

No.23011/24/2011-FRA  
Government of India  
Ministry of Tribal Affairs

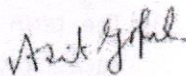
Shastri Bhawan, New Delhi  
Dated: 14<sup>th</sup> September, 2012

OFFICE MEMORANDUM

Please refer to Ministry of Environment & Forest's letter no. 12-7/2010-NTCA dated 12<sup>th</sup> September, 2012 regarding constituting of a Committee for framing guidelines towards tiger conservation/ tourism under section 38 O(c) of the Wildlife Protection Act, 1972. The views of the Tribal Affairs Ministry is as follows:-

- 1) The rights of forest dwelling Scheduled Tribes and Other Traditional Forest Dwellers can be modified or re-settled only in the Critical Wildlife Habitats (CWH) as defined in section 2(b) of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006.
- 2) The rights of forest dwelling STs and Other Traditional forest Dwellers have to be recognized and vested on forest land of all categories including National Parks and Sanctuaries.
- 3) The term 'inviolable' in the definition of CWH in the Forest Rights Act does not necessarily mean complete exclusion and relocation of local forest dwelling communities. Section 4(2) of the Forest Rights Act provides for modification or resettlement of rights which does not necessarily mean re-location.
- 4) For any modification or resettlement of rights in CWH the conditions laid down in section 4(2) of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 must be fulfilled namely :-
  - a) the process of recognition and vesting of forest rights under Section 6 in the area under consideration is complete; and
  - b) it is established by the concerned State agencies that presence or activities of the forest rights holders is sufficient to cause irreversible damage and threaten the existence of the species of wild animals sought to be conserved and their habitat; and
  - c) the State government has concluded that no other reasonable option of coexistence is available; and

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- d) a resettlement/rehabilitation program has been prepared and communicated to the affected individuals and communities that provides a secure livelihood and fulfills the requirements of the relevant laws and policy of the Central Government, such as the National Rehabilitation Policy, the policy of that State and any other applicable laws and policies; and
  - e) the free informed consent of the Gram Sabhas in the area concerned to the proposed resettlement and the resettlement package has been obtained in writing; and
  - f) no resettlement shall take place until the facilities and land allocation at the resettlement location are complete as per the promised package.
- 5) The eco-tourism guidelines must ensure that there is no conflict with the provisions of the Forest Rights Act, 2006.
- 6) In the Local Advisory Committee of a Protected Area, Tribal Welfare Department must be represented.

  
(ASIT GOPAL)  
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Ministry of Environment & Forests  
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