

**MINUTES OF THE MEETING OF STANDING COMMITTEE OF
NATIONAL BOARD FOR WILD LIFE**

DATE: 24TH December, 2003. VENUE: Paryavaran Bhawan, New Delhi

The Ist meeting of the Standing Committee of National Board for Wild Life, was held under the Chairmanship of Secretary (E&F). Smt. Maya Singh, Member of Parliament (Rajya Sabha) conveyed her inability to remain present during the meeting. A list of participants is at **Annexure I**. The minutes of the meeting are as under:

At the outset the members appreciated the interest taken by the former Minister of Environment & Forests, Shri T.R. Baalu and conveyed their gratitude for his active involvement and sincere efforts in conservation of wild life in the country.

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The minutes of the meeting of Standing Committee of IBWL held on 6th May, 2003 were taken on record.

Agenda Item No. 2:

(a) Denotification of Salim Ali City Forest National Park, Jammu & Kashmir.

Shri A. R. Wadoo, Chief Wild Life Warden, Jammu & Kashmir informed the Committee that he had submitted the recommendations of the expert committee of IBWL that visited the State in March – April, 2003 to the State Government. These recommendations of the committee were accepted by the Standing Committee of IBWL in its meeting held on 6th May 2003 and the State Government was requested to submit factual details regarding the use of chemical fertilizers and pesticides for maintenance of grass in the golf course. The Chief Wild Life Warden further informed that no response has been received from the state government and sought two months time.

The Committee agreed to grant two months time for filing the response by the State Government.

b) Shifting of Raiwalla Ammunition Dump in Rajaji National Park

On the issue of shifting of Raiwalla Ammunition Dump, the Member-Secretary, Shri Vinod Rishi, the Director, Project Elephant and the Chief Wild Life Warden, Government of Uttaranchal, Shri S. Chandola gave a detailed account of the developments that have taken place over the years. The members were informed that the area surrounding the ammunition dump was also cleared of its vegetation by the Army. The Chief Wild Life Warden, mentioned that 70 ha land as desired by the Army Officials has already been identified, but he was of the view that the Army was unwilling to shift the ammunition dump and was trying to delay the process of shifting for one reason or the other. The Member Secretary informed the committee that the Steering Committee of Project Elephant earlier pursued the issue of shifting the ammunition dump. However, since the same was being simultaneously dealt by the Standing Committee, the Steering Committee of Project Elephant decided to drop the issue from their agenda.

The members were of the considered opinion that a detailed report may be prepared and placed before the Committee after conducting the site inspection.

It was decided that Shri Ravi Singh, Ms. Dilnawaz Variava and Shri Asheem Srivastav, Deputy Inspector General (WL), MoEF would conduct the site inspection at the earliest and place the report before the Committee. The Committee also decided that the DGF& SS may convene a meeting inviting the Chief Secretary and other officials from the state of Uttaranchal to settle this issue.

c) I.A. No. 27 of 2002 in C.W.P No. 337 of 1995 – Diversion of 142.699 ha of additional forest land from Sunabeda Sanctuary, Orissa, for Upper Jonk Irrigation Project in Nuapada District.

The representative of the Government of Orissa briefed the members about the proposal and gave justification for increasing the height of the Dam. The Deputy Inspector General (WL), MoEF then provided the chronology of events and the past decision of the Standing Committee of IBWL. The same are reproduced below:

- i) The Planning Commission approved the proposal for construction of Upper Jonk Dam in September 1981.
- ii) A joint agreement was reached between the State of Orissa and Madhya Pradesh on 24.2.1983 to construct a dam on the Jonk river near Jhirna.
- iii) The State Government approached the Central Government in February 1983 for diversion of forest land.
- iv) The Central Government gave approval in March 1986 for diversion of 339.523 ha area for dam, submergence etc.
- v) The Sunabeda Wild Life Sanctuary was notified in May, 1988.
- vi) The State Government decided to raise the height of the existing dam by 3.5 meters (from 350.60 mts to 354.1 mts) in September, 1989 on the basis of advice rendered by the Central Water Commission to achieve the targeted water storage capacity of the dam.
- vii) The State Government, accordingly, increased the height of the dam in September, 1993 in anticipation of approval of Government of India for diversion of additional forest area required for this purpose
- viii) A fresh proposal was moved to the Government of India for clearance of additional forest land during August, 2000.
- ix) The Government of India in January, 2002 rejected the proposal citing orders of the Hon'ble Supreme Court dated 14.2.2000 and

13.11.2000 in Writ petition (Civil) No.202/95 and 337/95 respectively.

