



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

SUGGESTIONS TO THE HIGH LEVEL COMMITTEE

1. Summary statement:

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifeirst@gmail.com
WEBSITE: www.wildlifeirst.info

Wildlife First has been involved in conservation of forests and wildlife since 1995 and was nominated to the National Board for Wildlife (2007-2010). The undersigned trustee represented Wildlife First on the NBWL and served on the Wildlife (Protection) Act, 1972 sub-committee, the Boundary Rationalization Committee and as a member of NTCA site evaluation committees. Shekar Dattatri has been on the NBWL and is a Member State Board for Wildlife, Tamil Nadu. Niren Jain has been involved in wildlife conservation for more than 15 years.

Fragmentation of forests, ie., the breaking up of large blocks of forest into smaller patches, and illegal hunting have been identified by scientific research as two of the most serious threats to long-term survival of wildlife and biodiversity. The Wildlife (Protection) Act, 1972 [WLPA] has greatly contributed in curbing illegal hunting and the transnational trade in wildlife, which is second only to narcotics and estimated to be over six billion dollars worldwide. The WLPA has also provided the legal framework for notification of some of India's best forests as Protected Areas (National Parks and Sanctuaries) and prevent fragmentation of habitats. The fundamental object of the WLPA is to provide Protected Areas a much higher legal status and protection from all kinds of human pressures. In line with the letter and spirit of the law, Protected Areas are to be treated as sacrosanct for present and future generations. Therefore, some specific amendments are suggested in **para 3.1** to further strengthen the WLPA.

The Forest (Conservation) Act, 1980 [FCA] has been the bulwark in stemming the indiscriminate denotification and/or diversion of forest land by State Governments for non-forestry purposes including regularization of encroachments, agricultural expansion and development projects. However, the FCA and process of granting clearances has been largely in-effective in addressing the threat of habitat fragmentation, which is the most important and urgent challenge while balancing forest conservation and development. Specific amendments, as suggested at **para 3.2** are required to weed out archaic ideas such as Compensatory Afforestation (since creating artificial plantations is no antidote to forest fragmentation), plug serious loopholes in the forest clearance procedures and radically overhaul the country's approach towards restoring degraded forests.

In our considered view, the 30,000 crore CAMPA corpus must be applied based on scientific knowledge. The amendments must enable the application of this sovereign fund for consolidating the remaining large blocks of natural old-growth forests through strategic land acquisitions to address the impact of fragmentation and creation of corridors, which will ensure continuity of habitat. Such a knowledge based approach is vital as there is clear scientific consensus that natural old growth forests are extremely crucial for sequestration of carbon which effectively mitigates the impact of Climate Change. Therefore, the current policy prescriptions of large investments of CAMPA funds on "lucrative" but ecologically unjustified Compensatory Afforestation projects, which mostly end up as '*monoculture tree plantations*', must be amended.

It is fervently hoped that the HLC will act with great responsibility in ensuring that the amendments carefully balance development aspirations and conservation imperatives by incorporating such knowledge-driven ideas and suggestions. This would be an imperative due to Constitutional provisions and established judicial principles of Inter-generational equity and Public Trust doctrine.



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

2. Synopsis of the Key Suggestions:

2.1: Move from Compensatory Afforestation to a Landscape/Ecosystem Regime:

Forest fragmentation - the breaking up of large blocks of forest into smaller patches due to ill planned intrusion of developmental projects is one of the most serious threats to long-term conservation. Scientific research has clearly established that fragmentation has devastating impacts - it disrupts landscape connectivity, creates new edges, eliminates rare species and leads to steady degradation of habitat. Specific provisions are required in the FCA to address this vital issue and enable a fundamental change in the forest clearance regime towards a scientific landscape/ ecosystem approach that is anchored on minimizing fragmentation of large blocks of contiguous forests. The present emphasis on measuring area lost and insisting on compensatory afforestation over twice the area diverted must not be the primary option. As regards scattered / small pockets of forests which do not form part of a large forested landscape or wildlife corridor or an important wildlife niche / wetland, amendments can be considered for **a more enabling forest clearance regime**.

