

## **Tiger Reserves demarcation, notification, forest rights and voluntary relocation (Oct. 2025)**

Demarcation of Tiger Reserves (TRs) consisting of Critical Tiger Habitat (CTH) / core area and Buffer Area and their notifications are to be carried out under the provisions in Sec.38 V of the Wild Life Protection Act (WLPA) 1972 as amended in 2006. The constitution of Tiger Reserves is required to:

- (a) ensure 'ecologically compatible land uses for addressing the livelihood concerns of local people' [Sec. 38V (3)(b) of WLPA];
- (b) 'ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve' [Sec. 38V (4) of WLPA];
- (c) be carried out 'without affecting the rights of the Scheduled Tribes or such other forest dwellers [Sec. 38V (4)(i) of WLPA]] in CTH;
- (d) 'aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people [Sec. 38V (4)(ii) of WLPA]] in the Buffer Area;

The above means that all rights that are applicable under any other law in the State such as the Land Revenue Codes, Panchayat (Extension to Scheduled Areas) Act, 1996, regularisation of encroachment laws, laws under the Sixth Schedule provisions in the tribal areas of the north-east etc. are to be recognised, and also the rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) in the Tiger Reserve, whether CTH or Buffer Area, without exception [Sec. 2 (d) read with Sec. 3 (1) and Sec. 4(1) of FRA]. Notification of TRs without following the provisions mentioned below is also a violation of Sec. 3, 4(1), 4(2) and 5 of FRA. These violations are offences with fine up to Rs.1000 [Sec.7 of FRA] for which the Gram Sabha is the authority to issue notice [Sec.8 and Rule 10(d) of FRA] in the form of a resolution to the Chief Secretary as the Chairperson of the State Level Monitoring Committee of FRA for actions to be taken against the concerned officials within 60 days. Only if no action is forthcoming within this stipulated period, the matter can be taken to the court for adjudication. Further, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended in 2015) and Rules 2016, wrongful occupation and dispossession of land, [Sec.3(1)(g)], interference with rights including rights over forest (as defined under FRA), land and water, [Sec.3(1)(g)] and obstruction of rights to common property resources [Sec.3(1)(za)(A)] are punishable. Sec. 38 (O) (2) of WLPA directs the National Tiger Conservation Authority (NTCA) *to not issue any direction* that interfere with or affect the rights of local people, particularly Scheduled Tribes.

## **1. Notification of Tiger Reserve**

### **For CTH -**

- a) development of an established 'scientific and objective criteria' for identification of the area 'to be kept as inviolate for the purposes of tiger conservation' and the area ought to fulfil the provisions under Sec.38 V (4) (i). This has to be done on a case-by-case basis. The state government agencies have to establish that 'the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat' [Sec. 4 (2) (b) of FRA] and that 'other reasonable options, such as, co-existence is not available' [Sec. 4 (2) (c) of FRA] ;
- b) ensure the rights of STs and OTFDs [Sec.38 V (4) of WLPA]. This is to be carried out as per the provisions of FRA; and in addition any 'livelihood, developmental, social and cultural rights of the local people' has to be recognised in accordance with any other applicable legislation or government order or scheme, whether central or state-level.
- c) ensure that rights are not affected [Sec.38 V (4)(i) of WLPA];
- d) constitute an Expert Committee [Sec.38 V (4) (i) of WLPA] and consultation prior to notification [Sec.38 V (4) (i) of WLPA].

### **For Buffer Area -**

- a) promote co-existence between wildlife and human activity [Sec.38 V (4)(ii) of WLPA];
- b) recognise livelihood, developmental, social and cultural rights of the local people [Sec.38 V (4) (ii) of WLPA]. This is to be carried out as per the provisions of FRA and any other applicable state or central law, government order or scheme;
- c) ensure that limits of the buffer area are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee [Sec.38 V (4)(ii) of WLPA];

