

To,  
Shri Jual Oram  
Minister of Tribal Affairs  
Government of India,  
New Delhi

26. 04.2017

**Subject:** Illegal Order by the National Tiger Conservation Authority in violation of the Forest Rights Act

Dear Sir,

This is with reference to the National Tiger Conservation Authority (NTCA) Order No. F.No. 1-7/93.PT (Vol.1), which states that “in absence of guidelines for notification of critical wildlife habitats, no rights shall be conferred in Critical Tiger Habitats which is notified under section 38 V (4) (i), of the Wildlife (Protection) Act, 1972.” The NTCA order is a direct violation of the Forest Rights Act and is an attempt to stop implementation of the FRA in tiger reserves thereby denying the forest rights of a large population of Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) living in tiger reserves. The NTCA has passed this order without having any legal authority to issue directives on Forest Rights Act. As you are well aware, the Forest Rights Act clearly defines ‘forest land’ under Section 2 (d) to mean forests of all categories including the protected areas such as Wildlife Sanctuaries, National Parks and Tiger Reserves. Sections 4 (1) provides for recognition and vesting of all kinds of forest rights of STs and OTFDs as mentioned in section 3 notwithstanding anything contained in any other laws for the time being in force. Further Section 4 (2) of FRA requires recognition and vesting of rights in critical wildlife habitats and similarly Section 38 V of the Wildlife Protection (Amendment) Act of 2006 mandates recognition and vesting of rights of STs and OTFDs in the critical tiger habitats. **Therefore, the NTCA order has no legal basis and is seemingly aimed at obstructing implementation of FRA in the tiger reserves.**

The NTCA’s order has come at a time when there are already large scale illegalities committed in the tiger reserves. These include illegalities related to notification of Critical Tiger Habitats (CTH) and Buffer Zones (BZ) in tiger reserves which have been notified without any comprehensive guideline despite many representations made to the Government of India till date (Pl see attached, detailed representations made to this effect in 2007 and 2011). There are reports from many tiger reserves, which you are aware of, about non-implementation of FRA and illegalities related to relocation of villages. The forest department and tiger reserve authorities in many states have already started using the NTCA order to further obstruct implementation of FRA in tiger reserves. This has already been done by the forest department in Odisha, where the district level committee of Mayurbhanj, in a meeting held on 11th April 2017, has decided to reject the Habitat Rights claims filed by the Mankidia Tribe (a Particularly Vulnerable Tribal Group). The forest dept has objected to their claims using the NTCA order, stating that the habitat of the PVTGs falls in the CTH of Simlipal tiger reserve.

Keeping the above in mind, we strongly demand that

1. The above mentioned order of the NTCA be withdrawn with immediate effect. The MoTA must immediately intervene with the MoEF and NTCA in this matter.

2. The MoTA directs the state governments to instruct all concerned DLCs (particularly those handling claims from tiger reserves) to implement FRA in tiger reserves without and hurdles and obstacles.
3. The MoTA also directs the state governments to stop relocation of villages where they are being carried out without recognition of individual and collective rights under FRA and without obtaining the consent of gram sabhas.

The silence from the Ministry of Tribal Affairs on such a serious violation of the Forest Rights Act by the NTCA is disappointing and shocking. We urge the Ministry to take urgent action in this regard.

Yours sincerely,



Neema Pathak Broome and Meenal Tatpati, Kalpavriksh, Pune

Y. Giri Rao, Tushar Dash and Sanghamitra Dubey, Vasundhara, Bhubaneswar

As Part of Community Forest Rights Learning and Advocacy Process<sup>1</sup> (CFRLA)

CC to:

1. Member Secretary, NTCA
2. Chairperson, National Commission for Scheduled Tribes
3. Chairperson, National Human Rights Commission

**Endorsed by:**

Nitin Rai and Sharachchandra Lele, ATREE, Bangalore

Soumitra Ghosh and Souparna Lahiri, All India Forum of Forest Movements (AIFFM)

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<sup>1</sup> The **Community Forest Rights-Learning and Advocacy (CFR-LA)** process was initiated in 2011. It facilitates the exchange of information and experiences related to the Community Forest Rights provisions of the Forest Rights Act. It encourages people-to-people learning, awareness and training programmes, and provides need-based and site-specific help. As part of CFR-LA, evidence-based advocacy on CFR is done on state and national levels by holding dialogues, writing petitions, producing citizens' reports, newsletters, state reports, and by organizing consultations. Local community members, their sangathanas, civil society groups at local, state and national levels, researchers and academics are part of the CFR-LA process.

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