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Analysis of Wildlife Clearances in India, 2020 (January-December)

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SUMMARY

The National Board for Wildlife has a mandate to “promote the conservation and development of wildlife and forests by such measures as it thinks fit”. The Standing Committee of the National Board for Wildlife (SC-NBWL) has the discretion to perform the duties and exercise powers that are delegated to it by the Board. The SC-NBWL has been found to be taking all the decisions while the National Board has not met in over six years, since its reconstitution.

Both the SC-NBWL and the Board in their current form have functioned contrarily to their mandate. For years, they have continued to grant approvals for projects that provide no benefit to wildlife but instead cause dissection and destruction of crucial habitat. Our report has examined all the decisions taken by the SC-NBWL in 2020, their violations of the Wildlife Act and the likely impacts of the approved projects on wildlife habitats and protected areas.

That year, the SC-NBWL approved diversion of 1792.51 ha of wildlife habitat. Most of the projects cleared were for linear diversion within sanctuaries, national parks and tiger reserves. Linear projects are known to be especially destructive because they fragment the entire landscape and interrupt the movement range of animals.

This report on wildlife clearances is an annual publication and the overarching finding through the years of analysis is that the board has failed its mandate and functioned as a clearance body instead.

KEY FINDINGS

- SC-NBWL considered a total of 82 proposals, out of which 25 proposals were for diversion within wildlife sanctuaries and national parks.
- Two approvals were given for deletion of 1,08,983 hectares (ha) or 1089.83 km² of Protected Area from Hastinapur Wildlife Sanctuary in Uttar Pradesh and Great Indian Bustard (Son Chidiya) Sanctuary in Madhya Pradesh.
- A total of 160.33 ha was diverted in wildlife sanctuaries, national parks and conservation reserves; no proposal was rejected.
- 40.74 % of diversion is due to linear projects (transmission lines, roads, railways and bridges)
- 1040.47 ha approved for diversion from Eco-Sensitive Zones, of which 889.94 ha is forest land and rest 150.53 ha is non-forest land.
- 594.5752 ha was approved for diversion within tiger habitats for linear projects, defense and infrastructure development.

INTRODUCTION

The National Board for Wildlife 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 country¹ and is tasked with promoting conservation and development of wildlife and forests. In addition to framing policies and advising the 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, conservation reserves and community reserves². The law mandates the National Board for Wildlife to constitute a Standing Committee for carrying out its various duties and functions³. Having been delegated the powers of the National Board, the Standing Committee is required to consider proposals that involve the use of land from PAs for activities such as mining, irrigation, roads, highways, etc. It is the responsibility of the Standing Committee of National Board for Wildlife to screen these proposals, seek additional information

Box No. 1: The Current Status and Functioning of NBWL

The composition of the National Board, under clause (e) of Section 5A of the WLP, should have five representatives from non-governmental organisations (NGOs) and under the clause (f) of the same section; it should have ten persons amongst conservationists, ecologists and environmentalists. As per a response given by Minister of State, Ministry of Environment, Forest and Climate Change Babul Supriyo, to questions raised by Rajya Sabha member L. Hanumanthaiah on February 2, 2021, one of the members in the board in its current composition was renowned ornithologist Lav kumar Khachar, serving as an independent member. This is deeply worrisome and reflects a casual approach as Khachar passed away in 2015 (Kukreti 2021). The discrepancy has gone unnoticed for over five years because the board has not conducted a single meeting since its reconstitution by the current government in 2014 (MOEF&CC 2021). Instead, all its duties have been passed on entirely to the Standing Committee. Further, the Gujarat Ecological and Educational Research (GEER) Foundation, listed as an NGO member of the board (NBWL 2014a), has been 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 its members are state government officials, presence of GEER Foundation clearly implies that the committee lacks independent civil society participation.

Under the Section 5C clause (e), it is a mandate of the NBWL to prepare and publish a status report on wildlife in the country at least once in two years. In violation of this clause as well, the board has never prepared any status report on wildlife.

1. Section 5A of Wildlife (Protection) Act, 1972

2. Section 5C of Wildlife (Protection) Act, 1972

3. Section 5B of Wildlife (Protection) Act, 1972

or studies, order for site inspections, and subsequently approve or reject the proposal. Prior approval from the Standing Committee is also mandatory for proposals involving alteration of boundaries of wildlife sanctuaries and national parks⁴.

Further, as per the amendment made to the Wildlife (Protection) Act, 1972 in 2006, approval from Standing Committee of National Board for Wildlife (SC-NBWL) is mandatory for projects which involve diversion of Tiger Reserves and areas which link one PA or Tiger Reserve with another PA or Tiger Reserve⁵.

The SC-NBWL is headed by the Minister of Environment, Forests 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, Forests and Climate Change) from the members of the Board⁶. The committee is required to meet once in three months and its current composition of NBWL is shown in the box no. 2.

Box No. 2: The Current Composition of SC-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 2014b)

4. Sub Section (3) of Section 26 A of Wildlife (Protection) Act, 1972 Sub Section (5) of Section 35 of Wildlife (Protection) Act, 1972

5. Section 38 O (g) of Wildlife Protection Act, 1972 as amended in 2006

6. Sub Section 2 of Section 5B of Wildlife (Protection) Act, 1972

METHODOLOGY

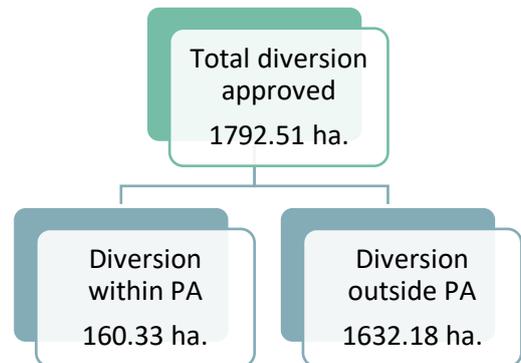
The purpose of this paper is to analyze the wildlife clearances granted by the SC-NBWL. We have been analyzing the approvals made by SC-NBWL for diversion within PAs since 2018. Building upon the analysis carried for the year 2018 and 2019, this paper aims to analyze the approvals granted by SC-NBWL in the calendar year of 2020 (January 01-December 31).

The paper is based on the review and analysis of the minutes of the meetings of the SC-NBWL conducted in 2020. The minutes uploaded on the Wildlife Division of the Ministry of Environment, Forests and Climate Change (MOEF&CC) website are tracked and the projects considered for granting wildlife clearances are documented for analysis. The proposed project areas are then mapped to study their proximity to concerned PAs and affected wildlife habitats.

