

# Analysis of Wildlife Clearances in India, 2019 (January-December)



## Key Findings

- Standing Committee of the NBWL considered a total of 156 proposals, out of which 68 proposals were for diversion within Wildlife Sanctuaries, National Parks and Conservation Reserves
- A total of 481.56 hectares were diverted in Wildlife Sanctuaries, National Parks and Conservation Reserves; only **one** proposal was rejected.
- 87% of diversion is due to Linear projects (railways, roads, transmission lines, pipelines and tunnels)
- 324.89 hectares was approved for diversion within Tiger Habitats for projects such as linear projects, mining, and infrastructure development
- Not even a single proposal approved for diversion within National Parks and Wildlife Sanctuaries is backed with reasons on how it benefits wildlife; this implies violation of Wildlife (Protection) Act, 1972

## I. INTRODUCTION

The National Board for Wildlife (NBWL) is a statutory body created under India's Wildlife (Protection) Act, 1972. It is a 47-member committee headed by the Prime Minister of the country<sup>1</sup> with the mandate to promote conservation and restoration of wildlife and forests. In addition to framing policies and advising Central Government on matters related to conservation, it is responsible for regulating activities within India's Protected Areas (PAs) i.e. National Parks, Wildlife Sanctuaries and Conservation Reserves and Community Reserves<sup>2</sup>. The law mandates the NBWL to constitute a Standing Committee for carrying out its various duties and functions<sup>3</sup>. The Standing Committee of National Board for Wildlife is empowered under the Act to ascertain whether activities which are proposed within PAs are permitted or not in accordance with the provisions of Wildlife (Protection) Act, 1972. While considering proposals that involve use of land within PAs, it is the duty of the committee to screen these proposals, seek additional information or studies, order for site inspections, and subsequently approve or reject the proposal based on this information. Prior approval from standing committee is also mandatory for proposals involving alteration of boundaries of wildlife sanctuary and national parks<sup>4</sup>.

### Box No. 1: The Current Composition of NBWL

Minister in charge of Environment, Forest and Climate Change	Chairman
Wildlife Preservation Officer (Additional Director General Forest (Wildlife), MoEF&CC)	Member Secretary
Members Nominated by Vice Chair, NBWL	
Secretary, MoEF&CC	Member
DGF & Special Secretary, MoEF&CC	Member
Director, Wildlife Institute of India, Dehradun	Member
Nominee of GEER Foundation, Gandhinagar	Member
Prof. R. Sukumar, Indian Institute of Science, Bangalore	Member
Dr. H.S. Singh, Gandhinagar	Member
Representative of State of Andhra Pradesh	Member
Member Secretary, National Tiger Conservation Authority (NTCA) will be a special invitee to the Standing Committee	

Source: (NBWL 2014)

One immediate concern regarding the current composition of the standing committee is that there is no representation from non-governmental organizations, except for Gujarat Ecological and Educational Research (GEER) Foundation. It is important to note that the GEER Foundation was set up by the Gujarat Forest and Environment Department and is governed by a Board of Governors chaired by the Gujarat Chief Minister. Since majority of the members of the Foundation are state government officials, presence of GEER Foundation clearly implies that standing committee lacks independent civil society participation.

It is also important to note that while the standing committee has met five times in 2019, the NBWL itself has not conducted a single meeting this year.

The Legal Initiative for Forest and Environment (LIFE) has been analyzing the approvals made by NBWL for diversion within PAs since 2018. Building upon the analysis carried for the year 2018 and first six months of 2019, this paper aims to analyze the approvals granted by NBWL in the calendar year of 2019 (January 01–December 31).

<sup>1</sup> Section 5A of Wildlife (Protection) Act, 1972

<sup>2</sup> Section 5C of Wildlife (Protection) Act, 1972

<sup>3</sup> Section 5B of Wildlife (Protection) Act, 1972

<sup>4</sup> Sub Section (3) of Section 26 A of Wildlife (Protection) Act, 1972

Sub Section (5) of Section 35 of Wildlife (Protection) Act, 1972

Further, as per the amendment made to the Wildlife (Protection) Act, 1972 in 2006, approval from the standing committee of NBWL is mandatory for projects which involve diversion of Tiger Reserves and areas which link one Protected Area or Tiger Reserve with another Protected Area or Tiger Reserve<sup>5</sup>(for ease of reference the word 'NBWL' in this paper refers to the standing committee of NBWL and not the main Board).

The Standing Committee is headed by the Minister of Environment, Forest and Climate Change. It consists of a member secretary and not more than 10 members nominated by the Vice Chair of NBWL (i.e. Minister of Environment, Forest and Climate Change) from amongst the members of the Board<sup>6</sup>. The standing committee is required to meet once in three months and its current composition of NBWL is shown in the box below.

## II. METHODOLOGY

The purpose of this paper is to analyze the trends in wildlife clearance granted by the NBWL in the calendar year of 2019. The paper is based on the review of the minutes of the meetings of NBWL conducted in 2019. The minutes are tracked weekly and the projects considered for grant of wildlife clearances are documented for analysis.

## III. OVERVIEW OF PROPOSALS CONSIDERED BY NBWL IN 2019

A total of five meetings were held in 2019 and 156 proposals were considered by the standing committee. A review of the minutes of the meetings suggests that out of these 156 proposals, 68 were for diversion within PAs, four proposals were for de-notification (deletion) of areas within PAs for boundary alteration and rest 84 were diversion within the 10-kilometre radius from the boundary of the PAs.

NEHA SINHA



SINHASPOT-BELLIED PELICANS (*Pelecanus philippensis*) IN KOLLERU WILDLIFE SANCTUARY, ANDHRA PRADESH

<sup>5</sup> Section 38 O (g) of Wildlife Protection Act, 1972 as amended in 2006

<sup>6</sup> Sub Section 2 of Section 5B of Wildlife (Protection) Act, 1972

## IV. WILDLIFE CLEARANCE GRANTED BY NBWL IN 2019

The trends in wildlife clearance for the year 2018 are analyzed on three criteria: boundary alteration of PAs, diversion within PAs, and diversion within tiger habitats.

### i. BOUNDARY ALTERATION OF PAs

The NBWL in 2019 considered four proposals for (deletion) of areas within PAs for their boundary alteration. Out of these, one was rejected; one was deferred for later consideration and two were approved. The proposal which was rejected was for deletion of the area of 2,151 hectares of limestone mining bearing area from the Kaimur Wildlife Sanctuary (Bihar). The standing committee observed that the Supreme Court in its order dated 04.08.2006 in the matter of *T.N. Godavarman Thirumulpad Vs. Union of India & Ors.* (Writ Petition (Civil) No 202 of 1995) has directed that mining will not be permitted within one-kilometre boundary of wildlife sanctuaries and national parks and therefore exclusion of mineral-bearing area from the PAs is not appropriate. The proposal which was deferred entailed reduction of Kawar Lake Bird Sanctuary (Begusarai district, Bihar) from the present 6,311 hectares to 3,052 hectares. Two proposals were recommended for the deletion of areas from the PAs for their boundary alteration. These are summarized in Figure 1.