2.2: Apply the best technology for mitigation:

Where no alternatives are feasible and wildlife habitat must be diverted for a properly justified public purpose of immense national importance, appropriate provisions may be added to impose a pre-condition that an additional forested area or corridor, at least 10 times the extent of what is being sought for diversion, must be added. The application of latest technology to minimize/mitigate the impact of fragmentation must be made mandatory. For Linear intrusions like Roads / Railways/ Power lines which constitute the bulk of clearance projects, measures such as scientifically designed overpasses or underpasses, tunnels, ecologically compatible bridge designs, canopy retention designs or nets; use of HV DC underground cables for critical stretches of power lines passing through PAs or ecologically sensitive forest areas would greatly minimize damage.

2.3: Integrated Public Consultation:

In order to streamline the clearance process for reducing delays and also to ensure that ample opportunity for hearing is provided to local people/civil society amendments in the FCA regime are necessary. A new procedure of a formal Integrated Public Consultation, similar to the one prescribed for Environment Clearance with appropriate additions to cover forest impacts such as loss of forest land, habitat fragmentation, threats to biodiversity/endangered species and habitat niches, wildlife corridor values including social impacts may be prescribed.



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

2.4: Brand new Monitoring mechanism:

Monitoring is the weakest link in forest clearance process. The loopholes in the current regime give ample scope for exploitation by unscrupulous project proponents in collusion with authorities involved. The impetus for such brazen violations is because there has hardly been any major case where punitive action has been taken against anyone.

Since most violations are clearly intentional, without timely detection, as is the situation now, there is little or no scope for rectification later. We therefore suggest that the HLC recognizes this important lacuna and completely revamps the provisions thorough appropriate amendments in the FCA (not guidelines). A brand new four stage monitoring process –

- i. Commencement** or start of breaking/clearing/marketing/foundation stage of the project;
- ii. Continuous** – during all key identified project milestones;
- iii. Periodic** – annual / six months based on nature of the project; and
- iv. Surprise** - at-least 10% of cases including those where complaints or news reports of violations have been received / observed; must be made mandatory

2.5: At-least 5 % of India's land area must be protected and conserved as 'inviolable habitats':

The National Wildlife Action Plan released in 2002 outlines an important goal of ensuring that at-least 5% of India's land area is protected as 'inviolable habitats'. While this must be considered non-negotiable, a scientific boundary rationalization exercise can be carefully considered through a Committee with the most respected independent wildlife biologists and conservationists. A clear TOR of ensuring that at-least 5% of India's land area is inviolable must be framed. However, the manner and form in which the constitution of the NBWL was undertaken is a cause of grave concern. Such an approach, if adopted for this exercise will amount to a serious breach of trust and a violation of the principles of good governance that has been promised to the nation.

2.6: Application of Satellite Imagery to assess project impacts:

All major project proposals must continue to be subjected to site inspections and impact assessments, as provided for under the WLPA. However, in cases where a site inspection is not possible, the area sought for diversion must be scrutinized inter alia by reviewing high resolution 3D satellite imagery to assess the impact due to fragmentation, corridor disruption etc. The proposal for diversion must also be put up on the Ministry's website so that the public can submit comments. The use of high resolution time series satellite imagery for scrutinizing forest encroachment proposals must be made mandatory to establish the extent of occupation of forest land as on the cut-off date (2005). This is crucial as fresh forest areas are cut and occupied as soon as regularization proposals are called for.