WILDLIFE CLEARANCE GRANTED IN 2020

The SC-NBWL conducted three meetings in 2020—in April, July and October—where a total of 82 proposals were considered. Of these, 25 involved applications for diversions within PAs, three proposals involved de-notification (deletion) of areas within a wildlife sanctuary for boundary alteration, 23 proposals were for diversions from tiger habitats and the rest 31 were applied for diversion within the 10-kilometer radius (default eco-sensitive zone) from the boundary of the PAs.

A total diversion of 1,792.51 hectares (ha) land was approved under 48 projects in the year 2020. From these, 24 proposals for diversion of 160.33 ha from PAs and 29 proposals from Eco-Sensitive Zone (ESZ) of PA and Tiger Reserves were approved. Besides this, two of the three proposals for de-notification of area from sanctuaries were granted approvals. Four proposals for policy changes were given a nod and four out of five modifications were recommended. No proposal was rejected.



BOUNDARY ALTERATION (DE-NOTIFICATION) OF PROTECTED AREAS

In an order regarding grant of permissions for rationalization of boundaries of sanctuaries and national parks, the Supreme Court directed that such “matters will be considered by the Standing Committee of the National Board for Wildlife on its own merits and in conformity with the orders and directions passed by this Court from time to time”⁷.

The SC-NBWL in 2020 considered three proposals for deletion of areas within PAs for their boundary alteration. Of these, two were approved for deletion of 1,08,983 ha or 1089.83 km² of PA from Hastinapur Wildlife Sanctuary in Uttar Pradesh and Great Indian Bustard (GIB) Sanctuary in Madhya Pradesh. The yellow highlights in Figure 2 represent the areas de-notified from the GIB Sanctuary. One project, which proposed reduction of the area of Kawar Lake Bird Sanctuary (Bihar), was delisted to be relisted later after necessary submissions (NBWL 2020c).

Hastinapur Wildlife Sanctuary

- Location: Uttar Pradesh
- Approved for de-notification of nearly 47% area of this sanctuary—97,810 ha (978.10 km²) from the originally notified 2,07,300 ha (2,073 km²) from the left and right banks of River Ganga
- For scale, this is more than the entire area of Kanha Tiger Reserve, which is about 917.44km²
- Decision to be taken on either addition of 18,762 ha (187.62 km²) area to the sanctuary or notifying the area as ESZ. ESZ declaration means a much lower level of protection
- The diversion would significantly affect the riverine ecosystem of the sanctuary

Great Indian Bustard (GIB) Sanctuary

- Also known as **Son Chidiya Sanctuary**
- Location: Ghatigaon, Madhya Pradesh
- Approved de-notification of 11,173 ha (111.73 km²) from the 51,200 ha of the sanctuary
- This is to exclude 23 villages falling in eight patches within the sanctuary
- The proponent has justified the de-notification stating that residents have been deprived of basic facilities such as healthcare, education, transport, etc.
- 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 government to prepare and implement GIB Conservation, Management and Habitat Restoration Plan

7. Order dated 05.10.2015 I.A.No. 2601/2009 in W. P.(C) No. 202 of 1995.

Figure 2: De-notified area from Great Indian Bustard Sanctuary



Figure 3: Government messaging at Great Indian Bustard Sanctuary



DIVERSIONS WITHIN PROTECTED AREAS

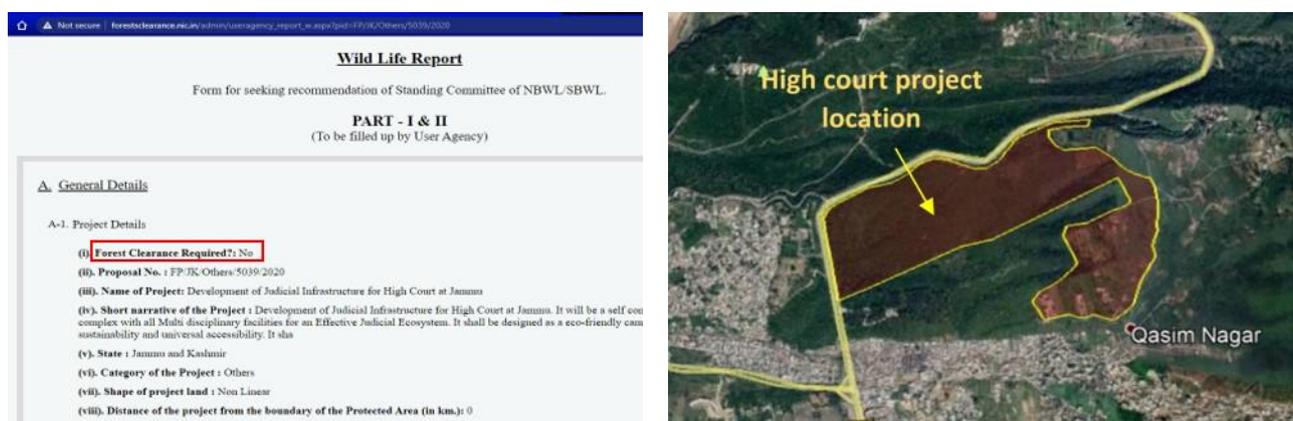
The SC-NBWL approved diversion of 160.34 ha of PA land under 24 fresh project proposals in 2020. This includes 65.32 ha (40.74%) diversion for linear projects such as roads, transmission lines, pipelines, etc., and 95.01 ha (59.26%) for non-linear projects such as hydel, irrigation and infrastructure. The Wildlife (Protection) Act, 1972 prohibits the destruction or diversion of any habitat by any action or activity unless it is necessary for the improvement and better management of wildlife⁸. Therefore, all decisions of the SC-NBWL to divert PA land are contrary to the provisions of the Act.

The committee has approved a diversion of 40.6565 ha of PA land for development of Judicial Infrastructure for High Court in Jammu district of UT of Jammu and Kashmir. The project area falls within the Bahu Conservation Reserve as well as the ESZ of Ramnagar Wildlife Sanctuary. The aerial distance of the proposed site from the wildlife sanctuary is 3.75 km. As per our analysis, there exists a discrepancy in the information shared by the proponent. It is claimed the project does not require Forest Clearance. However, plotting of the project coordinates shared by the proponent, shows that the location lies entirely on forest land (represented in Figure 4) and involves forest diversion, and therefore requires a Forest Clearance as per the Forest (Conservation) Act, 1980. The justification given by the proponent for choosing a PA as the project location is, “Due to non-availability of State/Private land in that vicinity as per the certificate issued by the Dy. Commissioner Jammu.” This project is not site-specific, so more alternatives should have been scouted for infrastructure development instead of diverting PA land. Conservation Reserves, as per Section 36A of the Wildlife (Protection) Act, 1972, are areas

8. Section 29 of Wildlife (Protection) Act, 1972

adjacent to national parks and sanctuaries and those areas which link one PA with another for protecting landscapes, seascapes, flora and fauna and their habitat. The committee neglected the legal mandate to protect, manage or maintain the Conservation Reserve and granted clearance for the project. Interestingly, the Supreme Court premises in New Delhi stands on a plot area of 17 acres (6.8 ha), with upcoming expansion of 12 acres (4.8 ha) in the Pragati Maidan (India TV 2019). The cumulative area of Supreme Court including all expansions is much lesser (11.6 ha) in area as compared to the 40.6565 ha area diverted for High Court in Jammu.