**Figure 1: Proposals for Boundary Alteration of PAs approved in 2019**

#### Great Indian Bustard (GIB) Sanctuary

- Location: Gwalior, Madhya Pradesh
- Existing Area of the sanctuary: 51,200 hectares
- Area approved for deletion: 11,173 hectares of revune land covering 23 villages
- Justification: Villagers have been deprived from basic facilities such as health, education, transport etc.
- DFOs' view: Wildlife will never prosper in 23 villages because of biotic pressure & disturbance
- SBWL Recommendation: No record of GIB presence in the sanctuary but habitat restoration should be taken up in less disturbed areas having GIB potential
- NBWL Recommendation: State Govt. to prepare & implement GIB Conservation, Management and Habitat Restoration Plan

#### Bhittarkanika Wildlife Sanctuary

- Location: Kendrapara, Odisha
- Existing Area of the sanctuary: 67,200 hectares
- Area approved for deletion: 5,445.6 hectares of revenue land covering 52 villages
- Area to be added: 5,445 hectares of Mangrove Forest Area
- Justification: Forest Department facing difficulties in managing the sanctuary
- Enforcing restrictions leads to conflict between the villagers & forest officials
- There is conflict between traditional fisherfolk & forest department due to restrictions imposed to protect Olive Ridley Turtles

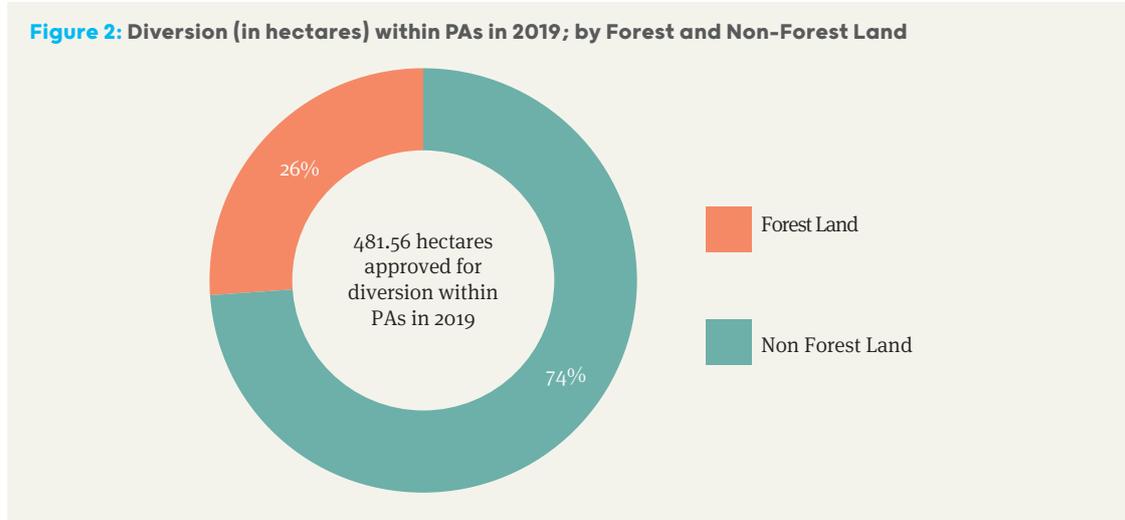
Source: Compilation based on NBWL minutes and clearance documents retrieved from PARIVESH Website

## ii. DIVERSION WITHIN PAs

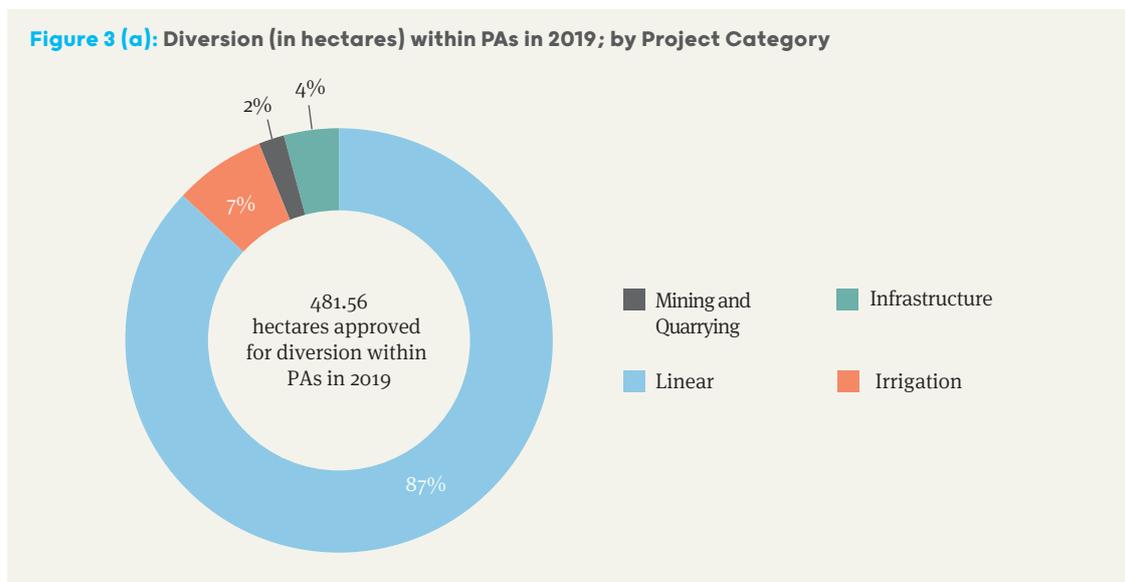
In the year 2019, a total of 68 proposals for diversion within PAs was considered by the NBWL. Out of these, 65 were approved, two were deferred for later consideration and one was rejected.

### a. Proposals Approved

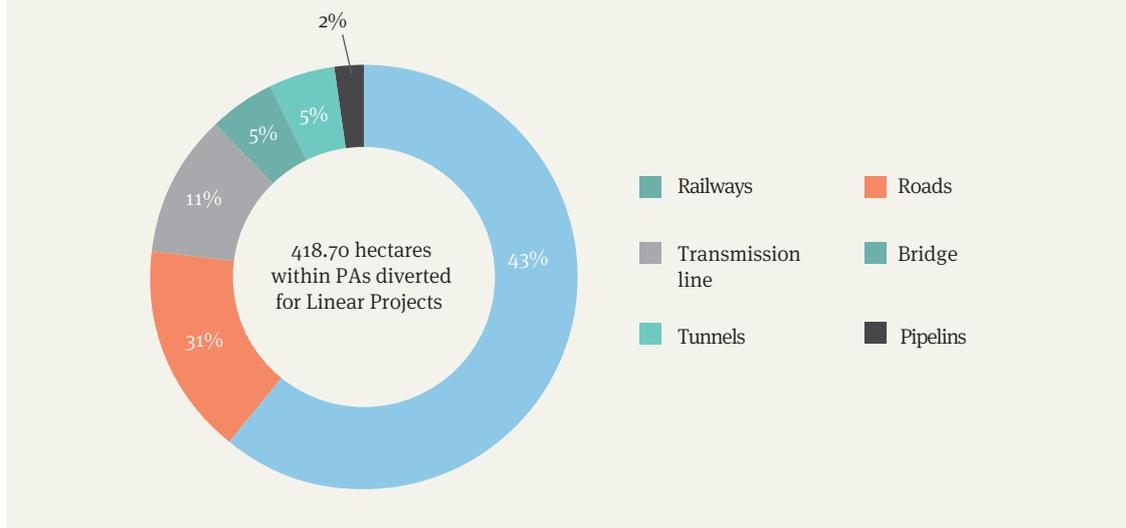
The 65 proposals approved entailed diversion of 481.56 hectares within PAs (wildlife sanctuaries and national parks and conservation reserves). Out of 481.56 hectares of land approved for diversion, 74% was forest land, and the rest 26% was non-forest land (see figure 2).