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

3. Detailed Suggestions on specific issues outlined in the TOR:

When seen in the prevailing context of dilution of various guidelines and the statements of the Hon'ble Minister of Environment that these laws are a road block to development, we wish to submit that the wordings of this TOR give rise to some grave apprehensions on the true intent of this exercise. Keeping in view that all the laws that are being examined are related to environment, forests and wildlife which are in serious decline, the specific questions on TORs that beg for an answer are –

- i. Does “... *bring them in line with current requirements...*” mean the requirements for forest/wildlife conservation or industry and development?
- ii. Does “... *meet objectives*” mean that of forest/wildlife conservation as outlined in the National Wildlife Action Plan or the objectives of industry and development?

It is therefore submitted that the HLC considers this TOR on amendments keeping in focus the Doctrine of Public Trust, Precautionary Principle and Constitutional duty of the Government to protect the exhaustible natural resources from unbridled exploitation to meet short-term economic gains. There is ample data available to establish that it was largely corruption, crony capitalism and policy paralysis that led to huge delays and dented the economy and certainly not the laws that are under review or the judicial interventions since 1996 in the Godavarman, WWF and other matters. If indeed this was the case, how then did the country achieve a sustained GDP growth rate of around 7.5 % between 1999 and 2012 with the highest growth of nearly 10% in 2006-07? This is further substantiated by the fact that the approval rates for diversion of forests under the said laws listed for review by HLC during the same period is close to 80%.

Keeping this data in perspective, it is suggested that the HLC report must highlight that the current perception that the laws under review are roadblocks to development is grossly incorrect and not substantiated by data. It is such a perception that requires a change and not as much the said laws. The HLC can make some real win-win recommendations that will not only ensure a scientific, landscape/ecosystem approach to conservation but also help balance the need for development in a responsible manner.

3.1. The Wildlife (Protection) Act, 1972:

3.1.1: National Parks and Sanctuaries or Protected Areas (PAs) which cover fewer than 5 % of the country's land area. They are the last refuges for endangered wildlife species which require the highest level of protection. It is sincerely submitted that the HLC must treat PAs with a lot of caution while recommending amendments to the WLPA. It would be important to remind oneself that Protected Areas provide incalculable ecosystem services, without which human survival would be very difficult. Ensuring their integrity by insulating them from development pressures, and not the contrary, is therefore in the highest national interest and in line with Constitutional imperatives. NBWL, the apex statutory body on wildlife should not be reduced to a clearinghouse for projects.



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

3.1.2: Apart from pressures on PAs from development projects, the enactment of the Forest Rights Act in 2006 has led to creation of private ownership of over twenty lakh hectares of public lands. Fragmentation of forests and rampant, commercial exploitation of non-timber forest products for insatiable markets will cause severe negative impacts in PAs. In the Indian context, harmonious co-existence, assumed as a fundamental premise, is a utopian myth since forests have shrunk drastically, and turned into tiny islands amidst a sea of humanity. Further, there are glaring inconsistencies between the FRA and WLPA which needs to be corrected in order to ensure that WLPA is strengthened.

3.1.3: The last major amendment of the WLPA was in 2002 (excluding the 2006 amendment to introduce Chapter IV B & IVC) which was very constructive. With the same spirit shown by the then NDA Government in 2002 and based on the broad framework outlined above, the HLC may carefully consider the following suggestions on the WLPA:

Suggested Solutions:

1. *The provisions governing the NBWL and the Standing Committee must be strengthened to ensure that due diligence is exercised while considering project proposals. A system of e-circulation of proposals to non-official members of the NBWL can be implemented to minimize delays. In keeping with democratic principles, the current practice of summarily overruling the legitimate dissent of non-official experts on the Standing Committee must stop. Voting on decisions and recording reasons for granting clearance must be made mandatory through appropriate amendments.*

2. *All major project proposals must continue to be subjected to site inspections and impact assessments, as provided for under the WLPA. In cases where a site inspection is not possible, the area sought for diversion must be scrutinized by reviewing high resolution 3D satellite imagery to assess the impact due to fragmentation, corridor disruption etc. The proposal for diversion must also be put up on the Ministry's website so that the public can submit comments.*