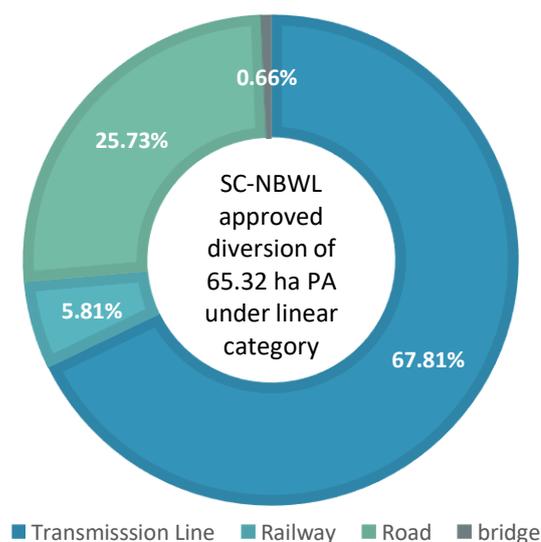
Figure 4: Project details displayed on the Parivesh website juxtaposed with the Project location plotted on Google Earth



DIVERSIONS WITHIN LINEAR CATEGORY

In terms of project category, most of the approved diversions were for linear projects. These include roads, railways, transmission lines, pipelines, bridges and canals. The total area proposed for diversion in the linear category was 531.5242 ha. Out of this, the committee approved 365.94 ha area which includes PA diversion of 65.32 ha and diversion of 300.6142 ha outside PA. The percentage share of various types of linear projects is shown in Figure 5. Within the linear projects, transmission lines only account for 67.8% (248.1362 ha).

Figure 5: Diversion due to linear projects



Forest land of 337.77 ha was diverted only within the linear category, where 63.98 ha was diverted from within PAs and 273.79 ha outside PA. Outside PAs also, lay contiguous forest areas that are classified as either protected forest, reserved forest, wildlife corridor or are simply a part of the ESZ of a notified PA. Linear diversion of such forest land outside PAs leads to fragmentation of wildlife migratory corridors and increases wildlife killings due to incidences of road accidents, electrocution by wires and human-wildlife conflicts.

Box No.3: Doom for Sharavathi Valley Lion Tailed Macaque Sanctuary?

The Standing Committee approved the proposal from The Karnataka Power Corporation Ltd (KPCL) to undertake survey and geotechnical investigation for its 2000 MW Sharavathi Pumped storage project in Karnataka's Shivamogga district. Though the minutes of the meeting are silent on the area to be used for drilling, as per official wildlife clearance documents, the geotechnical investigation will be carried over 877.507 ha of forest land within Sharavathi Valley Lion Tailed Macaque Sanctuary and over 145.946 ha of forest land outside the sanctuary (Karnataka Power Corporation Ltd. n.d.). The geotechnical studies involve exploratory drilling to know the geological conditions of the substrata for finalizing the location of the project. The work will involve tree felling and earthwork inside the sanctuary (Bhardwaj 2020).

The sanctuary is declared a conservation priority area for the long-term survival of Lion-Tailed Macaque as it harbors a viable population of these endemic macaques in the Western Ghats (Patil 2020). The state government in 2019 extended the boundary of then Sharavathi Valley Sanctuary from 43, 123 ha to 93,016 ha and renamed it as Sharavathi Valley Lion Tailed Macaque Sanctuary (Veerendra 2019). Further, the 128 km-long Sharavathi River is already burdened with four big dams and four tunnels, all of which are at a distance of just 50 km. The proposed pumped storage scheme will add another power station and two very big tunnels which will overstress the water diversion from the area (Pailoor 2019). The collective impact of these projects on the ecological flow in the Sharavathi River was not considered by the committee.

The High Court of Karnataka in a Public Interest Litigation (PIL)⁹ petition took into account the undertaking given by the proponent Karnataka Power Corporation Ltd (KPCL) that they will not carry out geo-technical investigation and have removed all their equipments for the said purpose from the site.

A sub-committee was constituted by the then Ministry of Environment and Forests¹⁰ to frame a comprehensive guideline for construction/repair or roads passing through PA and design best-practices for better wildlife conservation. The committee recommended, "The status quo of the

9. Order dated 8.2.2021 in W. P No 9762 of 2020.

10. O.M. No. 6-6212013-WL dated 26th June 2013.

roads passing through National Parks and Core Critical Tiger Habitats (CTH) shall remain the same. The roads could be maintained and repaired in the best manner possible in their current form and present width. No widening or upgradation is to be allowed. If it is an existing tarred road, it shall be maintained as such and no widening of the tarred surface or the widening of the road itself may be done.”

