

IN THE NATIONAL GREEN TRIBUNAL, SOUTHERN BENCH AT CHENNAI

ORIGINAL APPLICATION NO. 29 OF 2020 (SZ)

Between:

M/s. Sajimon Salim

...Applicant

Vs.

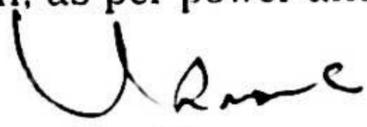
Union of India & Others

...Respondents

**AFFIDAVIT ON BEHALF OF THE UNION OF INDIA (Respondent No.1)
and
THE NATIONAL TIGER CONSERVATION AUTHORITY (Respondent No.5)**

I, Nandavaram Subbaro Murali S/o Narayanappa Subbarao, aged 55 years, Inspector General of Forests, National Tiger Conservation Authority (NTCA), Ministry of Environment, Forest and Climate Change, Government of India, National Tiger Conservation Authority, Regional office (Southern Zone) Doresanipalya Forest Campus, Banneragatta Road, Arekere Mico layout, IIMB (PO), Bangalore -560076, do hereby solemnly affirm and state as under:-

1. I state that I am the Inspector General of Forests, National Tiger Conservation Authority (NTCA), Ministry of Environment, Forest and Climate Change, Government of India, and as such well conversant with the facts circumstances of the case from the records maintained in the office and I am authorized and as such competent to swear in this affidavit on behalf of the Respondent no. 1 & Respondent no.5.
2. I state that I deny the averments stated in the Application as false and put the Applicant to strict proof of the same.
3. I state that the National Tiger Conservation Authority (NTCA) is a statutory body under the Ministry of Environment, Forest and Climate Change, constituted under enabling provisions of the Wildlife (Protection) Act, 1972, as amended in 2006, for strengthening tiger conservation, as per power and


वन महानिरीक्षक
Inspector General of Forests
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National Tiger Conservation Authority
क्षेत्रीय कार्यालय / Regional Office
(A statutory body under)
Ministry of Environment, Forests & Climate Change
भारत सरकार / Govt. of India
बैंगलूर / Bangalore - 560 076

functions assigned to it under the said Act. It has been successful in fulfilling its mandate within the ambit of the Wildlife (Protection) Act, 1972 for strengthening tiger conservation in the country by retaining an oversight

through advisories/ normative guidelines, bases on appraisal of tiger status, ongoing conservation initiatives and recommendations of especially constituted committees. (As such, the National Tiger Conservation Authority has an overarching role in the matter of tiger conservation)

4. I state that it is brought to the kind notice of the Hon'ble Tribunal that the State Government is mandated with the day to day administration of field formations within the State as per the Wildlife (Protection) Act, 1972. The National Tiger Conservation Authority assists the tiger range States by hand holding and providing necessary funding support, for protection, strengthening of anti-poaching activities including special strategy for monsoon patrolling, for deployment of anti-poaching squads involving ex-army personnel and more home guards, apart from work force comprising of local people, in addition to strengthening of communication and wireless facilities on a site specific basis. Guidance to tiger range States is provided through the National Tiger Conservation Authority (Normative Standards for Tourism activities and Project Tiger) Guidelines, 2012 under Section 38 O (1) (c) of the Wildlife (protection) Act, 1972.
5. I state that in respect of averments made in **para 1** of the Original Application, it is most humbly submitted that as per section 38-V (3) of the Wildlife (Protection) Act, 1972, the State Government is required to prepare Tiger Conservation Plan (TCP) for each Tiger Reserve. The relevant portion of section is reproduced below;

(3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub- section (1), so as to ensure-

(a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co- predators and prey animals without distorting the natural prey- predator ecological cycle in the habitat;



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(b) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;

(c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

Activities like habitat improvement, water and fodder augmentation, protection, anti-poaching activities etc are done as per the Tiger Conservation Plan of the Reserve. Further, as per Section 38 V, Explanation (i) the core area of a Tiger Reserve is required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of Scheduled Tribes or such other forest dwellers.

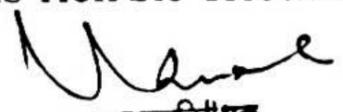
6. I state that in respect of averments made in para 2 to 6 of the Original Application, it is most humbly stated that there are no comments to offer.
7. I state that in respect of averments made in para 7 of the Original Application, it is most humbly submitted that Core Area or Critical Tiger Habitat of a Tiger Reserve as notified under section 38-V(1) of the Wildlife (Protection) Act, 1972 is required to be kept as inviolate for the purpose of Tiger Conservation.
8. I state that in respect of averments made in para 8 of the Original Application, it is most humbly stated that there are no comments to offer.

It is humbly requested that this Hon'ble Tribunal may be pleased to record the above mentioned facts and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

Solemnly affirmed at Bangalore

On this the 25th day of May 2021

And signed his name in my presence.


वन महानिरीक्षक
Inspector General of Forests
राष्ट्रीय व्याध संरक्षण प्राधिकरण
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Advocate :: Chennai