- x) The same proposal was also placed before the Standing Committee of IBWL in its meeting held on 26th February, 2002 wherein the Standing Committee rejected the proposal on the grounds that additional submergence would cause further damage to the wild life of the area. It was desired by the committee that the circumstances under which the construction of dam was done without getting approval under the Forest (Conservation) Act, 1980 should be ascertained and responsibility for violation fixed.
- xi) Subsequently an I.A No, 27/2002 in Writ petition (Civil) No. 337/95 was filed by the State Government before the Hon'ble Supreme Court for permitting diversion of 129.707 ha of forest land coming within the Sunabeda Sanctuary.
- xii) In his letter No.3 WL-21/2003 dated nil to the Principal Secretary, Forests, Orissa, Shri S.C Mohanty, Chief Wild Life Warden, Government of Orissa, has mentioned that statutory violations have been committed by the user agency while taking up the following work:
 - i) Construction of project road between conducting spillway bridge and the canal over 1.76 ha of Sanctuary area.
 - ii) Construction of Rest Houses, Rest Sheds, storage godown, staff quarters, booking office, camp office, Watcher barrack and establishment of Rajiv Udyan.
 - iii) Allowing fishing in the reservoir within the Sanctuary for which no permission has been accorded by the Chief Wild Life Warden.
 - iv) Allowing people to visit the Rajiv Udyan and to stay in Rest Houses/Rest shed at the dam site within the Sanctuary, without permission of the Chief Wild Life Warden, resulting in uncontrolled and unregulated people in the Sanctuary.

The representative of the state was, however, of the view that the diversion proposal for additional submergence was submitted to Govt, of India on time.

The committee, after due consideration, decided to verify the records before arriving at a final decision.

Agenda Item No. 3

a) Diversion of 1000 ha in Chitral and 1000 ha in Peddagattu area of Rajiv Gandhi Sanctuary, Andhra Pradesh by Atomic Mineral Division:

The Director, Project Tiger, made a detailed presentation on the site inspection conducted by him and Dr. R. Sukumar. He also highlighted salient points of their recommendation. The expert team has recommended the proposal stating that the proposed exploratory drilling may not cause any significant harm to wild life and its habitat, since such spots are near existing villages which pock- mark the Protected Area, with a considerable amount of biotic disturbance. The team also suggested that besides the safeguards proposed by the project proponents, funding support for setting up at least two patrolling camps at the sites should be provided by the proponents to the forest department, for watch and ward of the area in the interest of wild life conservation, which should also include the recurring cost for deploying local villagers for the same.

The Committee agreed to the exploratory phase of the project subject to the condition that Rs. 5.00 crore would be paid by the user agency for the better conservation and management of the Rajiv Gandhi Sanctuary. The amount will be deposited in a specially created fund. This will be in addition to the safeguards provided in the inspection report. The user agency will also submit a detailed report regarding the outcome of the exploratory phase and seek further clearance in case uranium is found in the project tiger area.

b) Diversion of 30.76 ha from Neoradehi Sanctuary for construction of Nirandpur tank Project.

Since the site inspection could not be completed by the expert group set up by the standing committee of IBWL, it was decided to set up a new committee comprising of Dr. Rajesh Gopal, Director (Project Tiger) and Shri Darshan Shankar and the Regional Dy. Director, Wild life Preservation (WR), Mumbai.

It was decided that the expert committee would conduct the site inspection and place the report before the Standing Committee of National Board.

Agenda Item No. 4

Fresh proposals for diversion/denotification received for consideration by the Standing Committee

The following proposals concerning Askot Musk Deer Sanctuary and Govind Pashu Vihar Sanctuary were considered:

1. **Re-alignment of Askot Musk Deer Sanctuary**
2. **Re-alignment of Govind Pashu Vihar.**
3. **Diversion of 91.701 ha of forest land from Askot Sanctuary for Dhauliganga Intermediate Stage Power Project by NHPC.**
4. **Diversion of 175.05 ha of forest land from Askot Sanctuary for Goriganga Stage III A Power Project by NHPC.**
5. **I. A. No. 896-898 in W. P (C) No. 202/1995- Diversion of 175 ha (34 Kms) of forest land from Askot Musk Deer Sanctuary for laying of transmission line.**
6. **I. A. No. 37 of 2003 in W. P (C) No. 337/1995- Diversion of 48.385 ha (25 Kms) of forest land from Askot Musk Deer Sanctuary for laying 132 KV transmission line**

The Chief Wild Life Warden, Shri S. Chandola made a detailed presentation providing justification for the realignment of Askot Musk Deer Sanctuary and Govind Pashu Vihar National Park & Sanctuary.

