

# BETRAYING INDIA'S WILDLIFE

Poor governance, replete with farcical meetings, subjective and improper application of the law, and unilateral decision-making, mars the functioning of the National Board for Wildlife, the apex body on conservation. The new environment minister must take urgent corrective action to restore the board's credibility, and protect India's precious natural heritage from the relentless pressures of development



Praveen Bhargav and Shekar Dattatri

**F**orests and wildlife in India are governed primarily by two far-sighted pieces of legislation that were ushered in during the tenures of prime minister Indira Gandhi: the Wildlife (Protection) Act, 1972 (WLPA),

and the Forest (Conservation) Act, 1980. So far, over 650 protected areas (PAs) – sanctuaries and national parks – have been notified across India under the WLPA. Without PA status, most of these habitats and ecosystems would have succumbed to the axe, plough or industrial development.

The National Wildlife Action Plan recognises PAs as crucial to human welfare. They are repositories of valuable biodiversity, provide watershed services, and help mitigate the effects of climate change by acting as carbon sinks. Considering their huge importance, the WLPA mandates the constitution of an apex statutory body, the National Board for Wildlife (NBWL),

to frame and monitor conservation policies that will safeguard PAs. The board comprises the prime minister (chair), the union minister for environment & forests (vice chair), and the following members: three MPs, 27 public servants from various government departments, and 15 civil society representatives with expertise in wildlife (non-official members). All members serve on the board for a period of three years.

In the past, particularly under the stewardship of Indira Gandhi, the Indian Board for Wildlife – as it was previously known – made significant contributions to wildlife conservation. Indira Gandhi's



concern for nature and her immense political clout helped bring about a paradigm shift from commercial forestry to conservation, and an expansion of the PA network in the country. Unfortunately, after economic liberalisation, the original intent of the NBWL has been subverted, and it has become a clearing house for damaging projects within PAs. The inclusion of civil society members on the NBWL, meant to provide an independent view to government, is now nothing more than window dressing, as their views and advice are largely disregarded.

### Serious deviations

The WLPA mandates that destruction or diversion of wildlife habitat, construction of tourist lodges, alteration of PA boundaries, and de-notification of PAs cannot be done without the approval or recommendation of the NBWL. However, since it is impractical for all 47 members of the NBWL to meet frequently to assess such proposals, the WLPA specifies that the NBWL may constitute a standing committee of 10 members for the purpose. The notification by the ministry of environment and forests (MoEF) in this regard prescribes: "Subject to the general superintendence, direction and control of the National Board for Wildlife, the standing committee may exercise all powers exercisable by the NBWL under the Wildlife (Protection) Act, 1972 (53 of 1972) or the rules made there under, unless otherwise specified in this notification."

The travesty is that, while the standing committee has assumed all the powers of the NBWL, the stipulated "general superintendence, direction and control of the NBWL" is non-existent. The standing committee, chaired by the minister for environment and forests, operates completely independently, without even getting its decisions ratified by the NBWL. This self-granted autonomy not only makes a mockery of governance, but also has serious consequences for wildlife.

### Farcical meetings



The rare Grizzled Giant Squirrel was threatened by a road proposed through its habitat.

While the full NBWL meets under the chairmanship of the prime minister at most once a year for a two-hour ritual, the standing committee meets every three months to decide the fate of 30-60 proposals, mostly relating to diversion of forestland from PAs. The proposals include dams, roads, highways, mines, power lines and other infrastructure projects that are harmful to PAs and their wildlife. The MoEF's predetermined goal at these meetings appears to be to clear as many of the proposals as possible. Standing committee meetings typically last a mere three hours, which is a grossly inadequate timeframe in which to make informed decisions on a large number of projects with complex dimensions.

Often, the agenda is sent to non-official members only two or three days before a meeting, instead of two weeks in advance as stipulated by the rules, giving them little time to study the proposals. Members are then hustled through the proceedings in great haste, with the chair unilaterally clearing many proposals without the slightest due diligence, and in total disregard to objections and dissent. Worse still, minutes of meetings are sometimes falsified to show unanimous approval for a project despite the written dissent of

non-official members.

A case in point: In February 2008, when S Raghupathy of the DMK was the environment minister, the DMK government of Tamil Nadu forwarded a proposal to the NBWL for creating an 8.6 km ghat road through the Srivilliputtur Grizzled Giant Squirrel Sanctuary in the Western Ghats, a globally recognised biodiversity hotspot. Although it was claimed that the road was needed for patrolling and protection of the sanctuary, the real intention was to create a public thoroughfare through the PA. Conservation groups in Tamil Nadu were of the strong opinion that the road would not aid protection in any way, but would only facilitate the transport of timber and ganja by smugglers who are known to be active in the region. Further, the road would entail the cutting down of 620 forest trees and disrupt a vital elephant corridor, forcing the pachyderms to stray into nearby agricultural areas.