## **2. Relocation from CTH**

### *Creating inviolate areas*

The CTH is 'required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers'[Sec.38 V (4) (i) of WLPA]. No Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas' [Sec.38 V (5) of WLPA]. This has to be determined on a case to case basis. The State government has to first examine whether the activities of the forest dwellers cause irreversible damage or not. If no, then nothing needs to be done. If it does cause irreversible damage and the forest dwellers

consent to it [Sec.38 V (5) (ii) of WLPA], then 'other reasonable options of co-existence' have to be sought and if available then these are to be adopted. If no 'other reasonable options of co-existence' are available then the need for relocation arises [Sec.38 V (5) (iii) of WLPA]. Considering this, when the forest dwellers then decide to relocate, only then does WLPA permit relocation, and hence the caveat that the relocation has to be 'voluntary relocation on mutually agreed terms and conditions' [Sec.38 V (5) of WLPA].

A common misreading of Sec. 38V (5) of WLPA is that where 'voluntary relocation' takes place, the conditions under sub-sections (i) to (vi) are not applicable. This misconception has been further reinforced by NTCA's Centrally Sponsored Scheme of Project Tiger for Voluntary Relocation providing two options amounting to Rs. 15 lakhs per family. In fact, Sec. 38V (5) makes it absolutely clear that there can be no such thing as 'involuntary' relocation, and that where voluntary relocation takes place, the mandatory pre-conditions under sub-sections (i) to (vi) have to be fulfilled.

The mandatory legal requirements in WLPA prior to any relocation from Tiger Reserves are:

- a) relocation has to be voluntary [Sec.38 V (5) of WLPA] (It cannot be involuntary or forced.). Eviction or removal from forest land under occupation is prohibited '*till the recognition and verification procedure is complete*' [Sec.4 (5) of FRA];
- b) relocation has to be on mutually agreed terms and conditions [Sec.38 V (5) of WLPA];
- c) rights of STs and forest dwellers are not adversely affected [Sec.38 V (5) of WLPA];
- d) completion of the process of recognition and determination of rights of STs and other forest dwellers [Sec.38V (5) (i) of WLPA]. This is also mandated under Sec. 4 (2) (a) of FRA and are to be carried out as per the provisions of FRA, and any other applicable laws, Government Orders or scheme;
- e) acquisition of such land or forest rights of the Scheduled Tribes and others forest dwellers [Sec.38 V (5) (i) of WLPA]. This is to be carried out as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Resettlement, and Rehabilitation Act, 2013 (LARR) as required under Section 24 and 25 of WLPA.
- f) consultation with an ecological and social scientist familiar with the area to verify that the presence and activities of the STs and other forest dwellers does cause irreversible damage and shall threaten the existence of tigers [Sec.38 V (5) (ii) of WLPA];
- g) the concerned agencies, in consultation with an independent ecological and social scientist familiar with the area, conclude that other reasonable options of co-existence of these STs and other forest dwellers with the tigers are not available [Sec.38 V(5) (iii) of WLPA]

- h) the concerned agencies with the consent of the concerned STs and other forest dwellers conclude that other reasonable options of co-existence of these STs and other forest dwellers with the tigers are not available [Sec.38 V(5) (iii) of WLPA];
- i) obtain consent of STs and other forest dwellers that their presence and activities does cause irreversible damage and shall threaten the existence of tigers [Sec.38 V(5) (ii) of WLPA];
- j) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities [Sec.38 V (5) (iv) of WLPA]. Note: This section when read with Sec. 4 (2) (d) of FRA would require 'secure livelihood'. This is to be carried out as per the provisions of LARR, 2013.
- k) free, prior, and informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme is obtained [Sec.38 V (5) (v) of WLPA]. This is also mandated under Sec. 4 (2) (e) of FRA.
- l) the facilities and land allocation at the resettlement location are provided [Sec.38 V (5) (vi) of WLPA]. FRA prohibits settlement prior to the completion of land allocation and facilities [Sec. 4 (2) (f) of FRA]. Note: Both WLPA and FRA provide for livelihood, facilities and land allocation and not cash compensation. This is in addition to rehabilitation and compensation for the acquisition of forest rights under LARR.