3. *Where no alternatives are feasible and wildlife habitat must be diverted for a properly justified public purpose of immense importance, appropriate provisions may be added to impose a pre-condition that an additional forested area or corridor, at least 10 times the extent of what is being sought for diversion, must be added. This must be ideally to the same PA or to the PA network in the State. Project approval must be granted only after a final notification is issued by the State declaring the additional area as a PA.*

4. *The application of latest technology must be made mandatory to minimize/mitigate the impact of fragmentation. These measures for Linear intrusions like Roads / Railways/ Power lines could be in the form of scientifically designed overpasses or underpasses, tunnels, ecologically compatible bridge designs, canopy retention designs or nets; use of HV DC underground cables for critical stretches of power lines passing through PAs or ecologically sensitive forest areas. A detailed report on Linear Intrusions which contains several practical recommendations is already with the Ministry of Environment which must be incorporated.*



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

5. Chapter IV of the WLPA [specifically Sections 18 to 35 (both inclusive)] which provides for notification of PAs and imposes various restrictions must **not be altered under any circumstances**. The National Wildlife Action Plan released in 2002 outlines an important goal of ensuring that at-least 5% of India's land area is protected as 'inviolable habitats'. While this must be considered non-negotiable, a scientific boundary rationalization exercise can be carefully considered through a Committee with the most respected independent wildlife biologists and conservationists. A clear TOR of ensuring that at-least 5% of India's land area is inviolable must be framed. However, the manner and form in which the constitution of the NBWL was undertaken is a cause of grave concern. Such an approach, if adopted for this exercise will amount to a serious breach of trust and violate the principles of good governance that has been promised to the nation.

6. In case of Tiger Reserves, currently, several key restrictive clauses of the WLPA apply only if the area is a Sanctuary or National Park. It is therefore suggested that Section 38 V (2) be replaced by Section 35 (8) after substituting 'National Park' with 'Tiger Reserve'.

7. Specific amendments are urgently required to ensure that scientific research must not be controlled and curbed by applying the restrictive provisions of the WLPA. A note containing a draft of the necessary amendments is enclosed as Annexure 1.

8. Frontline forest officials constantly face off with armed and dangerous gangs of wildlife criminals who do not even hesitate to attack forest officials who are invariably outnumbered. With the illegal international trade in wildlife which is estimated to be second only to narcotics, forest officials must be empowered to open fire and use force to prevent the commission of offences and to apprehend such criminals. An appropriate amendment in this regard must be made to empower forest officials. Further, many forest officials are also facing malicious prosecution while discharging bona fide protection duties. Appropriate amendments are also necessary to provide immunity to frontline staff from arrest and harassment, pending a magisterial enquiry, in order to maintain morale of the forest force.

9. The present structure of penalties contained in Section 51 must not be altered. However, an explanatory clause must be inserted after clause (c) of sub-section (1) of Section 50 which clarifies that all offences of hunting and/or alteration of boundaries (which have a punishment of three years to seven years imprisonment) are cognizable offences and the authorized officer will file a complaint before the Magistrate, as envisaged under Section 55, on completion of investigation.

10. An analysis of the implementation of WLPA reveals that Magistrates are routinely granting bail to even notorious forest offenders without properly appreciating the fact that such offenders are apprehended after great effort. It is often the case that such habitual offenders jump bail and abscond. It is therefore suggested that the current provisions of bail need to be tightened. In Section 51A the words "previously convicted" to be substituted with "previously involved". In such cases, Bail must not be granted without hearing the public prosecutor.