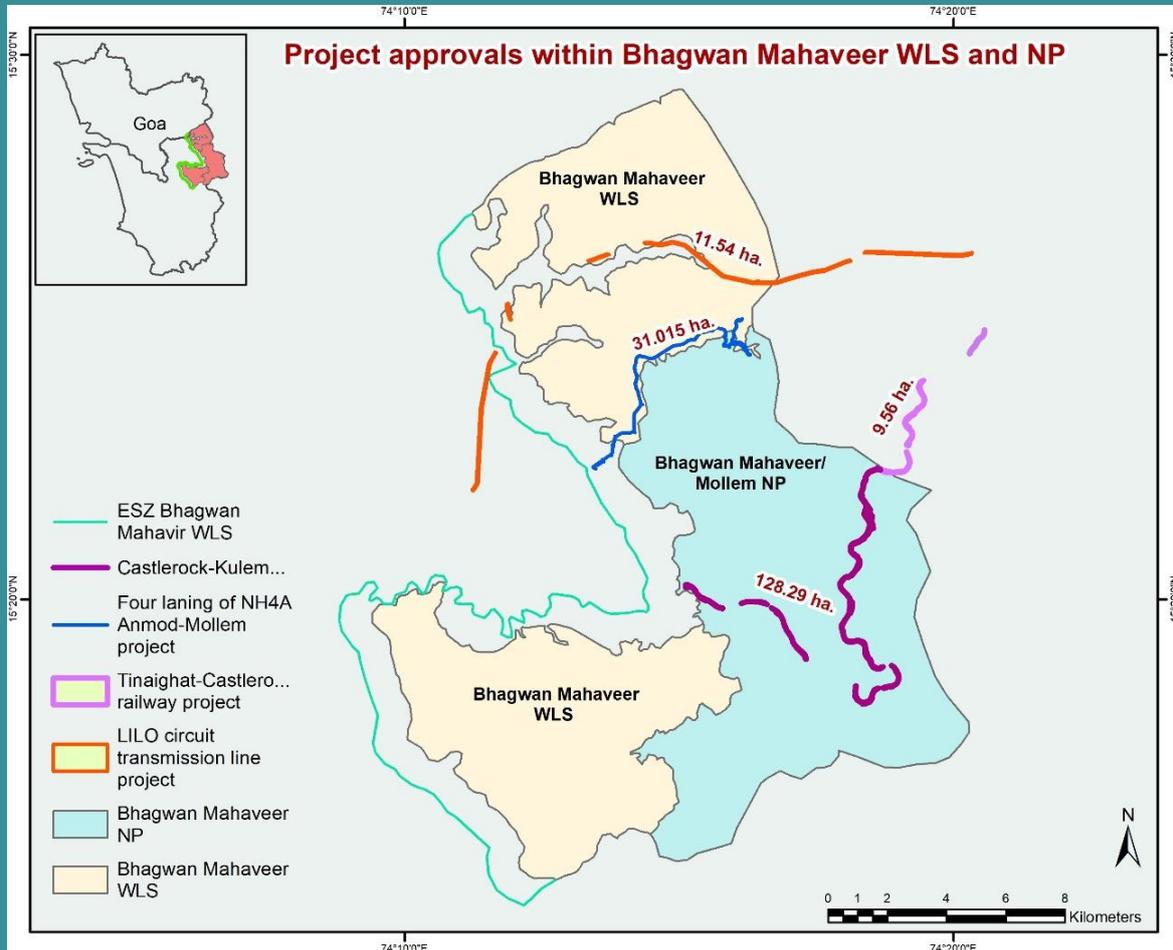
Contrary to this, six projects for upgradation/improvement/maintenance of road to four, six and eight lanes were approved diverting a total of 79.5962 ha land. Falling within PA, one project passes through Bhagwan Mahaveer Sanctuary in Goa (32.085 ha), another through Mukundra National Park (26.6354 ha), one through Tadgarh Raoli Wildlife Sanctuary in Rajasthan (11.379 ha), one from Dampa Wildlife Sanctuary in Mizoram (1.94 ha) and one from Peechi Wildlife Sanctuary (0.9984 ha). The sixth project passes through the tiger corridor (5.7414 ha) linking Kawal, Tadoaba and Indravati Tiger Reserves.

Box No. 4: Splintering of the Bhagwan Mahaveer Wildlife Sanctuary

Multiple diversions were approved within Bhagwan Mahaveer Wildlife Sanctuary and Mollem National Park. Linear diversion under a project for laying of Line in Line Out (LILO) one circuit Narendra (existing) – Narendra (new) 400 kV D/C quad transmission line and another project for four-laning of existing NH-4A in Anmod – Mollem Section that passes through the sanctuary (Figure 6). The transmission line and widening of national highway will in total divert 42.55 ha of the PA land. It is important to note that the above-mentioned approvals within the Bhagwan Mahaveer Wildlife Sanctuary are only in addition to the approval for Castle Rock-Kulem-Madgaon and lined up proposal for Tinaighat-Castle Rock-Caranzol Railway Doubling Project. These projects will divert 128.29 ha of land from the sanctuary (NBWL 2019a) which supports a forest of 0.7-0.8 canopy density. The railway line will affect more than 20,000 trees which form the habitat of species such as tiger, panther, bison, sloth bear, barking deer, and wild dog, and lies in the eco-sensitive area of Western Ghats (Deputy Conservator of Forest North Goa 2019a)(Deputy Conservator of Forest North Goa 2019b). Further, the proposed widening of NH-4A and construction of the transmission line will affect another 16,218 trees and 985 clumps (NBWL 2020a). The minutes also inform that the terrain is undulating with heavy rainfall with gradient above 30cm, and therefore construction of road is highly vulnerable to soil erosion (NBWL 2020a). While considering these two projects, the committee did not take into account the cumulative impact of all four projects on the sanctuary (Figure 6). Spread over 240 km², the Bhagwan Mahaveer Sanctuary (Goa) lies within the ecologically sensitive Western Ghats. The Mollem National Park (spread over 107 km²) lies within the sanctuary area (BSI 2013). Together these PAs are part of the larger contiguous forest and an important tiger corridor between Goa and adjoining Kail Tiger Reserve in Karnataka. The sanctuary is a treasure trove of biodiversity and supports more than 721 plant species, 224 orchid species, 35 bird species, 70 mammal species, 72 species of reptiles and amphibians, and 219 species of butterflies.

The forest of Bhagwan Mahaveer Wildlife Sanctuary is part of the Western Ghats, which is one of the eight biodiversity hotspots of the world and part of the UNESCO World Heritage Site. The three projects—railway line double-tracking, widening of NH-4, and laying of the transmission line will lead to fragmentation of this ecologically fragile ecosystem (Sanctuary Asia 2020).

Figure 6: Diversion approvals granted within Bhagwan Mahaveer Wildlife Sanctuary



DIVERSION WITHIN ECO-SENSITIVE ZONES (NON-PA)

The SC-NBWL does not statutorily have explicit jurisdiction to decide projects which are not located within PAs. However, by virtue of the Supreme Court order in *Goa Foundation Vs Union of India*¹¹, all states are directed to declare ESZs around national parks and sanctuaries. Till the ESZs are declared, the SC-NBWL is to consider all projects which require Environmental Clearance under the EIA Notification, 2006 which are located within 10 kms from the boundary of national parks and sanctuaries. Once ESZs are declared, there is no requirement for the projects to be referred to the committee.

11. Order dated 4.12.2006 in W. P No 460 of 2004.

The National Wildlife Action Plan (NWAP) 2002-2016 indicates, “Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity which will not survive in the long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere”. The NWAP also says, “all identified areas around protected areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986” (Guidelines for declaration of Eco sensitive Zones 2011). Therefore, all the proposals that fall either within a notified ESZ of a sanctuary or if the ESZ is not notified then fall within 10km aerial distance from the sanctuary boundary, are subject to a certain level of protection with only specific activities allowed under regulation.

Nevertheless, the SC-NBWL has continued to be ignorant and permit diversions in large sections of ESZ areas whether forest land or non-forest. In 2020, the SC-NBWL approved diversion of 1040.47 ha from ESZs, of which 889.94 ha is forest land and rest 150.53 ha is non-forest land.