### ***3. The acquisition of rights, rehabilitation and resettlement***

a) Tiger Reserve requires 'the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete' [Sec.38V(5)(i) of WLPA]. While the FRA 2006 applies for the process of recognition and determination of rights, the applicable provisions for acquisition of rights is provided in WLPA, 1972. Sec.38X (A) of WLPA moreover states unambiguously that the provisions of 'Chapter IVB, National Tiger Conservation Authority' introduced through an amendment to WLPA in 2006 *'shall be in addition to, and not in derogation of, the provisions relating to sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under this Act'*. Therefore, Sec. 24 and 25 of WLPA are made applicable to the Tiger Reserves as well and as under

(i) Sec. 24 on '*Acquisition of rights*' of '*such land or rights*' are to be '*as is provided in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*' [Sec.24(2)(b) of WLPA], and

(ii) the acquisition proceedings '*for the purpose of acquiring such land, or rights in or over such land*' is to be as per the '*proceeding under the Right to Fair Compensation and*

*Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013'* [Sec. 25 (b) of WLPA].

Therefore, the provisions outlined in all the following aspects outlined in the LARR 2013 are applicable while notifying a Tiger Reserve:

- Chapter IV - Notification and Acquisition,
- Chapter V - Rehabilitation and Resettlement award,
- Chapter VI - Procedure and Manner of Rehabilitation and Resettlement,
- Chapter VII - National Monitoring Committee for Rehabilitation and Resettlement, and
- Chapter VIII - Establishment of Land Acquisition, Rehabilitation and Resettlement Authority.

In addition, Rule 10 (e) of FRA requires the State Level Monitoring Committee to '*monitor resettlement under sub-section (2) of Section 4 of the Act*'. FRA Sec.4 (2) refers to the mandatory provisions that are to be fulfilled when rights recognised under FRA are affected in any manner, modified or the right holders are resettled for '*creating inviolate areas for wildlife conservation*'.

b) WLPA relates to two separate components however much they are or are not connected or linked with each other. These are: (i) acquisition of land and rights (Sec.24 of WLPA) and (ii) rehabilitation and resettlement resulting from loss of land and rights over lands (Sec. 25 of WLPA). These are to be read along with Sec.38V (5) of WLPA and comply with Sec. 4 (2) of FRA.

Sec. 2 of LARR lays down the purposes for which land and rights over land can be acquired. It includes '*project for residential purposes...to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government*' [Sec.2 (1) (f) of LARR]. Tiger Reserves fall within the scope of this provision as the '*voluntary relocation*' with an agreed upon '*resettlement or alternative package*' for creating '*inviolate*' area is a legally permissible project under WLPA [Sec.38V (5) of WLPA].

c) Sec. 38V (5) (iv) states that the '*resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy*'. This refers to the National Rehabilitation and Resettlement Policy, 2007, the national policy to address displacement from land acquisition projects. It is well established in law that as the 2007 Policy pre-dates the enactment of LARR in 2013, it no longer holds the field. The statutory framework for the provisions in this national policy is now LARR 2013.

d) Any provisions in any guidelines/orders issued by National Tiger Conservation Authority (NTCA) or any other authority including the '[Revised Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger, Feb, 2008](#)' and '[Additional](#)

[Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger Relating to New Components, 2010 of National Tiger Conservation Authority \(NTCA\)](#)' issued by NTCA are to be read with the above applicable statutory provisions. All inconsistent provisions in them are null and void.

### **3. The resettlement or alternative package**

a) The resettlement or alternative package providing for *livelihood* as required under Sec.38V(5) (iv) of WLPA and *secure livelihood* as required under Sec. 4 (2) (d) of FRA based on the law and policy of the central government which is provided for in LARR, 2013 as below:

- Fair compensation, resettlement and rehabilitation are to be provided to all affected families as defined in Sec.3 (c) of LARR which includes not only persons whose forest rights under FRA have been recognised [see sub-section (iii)] but also '*family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk, and boatmen and such livelihood is affected due to acquisition of land*'. Hence 'affected family' is inclusive and not restricted in any manner other than that indicated in the definition clause.
- Special provisions for STs, SCs, and Scheduled Areas under Fifth and Sixth Schedules:
  - i. Sec. 2 of LARR, which relates to the application of this law to 'land acquisition, consent, compensation, rehabilitation and resettlement,' in Proviso 2 to sub-section (2) states that '*no land shall be transferred by way of acquisition in the Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in such Scheduled Areas*.' This means that all laws prohibiting the transfer (defined widely) of tribal lands in Scheduled Areas will also be applicable to acquisitions under the LARR, and also court judgments such as *Samatha, Mahanadi Coalfields, Niyamgiri*, and so on, which relate to subjects as diverse as restriction of forest diversion and transfer of forest lands in Fifth Schedule to private companies, consent, rehabilitation and calculation of quantum of compensation. Sec. 41(9) of LARR further states that **alienation in violation of such laws shall be null and void**.
  - ii. Under Sec. 41 of LARR, numerous conditions are laid down, including the requirement of obtaining consent of the Gram Sabhas in Scheduled Areas and Autonomous District Councils in the case of Sixth Schedule areas prior to land acquisition, including acquisition under emergency provisions. Every effort shall be made to relocate the displaced community in the same area, so that they can retain their ethnic, linguistic and cultural identity.

- iii. All statutory safeguards, entitlements and benefits enjoyed by the Scheduled Tribes in the Fifth and Sixth Schedule Areas are to be extended to them if they are relocated outside the Fifth and Sixth Schedule Areas as the case may be under Sec. 42 (2) of LARR; and additional compensation will be provided in such a circumstance as provided under Sec. 41 (11) of LARR.
- Community rights under FRA are to be quantified in monetary terms and paid to the individuals concerned in proportion with his/her share in such community rights under Sec.42(3) of LARR;
  - The Collector is to determine the value of trees and plants attached to the land for which the services of experts may be used by him as provided under Sec.29 of LARR;
  - The special provisions for SCs and STs under the Development Plan shall include development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet their requirements as provided under Sec.41 (5) of LARR;
  - Compensation of twice the market value of the land (nos. 1 and 2), value of assets attached to the land or building (no.4), solatium of twice the market value of the land (no.5), as required under *The First Schedule* of LARR 2013 on compensation for land owners;
  - A constructed house as per the Indira Awas Yojana specifications (no.1); Land for land, a minimum of one acre of land and for SCs and STs equivalent land or two and a half acres whichever is lower (no.2); a subsistence allowance of Rs.3,000 per month for a period of one year from the date of award (no.5); a onetime financial assistance of Rs.50,000 as transportation cost for shifting of the family, building materials, belongings and cattle (no.6); a onetime financial assistance for cattle shed/petty shops as determined by the government of not less than Rs.25,000 (no.7); one time grant for each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial structure in the affected area of not less than Rs.25,000 (no.8); a one-time 'Resettlement Allowance' of Rs.50,000 (no.10), and stamp duty and registration fee for registration of the land or house allotted (no.11) under *The Second Schedule* of LARR 2013 on the rehabilitation and resettlement entitlements in addition to the provisions in the First Schedule;
  - Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights (no.1); drainage and sanitation (no.2); assured sources of safe drinking water for each family (no.3); drinking water for cattle (no.4); grazing land (no.5); ration shop (no.6), panchayat ghar including hall, Panchayat President's office, computer room, kitchen, and pantry (no.7); Post Offices (no.8); seed-cum-fertilizer storage facility (no.9); basic irrigation facilities (no.10); transport facility (no.11); burial or cremation ground (no.12); sanitation facilities including individual toilet points (no.13); individual single electric connections (no.14);

Anganwadi's providing child and mother supplemental nutritional services (no.15); school as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (no.16); sub-health centre within two km (no.17); Primary Health Centre (no.18); playground for children (no.19); a community centre for every hundred families (no.20); places of worship for every fifty families for community assembly (no.21); separate land for traditional tribal institutions (no.22); forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, continued access, use and livelihood rights to such forest or common property in the area close to the place of eviction (no.23); appropriate security arrangements (no.24), and veterinary service centre (no.25) under *The Third Schedule* of LARR 2013 on infrastructural facilities.