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

3.2. The Forest (Conservation) Act, 1980:

3.2.1. Forest fragmentation: the breaking up of large blocks of forest into smaller patches due to ill planned intrusion of developmental projects into natural habitats is one of the most serious threats to long-term conservation. Peer reviewed scientific research has clearly established that fragmentation has several devastating impacts; it disrupts landscape connectivity, creates new edges, facilitates the intrusion of weeds, increases the threat of fire and leads to steady degradation of habitat and increased human-wildlife conflict. Therefore, it is critical to arrest and reduce forest fragmentation right now. However, the FCA is not addressing this vital issue of Forest Fragmentation. Further, the FCA needs to be considerably strengthened by incorporating appropriate amendments based on the following suggestions:

Suggested Solutions:

- 1. A fundamental change in the forest clearance regime must be made towards a scientific landscape/ ecosystem approach that is anchored on minimizing fragmentation of large blocks of contiguous forests instead of the present emphasis on only measuring area lost, forest density and tree cover.*
- 2. The new procedure must ensure that all proposals for diversion of forest land amidst large forest blocks and/or forming part of a contiguous forested landscape - irrespective of the area sought - must ordinarily not be considered. The use of high resolution 3D satellite imagery, amongst other methods, would be an effective tool for analysis and decision making in this regard.*
- 3. In some inevitable cases, after exploration of all alternatives, for facilitating only site-specific public utility projects of great national importance, the amendments must make the use of the latest technology mandatory to minimize/mitigate the impact of fragmentation. The mitigation measures as outlined in Para 3.1 (4) above is also to be incorporated in the FCA regime as well.*
- 4. As regards scattered and small pockets of forests which do not form part of a large forested landscape or wildlife corridor or an important wildlife niche or wetland, amendments can be brought about for **a more enabling forest clearance regime**. Even here, strict environmental mitigation conditions must be imposed. For instance, in case of open cast mining projects the condition that storage of top soil before commencement of mining must be made mandatory and strictly monitored. Non-compliance must be severely dealt with.*
- 5. There is an urgent need to scale up penalties under the FCA from the present 15 days imprisonment to at-least three years and with fines which much not be less than five lakh rupees. Since it is obvious that all willful violations occur on the directions of the top management/owners, the amendments must specifically make them and the authority authorized to monitor culpable – not lowly contractors/ workers for such willful violations.*



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

3.2.2 Monitoring is the weakest link in forest clearance process. The loopholes in the current regime give ample scope for exploitation by unscrupulous project proponents in collusion with corrupt forest officials and even non-officials/experts involved in site inspections. The impetus for such brazen violations is because there has hardly been any major case where punitive action in terms of cancellation of FC clearance and/or stoppage of a project has been initiated. Not a single government official has ever been prosecuted for abetting the violation of the FCA even though there are glaring examples of willful misrepresentation of facts in active collusion with the project proponent in the Form under Rule 6 for seeking prior approval or renewal.

Further, almost all violations are clearly intentional knowing full well that if work starts at the wrong place - (location of excavations/foundations/buildings/tree cutting/ vegetation clearance...) or along a wrong alignment (starting from a wrong point - ingress-egress/mid-point location of towers/bridge...) or mining a fragile slope to force a renewal under the pretext of stabilizing slopes – it is bound to get regularized. It is common knowledge that without timely detection, as is the situation now, there is little or no scope for rectification later. In a few cases, some fine for penal compensatory afforestation is imposed. We therefore suggest that the HLC recognizes this important lacuna and completely revamps the provisions thorough appropriate amendments in the FCA (not guidelines) as suggested below, so that a brand new four stage monitoring process is made mandatory.

Suggested Solutions:

- 1. Commencement - At the start of breaking/clearing/marketing/foundation stage by the jurisdictional DCF and non-official expert from the Regional Empowered Committee and/or State Site Inspection Committee to ensure full conformity with the approved master plan;*
- 2. Continuous - During all key identified Milestones of the project to be mandatorily disclosed in the proposal and reported to the jurisdictional DCF/Regional Office from time to time and till the expiry of the lease period;*
- 3. Periodic – By the jurisdictional CF and DCF respectively with a non-official expert from the Regional Empowered Committee and/or State Site Inspection Committee once every year or six months depending on the nature of the project / location;*
- 4. Surprise – By the Nodal officer with non-official expert(s) (with no information even to the jurisdictional officials) for at-least 10% of cases including those where complaints or news reports of violations have been received / observed.*

3.2.3. The existing guidelines at para 2.1. 4 of the Guidelines prescribes that it is essential to obtain the opinion of the local people whenever a project is coming up in that area. However, there is a provision to waive this condition for projects which require Environment Clearance under the current prescription [2.1.4 (a)]. It is common knowledge that this procedure of obtaining the opinion of local people is not being followed in many cases or is being stage managed by the project proponent in the absence of a formal public consultation as mandated in the Environment Clearance process.