Maximum diversion was approved for construction and commissioning of Lakhwar Multipurpose Project (300 MW) by the Uttarakhand Jal Vidhyut Nigam Limited in Dehradun and Tehri Garhwal districts. The project is for use of 873.5772 ha land (forestland: 768.1552 ha + private land: 105.422 ha) for the construction of 192 m high dam on Yamuna river near Lakhwar village to store 580 million cubic metre (MCM) of water, a powerhouse (installed capacity of 300 MW) at foot of the dam, an auxiliary dam (6 m height) and balancing reservoir (Lakhwar – Vyasi Multipurpose Project). The project falls in the default ESZ as it is located 3.10 km from the boundary of the Binog Wildlife Sanctuary. The project was recommended in the 57th meeting without any discussions on the impact of such high scale diversion or ordering for an impact assessment study before granting approval. River activists have warned that the project could cause water scarcity in Delhi, depletion of groundwater levels and major flooding and loss in case of a disaster (Nandi and Pillai 2021).

Projects given approvals by the committee, falling in the ESZ of PAs, have been listed below.

Figure 7: Lakhwar Multipurpose Project Area



Table 1: Diversions approved by SC-NBWL for projects falling under eco-sensitive-zones of Protected Areas

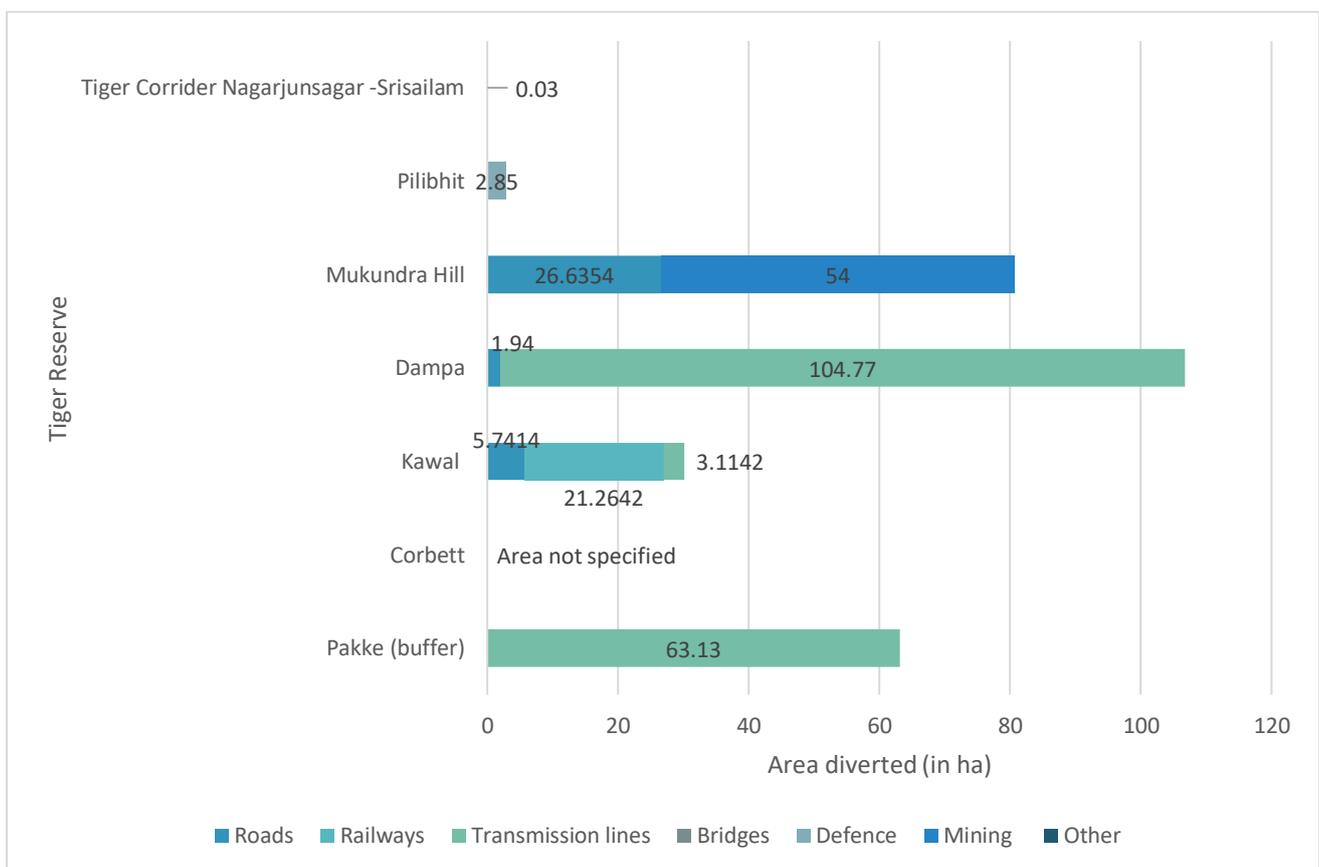
Project Name	Name of PA ESZ involved	State	Project Category	Total Area Approved in ESZ (ha)
Sohagra Graphite Mine	Betla National Park	Jharkhand	Mining and Quarrying	12.885
Laying of LILO of one CKT of Narendra (existing) – Narendra (new) 400 kV D/C quad transmission line at Xeldem	Bhagwan Mahaveer WLS	Goa	Linear	63.582
4-lanning of existing NH-4A in Anmod – Mollem Section	Bhagwan Mahavir WLS and Mollem NP	Goa	Linear	1.887
Expansion of storage with 4 above ground storage tank of combined capacity 18000 m ³ for petroleum products of class A, B and C, petrochemicals and other non-classified liquids	Mangalavanam Bird Sanctuary	Kerala	Others	1.4
Limestone (building stone) mining project (M.L.No.37/2008)	Mukundra Hill NP	Rajasthan	Mining and Quarrying	4
Lakhwar Multipurpose Project (300 MW) in Dehradun	Binog WLS	Uttarakhand	Irrigation	873.5772
Barrage across river Godavari near Thupakulagudem, Kannaigudem	Eturnagaram WLS	Telangana	Irrigation	9.6817
Kotgaon (Naitwar) to Kalap Motor road	Govind Pashu Vihar NP	Uttarakhand	Linear	8.55
Anam Sanjeeva Reddy Somasila High Level Lift Canal	Sri Penusila Narasimha WLS	Andhra Pradesh	Irrigation	2.22
Ujh Multipurpose project, Jammu & Kashmir	Jasrota WLS	Jammu and Kashmir	Hydel	62.69
Chennai-Andaman Nicobar Islands Submarine Cable System Cable landing and construction of Beach Man Hole at eight islands of Andaman and Nicobar Islands	Guindy NP	Tamil Nadu	Others	0.001

* WLS - Wildlife Sanctuary; NP - National Park

DIVERSION WITHIN TIGER HABITATS

This section deals with approvals given by the SC-NBWL to projects proposed within tiger habitats. For this analysis, the term “tiger habitats” includes tiger reserves 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 movement 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. In 2020, a total diversion of 594.5752 ha from tiger habitats under 21 projects was approved by the committee.