b) the abovementioned provisions of the applicable laws is to be adhered to and the government cannot limit its liability to the Revised Guidelines for The Ongoing Centrally Sponsored Scheme of Project Tiger, 2008 (CSS) and its subsequent additional guidelines. The 2008 Guidelines are neither legally aligned nor tenable with WLPA, FRA and LARR. This scheme is not a substitute for the laws even with the revised amount from Rs.10 lakhs to Rs.15 lakhs per affected family in April 2021.

c) The CSS Guidelines for instance in Section 4.9 clearly refers to 'settlement of rights' as 'a new activity' in the creation of 'inviolable spaces for wildlife and relocation of villagers from core or critical tiger habitats in Tiger Reserves'. Forest rights as per FRA **have to be recognised for them to be considered for settlement**.

d) The CSS Guidelines also states that it 'requires payment of compensation (rights settlement in addition to the relocation package offered under the CSS at present)...Therefore, payment of compensation for the immovable property of people forms part of modifying / settling their rights which is a statutory requirement'. Therefore, the payment of Rs.15 lakhs 'forms part of modifying / settling their rights which is a statutory requirement' **only** and not a **substitute** for the total compensation, resettlement and relocation as required under the laws. The Rs. 15 lakhs is but the central government share; the rest is the responsibility of the State government to mobilize.

e) No forest dwellers shall be evicted or removed from forest land under his occupation till the forest rights recognition and verification procedure is complete as required under Sec.4(5) of FRA and Sec.38V (5).

**ANNEXURE: Full text of the legal provisions under reference****I. Wildlife (Protection) Act 1972 as amended in 2006 (WLPA)**

1.	Sec. 24.	<p><i>Acquisition of rights.—</i></p> <p>(1) In the case of a claim to a right in or over any land referred to in section 19, the Collector shall pass an order admitting or rejecting the same in whole or in part.</p> <p>(2) If such claim is admitted in whole or in part, the Collector may either —</p> <p>(a) exclude such land from the limits of the proposed sanctuary, or</p> <p>(b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land” and on payment of such compensation, as is provided in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).</p> <p>(c) allow, in consultation with the Chief Wild Life Warden, the continuation of any right of any person in or over any land within the limits of the sanctuary.</p>
2.	Sec. 25.	<p><i>Acquisition proceedings.—</i></p> <p>(1) For the purpose of acquiring such land, or rights in or over such land,—</p> <p>(a) the Collector shall be deemed to be a Collector, proceeding under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);</p> <p>(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under 4 [section 21] of that Act;</p> <p>(c) the provisions of the sections, preceding section 21 of that Act, shall be deemed to have been complied with;</p> <p>(d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of section 64 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of Chapter VIII of that Act;</p> <p>(e) the Collector, with the consent of the claimant, or the Authority, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money; and</p> <p>(f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for an alternative public way or common pasture, as far as may be practicable or convenient.</p> <p>Explanation.—The expression “Authority” referred to in clause (e), shall mean the Land Acquisition, Rehabilitation and Resettlement Authority established under section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).</p> <p>(2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.</p>
3	Sec. 380.	<p><i>Powers and functions of Tiger Conservation Authority.—</i></p> <p>(2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions:</p> <p>Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes</p>
4.	Sec. 38V (4) (i) & (ii)	<p><i>Tiger Conservation Plan</i></p> <p>(4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve,</p> <p>Explanation.—For the purposes of this section, the expression “tiger reserve” includes—</p> <p>(i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes</p>