In terms of project categories, linear projects such as roads, railways, transmission lines, pipelines, and tunnels had the highest contribution in the overall land approved for diversion within PAs. Out of 481.56 hectares approved for diversion, 87% (418.70 hectares) was due to linear projects, 7% (35.83 hectares) was due to irrigation, 4% (17.5 hectares) due to infrastructure facilities and rest 2% (9.52 hectares) was due to mining and quarrying. The share of different project categories in total diversion within PAs is shown in figure 3 (a).



**Figure 3 (b):** Diversion (in hectares) within PAs for Linear projects; by Sub Category



From figure 3 (b) it is clear that out of total diversion due to linear projects the share railway projects are highest at 61%, involving 256.05 hectares of land. This was followed by roads which accounted for 16% of total diversion within PAs due to linear projects. Roads led to the diversion of 69.59 hectares within PAs. Transmission Lines accounted for 46.04 hectares of diversion within PAs, followed by bridges (20.19 hectares), tunnels (19.43 hectares), and pipelines (7.39 hectares).

MRIDHU TANDON



SIGNBOARD FOR ELEPHANT CORRIDOR CONNECTING APALCHAND RESERVED FORESTS WITH GORUMARA NATIONAL PARK, JALPAIGURI, WEST BENGAL

Three projects explain the entire diversion within PAs due to Railways, these projects are highlighted in figure 4 below.

**Figure 4: Railway Projects Approved for Diversion within PAs in 2019**

**Mumbai-Ahmedabad High Speed Rail (Bullet Train) (Maharashtra)**

- Location: Palghar, Thane & Mumbai (Suburban)
- Will divert 118.78 hectares from Thane Creek Flamingo Sanctuary, Sanjay Gandhi National Park & Tungareshwar Sanctuary
- Will additionally divert 97.52 hectares from eco-sensitive zone of Thane Creek Flamingo Sanctuary
- Will entail felling of 54,000 Mangrove Trees
- Thane Creek is an Important Bird Area & more than 205 bird species have been reported
- Sanjay Gandhi National Park is a unique Leopard Habitat & Tungareshwar sanctuary lies adjacent to it
- Neither SBWL nor NBWL considered the cumulative impact of the proposed Bullet Train in light of the infrastructure projects already approved & those under consideration

**Castle Rock-Kulem-Madgaon Railway Doubling Project (Goa)**

- Location: South Goa
- Will divert 128.27 hectares of forest land from the very dense forests of Bhagwan Mahavir Sanctuary
- Will additionally divert 8.2072 hectares of forest land from eco-sensitive zone of Bhagwan Mahavir sanctuary and 1.98 hectares of forest land from South Goa Forest Division
- Will entail felling of 22,882 trees
- The proposed area forms habitat of Tiger, Panther, Bison, Sloth Bear, Barking Deer, Wild Dog and lies in the eco-sensitive area of Western Ghats
- There will be severe damage to the habitat & project will involve hill side cutting and filling; increasing chances of landslide and erosion

**Sakri-Biraul-Kusheshwar Asthan Railway (Bihar)**

- Location: Darbhanga
- The 6.1 km railway line will divert 9 hectares of forest land from Kusheshwar Asthan Bird sanctuary and 29 hectares of forest land from its eco-sensitive zone
- The sanctuary is a habitat of migratory birds such as Dalmatian Pelican Indian Darter; Bar headed Goose; White Winged Wood Duck; Marbled Teal; Siberian Crane and Indian Skimmer
- Acquisition and part construction of railway on both ends is complete
- As per CWLW, the rail will severely impact the wetland characters by upsetting the aquatic bio-physical features and natural biodiversity of the bird habitat
- Proposal was recommended on the condition of structural mitigation measures (overpasses) and practical non-structural mitigation measures

*Source: Compilation based on NBWL Minutes and Official Forest Documents uploaded on PARIVESH Website*

A total of 17 proposals which either entailed construction of new roads or widening or upgradation of existing roads within PAs were approved. Analysis shows that two proposals entailed construction of fresh roads, 10 involved upgradation of existing roads (without widening) and five proposals involved widening (along with upgradation) of existing roads. In this context, it is important to note the approvals granted for diversion within Melghat and Rajaji tiger reserves (see Box No.2).

### Box No. 2: NBWL's approvals for Roads within Tiger Reserves not in sync with its own Guidelines?

With respect to construction/repair of roads passing through PAs and tiger reserves, the sub-committee of NBWL has issued guidelines. It was recommended by the sub-committee that status quo of the roads passing through Core/Critical Tiger Habitat (CTH) of Tiger Reserves and within one-kilometre zone of the CTH will remain the same. This means that no widening or upgradation of the existing road is allowed. Therefore, if it is an existing tarred road, it shall be maintained such and no widening of the tarred surface or the widening of the tarred road itself may be done (MOEF&CC Wildlife Division 2014). Given these guidelines, the standing committee approved construction of roads within CTH of Rajaji Tiger Reserve (Uttarakhand) and upgradation of roads within Melghat Tiger Reserve (Maharashtra).

#### (a). Rajaji Tiger Reserve:

Approval was given for construction of motor road connecting Naudkhal Mala village and Kota village in Yamkeshwar tehsil of Pauri Garhwal district. The 7-kilometre road will cut through Rajaji National Park (which forms the CTH of Rajaji Tiger Reserve). In addition to this, approval was also given for construction of motor road connecting Malakot and Sirasu village. In addition to affecting the CTH of the tiger reserve, this road will also cut through the eco-sensitive zone of the Rajaji National Park. The proposals involve diversion of 17 hectares of forest land and felling of 370 trees. The approval was subject to the condition that user agency will put speed breakers and/or rumble strips at an interval of every 400-500 meters along the entire stretch of the road. The user agency was also directed to construct animal passage culverts with a dimension of at least 5-metre height and 40-50-metre width.

