



4 August 2014

To,

- **Shri. Narendra Modi,**
Prime Minister of India and Chairperson, National Board for Wildlife
- **Shri. Prakash Javadekar,**
Minister of State of Environment, Forests and Climate Change (IC) and
Chairperson, Standing Committee, National Board for Wildlife
- **Shri. V. Rajagopalan,**
Secretary, Ministry of Environment, Forests and Climate Change
- **Shri. S. S. Garbyal,**
Director General of Forests and Special Secretary,
Ministry of Environment, Forests and Climate Change

Subject: Request to urgently amend the flawed constitution of the National Board for Wildlife (NBWL) as indicated in Notification issued by MoEF dated 22 July 2014 & not hold any meetings based on this flawed notification.

Respected Prime Minister, Hon. Minister and Sirs,

It is with great concern that we write to you about the constitution of the new NBWL as indicated in the Government Notification dated 22nd July 2014.

The term of the previous NBWL and its standing committee ended in Sept 2013, as was noted by the then chairperson of the standing committee and recorded in the minutes of the latest (Sept 2013) meeting of the standing committee

(see:<http://www.moef.nic.in/sites/default/files/MOM-30-NBWL-04.09.2013.pdf>): “At the outset, Hon’ble Chairperson while welcoming all participants to the 30th Meeting of Standing Committee of NBWL expressed deep appreciation of the contribution of the non-official members in the meetings of the Standing Committee of NBWL and their selfless dedication for the cause of conservation. **She added that the present term of NBWL was coming to an end on 5th September 2013** and that the discussions and deliberations made by the present members during the Standing Committee of NBWL meetings had helped the Chair in taking judicious decisions.” (Emphasis added.)

So country was without NBWL and standing committee for more than the last ten months and the country expected that the government would constitute a proper NBWL honouring the letter and spirit of the Wildlife Protection Act and the need to protect wildlife and biodiversity in protected areas. The concerned people of the country stand disappointed by the July 22, 2014 notification.

At the outset, the Notification dated 22 July 2014 is ambiguous about the constitution of the NBWL and its Standing Committee. It is not even available on MoEF website. The notification seems to be in violation of the Wildlife Protection Act in letter and spirit and is not in the interest of the wildlife, biodiversity or protected areas in the country. A comparative reading of Sept 2003, May 2007 and Sept 2010 notifications of the MoEF about constituting NBWL further strengthen this view.

The notification only mentions a small subset of the NBWL members as listed in the Wildlife (Protection) Amendment Act, 2002. The limited list is in violation of the Wildlife (Protection) Act, 1972 and its subsequent amendment in 2002 by way of the Wildlife (Protection) Amendment Act, 2002. The Director General of Forests is on record having said that this is the entire NBWL. (Please see:<http://www.thehindu.com/todays-paper/tp-national/tp-otherstates/new-national-wildlife-board-flouted-wlpa-guidelines/article6261988.ece>) This confirms the illegality of the notification.

We would respectfully like to submit that a notification issued by the government cannot override or violate an Act passed by the Parliament, with the ascent of the Hon. President of the Union of India.

Main points of divergence between Wildlife (Protection) Amendment Act, 2002 and the Notification issued on 22nd July, 2014 are as follows:

1. Clause (e) of the Wildlife Protection Amendment Act, 2002 states:

“(e) five persons to represent non-governmental organisations to be nominated by the Central Government”

However, the Notification dated 22 July 2014 **does not nominate any NGO. The only name notification gives for NGO member, namely GEER is not an NGO.**

The nominated “Gujarat Ecological Education and Research (GEER) Foundation, Gandhinagar, Gujarat” is a Gujarat Government organisation and not an NGO. Its website is <http://www.geerfoundation.gujarat.gov.in>, says, it has been “set up in 1982 by the Forests & Environment Department, Government of Gujarat” and the Chairperson of its board is Chief Minister of Gujarat while majority board members too are from Gujarat Government. Thus GEER stands disqualified from being nominated as an NGO.

2. Clause (f) of the Wildlife (Protection) Amendment Act, 2002 states:

“(f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists”

However, the notification dated 22 July 2014 replaces this by **just two people.**

“(i) Prof. Raman Sukumar,

(ii) Dr. H.S. Singh.”

3. Clause (v) of the Wildlife (Protection) Amendment Act, 2002 states:

“v) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government”

However, the notification dated 22 July 2014 replaces this with just five states.

In view of the above, the notification dated 22 July 2014 violates Wildlife (Protection) Amendment Act 2002 and should be urgently taken back. Any meetings or any decisions taken by this board will not stand legal scrutiny.

Apart from the legal issue, it is important for a board like NBWL to have a broader regional representation of independent experts, NGOs and members and this was one of the the objectives behind nominating these members on the NBWL and its standing committee. We hope that the government will appreciate this issue. Indian Wildlife, biodiversity and its habitat like the protected areas, forests, rivers, wetlands, etc., are under tremendous pressure and we hope the new government is committed to conserve our rich wildlife heritage.