		<p>or such other forest dwellers, and. notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;</p> <p>(ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in Explanation (j) above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.</p>
5.	Sec. 38V(5) (i) & (ii),	<p>Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless—</p> <p>(i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;</p> <p>(ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;</p> <p>(iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;</p> <p>(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;</p> <p>(v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and</p> <p>(vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.</p>
6.	Sec.38XA	<p><i>Provisions of Chapter to be in addition to provisions relating to sanctuaries and National Park.—</i></p> <p>The provisions contained in this Chapter shall be in addition to, and not in derogation of, the provisions relating to sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under this Act.</p>
<b>II. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)</b>		
1.	Sec. 2 (d)	<p><i>In this Act, unless the context otherwise requires, -</i></p> <p>"forest land" means land of any description falling within any forest area and includes unclassified forests, undermarked forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks;</p>
2.	Sec. 3 (1)	<p>For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-</p> <p>(a) right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers;</p> <p>(b) community rights such as nistar, by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary regimes;</p> <p>(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;</p> <p>(d) other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or</p>

		<p>pastoralist communities;</p> <p>(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;</p> <p>(f) rights in or over disputes lands under any nomenclature in any State where claims are disputed;</p> <p>(g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;</p> <p>(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;</p> <p>(i) rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;</p> <p>(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State;</p> <p>(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;</p> <p>(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;</p> <p>(m) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes or other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.</p>
3.	Sec. 3 (2)	<p>Notwithstanding anything contained in the Forest (Conservation) Act, 1980, the Central Government shall provide for diversion of forest land for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:-</p> <p>(a) schools;</p> <p>(b) dispensary or hospital;</p> <p>(c) anganwadis;</p> <p>(d) fair price shops;</p> <p>(e) electric and telecommunication lines;</p> <p>(f) tanks and other minor water bodies;</p> <p>(g) drinking water supply and water pipelines;</p> <p>(h) water or rain water harvesting structures;</p> <p>(i) minor irrigation canals;</p> <p>(j) non-conventional source of energy;</p> <p>(k) skill up-gradation or vocational training centers;</p> <p>(l) roads; and</p> <p>(m) community centers:</p> <p>Provided that such diversion of forest land shall be allowed only if, -</p> <p>(i) the forest land to be diverted for the purposes mentioned in this subsection is less than one hectare in each case; and</p> <p>(ii) the clearance of such developmental projects shall be subject to the condition that the same is recommended by the Gram Sabha.</p>
4.	Sec. 4 (1)	<p>4. <i>Recognition of, and vesting of, forest rights in forest dwelling Scheduled Tribes and other traditional forest dwellers.</i>—</p> <p>(1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Act, the Central Government hereby recognises and vests forest rights in—</p> <p>(a) the forest dwelling Scheduled Tribes in States or areas in States where they are declared as Scheduled Tribes in respect of all forest rights mentioned in section 3;</p> <p>(b) the other traditional forest dwellers in respect of all forest rights mentioned in section 3.</p>
5	Sec. 4 (2)	<p>The forest rights recognised under this Act in critical wildlife habitats of National Parks and Sanctuaries may subsequently be modified or resettled, provided that no forest rights holders shall be</p>

		<p>resettled or have their rights in any manner affected for the purposes of creating inviolate areas for wildlife conservation except in case all the following conditions are satisfied, namely:-</p> <p>(a) the process of recognition and vesting of rights as specified in section 6 is complete in all the areas under consideration;</p> <p>(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wild Life (Protection) Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat;</p> <p>(c) the State Government has concluded that other reasonable options, such as, co-existence are not available;</p> <p>(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils the requirements of such affected individuals and communities given in the relevant laws and the policy of the Central Government;</p> <p>(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing;</p> <p>(f) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package;</p> <p>Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses.</p>
6.	Sec. 4 (5)	Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.
7.	Sec.7	<p>Where any authority or Committee or officer or member of such authority or Committee contravenes any provision of this Act or any rule made there under concerning recognition of forest rights, it, or they, shall be deemed to be guilty of an offence under this Act and shall be liable to be proceeded against and punished with fine which may extend to one thousand rupees:</p> <p>Provided that nothing contained in this sub-section shall render any member of the authority or Committee or head of the department or any person referred to in this section liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p>
8.	Sec. 8	No court shall take cognizance of any offence under section 7 unless any forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution against any higher authority gives a notice of not less than sixty days to the State Level Monitoring Committee and the State Level Monitoring Committee has not proceeded against such authority.
9.	Rule 10	<p><i>Functions of the State Level Monitoring Committee.-</i></p> <p>The State Level Monitoring Committee shall</p> <p>(d) on receipt of a notice as mentioned in Section 8 of the Act, take appropriate actions against the concerned authorities under the Act;</p> <p>(e) monitor resettlement under sub-section (2) of Section 4 of the Act.</p>
<b>III. Right to Fair Compensation and Transparency in Land Acquisition, Resettlement, and Rehabilitation Act, 2013 (LARR). (Sec 42 should be added)</b>		
1.	Sec.2	<p><i>Application of Act.-</i></p> <p>(1) The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, and shall include the following purposes, namely:—</p> <p>(f) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.</p> <p>(2) The provisions of this Act relating to land acquisition, consent, compensation, rehabilitation and</p>