The members opined that the State Government should complete the statutory process of settlement of rights under the Wild Life (Protection) Act, 1972 in both protected areas. The Member-Secretary also pointed out that the State Government may seek legal opinion regarding the fact as to whether the notification of intent has to be issued afresh or not and take action accordingly. The Committee laid emphasis on biodiversity conservation in the high altitude biodiversity rich Askot Musk Deer Sanctuary. It advised the State Government to ensure that while issuing the final notification, the biodiversity rich areas should, under no circumstances, be excluded from the limits of the Sanctuary. Once the State Government completes the settlement process, it should place the facts before the committee for taking a final view. This should be done before issuing the final notification.

With respect to the diversion proposals regarding Dhauliganga Intermediate Stage Power Project and Goriganga Stage III A Power Project by NHPC, the representative of NHPC made a detailed presentation of the proposals before the Committee. *After careful consideration, the Committee decided that the NHPC would submit a comprehensive report on the floral and faunal diversity in the Askot Musk Deer Sanctuary and the impact of the project on the biodiversity. The above reports should be prepared jointly by the BSI and ZSI*

Regarding the I.A. No. 896 –898, the representative from the Power Grid Corporation Ltd made a presentation on the proposal. The proposal basically concerns construction of 400 KV Dhauliganga-Bareilly transmission line for evacuation of power from Dhauliganga Hydro-electric Project. The hydro-electric project is located inside Askot Wild Life Sanctuary and its first phase of 200 MW is in the advance stage to be commissioned in December, 2004. The details regarding 400 KV transmission line are as follows:

- i) Total length of the transmission line- 224 Kms
- ii) Total length passing through the forest area- 56.187 Kms.
- iii) Total length passing through Askot Musk Deer Sanctuary – 33.54 Kms.
- iv) Total forest area involved - 466.583 ha
- v) Area falling under Askot WL Sanctuary- 175 ha.

The Ministry of Environment & Forest had granted in principal approval for the transfer of 466.58 ha of forest land in 1992 (letter No. 8-156/90-FC, GOI dated 9.10.1992). The final approval was granted in 2002 (letter No. 8-156/90-FC, GOI dated 25.2.2002).

The members were of the view that the construction of the transmission line was primarily a case of fait accompli and therefore, decided to accept the proposal subject to the following pre conditions:

- i) The State Government will complete the process of settlement of claims under the provisions of the Wild Life (Protection) Act, 1972.*
- ii) The State Government will submit a compliance report fulfilling the pre conditions as mentioned in letter No.6-1/2002 WL-I of the MOEF dated 16th August 2002.*
- iii) The user agency i.e. Power Grid Corporation would pay a compensation amount equivalent to 5 % of the total project cost within the Sanctuary area subject to a minimum of Rs. 1.00 crore towards the conservation and management of Askot Musk Deer Sanctuary. The amount will be deposited in a specially created fund for the purpose.*

Since the representative of Uttaranchal Jal Vidyut Nigam Ltd was not present during the meeting, the members decided to defer the decision on the proposal.

7. I.A. No. 28 &29/2002 in W.P (C) No. 337/1995 - Diversion of forest land from Mahavir Sanctuary, Goa for laying of transmission line.

The Deputy Inspector General (WL) apprised the Committee regarding the comments received from the Chief Wild Life Warden on the matter. Dr. D. Pandey, Chief Wild Life Warden, Government of Goa in his letter number Nil dated 4th December, 2003 recommended rejection of the proposal stating inter-alia that overhead transmission line may affect arboreal animals and avi-fauna in the area. It will also open flood gates for other owners whose land fall within the Sanctuary.

The Committee accepted the recommendation of the Chief Wildlife Warden and rejected the proposal.

8. I. A. No. 20/2002 in W.P (C) No. 337/1995 - Diversion of forest land from Rajaji National Park, Uttaranchal, for construction of charitable hospital by Raghavendra Sewashram Samiti

The Committee was apprised of the facts of the case. It was informed that earlier the same I.A. was considered by the Standing Committee of IBWL in its meeting held on 12th July, 2003. The committee rejected the proposal on the grounds that it was not a site-specific activity. It also noted that no proposals for non-site specific activities should be entertained in future.

The State Government subsequently filed an affidavit in response to the decision of the then standing committee stating that the land offered in exchange to the forest department is also contiguous to Rajaji National Park and the proposed exchange will not involve any change in the total area of the National Park. The Govt of Uttaranchal considered the proposal beneficial for the health care of the people.

The Committee was, however, of the view that such transfer should not be accepted particularly in view of the fact that large number of establishments have come up along the boundary of the National Park affecting its integrity.

9. Diversion of 3.98 ha of forest land from Sawai Mansingh Sanctuary, Rajasthan, for construction of *Kushalipura nallah*.

A detailed presentation on the project proposal was made by the representative of the Forest Department, Government of Rajasthan.

After due consideration, the Committee decided that an expert committee comprising of Shri S.C Sharma, Shri Ravi Singh and Shri Asheem Srivastav, Deputy Inspector General (WL) would conduct a site inspection and place the report before the Standing Committee.

10. Diversion of 1.44 ha of forest land from Sri Venkateshwara Sanctuary, Andhra Pradesh for construction of rope way.

The Chief Wild Life Warden, Government of Andhra Pradesh gave details of the project proposal to the members.

The members opined that the State Government be first asked to ensure compliance of the pre-conditions imposed by the Standing Committee of IBWL in its meeting dated 26th February, 2002 and 8th November, 2002 wherein the following proposals were recommended

- a) Diversion of 80 ha of Sri Venkaeshwara Sanctuary for construction of Kumaradhara-Pasupadhara project by the TTD.*
- b) Diversion of 12 ha of Sri Venkateshwara Sanctuary for construction of Kapilatheertham dam.*

The State Government can then approach the committee for the present proposal.

11.Diversion of 314.56 ha of forest land from Sariska National Park and Sanctuary for rehabilitation of tribals

The representative of the State Government of Rajasthan informed the Committee that the State Government has decided to withdraw the present proposal and submit a fresh one for relocation of the villages from the National Park to the forest area instead of the Sariska Wild Life Sanctuary.

The committee decided that the proposal be dropped from the agenda items.

12.Diversion of Betla National Park, Jharkhand, for laying optical cable for telecommunication purposes.

The Chief Wild Life Warden, Government of Jharkhand and the Director, Palamu Tiger Reserve explained the proposal to the committee. They mentioned that all other alternative routes for laying the optical fibre line were explored and it was found that the present route was the most feasible economically with minimum impediments to the wild life. They also informed that the telecommunication network for the forest staff would be enhanced due to this project.

The Committee decided to recommend the proposal with the precondition that the user agency would pay a compensation amount equivalent to 5% of the total project cost subject to a minimum of Rs. 1.00 crore towards the management and conservation of Betla National Park and Palamu Tiger Reserve. The amount will be deposited in a specially created fund. The Committee also recommended that the State Government would utilize the funds for demarcation of the boundary through construction of RCC boundary pillars in the Betla National Park and Palamu Tiger Reserve.

13. Diversion of 18.925 ha of forest land from Jaldapara Sanctuary, West Bengal for laying of 400 KV DC line by the Power Grid Corporation Ltd.

The representatives of the Power Grid Corporation Ltd made a presentation on the project proposal. They explained to the Committee that there was no additional diversion of sanctuary land for laying 400 KV DC line. This fact was also accepted by the Chief Wild Life Warden in his letter number 4269/ WL/2W-204 dated 3-12-2003 wherein he has mentioned that no fresh area was required for diversion, no felling of trees was involve during construction except for some lopping or pollarding. The 400 KV transmission line would be laid through the already erected towers for carrying 200 KV line.

The Committee agreed to the proposal as no fresh area was required for diversion and the transmission line is to be laid through the up gradation of existing towers.

14. Diversion of 3 ha of forest land from Mrugvani National Park, Andhra Pradesh for construction of visitor amenities.

The representative of the Andhra Pradesh Forest Development Corporation made a detailed presentation on the proposal. They informed that the proposed project involves setting up of visitor amenities/facilities/utilities including creation of accommodation like huts, cottages, dormitories, etc, creation of restaurants /Kiosks, Souvenir shop, Amphi theatre, Guide services etc in order to boost the eco tourism in the area.

The Committee decided to reject the proposal since such activities were against the laws of conservation of National Park and integrity of the ecosystem. The Committee also desired that such activities should be only be carried out outside the National Park.