When the proposal came up for deliberation at the 10th meeting of the standing committee, on February 19, 2008, non-official members rejected the proposal and recorded their dissent in a letter to the MoEF. Shockingly, the minutes of the meeting, published later on the MoEF website, falsely claimed that, after due deliberation, the standing committee had decided to recommend the proposal. It is noteworthy that neither a site visit nor an impact assessment had been carried out for the project, despite its serious ecological implications.

It was only thanks to the intervention of the Central Empowered Committee (CEC) of the supreme court, which was petitioned by non-official members of the NBWL, that the project was shelved.

Disregard for the letter and spirit of wildlife laws and the original intent of the NBWL continued during the tenure of Jairam Ramesh, who held the environment portfolio till July 12. During a standing committee meeting on April 25 this year, Ramesh cursorily dealt with close to 60 proposals in about two hours, unilaterally approving many while ignoring considerable dissent from non-official members.



SHEKAR DATTATRI



This 1,147 sq km of Gundla Brameshwaram Sanctuary was notified and added to the Nagarjun-sagar-Srisailem tiger reserve in lieu of diverting forest land for an irrigation project tunnel

Among these was the approval for a new dam on the Parvan river. According to the dissenting opinion of member Dr M K Ranjitsinh, which is recorded in the minutes of the meeting, the dam would submerge 81.67 sq km of the Shergarh Wildlife Sanctuary in Rajasthan, entail the destruction of about 1,86,000 trees, and result in a major diversion of water from the Chambal river, which already suffers from insufficient water flow in summer to support the last viable populations of the endangered gharial and the river dolphin.

A report prepared in 2007 by the Wildlife Institute of India (WII) – at the instance of the MoEF – states that upstream flooding and downstream drying up of a riverine habitat by construction of barriers such as barrages and dams impact the critical habitats of aquatic fauna; the report recommends that there should be no intervention on the water flow of the Chambal through the construction of barriers.

According to Ranjitsinh, the new dam is also likely to have serious repercussions on the aquatic life and ecology of the Jawahar Sagar Sanctuary, Rana Pratap Sagar Sanctuary and the National Chambal Sanctuary downstream. Ironically, it was Ramesh who spearheaded the move to declare the severely endangered river dolphin as the national aquatic animal.

### Law and Rules

Sections 29 (for sanctuaries) and 35(6) (for national parks) of the WLPA unambiguously prohibit the grant of permission

to any activity that destroys wildlife and damages or diverts habitat, unless (unless) it is for the improvement or better management of wildlife therein. Therefore, every decision to clear a proposal must be backed by clear reasoning, in writing, as to how the project, or the decision to approve it, ensures improvement and better management of wildlife.

However, a careful scrutiny of the minutes of standing committee meetings during the last four years shows that over 80 percent of the approved proposals cannot even remotely be categorised as projects that are for the improvement or better management of wildlife or its habitat, and that site inspections or impact assessments have been carried out in less than 20 percent of cases. Further, even where such inspections or assessments are conducted, and indicate potential damage to wildlife or habitat, most projects are cleared with a standard set of conditions, which is rarely enforced.

### The way ahead

The deviation from laws, rules and democratic norms in the functioning of the standing committee is a massive blow to our wildlife sanctuaries and national parks, which should be treated as sacrosanct. Given that protecting PAs is also a constitutional obligation, the NBWL should be reoriented to its original goal of conserving wildlife, with particular attention to the following:

- The rules governing the standing

committee and, in particular, the delegation of all powers of the NBWL to the standing committee, as well as the specific procedures for superintendence by the NBWL, must be placed before the full NBWL and approved after due deliberation.

- The standing committee chair is not empowered under the WLPA to take unilateral decisions. In keeping with democratic principles, all matters discussed at standing committee meetings should be put to vote. The current practice of clearing projects overruling the legitimate dissent of non-official experts must stop.
- Based on appropriate guidelines, all major proposals must be subjected to site inspections and impact assessments, as provided for under the WLPA, and final decisions must be arrived at only on the basis of rigorous scrutiny.
- All decisions on projects that affect wildlife or divert its habitat must specify reasons, in writing, as to how they are for the improvement or better management of wildlife.
- When no alternatives are feasible and wildlife habitat from a PA must be diverted for a properly justified public purpose, the standing committee must impose a pre-condition that a substantial forested area or corridor must be added to the same PA or to the PA network in the state to compensate for the loss. Project approval must be granted only after a final notification is issued by the state declaring the additional area as a PA.

National Parks and Sanctuaries occupy less than five percent of India's land area, but play a crucial role in safeguarding the nation's ecological security. The innumerable ecosystem services they provide sustain the lives of over one billion people. Compromising the ecological integrity of these irreplaceable natural assets for political expediency or short-term gains is not in the national interest. Jayanthi Natarajan's assurance that protection of the environment would be a cornerstone of development under her watch must be translated into action. The maladministration of the NBWL and the wilful subversion of its original intent must stop. ■

*Bhargav and Dattatri were non-official members of the NBWL from 2007 to 2010.*