		<p>resettlement, shall also apply, when the appropriate Government acquires land for the following purposes, namely:—</p> <p>(a) for public private partnership projects, where the ownership of the land continues to vest with the Government, for public purpose as defined in sub-section (1);</p> <p>(b) for private companies for public purpose, as defined in sub-section (1):</p> <p>Provided that in the case of acquisition for—</p> <p>(i) private companies, the prior consent of at least eighty per cent, of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3; and</p> <p>(ii) public private partnership projects, the prior consent of at least seventy per cent. of those affected families, as defined in sub-clauses (i) and (v) of clause (c) of section 3, shall be obtained through a process as may be prescribed by the appropriate Government:</p> <p>Provided further that the process of obtaining the consent shall be carried out along with the Social Impact Assessment study referred to in section 4:</p> <p>Provided also that no land shall be transferred by way of acquisition, in the Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in such Scheduled Areas.</p>
2.	Sec.3	<p><i>Definition.</i>—</p> <p>In this Act, unless the context otherwise requires,—</p> <p>(c) “affected family” includes—</p> <p>(i) a family whose land or other immovable property has been acquired;</p> <p>(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;</p> <p>(iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land;</p> <p>(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;</p> <p>(v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;</p> <p>(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;</p>
	Sec. 29	<p><i>Determination of value of things attached to land or building.</i>—</p> <p>(1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.</p> <p>(2) The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.</p> <p>(3) The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition may use the services of experienced persons in the field of agriculture as may be considered necessary by him.</p>
3.	Sec. 41	<p><i>Special provisions for Scheduled Castes and Scheduled Tribes.</i>—</p> <p>(1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.</p> <p>(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.</p> <p>(3) In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force:</p>

		<p>Provided that the consent of the Panchayats or the Autonomous Districts Councils shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.</p> <p>(4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.</p> <p>(5) The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.</p> <p>(6) In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.</p> <p>(7) The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.</p> <p>(8) The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.</p> <p>(9) Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void, and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.</p> <p>(10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.</p> <p>(11) Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees.</p>
	Sec. 42	<p><i>Reservation and other benefits.-</i></p> <p>(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a Scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule, or not.</p> <p>(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.</p>
4.	The First Schedule (1, 2, 4 and 5)	<p>1. Market value of land: To be determined as provided under section 26.</p> <p>2. Factor by which the market value is to be multiplied in the case of rural areas: 1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.</p> <p>4. Value of assets attached to land or building: To be determined as provided under section 29</p> <p>5. Solatium: Equivalent to one hundred per cent of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).</p>