Figure 8: Diversions within tiger habitats



a) Dampa Tiger Reserve, Mamit district, Mizoram

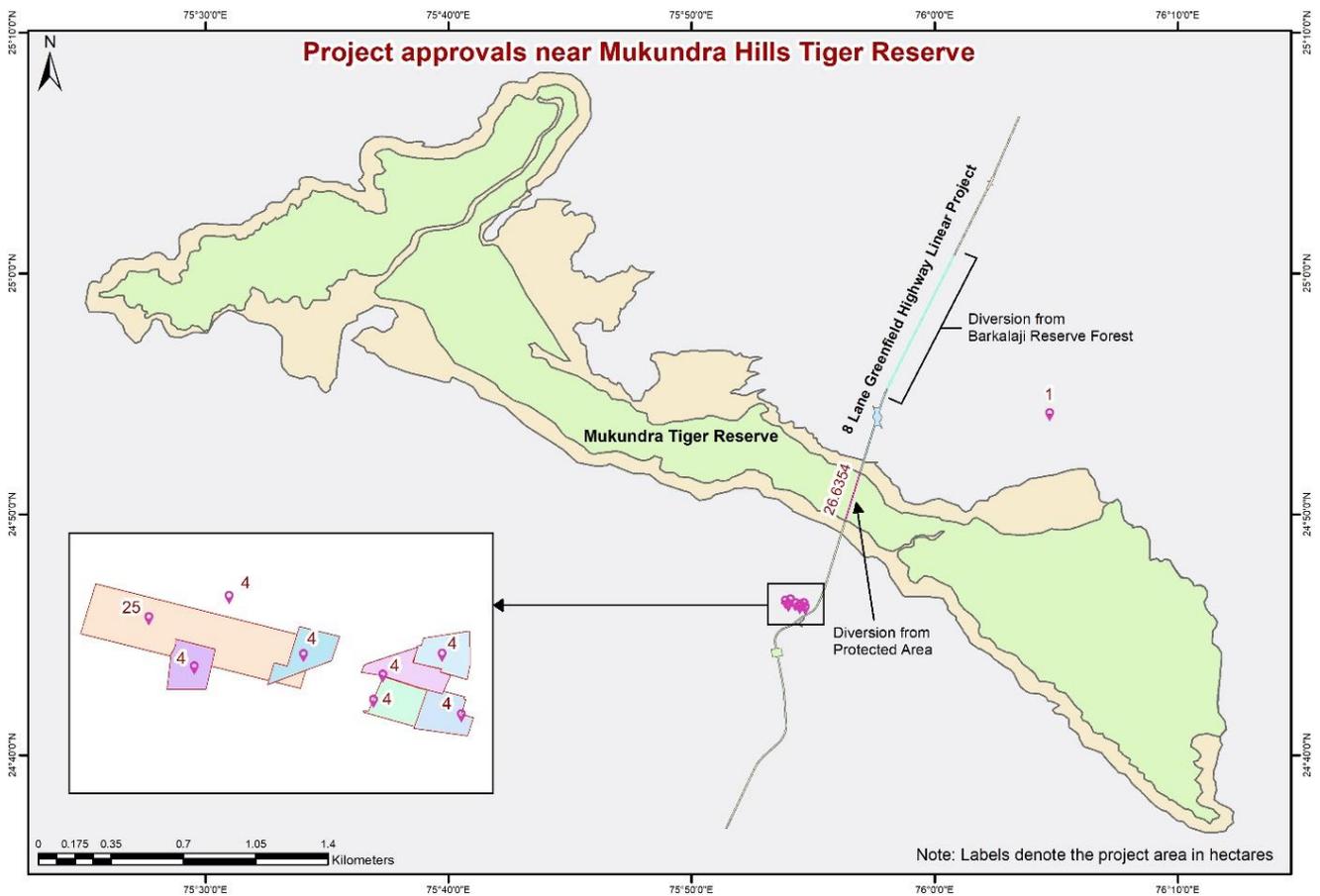
The maximum diversion took place within Dampa Tiger Reserve, Mizoram. This was due to diversion of 106.71 ha of forest land for the construction of 132 KV Transmission Line from West Phaileng to Marpara (104.77 ha) and widening of Khadechera – Demecherra – Zamuang – Kaanjmun – Tuiluikawa (KDZKT) road (1.94 ha). Dampa Tiger Reserve lies in the Mamit district of Mizoram and consists of Dampa Wildlife Sanctuary as its core/critical tiger habitat

(Government of Mizoram 2007). As per the minutes of the SC-NBWL, the area proposed for diversion falls within the buffer of the tiger reserve. The proposal for transmission line was first considered by the State Board for Wildlife, Mizoram in its meeting dated June 04, 2019 where NGO members raised concerns that the proposed transmission line may disturb arboreal animals of Dampa Tiger Reserve and other diverse wildlife (Mizoram State Board for Wildlife 2019).

b) Mukundra Tiger Reserve, Kota District, Rajasthan

The second highest diversion approved from tiger habitats was from Mukundra Hills Tiger Reserve (MHTR) in Rajasthan. A total of 10 projects were approved diverting a total of 80.6354 ha from the tiger reserve and its surrounding corridors (Figure 9). An area of 54 ha was diverted for nine limestone mining projects in Chechat village lying in the surrounding tiger corridors. Another project for development of eight-lane greenfield highway runs through MHTR, a section of which diverts 26.6354 ha from within the tiger reserve. Outside the tiger reserve, this project diverts area from Barkalaji Reserve Forest which acts as tiger corridor lying contiguous to the MHTR. The tiger reserve area to be diverted has 0.8 density of forest and is rich in biodiversity in the entire stretch with very good quality of vegetation. A wildlife committee was constituted from the Forest Department Rajasthan, to carry out a site visit. As per their report, wildlife found in the tiger reserve includes Panthers, Sloth Bears, Wolves, Chinkaras, Spotted Deer, Wild Boars, Sambhars, Blue Bulls (Nilgai), Jackals, Hyenas, Jungle Cats and Foxes (Wildlife Committee 2019). The Divisional Forest Officer (DFO) Kota mentioned in the site inspection report that there was presence of rare/endangered/unique species like Gum Karaya (*Sterculia urens*) in flora and Sloth Bear and Leopard in fauna. Besides this, he recommended the project reasoning that “construction of highway tunnel will improve the condition of traffic and it will also facilitate reduction in accident”. The recommendation added, “It will also help saving in travel time and cost. In addition, with this proposed tunnel will help for free movement and conservation of the wildlife habitat within the MHTR” (Divisional Forest Officer 2019a). He recommended the project in public interest. The project was granted approval with one of the conditions being providing five animal underpasses (one at every 2 km) with minimum 10 m width, for safe movement of the wild animals. Another DFO’s site inspection report for the area of the project falling outside the MHTR said, “this area is close to Mukundra National Park so there is movement of many wild animals, hence special attention is required for this area”(Divisional Forest Officer 2019b). Contrary to this, the site inspection report of Conservator of Forest said there were no rare/endangered/unique species found in the area and gave his approval (Conservator of Forest 2019). This indicates that the project was approved under pressure of public interest despite the presence of rich wildlife in the area.