15.I.A. No. 33 of 2003 in W.P (C) No. 337/1995- Diversion of 46 ha of forest land from Radhanagari Sanctuary, Maharashtra for construction of Dhamani Irrigation project.

The Chief Wild Life Warden, Government of Maharashtra explained about the project to the members. During the discussion, Shri S.C. Sharma mentioned that earlier the same proposal had been rejected by the Ministry of Environment & Forests. However, this fact had not been brought to the notice of the Hon'ble Supreme Court, in the I.A.

The Committee, therefore, decided that the facts of the case would be verified from the records of the Ministry and thereafter, a decision will be taken.

16.I.A. No. 35 of 2003 in W.P (C) No. 337/1995- Diversion of 146.26 ha of forest land from Dalma Sanctuary, Jharkhand for construction of Subarnarekha Multipurpose irrigation project.

The Principal Secretary, Department of Water Resources, Government of Jharkhand gave a presentation on the proposal.

The Committee decided that an expert team comprising of the Chief Wild Life Warden, Government of Assam, Ms. Dilnawaz Variava, and Shri Asheem Srivastav, Deputy Inspector General (WL), MoEF would conduct a site inspection and place the report before the Standing Committee.

17.Diversion of 3.98 ha of forest land from Bannerghatta National Park, Karnataka for laying of transmission line.

The Principal Secretary (Forests), Government of Karnataka explained about the exigency of the project proposal to the members. The members opined that Bannerghatta National Park was an important habitat for wild elephants and any proposal for diversion of National Park land needs a detailed analysis of its impact on the elephant and their habitat.

The Committee, therefore, decided that an expert team comprising of Shri S.S. Bisht, Director, Project Elephant, Chief Wild Life Warden ,

Government of Karnataka and Shri Darshan Shankar would conduct a site inspection and place the report before the Committee.

18 Diversion of 4.959 ha of forest land from Sitamata Sanctuary, Rajasthan for construction of power house.

The representative of the Rajasthan Renewable Energy Corporation Ltd made a presentation before the Committee.

The Standing Committee decided that an expert team comprising of Dr. Rajesh Gopal, Director, Project Tiger, Shri S.C. Sharma and Shri Ravi Singh would conduct a site inspection and place the report before the Committee.

Agenda Item No. 5.

Any other item with the permission of the Chair.

1. Establishment, and Rules of Business of CITES Cell:

The Committee was informed that the Indian Institute of Public Administration (IIPA) was willing to provide accommodation and other facilities subject to the funding support by MoEF. The Committee approved the Establishment, and Rules of Business of CITES Cell and its location in the IIPA premises subject to the rules and regulations of Government of India. It was also desired by the Committee that the word “Chairperson” under the sub-heading ‘Nomination/Removal of NGO/NGI’ may be changed to “The Standing Committee”.

2. Review of inclusion of Edible Nest Swiftlets and Holothurians in the Schedule I of the Wild Life (Protection) Act, 1972.

The Committee decided that the matter needs detailed examination. It was decided to defer the matter to the next meeting.

3 The Committee took note of the guidelines for diversion proposals prepared by Shri Darshan Shankar, and opined that this matter needs to be included in the next meeting. It also suggested that a detailed discussion should be done on the setting up of a special task force to develop a long term programme for threat assessment, negative listing, species recovery and trade regulation for wild medicinal plant taxa.

The meeting ended with a vote of thanks to the Chair.

**LIST OF PARTICIPANTS PRESENT IN THE MEETING OF THE
STANDING COMMITTEE OF NATIONAL BOARD FOR WILD
LIFE HELD ON 24.12.2003**

1. Dr. Prodipto Gosh, Secretary (E &F)
2. Shri. N.K. Joshi, DGF &SS, MoEF
3. Shri Darshan Shankar, Director, FRLHT, Bangalore
4. Ms. Dilnawaz Variava
5. Shri Ravi Singh
6. Shri S.C. Sharma
7. Shri. N. Gokul Ram, Principal Secretary (Forests), Government of Karnataka
8. Shri. M.C. Malakar, Chief Wild Life Warden, Government of Assam
9. Dr. R.A. Khan, Scientist E, I/C, Zoological Survey of India, Kolkata.
10. Dr. Rajesh Gopal, Director, Project Tiger
11. Shri S.S Bisht, Director, Project Elephant
12. Shri. Vinod Rishi, Addl. DGF(WL), MoEF – **Member-Secretary.**
13. Shri Asheem Srivastav, Deputy Inspector General (WL), MoEF.