#### (b). Melghat Tiger Reserve:

Approval was given for upgradation of three roads within Melghat tiger reserve. These were for renovation of Chaurakund-Khopan-Kholmar road, Karanjheda-Hatru-Raipur-Semadoh road (Part-III) and Karanjheda-Hatru-Raipur-Semadoh (Part III) road existing within the reserve. The approval was given based on the condition that upgradation (from existing gravel to cement concrete road) will be allowed only in the muddy portion, with no widening of the road itself. The user agency was also directed to modify the road design as per Animal Passage Plan on the basis of Wildlife India Institute (WII's) guidelines Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures. These projects were later stayed by Supreme Court's Central Empowered Committee (CEC) to assess the adequacy of the mitigation measures against the adverse ecological impacts on the tiger reserve (Pinjarkar 2019b).

### b. Proposals Rejected

**Only one proposal for diversion within PAs was rejected.** This was for diversion of 160.94 hectares of forest land from the Wan Wildlife sanctuary (which forms the core of Melghat Tiger Reserve, Maharashtra) for widening the 176 km Akola-Khandawa Railway Line from metre gauge to broad gauge. The proposal was rejected on the basis of National Tiger Conservation Authority (NTCA) report which highlighted that proposed railway line will fragment the core/ critical tiger habitat (CTH) and recommended that railway authorities should take up alternate routes/alignments bypassing the tiger reserve.

### iii. DIVERSION WITHIN TIGER HABITATS

NEHA SINHA



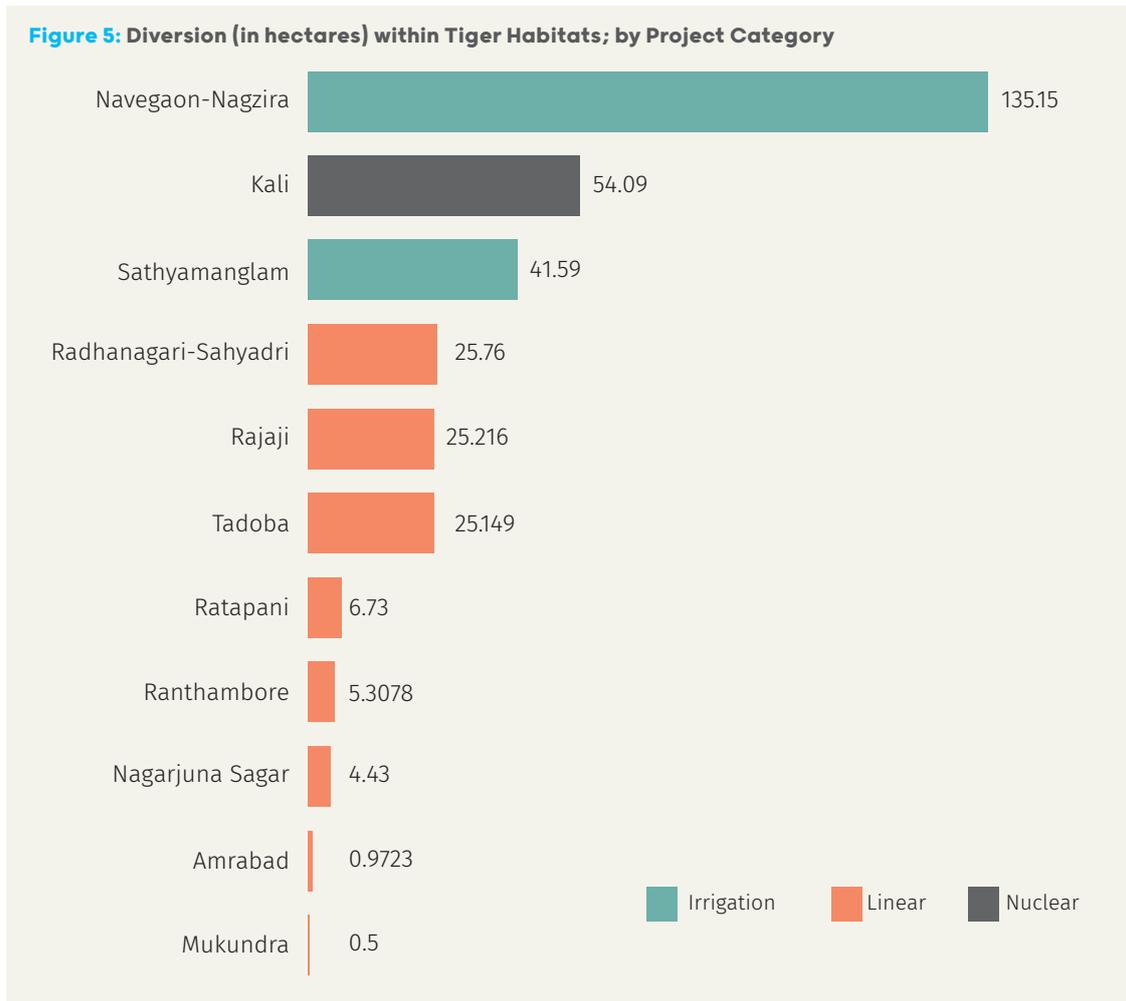
A MALE TIGER (*Panthera tigris*) IN PENCH TIGER RESERVE, MADHYA PRADESH

This section deals with approvals given by NBWL to projects proposed within tiger habitats. For this analysis, the term ‘tiger habitats’ includes tiger reserves as notified under the provisions of Wildlife (Protection) Act, 1972 (as amended in 2006), and forest lands lying contiguous to notified tiger reserves. These forest lands may serve as important corridors for dispersal of tigers and other wildlife. Given this definition, projects within tiger habitats, therefore, include the following (i) projects within notified tiger reserves and (ii) projects proposed over forest lands which lie contiguous to the notified tiger reserve.

Further, in this analysis, we have also taken into consideration diversion projects proposed within Ratapani Wildlife Sanctuary (Madhya Pradesh). The NTCA had given in its in-principle approval for notifying of the wildlife sanctuary as a tiger reserve, however, the state government is yet to submit the final proposal for notification to the Central Government (Staff Reporter 2019). Lastly, the analysis also takes into consideration a diversion proposal approved within the tiger corridor connecting the tiger population in the Sahyadri Tiger Reserve with that of Goa (Mhadei Wildlife Sanctuary) through the Radhanagari Wildlife Sanctuary.

Our analysis finds that 21 proposals spread over 324.89 hectares was approved for diversion within tiger habitats. Out of these 21 proposals, 18 were for linear infrastructure, two were for irrigation and one for a nuclear facility. Figure 5 presents the category-wise break-up of diversion within tiger habitats. We have also highlighted case studies from different tiger habitats to better understand the diversion which took place.