Figure 9: Diversions approved near Mukundra Tiger Hill Reserve



c) Pakke Tiger Reserve, East Kameng district, Arunachal Pradesh

The SC-NBWL approved diversion of 63.13 ha forest land from the buffer zone of the Pakke Tiger Reserve. The proposal was for the construction of Rilo (Pakke Kesang) to the Seijosa 132 kV transmission line section. The area in question falls within the Papum Reserved Forest and the proposal was recommended on the condition that the power line will be placed above the canopy height of the reserved forest to maintain canopy contiguity below the power line.

d) Kawal Tiger Reserve, Mancherial district, Telangana

The SC-NBWL permitted a project for laying of a new third broad-gauge railway line along the existing track within the railway boundary between Makhudi and Rechni road railway stations and another for four-laning of NH-363 from Mancherial to Chandrapur within the tiger corridor linking Kawal Tiger Reserve with Tadoba Andheri Tiger Reserve in Maharashtra and Indravati Tiger Reserve in Chhattisgarh. The two projects will divert a total of 27 ha of forest land from the tiger corridor.

The total forest land demanded for laying the railway line was 168.43 ha. However, the State Board for Wildlife recommended the use of only 21.2642 ha of forest land for the project. The Chief Wildlife Warden recommended the project on the condition that cross-over tunnels will be provided beneath the railway line to ensure the free movement of wild animals. Additionally, the user agency was directed to provide fencing/barricading at their own cost at locations that are frequented by wild animals to cross over from one side of the forest to the other side across railway lines. The National Tiger Conservation Authority (NTCA) recommended the railway line on the condition that railway authorities will purchase land (in a continuous stretch) adjacent to the potential corridor/habitat linkage area to facilitate the movement of tiger and other species in the landscape. These lands will be transferred to the Forest Department for their appropriate management. Further, the user agency was directed that at least 15-20% of the railway line length should be covered by wildlife passageways at each corridor. Overpasses or underpasses would be required at specific locations, to be decided after a thorough ground survey and understanding the animal movement by a team of NTCA & Wildlife Institute of India (NBWL 2020a).

The proposal for four-laning NH-363 from Mancherial to Chandrapur was approved based on wildlife mitigation measures such as the construction of one underpass, one eco-bridge, chain-link fencing, installation of speed control devices, habitat management by the construction of bore-wells with solar pumps, fire management by the construction of semi-permanent structures for base camp staff and the installation of large hoardings and sign boards to propagate the need for conservation of flora and fauna (NBWL 2020b).

e) Pilibhit Tiger Reserve, Pilibhit district, Uttar Pradesh

A proposal for construction of Sashastra Seema Bal Border outpost diverting an area of 2.85 ha from the Pilibhit Tiger Reserve was approved. Another proposal was considered that required 6.704 ha of reserve forest land from Pilibhit Tiger Reserve. It was deferred because the Member Secretary had informed that the proposal received NTCA recommendation on a condition to avoid construction of track within core/critical tiger habitat and therefore required an animal passage plan to be vetted by the Wildlife Institute of India.

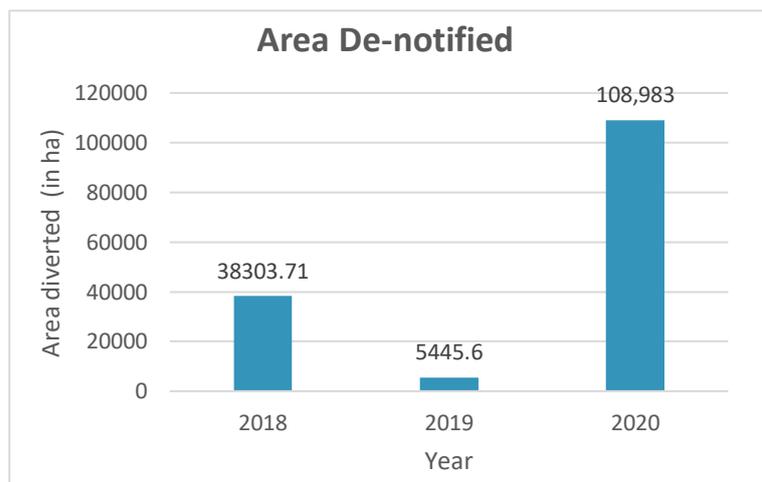
EMERGING CONCERNS

This analysis brings out some grave issues that must be addressed urgently. If the NBWL' clearance process goes on as it is, the condition of PAs would deteriorate irreparably. Some specific concerns are elaborated below:

i. DE-NOTIFICATION OF PROTECTED AREAS

The Wildlife (Protection) Act, 1972, does not have any provision regarding the de-notification of a PA, and therefore the National Board for Wildlife or the Standing Committee does not possess any statutory power to de-notify (delete) any PA. On the contrary, the SC-NBWL has been de-notifying many sanctuaries under boundary alteration. In 2020, it approved de-notification of 1,08,983 ha of PA in total from two wildlife sanctuaries in the name of rationalization of boundaries. As per our analysis, a large PA of 38303.71 ha was de-notified in 2018 which involved de-notification of the entire Turtle Wildlife Sanctuary in Varanasi.

Figure 10: Trend in de-notification of area for Protected Areas



ii. APPROVALS NOT IN ACCORDANCE WITH WILDLIFE (PROTECTION) ACT, 1972

The Wildlife (Protection) Act, 1972 has provisions for creating PAs—national parks, wildlife sanctuaries, conservation reserves and community reserves¹²—of which national parks and wildlife sanctuaries enjoy a 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 wildlife¹³. Nevertheless, approvals were given for railways, roads, mining, infrastructure projects, etc. within these areas, which were demarcated with the intention of

12. Section 2(24A) of Wildlife (Protection) Act, 1972

13. Section 29 of Wildlife (Protection) Act, 1972

wildlife conservation by circumventing human interventions. Specifically, approval was given for diversion of 409.75 ha (through 39 proposals) in 2018, 474.09 ha (through 63 proposals) in 2019 and 160.33 ha (through 26 proposals) in 2020 within wildlife sanctuaries, national parks and conservation reserves. A review of the minutes of meeting shows that none of the proposals for diversion within wildlife sanctuaries or national parks were backed with justifications on how they benefit wildlife. This means that the approvals granted are not in accordance with the provisions of the Wildlife (Protection) Act, 1972.

iii. LIMITED IMPACT ASSESSMENTS

Constituted under the provisions of Wildlife (Protection) Act, 1972¹⁴, the SC-NBWL has to carry out impact assessment studies for various projects and activities on wildlife or its habitat (NBWL 2014b). However, our analysis found that the committee rarely calls for impact assessment while considering proposals that entail diversion of wildlife habitats. In the minutes, discussion on any proposal begins with a basic description of the proposal and the PA to be affected. This is followed by the recommendations of the concerned State Board for Wildlife (SBWL) and the Chief Wildlife Warden (CWLW). In the end, the proposal is approved (in most cases) by the Committee subject to some conditions providing mitigation measures. There are no records of the Committee's deliberations regarding the future impacts on the wildlife habitats.