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

The waiver of the said condition for projects that need to go through the Environment Clearance process also is not based on a sound rationale. Furthermore, in case of projects that need prior permissions under both FCA and EPA, the Supreme Court (Lafarge Judgment) has directed that the process of Forest Clearance must first be completed.

Suggested Solution:

*In order to streamline the process to reduce delays and also to ensure that a reasonable opportunity for hearing is provided to local people/civil society, the draft policy presently under consideration needs to be amended. A detailed procedure of a formal **Integrated Public Consultation**, similar to the one prescribed for Environment Clearance with appropriate additions to cover forest impacts such as loss of forest land, habitat fragmentation, threats to biodiversity/endangered species and habitat niches, wildlife corridor values and social impacts may be prescribed. It is also suggested that the option of rejecting a proposal with reasons cited, either before the stage of public consultation, (as in the Environment clearance process) or even after, irrespective of what the local opinion is, be prescribed in the procedure.*

3.2.4. Presently, most State Governments are routinely relaxing an important condition – which is - identification, transfer and mutation of an equivalent area of non-forest land contiguous with RF/PF in favor of the Forest Department for declaration as RF/PF before grant of Stage II clearance. This is mandated under Chapter 3 para 3.2 (i), (ii) and 3.4(i) of the FC Guidelines. However, proposals are being cleared by imposing the simpler condition of Compensatory afforestation over twice the area diverted. This procedural loop hole needs to be seriously reviewed and rectified since Compensatory afforestation or planting of saplings in other areas to make up for forests diverted for development projects etc **does not** actually compensate the impact of forest fragmentation and loss of forest cover. It is a mere fig leaf to cover up forest land diversion.

Suggested Solutions:

A three pronged solution as suggested, will comprehensively address this issue –

a. State Forest Departments must first identify non-notified areas that already have thick natural forests and notify such areas. Thickly wooded area /natural forests under private ownership/old leases particularly in biodiversity hotspots and large forest blocks like Western Ghats must be acquired by the Government and notified;

b. The Forest Survey of India/Ministry of Environment (MoEF) along with State Forest Departments must launch a major exercise to identify areas where forests stand degraded but contain root stock. Appropriate boundary protection measures like trenching, solar power fencing etc and foolproof fire protection measures must be the only activities that must be funded by CAMPA as part of compensatory afforestation. This is extremely important to ensure that we recover natural forests that are degraded and not create monoculture plantations with exotic trees in such degraded forests as is being done now. Therefore, the new legal regime must address this aspect to ensure that in such identified areas with rootstock, funding is not provided for monoculture or even mixed plantation work.



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 0 8 0 - 2 6 5 3 5 7 6 3
FAX: 0 8 0 - 2 6 5 3 5 8 1 1
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info

c. The new legal regime must make mandatory the transfer or mutation of non-forest land immediately adjacent to RFs/PFs and/or within enclosures of RFs or PAs/Tiger Reserves or in area forming important wildlife corridors by deleting the provisions which empower States to routinely relax this condition. In order to speed up this process and reduce time delays, appropriate amendments must be recommended to ensure that States proactively identify, in association with scientific institutions/NGOs, private lands abutting PAs/Tiger Reserves or enclosures within such areas or large RFs which will minimize or eliminate fragmentation or honeycombing and contribute to create/enhance buffers or corridors. Project proponents must be provided such data so that they can quickly complete the transaction with private land owner willing to sell and comply with the requirements of Stage II clearance.

