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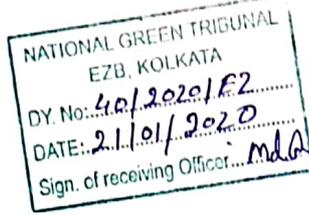
BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 18/2019/EZ

JORJO TANA TARA

Vs.

UNION OF INDIA &amp; ORS.



AFFIDAVIT ON BEHALF OF THE UNION OF INDIA AND  
NATIONAL TIGER CONSERVATION AUTHORITY

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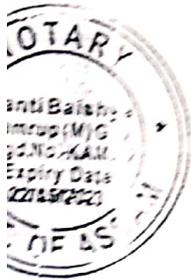
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BEFORE THE NATIONAL GREEN TRIBUNAL  
 EASTERN ZONE BENCH, KOLKATA  
 O.A. NO. 12/2019/EZ  
 JORJO TANA TARA  
 Vs.  
 UNION OF INDIA & ORS.

AFFIDAVIT ON BEHALF OF THE UNION OF INDIA AND  
 NATIONAL TIGER CONSERVATION AUTHORITY

I, W. Longvah S/o David Longvah aged 57 years, Inspector  
 General of Forests, National Tiger Conservation Authority  
 (NTCA), Regional Office, Guwahati, Ministry of Environment,  
 Forest and Climate Change, Government of India, 4<sup>th</sup> Floor,  
 HOUSEFED Building, Rukminigaon, G. S. Road, Guwahati,  
 Assam-781022 do hereby solemnly affirm and state as under:-



i. That I am the Inspector General of Forests, National Tiger  
 Conservation Authority, Ministry of Environment, Forest and  
 Climate Change, Government of India, and as such well  
 conversant with the facts and said 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  
 Union of India and the National Tiger Conservation Authority.



*(Handwritten signature)*

1. That I have read and understood the contents of the petition and file my reply to the same as under -

1. That the National Tiger Conservation Authority (NTCA) is a statutory body under the Ministry of Environment, Forest & Climate Change constituted under enabling provisions of the Wildlife (Protection) Act, 1972, as amended in 2006, for strengthening tiger conservation, as per power and functions assigned to it under the said Act. The NTCA has been 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, based 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.

2. 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 the field formations within the State as per the Wildlife (Protection) Act, 1972. The National Tiger Conservation Authority assesses the tiger range States by hand holding and providing necessary funding support, as procured by them for



*[Handwritten signature]*

protection, strengthening of anti-poaching activities including special strategy for monsoon patrolling, for deployment of anti-poaching squads involving ex-army personnel and home guards, apart from work force comprising of local people, in addition to strengthening of communication and wireless facilities.

3. That notwithstanding anything contained in paras of the instant application, it is most humbly informed that 346.25 sq. kms. of the Papum Reserve Forests falling under the Khellong Forest Division are a part of the notified buffer of the Pakke Tiger Reserve. As per the Tiger Conservation Plan of the Pakke Tiger Reserve, a statutory document mandated under Section 38 V of the Wildlife (Protection) Act, 1972 staff deployment is governed as follows:

*"The concerned territorial Forest Division shall regulate the deployment of staff in the buffer areas within their jurisdiction. Range Forest Officer and Range staff of Seljosa Territorial Range shall be deployed in Papum RF (buffer zone). Range Forest Officer and Range staff in Khuppi Range under Bomdila Forest Division shall be deployed in Tenga RF (buffer) and Seppa Range officer and range staff under Seppa Forest Division shall be deployed in USF areas of the buffer falling*



*(Handwritten signature)*

4 249

*under his jurisdiction. These management practices will continue till re-organisation/ transfer of buffer zone to the unified command control of the Field Director'*

As a consequence of this dispensation the Field Director of the Pakke Tiger Reserve has no control over his buffer area. In this regard, respondent No. 6 has advised the Chief Wildlife Wardens, All Tiger Range States way back as February, 2012 for having unified control of notified buffer area under the Field Director (Annexure-1 pages...7... to .8...).

Further, as per Section 5.5.2 of technical guidance document NTCA/01/07, titled 'Guidelines for preparation of Tiger Conservation Plan' the implementation strategy requires the buffer zone to be placed under the unified control of the Field Director (relevant extracts at Annexure-2 pages....9... to.....).

4. In so far as protection at the Pakke Tiger Reserve is concerned, the respondent no. 6 had advised the State of Arunachal Pradesh to raise, arm and deploy the Special Tiger Protection Force in May, 2009 (Annexure-3 pages.10 to.....).



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This has also been proposed in the Tiger Conservation Plan of the Pakke Tiger Reserve based on the National Tiger Conservation Authority Guidelines. The said force is yet to be constituted. This had also become an assurance in the Hon'ble Lok Sabha in unstarred question no. 1379 in respect of which a meeting held on 07.02.2018 clearly decided that if the signed Memorandum of Understanding for raising, arming and deploying the STPF at the Pakke Tiger Reserve was not submitted by February 19, 2018 the proposal shall be dropped and not considered further (Annexure-4 pages...to page 13)

5. In context of the Pakke Tiger Reserve, it is most humbly informed that alongwith the Nameri Tiger Reserve in Assam, the said landscape forms the transition zone between the Indian and Malayan Eco-regions. The Pakke and Nameri Tiger Reserves are situated North of the river Brahmaputra in the transition zone between the Assam plains and the hilly forests of Arunachal Pradesh. Together, they form one of the largest blocks of semi-evergreen and evergreen forests in the North-East. They are extremely important in maintaining contiguity within the North-East Indian forests and are centrally located within the Western Assam and Arunachal forests.



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6 It is therefore, prayed that the facts mentioned in the preceding paragraphs, be taken on record and incorporated as reply to the instant application. It is also most humbly prayed that the State of Arunachal Pradesh (Respondent No.2) be directed to bring buffer under unified control of the Field Director and constitute the Special Tiger Protection Force without further delay in order to minimize and control the illegalities as brought out in the application. This respondent reserves the right to file a detailed Counter Affidavit as and when required, with leave of the Hon'ble Tribunal

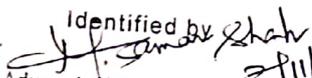
  
DEPONENT

VERIFICATION

I, the above name deponent, do hereby verify that the facts stated in the above affidavit are true and correct to my knowledge based on records and nothing material is concealed therefrom.

Verified at New Delhi, on this the 7<sup>th</sup> day of November, 2019.



Identified by   
Advocate/Advocates Clerk

3/5  
7/11/19

Banti Baishya  
NOTARY, GOVT. OF ASSAM  
Kamrup (Metro), Guwahati  
Regd. No.: KAM-22

  
DEPONENT

NOTARY PUBLIC: OATH COMMISSIONER  
Solemnly affirmed before me this day of  
I certify that I read over and explained the contents to the declarant and the declarant seemed perfectly satisfied with them.

8

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etc

Project Tiger (CSS-PT) for management of the said area would not be possible from this end.

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Once the notified buffer / peripheral areas are handed over to the Tiger Reserve Management, a composite Tiger Conservation Plan has to be prepared as per the guidelines and technical document - NTCA/01/07 issued by the National Tiger Conservation Authority (NTCA). The funding support from Project Tiger for the eco-development of local people living in the buffer / peripheral areas would be possible, if the same is reflected in the APO on the basis of micro plans of village level institutions (eco-development committees). The TCPs should also ensure reciprocal commitment from such village level committees so that inputs provided in the buffer / peripheral villages would become helpful in achieving the objectives of managing these areas for the welfare of local people and tiger conservation.

In view of the above, you are once again requested to pursue the matter with the concerned authorities in your State so that the notified buffer / peripheral areas are brought under the unified control of the concerned Field Director.

Yours faithfully,

*[Signature]*  
15.02.12  
(H.S. Negi)

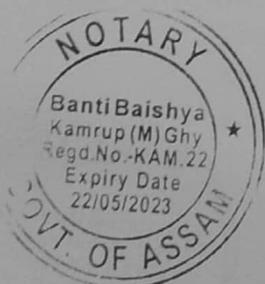
Deputy Inspector General (NTCA)

Copy to

1. The Principal Chief Conservator of Forests, all Tiger Range States for information and necessary action.
2. Additional Chief Secretary / Principal Secretary (Forests), all Tiger Range States for information and necessary action.

*[Signature]*

o/c  
issued on 15/2/12  
Ankur



ATTESTED  
*[Signature]*  
7/4/12  
Notary Kamrup (M)  
Regd. No. KAM. 22

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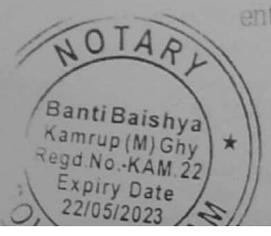
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Annex 2

- institutionalizing a system of patrolling for safeguarding the use of transmission lines and cleared strips for poaching
- the maximum width (w) of Right of Way for the transmission lines on forest land for varying kv lines is 7 m (11 kv), 15 m (33 kv), 180 m (66 kv), 22 m (111 kv), 27 m (132 kv), 35 m (220 kv) and 52 m (400 kv)
- maintaining the prescribed clearances for different kv lines within the Right of Way, which may be widened in areas having tall trees or elephants

5.5 Implementation Strategy

- 5.5.1 The buffer zone of a tiger reserve will not have the status of a national park or sanctuary. However, as a "multiple use area", it may encompass conservation or community reserves, apart from revenue lands, private holdings, villages, towns and other production sectors as indicated above.
- 5.5.2 The buffer zone should be notified as required under the Wild Life (Protection) Amendment Act, 2006, and should be placed under the unified control of the Field Director of the tiger reserve.
- 5.5.3 Subject to the provisions of the Wild Life (Protection) Act, 2006, the existing land uses in the buffer zone can continue with due mainstreaming of wildlife concerns as indicated above.
- 5.5.4 The role of Deputy Director (Buffer Zone) of a tiger reserve would be to carry out **implementation** of inputs (Forestry/Joint Forest Management/Ecodevelopment) in forest areas, while ensuring **coordination** with other sectors. Wildlife protection would be an overlapping mandate for the entire area.



ATTESTED  
 PMS  
 11/10  
 Notary, Kamrup (M)  
 Regd. No. KAM. 22

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**NATIONAL TIGER CONSERVATION AUTHORITY**  
(STATUTORY BODY UNDER THE MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA)

Bikaner House, Annexe-V,  
Shahjahan Road, New Delhi-110011  
Tele Fax: 011-23384428  
Email: dirpt-r@nic.in

**Dr. RAJESH GOPAL**  
Member Secretary

Dated the 11<sup>th</sup> May, 2009

F. No. 15-5/2008-NTCA (Pt. I) (3)

To

The Chief Wildlife Warden,  
Government of Arunachal Pradesh,  
Itanagar.

**Sub:** Raising, arming and deploying the Special Tiger Protection Force (STPF).

Sir,

I am directed to enclose herewith a copy of the guidelines, alongwith the MOU, for raising, arming and deploying the Special Tiger Protection Force (STPF) in the Pakke Tiger Reserve, Arunachal Pradesh

2. Central Assistance (100%) in this regard would be provided under the ongoing Centrally Sponsored Scheme of Project Tiger. You are requested to liaison with the Police Department of your State for needful action in this regard.

3. The process is on for providing Central Assistance during the financial year under Project Tiger. Meanwhile you are requested to be in readiness for implementing the initiative in conformity with the timeline prescribed, in collaboration with the Police Department. Further, since the process of recruitment of personnel may involve time, action may be initiated for obtaining Police personnel on deputation to the STPF immediately for tiger protection, till the regular posts are made available by the Police Department after recruitment / training in the prescribed age group. Guidelines for training / syllabus would be communicated shortly.

4. The MOU, duly signed by the competent authority, may please be sent to this office at the earliest.

Yours faithfully,

*Rajesh Gopal*  
(Dr. Rajesh Gopal)

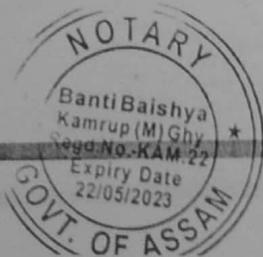
IGF & Member Secretary (NTCA)

Encl: As above.

Copy to:-

1. PS to Secretary (E&F)
2. PS to DGF & SS, MoEF
3. PS to ADG (WL), MoEF
4. The Principal Secretary (Forests), Government of Arunachal Pradesh, Itanagar.
5. The Principal Chief Conservator of Forests, Arunachal Pradesh, Itanagar.
6. The Field Director, Pakke Tiger Reserve, Arunachal Pradesh.
7.  Concerned APO File 2009-10 / Concerned STPF File.
8. Guard File / Spare Copy

OTC  
issued  
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with rec  
17/5/09



ATTESTED  
*BBS*  
7/4/09  
Notary, Kamrup (M)  
Regd. No. KAM.22

*[Handwritten signature]*

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Annex

F. No. 7-7/2017-NTCA (Vol.I) (part)  
Government of India  
Ministry of Environment, Forest and Climate Change  
National Tiger Conservation Authority  
\*\*\*

B-1, Wing, 7<sup>th</sup> Floor,  
Pt. Deendayal Antyodaya Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110003.  
Email: aig3-ntca@nic.in  
Tel (EPABX) 011-24367837-42  
Fax: 011-24367836

Dated: 15<sup>th</sup> February, 2018

OFFICE MEMORANDUM

**Sub:** Summary record of the meeting held in context of Parliament Assurance – Lok Sabha Unstarred Question No. 1379 dated 03.03.2015 raised by Shri Rajeshbhai Chudasama, MP on "Special Tiger Protection Force" – reg.

Please find enclosed herewith a copy of the summary record of the meeting held in context of Parliament Assurance – Lok Sabha Unstarred Question No. 1379 dated 03.03.2015, raised by Shri Rajeshbhai Chudasama, MP on "Special Tiger Protection Force" under Chairmanship of the ADG (PT) & MS (NTCA) in his chamber for information and necessary action.

This issues with approval of the competent authority

End: As above

(Dr. Vaibhav C. Mathur)  
Assistant Inspector General (NTCA)

**Distribution:** All participants of the meeting  
(as per Annexure of the summary record)

**Copy to:**

1. All officers of NTCA Hqs
2. PS to ADG (PT) & MS (NTCA)



ATTESTED  
ms  
7/4/18  
Notary Kamrup (M)  
Regd. No. KAM 22

12

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**Summary record of the meeting held in context of Parliament Assurance – Lok Sabha Unstarred Question No. 1379 dated 03.03.2015 raised by Shri Rajeshbhai Chudasama, MP on 'Special Tiger Protection Force'**

A meeting to discuss Lok Sabha Parliament Assurance in context of Unstarred Question No. 1379 dated 03.03.2015 was held on 07.02.2018 under Chairmanship of the ADG (PT) & MS (NTCA), New Delhi in his chamber. The meeting was attended by officials as per Annexure.

The following deliberations took place:

1. Arunachal Pradesh:

The State has been procrastinating on the two options available in context of the STPF but has been able to notify guidelines for recruitment of the said force by the State Government. However, the latter are not available on record with the NTCA. A revised MoU in this regard is required to be submitted, duly signed by Authorities concerned on the final option which is decided by the State. It was decided that the signed MoU be submitted by 19.02.2018, failing which proposal for raising, arming and deploying the STPF at the Pakke Tiger Reserve shall be dropped.

2. Telangana:

Representative of the State of Telangana stated that due to the revised dispensation of financial disbursal in the ratio of 60:40 between the Centre and States, it was difficult on part of Telangana to follow guidelines issued by the NTCA in context of composition of the STPF, and it was decided that a force comprising 37 members only shall be constituted for the Kawal and Amrabad Tiger Reserves. A letter to this effect was handed over by representative of the State (F/A).

This however, is against the very functioning of the said force as was envisaged by the Government of India and renders effective functioning redundant. As the proposal of the State Government of Telangana did not find favour with NTCA it was advised to communicate decision of the meeting to State Authorities concerned and revert by 12.02.2018 so that a final call on raising, arming and deploying the STPF at the Kawal and Amrabad Tiger Reserves can be taken.

3. Uttarakhand

Representative of the State of Uttarakhand stated that Option-II for raising, arming and deploying the STPF at the Corbett Tiger Reserve has been finalized wherein the recruitment process has been notified. Copy of the same however, is not available on record. Further, the Hon'ble High Court of Uttarakhand in court case No. 85/2014 vide order dated 18.12.2017 stated that the STPF should be constituted within a time period of 3 months. As one & half months have already elapsed the State of Uttarakhand is in process of ensuring that the STPF is constituted quickly.

There was no representation from the State of Madhya Pradesh and Uttar Pradesh. However, a letter was received from the latter.

The meeting ended with a vote of thanks by the Chair.



JOB  
7/11/19

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of participants

1. Dr. Debabrata Swain, ADG (PT) & MS (NTCA)
2. Dr. R. Kemp, Chief Wildlife Warden, Arunachal Pradesh.
3. Shri Murindra, APCCF, Telangana.
4. Shri A.K. Tripathi, DFO Kalagarh, Corbett TR, Uttarakhand.
5. Shri Tanu Tapi, DFO, Pakke TR, Arunachal Pradesh.
6. Shri Nishant Verma, DIG, NTCA Hqs.
7. Dr. Vaibhav C. Mathur, AIG, NTCA Hqs.

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MS ATTESTED  
 7/4/22  
 Kamrup (M) Ghy  
 Regd. No. KAM.22