We therefore look forward to urgent action on the points mentioned above by immediately taking back the 22nd July 2014 Notification and replacing it with a notification that spells out constitution of NBWL respecting the WLPA in letter and spirit and also respecting India’s wildlife and its dwindling habitat. We hope that no meetings of the NBWL happen before a correct constitution of the board.

Looking forward to your response on the points raised above.

Yours sincerely,

No.	Name/ Organisation	Location
1.	Kalpavriksh Environment Action Group	Pune
2.	Dr. Bhaskar Acharya, Researcher, Bangalore	Bangalore
3.	Dr. Sunil K. Choudhary	University Dept. of Botany T.M. Bhagalpur University Bhagalpur-812007, India
4.	Dr. Rajeev Raghavan South Asia Co- Chair, IUCN SSC/WI Freshwater Fish Specialist Group Member, IUCN SSC Red	

	List Committee Member, IUCN WCPA/SSC Joint Task Force on Biodiversity and Protected Areas	
5.	Shripad Dharmadhikary	Pune
6.	Himanshu Thakkar, SANDRP 86-D, AD block, Shalimar Bagh, Delhi, 09968242798	Delhi
7.	Lyla Bavadam	
8.	Ranjana Pal	
9.	Dr. Latha Anantha, River Research Centre,	Kerala
10.	Cara Tejpal, Conservationist	Delhi
11.	Girish A. Punjabi, Researcher,	Pune
12.	Nachiket Kelkar, Ecologist	Bangalore
13.	Shardul Bajikar, Ecologist, Mumbai	Mumbai
14.	Adv. Indavi Tulpule	Murbad, Thane
15.	Anand Arya	Delhi
16.	Vijay Diwan, Aurangabad Social Forum	Aurangabad
17.	Manshi Asher, Himdhara,	Himachal Pradesh,
18.	Jitn Yumnam, Citizens Concern for Dams and Development, Committee on the Protection of Natural Resources in Manipur, Centre for Research and Advocacy	Imphal, Manipur
19.	Samir Mehta, River Basin Friends	Mumbai
20.	Bharat Seth, International Rivers	Delhi
21.	Joy KJ, SOPPECOM	Pune
22.	Deepali Nandwani	
23.	Ravi, Namita and Medha Potluri.	
24.	Jagdeep Chhokar	
25.	Nitu.S	
26.	Munish Kaushik	
27.	Ramanathan Sriram	

28.	Soma Jha	
29.	Dr. V K Gupta	
30.	Sabyasachi Patra	
31.	Manoj Gupta	
32.	Sarita Kumar	
33.	Dipu Karuthedathu, Member BNHS, Co-Moderator of keralabirder egroups	301, Jaya Emerald, Maruthinagar, Bangalore
34.	Aditya Panda Naturalist Wildlife Conservationist Photographer	Bhubaneswar
35.	Virat Jolli	
36.	Santanu Chacraverti DISHA	Kolkata
37.	Smita Pradhan	
38.	Amrita Neelakantan	
39.	Pranav Capila	
40.	Bipasha Majumder	
41.	Anurag Sharma	
42.	Anubhuti Sharma	
43.	Jl Singh	
44.	Vandana Singh	
45.	Sumit Dookia	
46.	Nikhil Devasar	
47.	Jassal J S	
48.	Jaikant Saini	Bharatpur, Rajasthan
49.	Ranjan Panda, Water Initiatives, Odisha	Sambalpur, Odisha
50.	Parineeta Dandekar, SANDRP, 09860030742	Pune

Additional endorsements:

51. Dr. Sudhirendar Sharma, Delhi

52. Rohit Prajapati, Prayavaran Suraksha Samiti, Gujarat

53. Dr. Jagdish Krishnaswamy, Landscape Ecologist, Bangalore

54. Goa Foundation, Goa
55. Mhadei Research Centre, Goa
56. Shankar Sharma, Karnataka
57. Sahil Nijhawan, Delhi
58. C. Udayshankar, Andhra Pradesh
59. M.D. Khattar
60. Kaustuv Chatterjee
61. Shri Santosh Martin, ex-honorary wildlife warden, Bellary district, UP
62. Ms. Carmen Miranda, Chair, Save Goa Campaign UK, London
63. Nandikesh Sivalingam, GreenPeace India

Media:

- <http://timesofindia.indiatimes.com/City/Mumbai/Over-50-organisations-write-to-PM-Modi-against-reconstitution-of-National-Board-for-Wildlife/articleshow/39685716.cms>
- <http://www.thehindu.com/news/national/ngos-protest-dilution-of-national-board-for-wildlife/article6284453.ece>
- <http://timesofindia.indiatimes.com/India/Ministry-of-environment-and-forests-notification-cuts-down-on-independent-members-in-wildlife-board/articleshow/39670586.cms>