The SC-NBWL called for impact assessment only once in 2020, for a project to construct Kotgaon (Naitwar) to Kalap Motor road in Uttarakhand requiring linear diversion. SC-NBWL asked for constitution of a committee comprising of two officials from the Wildlife Division of the MoEFCC and two officials from the State Forest Department to visit the project site. Accordingly, the Site Inspection Committee recommended the project for the construction of the motorable road along the existing bridle path passing through the Govind Pashu Vihar National Park and Wildlife Sanctuary involving the use of 2.565 ha of PA land and 8.19 ha outside PA, to provide connectivity to the 500+ residents of Kalap village. The minutes do not mention the findings of the site inspection report and the impacts discussed before recommendation. Further, in case of construction of an intake well in Chambal River (within National Chambal Wildlife Sanctuary), the committee took into consideration the fact that the CWLW had recommended against the project as the proposed construction site 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 dated April 25, 2011, in which the committee decided that no new proposals for water diversion from Chambal will be

14. Clause (c) of Sub-section 2 of Section 5C of Wildlife (Protection) Act, 1972

approved, based on a WII report. Therefore, the latest proposal was deferred until the state government explores alternative sources of water (NBWL 2019a).

In case of Ujh Multipurpose Project in Kathua district of Jammu and Kashmir, the project was recommended by the committee without asking for an impact assessment. The proposal was for diversion from Kathua forest division (62.69 ha), Samba forest division (8.0 ha), both of 0.7 forest density and Billawar forest division (609.41 ha) which has 0.8 forest density. As per the wildlife report part-II of the project, compiled by Deputy Conservator of Forest, following wildlife is present in and around the forest land proposed for diversion: leopard (*Panthera pardus*), rhesus monkey (*Rhesus macaque*), gray langur (*Semnopithecus*), monitor lizard (*Varanus*), mongoose (*Herpestes*), sambar deer (*Rusa unicolor*), Indian crested porcupine (*Hystrix indica*), krait (*Bungarus*), and some other species. The report denies that forest land proposed for diversion is located within ESZ of the PA notified under Wildlife (Protection) Act, 1972. However, as per our analysis, part of the diverted area lies in the ESZ of the Jasrota Wildlife Sanctuary.

iv. MULTIPLE DIVERSIONS WITHIN ONE PROTECTED AREA

Another cause for concern is the impact of multiple diversions within a single PA. For example, the SC-NBWL in 2019 approved the doubling of railway track within the Bhagwan Mahaveer Sanctuary. In the first meeting of 2020, approvals were given for the widening of a national highway and laying of extra-high voltage transmission line in the same sanctuary. The road and the railway track will create permanent barriers that may not only increase the risk of wildlife mortality, but also restrict the movement of animals. Their impacts on arboreal mammals are much worse as these animals move through the canopy using “aerial superhighways” which are broken down when roads are laid. Primates, flying squirrels, and gliding snakes, for instance, find it difficult to move between forest patches once roads bisect the forest that forms part of their home ranges (Gubbi 2018). The laying of transmission will lead to clearing of native vegetation and the felling of large old-growth trees along its course, thereby removing not just trees but also disrupting plant-animal interactions (such as seed-dispersal and pollination) that provide ecosystem services to forests and humans. Disrupting canopy connectivity increases the spread of invasive species such as *Chromolaena odorata*¹⁵ (Sanctuary Asia 2020).

15. Commonly known as Siam Weed, Devil weed

v. NO RECORD OF AFFECTED AREA/s IN MINUTES

At times, the SC-NBWL minutes do not mention the area within the PA (or a tiger reserve) which will be affected due to the proposed diversion. For example, the proposal for taking up geotechnical studies within the Sharavathi Lion Tailed Macaque Sanctuary was considered in the meeting dated April 7, 2020. However, the minutes have no record of the area affected by the exploratory drilling and consequent earthworks and tree felling. Similarly, in its meeting dated July 3, 2020, the committee approved the proposal for constructing bridges over Kaseruwa Nala and Dhela River falling in the buffer area of Corbett Tiger Reserve. The proposal was approved without noting the area to be diverted for the construction. Due to the absence of this crucial information, it is difficult to estimate the extent of potential damage.

vi. REJECTIONS

The Standing Committee has lived up to its expectation of not standing up for the conservation of wildlife. Not even a single project was rejected this year. Based on assessments for 2018, 2019 and 2020 of the minutes of SC-NBWL, there has been only one rejection in past three years¹⁶.

CONCLUSION

The SC-NBWL is considered the apex body in the country to promote wildlife conservation and development. It is the duty of the committee to examine the proposals based on site inspections and impact assessments, considering the ecological implications of their approval and then take an informed decision. Unfortunately, it continues to take decisions that are illegal and contrary to both statutory provisions as well as conservation policies. The statute prohibits damage, destruction, or diversion of wildlife sanctuaries and national parks unless it is for the improvement and better management of wildlife. However, review of minutes of the meeting of the committee shows that not even a single approval is backed by reasons on how it benefits wildlife. Therefore, it is clear that approvals given by the committee for diversion within PAs are not in sync with the provisions of the Wildlife (Protection) Act, 1972. Besides giving approvals to diversions, de-notification of notified PAs has become a regular practice of the committee in the last three years. Furthermore, as the approved projects/activities are ecologically destructive, both diversion and de-notification decisions are illegal as per the Wildlife (Protection) Act, 1972. None of the approved activities are for the benefit of wildlife--a sine qua non for permitting an activity in a PA.

16. The proposal was rejected in 2019 for deletion of 2,151 ha of limestone bearing protected area from the Kaimur Wildlife Sanctuary (Bihar).

“Opening up” PAs is an existential threat to these regions, as it negates the very reason for creating them. The SC-NBWL in 2020 approved 48 proposals spread over 1,792.51 ha. In this context, it is significant to note that PAs such as wildlife sanctuaries and national parks are created to ensure inviolate areas for wildlife conservation. The committee is inclined towards promoting infrastructural growth at the cost of great ecological diversity in wildlife sanctuaries and national parks. ESZs have been the easiest targets, seeing the maximum diversions, as they have lesser legal protections. At this rate, ESZs will lose their essence and this will have direct impact on the associated biodiversity.

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