Praveen Bhargav
Trustee

Shekar Dattatri
Former Member, NBWL

Niren Jain
Kudremukh Wildlife Foundation

26 – 09 – 2014



WILDLIFE FIRST

ವೈಲ್ಡ್ ಲೈಫ್ ಫಿರಿಸ್ಟ್

ANNEXURE - 1

SUGGESTED AMENDMENTS IN WLPA FOR FACILITATING RESEARCH ON WILDLIFE

1. In the Preamble the words **“enable Wildlife Research which is of fundamental importance to advancement of both science and conservation...”** to be inserted after **“its products;”**
2. In Section 2 (16) the words **“but does not include any of the above acts for the specific purpose of wildlife research as permitted under section 17- I”** be added after **“birds or reptiles”**.

Justification: Will differentiate between criminal acts and hunting for Wildlife Research.

3. Section 2 (37A) the following definition clause may be inserted - **“Wildlife Research involves activities conducted by qualified scientists or students/assistants guided by them for answering scientific, theoretical or conservation-related questions about wildlife and/or their habitats, by means of testing ideas, concepts, models or hypotheses, based on collection and analysis of data in the form of wildlife samples, observations, images, cues, recordings, specimens and other types of scientific evidence”**.

Justification: A broad definition that covers a wide spectrum of research on flora and fauna.

4. Section 2 (37B) the following definition clause may be inserted - **“Qualified scientist means any research institution or person with a Master’s or higher degree in any related subject or with a peer-reviewed scientific publication and includes assistants working under his supervision and/or his students pursuing such a degree”**.

Justification: Eliminates any possible misuse by unqualified persons.

5. In Section 12, clause (a) **“education”** and clause (b) **“scientific research”** to be omitted

Justification: These will be dealt with under Section 17 - I.

6. In Section 17B, clause (a) **“education”**, clause (b) **“scientific research”** and clause (c) **“collection, preservation and display in a herbarium of any scientific institution; or”** to be omitted.

Justification: This will be dealt with under Section 17- I.

7. Insertion of new Section 17- I into the Act which shall state:

“ Grant of permit- (1) Notwithstanding anything contained elsewhere in this Act, the Chief Wildlife Warden, shall on application, grant a permit within 60 days, by an order in writing to any person, referred to in Section 2(37B) to conduct wildlife research covering any subject or topic selected by the said applicant. The holder of such permit shall then be entitled to conduct wildlife research in any part of a National Park, Sanctuary, Tiger Reserve, Conservation Reserve, Reserved Forests, wetlands, coastal and marine ecosystems subject to such enabling conditions as may be prescribed.

Provided that grant of permit for research which involves capture-handling-release of animals and/or research which involves killing of animals and collecting specimens shall be granted in 90 days and in case of any wild animal listed in schedule I, with the approval Director of Wildlife Preservation including the approval of the Tiger Conservation Authority as prescribed in clause(f) of Section 38(O).

(2) The applicant and assistants will have access to study areas all 24 hours, if research objectives so justify, and no vehicle entry or equipment fees shall be charged. Provided that when any other government facility is used, rates charged to government officials on duty will apply.

(3) The applicant will share his final research findings free of cost within a reasonable time period and provide mid-term oral presentations to the jurisdictional Deputy Conservator of Forests and project completion reports to the Chief Wildlife Warden”.

Justification: This will help facilitate research while ensuring necessary control.

8. In Section 28 (1) clause (c) **“scientific research”** to be omitted.

NO. 1235, FIRST FLOOR
26TH 'A' MAIN ROAD
4TH 'T' BLOCK, JAYANAGAR
BANGALORE - 560 041, INDIA
TEL: 080 - 26535763
FAX: 080 - 26535811
EMAIL: wildlifefirst@gmail.com
WEBSITE: www.wildlifefirst.info