**Figure 5: Diversion (in hectares) within Tiger Habitats; by Project Category**



**a. Navegaon-Nagzira Tiger Reserve, Maharashtra**

The maximum diversion took place within Navegaon-Nagzira Tiger Reserve. This was due to diversion of 135.15 hectares of forest land for construction of the Nimgaon Minor Irrigation tank in Maharashtra’s Gondia district. Out of 135.15 hectares, 110.65 hectares lies within the buffer zone of the Navegaon-Nagzira Tiger Reserve and rest 24.49 hectares within the eco-sensitive zone of the tiger reserve. The proposal was considered by the NBWL in its meeting dated 18.07.2019 and as per the Agenda Notes for the meeting, *90% of the project work was already completed without clearance from the NBWL* (NBWL 2019a). The project was recommended by the State Chief Wildlife Warden (CWLW) on the condition that no construction or maintenance work will be carried from July to October which is the breeding season of wild fauna and that use of heavy noise-making machines within the buffer zone and eco-sensitive zone would be kept at minimal levels. Lastly, the irrigation tank will be given to the Forest Department free of cost for development purposes. The NTCA recommended that the canal should be covered and made to run underground through pipes to avoid disrupting the habitat of wildlife. To ensure unrestricted movement of wildlife, the aboveground surface of the pipe canal will be landscaped to look natural. The project was finally approved by the committee based on the conditions imposed by the State CWLW and NTCA.

### Box No. 3: Expansion of Kaiga Nuclear Plant and its impact on Kali Tiger Habitat

The NBWL approved diversion of 54.09 hectares of forest land located at 1.3 km from the boundary of Kali Tiger Reserve for expansion of Kaiga Nuclear Power Plant. The proposal was for enhancing the capacity of Kaiga Units 5 and 6 from the present 2\*235 MWe to 2\*700 MWe. As per minutes of the meeting, *“the proposed project site is adjacent to the Kadra Dam Reservoir which is a part of the Kali river estuarine system supporting a rich floral and faunal diversity”* (NBWL 2019b). The project site falls in three villages viz., Kaiga, Mallapur, and Virje of Karnataka’s Uttara Kannada district which has been identified as Ecologically Sensitive Areas (ESA) in the report of *The High-Level Working Group on the Western Ghats chaired by Dr. K. Kasturirangan* (HLWG–Western Ghats 2013). The project site also coincides with the eco-sensitive zone of the Anshi National Park. The project will entail a felling of 8,700 mature trees in a tropical forest which harbors some of the richest biodiversity. Additionally many thousands more mature trees will be cut to construct new transmission lines to transport the additionally generated power (Sharma 2019). Report by Indian Institute of Science, Bangalore titled *“Ecological Sustainability of Riverine Ecosystems in Central Western Ghats”* analyzed the ecological impact of large human interventions in the Kali River Basin and estimated that the cover of evergreen and semi-evergreen forests in this region has come down from about 62% to 39% due to hydroelectric, infrastructure projects and monoculture plantations. Given the ecological sensitivity of the area, the report has recommended the prohibition of certain human activities, which includes the setting/expansion of nuclear and hydropower stations. These activities will entail the withdrawal of large volumes of water from the Kali River (Ramachandra, Setturu and Vinay 2018) (Sharma 2019). As per the EIA report of the project, the proposed water reactors will demand 9,000 m<sup>3</sup>/hr of water, out of which 6,346 m<sup>3</sup>/hr will be towards consumptive use and rest will be returned to the reservoir. Consumption of 6,346 m<sup>3</sup>/hr of water implies a daily consumption of 1, 52, 304 m<sup>3</sup> (or 1, 52,304–kiloliters) of fresh water. At the rate of 100 liters per day, this can meet the daily water requirement of about 15 lakh people (Sharma 2019).

The proposal for enhancement of the capacity of Kaiga Nuclear Power Plant was considered by the Karnataka SBWL in their meeting dated 09.01.2019 where it was noted that pending ratification from the board, the Chairman and Vice–Chairman had already approved the proposal to be placed before the standing committee (Karnataka SBWL 2019). The project was approved subject to conditions imposed by NTCA. The NTCA recommended the project on the condition that liquid effluents emanating from the proposed power station units should be treated for conforming to the standards prescribed by the Central/State Pollution Control Boards, International Commission for Radiological Protection (ICRP) and Atomic Energy Regulatory Board (AERB). It was also clarified that the Karnataka Forest Department will ensure that no forest land around the power plant is diverted for construction of residential areas, access roads etc. (NBWL 2019b). There was no recorded discussion on the impact of the expansion of the power plant on the Kali Tiger Reserve.

#### **b. Sathyamangalam Tiger Reserve, Tamil Nadu**

After Kali, the highest diversion occurred in Sathyamangalam tiger habitat in Tamil Nadu. The NBWL approved diversion of 35.8 hectares within Sathyamangalam Wildlife Sanctuary, which forms part of Sathyamangalam Tiger Reserve for construction of irrigation tank to improve irrigation facilities in Kanakkampalayam village falling within the buffer of the tiger reserve. The forest land proposed for diversion is the habitat of Asian Elephant, Leopard, Tiger, Wild Dog, Indian Gaur, Spotted Deer, and Sloth Bear and the project will affect 6,013 trees (DCF Sathyamangalam 2019). The project was recommended on the condition that the user agency should explore possibilities so that the left and right-side canals can be made underground by closed conduit pipelines to ensure the uninterrupted movement of elephant and other wildlife. In case the construction of closed canals is not possible, then both canals should be provided with overpasses. The NTCA had further directed the user agency that the proposed irrigation tank must be designed and implemented in a way so that the minimum ecological flow does not get impacted. (NBWL 2019b).

#### **c. Radhanagari-Sahyadri Tiger Corridor**

After Sathyamangalam tiger habitat, it is important to note the approval for construction of a two-lane road connecting SH-120 and SH-121 in Sindhudurg and Kolhapur districts of Maharashtra. The 9.29 km road will pass through the default eco-sensitive zone of the Radhanagari Wildlife Sanctuary and is located 2.75 km away from the boundary of the sanctuary (NBWL 2019a). The project will divert 25,76

hectares of dense forest and entail felling of 11,210 trees (REC Nagpur 2016). The sanctuary lies at the southern end of Sahyadri Hills in the Western Ghats and harbors 47 species of mammals, 59 species of reptiles, 264 species of birds, and 66 species of butterflies. The proposed road forms part of the corridor which connects the tiger population of the Sahyadris with that of Goa (Mhadei Wildlife Sanctuary). The Indian Bison or Guar is the flagship species of the sanctuary and the area has also been designated as an Important Bird Area due to the presence of rare and globally threatened Nilgiri wood pigeon (*Columba elphinstonii*). **Assessment made by WII suggests that the proposed road will hamper the connectivity of Sahyadri-Radhanagri-Goa Landscape and affect the movement of tigers in the landscape. Besides, it would also affect the free movement of the Gaur, the flagship species of the area, and other animals** (WII 2016). The project was approved and in order to mitigate the impact of the road on the wildlife corridor, the user agency was directed to construct one 1,100 m length flyover-bridge and three major bridges with sound and light barriers on both sides. The user agency was also directed to modify the road design as per the animal passage plan prepared following WII Guidelines on *Eco-friendly Measures to Mitigate Impacts on Linear Infrastructures on Wildlife* (NBWL 2019a).