5.	The Second Schedule (1, 2, 5, 6, 7, 8, 10 and 11)	<p><i>1. Provision of housing units in case of displacement</i></p> <p>(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.</p> <p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area:</p> <p>Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees:</p> <p>Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.</p> <p>Explanation.-The houses in urban area may, if necessary, be provided in multi-storied building complexes.</p> <p><i>2. Land for Land</i></p> <p>In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:</p> <p>Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.</p> <p><i>5. Subsistence grant for displaced families for a period of one year</i></p> <p>Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.</p> <p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees. In case of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p> <p><i>6. Transportation cost for displaced families</i></p> <p>Each affected family which is displaced shall get a onetime financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.</p> <p><i>7. Cattle shed/Petty shops cost</i></p> <p>Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty five thousand rupees for construction of cattle shed or petty shop as the case may be.</p> <p><i>8. One-time grant to artisan, small traders and certain others</i></p> <p>Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification,</p>
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		<p>specify subject to a minimum of twenty-five thousand rupees.</p> <p>10. <i>One-time Resettlement Allowance</i> Each affected family shall be given a one-time “Resettlement Allowance” of fifty thousand rupees only.</p> <p>11. <i>Stamp duty and registration fee</i> (1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body. (2) The land for house allotted to the affected families shall be free from all encumbrances. (3) The land or house allotted may be in the joint names of wife and husband of the affected family.</p>
6.	The Third Schedule (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25)	<ol style="list-style-type: none"> <li>1. Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged.</li> <li>2. Proper drainage as well as sanitation plans executed before physical resettlement.</li> <li>3. One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India.</li> <li>4. Provision of drinking water for cattle.</li> <li>5. Grazing land as per proportion acceptable in the State.</li> <li>6. A reasonable number of Fair Price Shops.</li> <li>7. Panchayat Ghars, as appropriate.</li> <li>8. Village level Post Offices, as appropriate, with facilities for opening saving accounts.</li> <li>9. Appropriate seed-cum-fertilizer storage facility if needed.</li> <li>10. Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance.</li> <li>11. All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.</li> <li>12. Burial or cremation ground, depending on the caste- communities at the site and their practices.</li> <li>13. Facilities for sanitation, including individual toilet points.</li> <li>14. Individual single electric connections (or connection through nonconventional sources of energy like solar energy), for each household and for public lighting.</li> <li>15. Anganwadi’s providing child and mother supplemental nutritional services.</li> <li>16. School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);</li> <li>17. Sub-health centre within two kilometer range.</li> <li>18. Primary Health Centre as prescribed by the Government of India.</li> <li>19. Playground for children.</li> <li>20. One community centre for every hundred families.</li> <li>21. Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area.</li> <li>22. Separate land must be earmarked for traditional tribal institutions.</li> <li>23. The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood.</li> <li>24. Appropriate security arrangements must be provided for the settlement, if needed.</li> <li>25. Veterinary service centre as per norms.</li> </ol>
<b>IV. Revised Guidelines for The Ongoing Centrally Sponsored Scheme of Project Tiger, 2008 (CSS)</b>		
1.	Section 4.9	Deciding inviolate spaces for wildlife and relocation of villagers from core or critical tiger habitats in Tiger Reserves within a timeframe and settlement of rights (settlement of rights is a <i>new activity</i> ) (non- recurring).

		The Wild Life (Protection) Act, 1972, as well as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, require that rights of people (Scheduled Tribes and other traditional forest dwellers) recognized in forest areas within core/critical tiger/wildlife habitats of tiger reserves/protected areas may be modified and resettled for providing inviolate spaces to tiger/wild animals. This <b>requires payment of compensation (rights settlement in addition to the relocation package offered under the CSS at present)</b> . Chapter IV of the Wild Life (Protection) Act, 1972 (Section 24) provides for acquisition of rights in or over the land declared by the State Government under Section 18 (for constituting a Sanctuary) or Section 35 (for constituting a National Park). Sub-section 2 of Section 24 of the Wild Life (Protection) Act, authorizes the Collector to acquire such land or rights. <b>Therefore, payment of compensation for the immovable property of people forms part of modifying / settling their rights which is a statutory requirement.</b>
<b>V. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989</b>		
1.	2	<i>Definitions.—</i> (1) In this Act, unless the context otherwise requires,— (be) “forest rights” shall have the meaning assigned to it in sub-section(1) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act, 2006 (2 of 2007);
2.	Sec.3	<i>Punishments for offences atrocities.—</i> (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,— (g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce there from. Explanation.—For the purposes of clause (f) and this clause, the expression “wrongfully” includes— (A) against the person’s will; (B) without the person’s consent; (C) with the person’s consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or (D) fabricating records of such land; (za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to— (A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage;