. Expert Committee, its composition and functions

3.1 For completing the process of deciding inviolate areas as per the criteria prescribed above, the following Committees would be constituted:

Central Committee

- | | |
|--|----------|
| a. Additional DG Forests (Wildlife) | Chairman |
| b. Chief Wildlife Wardens of concerned state | Member |
| c. Director, WII, Dehradun | Member |

- d. Shri Valmik Thapar, Member
- e. Shri Mahendra Vyas Member

- f. Representative from the Ministry of Tribal Affairs Member
- g. Wildlife Scientist familiar with the area Member
- h. Member Secretary, NTCA/)
- i. Inspector General of forest (WL) Member Convener

3.2 The Central Committee would examine, on a case-by-case basis, proposals received from States for declaration of critical wildlife habitats in tiger reserves/protected areas, within 30 days of its receipt, for final notification.

3.3 State Level Committee

- i. The State Government shall notify a State level Committee with the following composition:
 - a. State Chief Wildlife Warden Chairman
 - b. Representative of Ministry of Environment and Forests, Government of India Member
 - c. Representative from the Ministry of Tribal Affairs, Government of India Member
 - d. Two State level experts in the field of wildlife Members
 - e. One local representative in the field of sociology/conservation or a representative from Gram Sabha Member
 - f. Protected Area Manager Member Convener

3.4 Terms of Reference for State level Expert Committee

- (i) The Expert Committee shall determine the extent of inviolate area required for wildlife conservation, based on above criteria, evidence and analysis

presented by the State Government in its application; deliberations during the consultation and other studies or information from its own investigation;

- (ii) The Expert Committee, in arriving at such a decision, may, among others,
 - (a) have the power to summon witnesses, call for documents, and undertake any other actions or investigations it feels necessary;
 - (b) consult the Gram Sabhas that would fall within or are dependent on resources within the proposed critical wildlife habitat, the Director of the concerned National Park or Sanctuary, Divisional Forest Officer as well members of the civil society organizations working on social and environmental issues in the area.
- (iii) The Expert Committees may further
 - (a) request additional information or return the said application to the State government along with its reasons for doing so, within a specified period
 - (b) independently verify that complete and correct information was provided to the concerned Gram Sabha which are included in the proposed critical wildlife habitat
 - (c) act on requests from concerned Gram Sabhas and provide support to collect relevant information on the proposed critical wildlife habitat
- (iv) The State Government or any affected Gram Sabha or individual may send objections, comments or additional evidence to the Expert Committee on its decision within 30 days from the date of first hearing of the State Committee.
- (v) The Expert Committee shall consider these submissions and give a final recommendation to the Ministry of Environment and Forests within 15 days.

4. Information to be submitted with application for critical wildlife habitat

The State Government shall include the following information while submitting the application for critical wildlife habitat, namely: -

- (i) Physical, topographical and ecological details along with relevant maps of the areas to be determined as critical wildlife habitat;

- (ii) Location of human habitations within the proposed critical wildlife habitat along with their demographic, economic and social details;
- (iii) A list of families and settlements likely to be affected by the declaration of the critical wildlife habitat;
- (iv) Scientific studies including documentation of biodiversity that at least provide the ecological data on the habitat and population of the significant plant and animal species;
- (v) Data on human animal conflict and assessment of impact of human presence on animal numbers and animal habitat;
- (vi) Studies on the extent of dependence and interaction of the affected Communities with the forest resources within the proposed critical wildlife habitats;
- (vii) Resolution of the Gram Sabha certifying that in areas included within the proposed critical wildlife habitats, the process of recognition and vesting of rights has been completed;
- (viii) Resolution of the Gram Sabha certifying that the affected Gram Sabhas have been informed in writing that it is proposed to include their habitations and habitats in critical wildlife habitats and that a copy of the complete proposal prepared by the State Government for the same has been provided to it;
- (ix) The State Government ensure that the requirement under Sections 4(2)(b) and 4(2)(c) of the Act has been fulfilled and the basis therefore.

5. Consultation for determining critical wildlife habitat

- (i) The Expert Committee shall initiate open process of consultations on the said application in the following manner:
 - (a) One or more hearings close to or within the critical wildlife habitat, ensuring that reasonable opportunity is provided for all affected to attend the said hearings;
 - (b) Public notices in local languages shall be issued, broadcast on the radio, posted on the web and all appropriate publicity methods used at least thirty days prior to public hearings;

- (c) Gram Sabhas can invite additional experts to be present and participate in the public hearing.
- (ii) At the hearing, the State government shall in the local language
 - (a) Describe the areas and boundary of the proposed critical wildlife habitat;
 - (b) Details of the various habitations and persons to be affected
 - (c) Data provided in the application to the Ministry of Environment and Forests

The quorum for the hearing shall be two thirds of the adults in the area for which the hearing is being held shall be required. If there is no quorum then the hearing may be reconvened at a later date with sufficient notice where the quorum shall be half of the adult members in the area. Later date with sufficient notice where the quorum shall be half of the adult members in the area.

6. Subsequent Action by the Ministry of Environment & Forests

- (i) The Ministry of Environment and Forests may notify the critical wildlife habitat taking into account the recommendations of the Expert Committee and make this information public.
- (ii) Such notification will be in English and in the official language of the state, and posted on the web.
- (iii) The Central Government, only after such notification of critical wildlife habitat, may initiate a process of creating inviolate areas for wildlife conservation in such critical wildlife habitat where forest rights may be modified or holders of forest right may be resettled as per the Section 4(2) of the Act.