RTIWICK DUTTA



ASIAN ELEPHANT (*Elephas maximus*) WITH A HERD OF INDIAN GAUR (*Bos gaurus*) IN JALDAPARA NATIONAL PARK, ALIPURDUAR, WEST BENGAL

#### d. Tadoba-Andheri Tiger Reserve

Approval was granted for diversion of 25,149 hectares of forest land in the corridor of Tadoba-Andheri Tiger Reserve for construction of 800 Kv High Voltage (HV) Direct Current (DC) Transmission Line. The power line will connect Raigarh in Chhattisgarh with Pugalur in Tamil Nadu. The proposal was approved on the condition that insulated cables/underground cables should be used in the proposed stretch of the transmission line passing through forest and important wildlife areas. The committee also directed that power lines within 2 km of forest land and important wildlife areas will be marked with bird reflectors (NBWL 2019a).

While the forest land under the 'tiger corridor' is 25,149 hectares, the actual forest land required for the transmission line is 432,6791 hectares which will pass through four forest divisions in Maharashtra's Chandrapur district viz., Wadsa (328.78 hectares); Chandrapur (52.821 hectares); Brahmapuri (46.2291 hectares) and Central Chanda (4.849 hectares). As per the submission made by DCF Wadsa, the proposed area is the habitat of Tiger, Panther, Hyena, Wild Dog, Wolf, Bison, Wild Pig, and Wild Boar (DCF Wadsa 2017). Further, the proposed area under the Brahmpauri forest division also has recorded movement of wildlife such as Tiger, Panther, Hyena, Wild Pig, Cheetal, Sambar, Common langur, and Hare (DCF

Brahmapuri 2017). Lastly, as per submissions by DCF Chandrapur, Tiger is found in and around the forest land proposed for diversion (DCF Chandrapur 2017). This shows that the proposed transmission line will in total divert 427.83 hectares of tiger habitat (over three forest divisions mentioned above). Analysis of the submissions also indicate that power line will entail felling of 56,768 trees. This aspect was not taken into consideration by the NBWL as the committee had restricted its attention to the ‘tiger corridor’ (25.15 hectares) in question and not on the impact of the power line on the larger ‘tiger habitat’ (427.83 hectares).

NEHA SINHA



THE INDIAN LEOPARD (*Panthera pardus*) LOOKS THROUGH FOLIAGE IN A FOREST IN MADHYA PRADESH

## V. EMERGING CONCERNS

Based on the above analysis, a few concerns are outlined below:

### i. APPROVALS ARE NOT IN ACCORDANCE WITH WILDLIFE (PROTECTION) ACT, 1972

India under its Wildlife (Protection) Act, 1972 provides for the creation of PAs which means national parks, wildlife sanctuaries, conservation reserves and community reserves<sup>7</sup> where national parks and wildlife sanctuaries enjoy a comparatively higher degree of protection. The law prohibits damage, destruction or diversion of wildlife sanctuaries and national parks unless it is for the improvement and better management of wildlife<sup>8</sup>. While the central idea here is to create functioning areas for wildlife conservation by keeping them away from human activity or human disturbance; approvals have been given for carrying out activities such as railways, roads, mining, infrastructure projects, etc. within these areas. Specifically, approval was given for diversion of 409.75 hectares (spread across 39 proposals) within wildlife sanctuaries and national parks in 2018 and for another 474.09 hectares (spread across 63 proposals) within wildlife sanctuaries and national parks and 7.488 hectares (spread across 2 proposals) in conservation reserves in 2019. A review of the minutes shows that none of the proposals for diversion within wildlife sanctuaries and national parks is backed with reasons on how it benefits wildlife. This means that the approvals granted are not in accordance with the provisions of the Wildlife (Protection) Act, 1972.

### ii. LIMITED IMPACT ASSESSMENTS

Constituted under the provisions of Wildlife (Protection) Act, 1972<sup>9</sup>, the NBWL has to carry out impact assessments of various projects and activities on wildlife or its habitat (NBWL 2010) (NBWL 2014). However, our analysis indicates that while considering proposals that entail diversion of wildlife habitats, rarely does the standing committee call for impact assessments. As clear from the minutes, discussion on any proposals begins with a basic description of the proposal and the protected area to be

<sup>7</sup> Section 24 A of Wildlife (Protection) Act, 1972

<sup>8</sup> Section 29 of Wildlife (Protection) Act, 1972

<sup>9</sup> Clause (c) of Sub-section 2 of Section 5C of Wildlife (Protection) Act, 1972

affected. This is followed by the recommendations of the concerned SBWL and the CWLW. In the end, the proposal is approved (in most cases) by the committee subject to mitigation measures. There is no recorded discussion on how the proposed diversion will impact the wildlife habitat. A case in point is the Bullet Train which will not only divert an Important Bird Area and a unique leopard habitat but also entail felling of 54,000 mangrove trees. Further, while approving the proposal for Castle Rock-Kulem-Madgaon Railway Doubling Project, the committee did not consider the impact of the massive linear intrusion on the very dense forest of Bhagwan Mahavir Wildlife Sanctuary. As per Background Paper for National Board for Wildlife titled “Framing Ecologically Sound Policy on Linear Intrusions Affecting Wildlife Habitats”, “Railway Lines are linear intrusions, and like roads, cause a multiplicity of ecological problems that deserve attention besides direct mortality of wildlife. In natural areas, these include habitat and population fragmentation, habitat loss and degradation spread of invasive alien species, pollution and garbage accumulation” (Raman 2011). However, such impacts are not studied before granting approvals. Finally, another case deserves mention. This was for diversion within corridor of Tadoba-Andheri Tiger Reserve for the 800 KV HV DC Raigarh-Pugalur transmission line. As visible from the minutes, there was no discussion on the likely impact of the transmission line (and consequent tree felling) on the existing human-tiger conflict in the area proposed for diversion. The proposed transmission will partially pass through the Brahmapuri Forest Division which has emerged as a hotspot for human-wildlife conflict. From 2016 to 2019, 34 human deaths and 304 cases of human injuries due to wild animal (especially, tiger) attacks have been officially reported from the forest division (Pinjarkar 2019a). However, none of these aspects were taken into consideration while considering the proposal.

BIPLAP HAZARA



ELEPHANTS (*Elephas maximus*) CROSSING A RAILWAY TRACK IN WEST BENGAL

The NBWL in a very limited number of cases had called for impact assessments. For example, in the case of Coal India Limited’s Tikok Open Cast Mining Project proposed in Dehing Patkai Elephant Reserve, Assam, a site inspection was called to assess the impact of mining on elephant corridor. The site inspection revealed that out of 98.59 hectares of forest land proposed for diversion, 57.20 hectares is already broken and 41.39 hectares is fresh forest land. The sub-committee of NBWL (which conducted the inspection) revealed that area proposed for diversion lies adjacent to the good forest area in Arunachal Pradesh which includes the Deomali Elephant Reserve with a sizeable population of elephants. It recommended that it would be prudent to preserve the basic integrity of the forested hill slope and that a cautious approach needs to be adopted in the light of the rich biodiversity. Based on the site inspection, the NBWL decided to defer the proposal (NBWL 2019c). Further, in the case of construction of intake well in Chambal River (within National Chambal Wildlife Sanctuary), the standing committee took into consideration the fact that the CWLW had recommended against the project as the proposed construction site of the intake well was in proximity to the habitat of mugger crocodile (*Crocodylus palustris*), Gharial (*Gavialis gangeticus*), Indian skimmer (*Rynchops albicollis*), Gangetic Dolphin (*Platanista gangetica*) and freshwater turtles. The CWLW had referred to the NBWL meeting date 25.04.2011 wherein based on a WII Report, the committee decided that no new proposals for water diversion from Chambal will be henceforth approved. The present NBWL, therefore, decided to defer the proposal until the State

Government explores alternative sources of water (NBWL 2019c).

## VI. CONCLUSION

Firstly, the NBWL is India's apex body for wildlife conservation. It has been established to frame policies and advise Central and State Governments on the ways and means for promoting wildlife conservation. The standing committee of the NBWL exercises all its powers and performs all its statutory duties. Therefore, being the standing committee of the topmost body in the country for wildlife conservation, it is incumbent upon the committee to delve into every proposal before it to the utmost depth and to discern whether the proposal would have a beneficial impact on the conservation of wildlife in the country. However, the present analysis shows that the only objective of the NBWL is to clear proposals that entail diversion of PAs. Out of 67 proposals considered for diversion, only one was rejected.

Secondly, while considering diversion proposals, it is important to understand the ecological implications of the proposed diversion and then take a decision in line with the objectives of the Wildlife (Protection) Act, 1972. For example, it is a known fact that permanent linear intrusions (such as railway and road) in natural areas cause habitat loss and habitat fragmentation, and therefore, by no means can they be beneficial for wildlife. However, approval is given to them in violation of the Act. It is a disturbing finding that while deliberating over proposals that entail diversion of tiger habitats, there is no recorded discussion on the impact of the proposed activity on the tiger and its habitat. While an economics-based case is often made highlighting the benefits from the proposed activity, what is missing is a science-based case highlighting the ecological costs due to the project. What is worrisome is that NBWL does not even call for such assessments to be undertaken.

Thirdly, under Wildlife (Protection) Act, 1972, Tiger Conservation Plans for Tiger Reserves are prepared to ensure ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserves with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridors for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas<sup>10</sup>. Further, the plans also ensure that the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation<sup>11</sup>. Given these provisions, approval for destructive land uses such as roads, high voltage transmission lines, irrigation canals and pipelines and nuclear infrastructures which fragment tiger habitats, block migratory corridors, fell thousands of trees from tropical forests within tiger reserves and accentuate negative human-wildlife interactions is incompatible with the Tiger Conservation Plans. Importantly, none of the approvals granted within the wildlife sanctuaries and national parks are permissible under the provisions of Wildlife (Protection) Act, 1972.

### NOTES

1. As far as diversion proposals within PAs are concerned, the NBWL (under Section 5C of Wildlife (Protection) Act, 1972) has jurisdiction over National Parks, Wildlife Sanctuaries, Conservation Reserves, and Community Reserves. However, as per "Guidelines on Taking up Non-Forestry Activities in Wildlife Habitats", dated December 2012 released by Wildlife Division of MOEF&CC the Standing Committee of NBWL has jurisdiction of National Parks, Wildlife Sanctuaries and Conservation Reserves. There is no mention of whether diversion proposals within Community Reserves can be considered by the NBWL or not.
2. The two proposals deferred were for diversion of 1.267 hectares from the National Chambal Gharial Wildlife Sanctuaries (Sheopur, Madhya Pradesh) for construction of Intake Well in Chambal River and diversion of 11.15 hectares from Govind Pashu Vihar National Parks (Uttarkashi district, Uttarakhand) for construction of a motor road connecting the villages of Kotgaon and Kalap.

### CASES CITED

T.N. Godavarman Thirumalpad V. Union of India (2006): Writ Petition (Civil) No. 202 of 1995, Supreme Court of India Order dated 04.08.2006

<sup>10</sup> Section 38V (3) (b) of Wildlife (Protection) Act, 1972

<sup>11</sup> Section 38V (3) (c) of Wildlife (Protection) Act, 1972

## REFERENCES

1. DCF Brahmapuri (2017): "Site Inspection Report for 800 KV HVDC Raigarh-Pugalur Transmission Line," New Delhi: Ministry of Environment, Forest and Climate Change; Government of India, [http://forestsclearance.nic.in/writereaddata/2017\\_12\\_02\\_Dec\\_2017\\_133327417\\_siteinspect\\_siteinspection.pdf](http://forestsclearance.nic.in/writereaddata/2017_12_02_Dec_2017_133327417_siteinspect_siteinspection.pdf)
2. DCF Chandrapur (2017): "Site Inspection Report for 800 KV HVDC Transmission Line from Raigarh to Pugalur," New Delhi: Ministry of Environment, Forest and Climate Change; Government of India, [http://forestsclearance.nic.in/writereaddata/2018\\_1\\_10\\_Jan\\_2018\\_171808327\\_siteinspect\\_ChandrapurDivSiteInspectionReportbyDFO.pdf](http://forestsclearance.nic.in/writereaddata/2018_1_10_Jan_2018_171808327_siteinspect_ChandrapurDivSiteInspectionReportbyDFO.pdf)
3. DCF Sathyamangalam (2019): "Part II (of Form A) of Kanakkampalayam Tank Scheme in Sathyamangalam Tiger Reserve," New Delhi: Ministry of Environment, Forest and Climate Change, Government of India, [http://forestsclearance.nic.in/PartIIReport\\_A.aspx?pid=FP/TN/IRRIG/25052/2017](http://forestsclearance.nic.in/PartIIReport_A.aspx?pid=FP/TN/IRRIG/25052/2017)
4. DCF Wadsa (2017): "Site Inspection Report for 800 KV D/C Raigarh-Pugalur Transmission Line," New Delhi: Ministry of Environment, Forest and Climate Change; Government of India, [http://forestsclearance.nic.in/writereaddata/o\\_o\\_18\\_May\\_2018\\_122421677\\_siteinspect\\_siteinspectin.pdf](http://forestsclearance.nic.in/writereaddata/o_o_18_May_2018_122421677_siteinspect_siteinspectin.pdf)
5. HWLG-Western Ghats (2013): "Report of the High-Level Working Group on Western Ghats Volume. II", New Delhi: Ministry of Environment, Forest and Climate Change; Government of India, pp 10-11 (Volume 2 Section), <https://indiabiodiversity.org/biodiv/content/documents/document-01861bd9-9b5c-42b8-9b52-74df36ed3502/6.pdf>
6. Karnataka SBWL (2019): "Minutes of the 11th Meeting of Karnataka State Board for Wildlife dated 09.01.2019," Bangalore: Government of Karnataka, pp 10, [http://forestsclearance.nic.in/writereaddata/Sec\\_Letter/o\\_o\\_11\\_Mar\\_2019\\_164529713\\_minuts\\_FEE32FLL2018.pdf](http://forestsclearance.nic.in/writereaddata/Sec_Letter/o_o_11_Mar_2019_164529713_minuts_FEE32FLL2018.pdf)
7. MOEF&CC Wildlife Division (2014): "Recommendations of Sub-Committee on Guidelines for Roads in Protected Areas," New Delhi: Ministry of Environment, Forest and Climate Change; Government of India, pp 4, <http://moef.gov.in/wp-content/uploads/2018/03/wl-141113.pdf>
8. NBWL (2010): "Notification for Constitution of Standing Committee of National Board for Wildlife," New Delhi: Ministry of Environment, Forest and Climate Change; Government of India, [http://moef.gov.in/wp-content/uploads/2018/03/Standing%20Committee%20NBWL\\_o.pdf](http://moef.gov.in/wp-content/uploads/2018/03/Standing%20Committee%20NBWL_o.pdf)
9. NBWL (2014): "Notification for Constituting Standing Committee of National Board for Wildlife," New Delhi: Ministry of Environment, Forest and Climate Change; Government of India, <http://moef.gov.in/wp-content/uploads/2018/03/STANDING%20COMMITTEE%20OF%20NBWL-%20NOTIFICATION.pdf>
10. Pinjarkar, Vijay (2019a): "What ails Brahmapuri Tiger Landscape?" The Times of India Nagpur, May 14, <https://timesofindia.indiatimes.com/city/nagpur/what-ails-brahmapuri-tiger-landscape/articleshow/69298676.cms>
11. Pinjarkar, Vijay (2019b): "CEC stays road proposals in the core of Melghat Tiger Reserve," Times of India Nagpur, November 26, <https://timesofindia.indiatimes.com/city/nagpur/CEC-stays-road-proposals-in-core-of-Melghat-Tiger-Reserve/articleshow/72230934.cms>
12. Ramachandra, T.V., Bharath, Setturu and S. Vinay (2018): "Ecological Sustainability of Riverine Ecosystems in Central Western Ghats," Journal of Biodiversity, 1-2 (9), pp 32, <http://wgbis.ces.iisc.ernet.in/energy/water/paper/Ecological%20sustainability/JBD-09-1-025-18-078-Ramachandra-T-V-Tx%5B3%5D.pmd.pdf>

13. Raman, T. S. (2011): "Framing Ecologically Sound Policy on Linear Intrusions Affecting Wildlife Habitats: A Background Paper for the National Board for Wildlife, "New Delhi: Ministry of Environment, Forest and Climate Change, Government of India. pp 19, <http://moef.gov.in/wp-content/uploads/2018/04/Linear-intrusions-background-paper.pdf>
14. REC Nagpur (2016): "Minutes of the 10th Meeting of Regional Empowered Committee of Regional Office MOEF&CC Nagpur dated 25.01.2016." New Delhi: Ministry of Environment, Forest and Climate Change; Government of India. 14, [http://forestsclearance.nic.in/writereaddata/SAG\\_Minutes/2112912112131MINUTESOFTHE10THMEETINGOFTHEREGIONALEMPOWEREDCOMMITTEE.pdf](http://forestsclearance.nic.in/writereaddata/SAG_Minutes/2112912112131MINUTESOFTHE10THMEETINGOFTHEREGIONALEMPOWEREDCOMMITTEE.pdf)
15. NBWL (2019a): "Minutes of the 54th Meeting of Standing Committee of National Board for Wildlife dated 18.07.2019." New Delhi: Ministry of Environment, Forest and Climate Change, Government of India, pp 16-18, 22-25, [http://forestsclearance.nic.in/writereaddata/Order\\_and\\_Release/911181221212154.pdf](http://forestsclearance.nic.in/writereaddata/Order_and_Release/911181221212154.pdf)
16. NBWL (2019b): "Minutes of the 55th meeting of the Standing Committee of National Board for Wildlife dated 29.08.2019." New Delhi: Ministry of Environment, Forest and Climate Change, Government of India, pp 34-36, 42-43, [http://forestsclearance.nic.in/writereaddata/Order\\_and\\_Release/91118125712121M-55.pdf](http://forestsclearance.nic.in/writereaddata/Order_and_Release/91118125712121M-55.pdf)
17. NBWL (2019c): "Minutes of the 56th meeting of the Standing Committee of National Board for Wildlife (NBWL) dated 17.12.2019." New Delhi: Ministry of Environment, Forest and Climate Change; Government of India, pp. 1-4, [http://forestsclearance.nic.in/writereaddata/Order\\_and\\_Release/11122125412111Minutes\\_of\\_56th\\_Meeting\\_17\\_12\\_2019.pdf](http://forestsclearance.nic.in/writereaddata/Order_and_Release/11122125412111Minutes_of_56th_Meeting_17_12_2019.pdf)
18. Sharma, Shankar (2019): Representation to Prime Minister on Societal Concerns over the Environmental Clearance (EC) accorded for the expansion of Kaiga Nuclear Power Project, Karnataka, pp 2, 3, 9, 11, 12 (shared over email correspondence)
19. Staff Reporter (2019): "Final Decision over Notification of Ratapani Tiger Reserve Delayed," The Hitvada: The People's Paper, December 15, <https://www.thehitavada.com/Encyc/2019/12/15/Final-decision-over-notification-of-Ratapani-Tiger-Reserve-delayed.html>
20. WII (2016): "Mitigation Measures for proposed Sonawade-Ghotage Road Connecting SH-120 and SH-121 in Sindhurg District, Maharashtra," Dehradun: Wildlife India Institute, pp13, <http://forestsclearance.nic.in/writereaddata/wildlife/Userdetail/4112712161220U1E6ZBiodiversityImpactAssessmentReport.pdf>

Key: 100 hectares =1 km<sup>2</sup>



RITWICK DUTTA

ASIAN ELEPHANT (*Elephas maximus*) IN GORUMARA NATIONAL PARK, JALPAIGURI, WEST BENGAL

Legal Initiative for Forest and Environment (LIFE) is a national level group which promotes environmental democracy and justice through creative use of law and evidence based advocacy.

**SUGGESTED CITATION :** LIFE (2020): "Analysis of Wildlife Clearances in India 2019 (January-December) Vol II No. 2", New Delhi: Legal Initiative for Forest and Environment

SUPPORTED BY



**PRINCIPAL OFFICE**

N-71, Lower Ground Floor,  
Greater Kailash - I,  
New Delhi -110048  
[www.thelifeindia.org.in](http://www.thelifeindia.org.in)

**REGIONAL OFFICE**

AC-160, Sector-1, Salt Lake, Kolkata- 700064  

---

Flat No.5, Gulmohar Court, Lane-B,  
Koregaon Park, Pune – 411001