

# PROTECTED AREA UPDATE

News and Information from protected areas in India and South Asia

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## EDITORIAL

### Mining away Orissa's wealth!

The news coming out of Orissa makes depressing reading. One report says that an Elephant Reserve proposal has been put on hold to allow for mining. Another one reports the CM of the state warning forest department officials with dismissals if clearances for mining projects are not issued within six months. The developments related to the mining by Vedanta in the Niyamgiri hills are now well known. It took the Supreme Court appointed Central Empowered Committee to state that mining there was illegal – the responsibility for which is as much of the Union Ministry of Environment and Forests (MoEF) as of the state government. Even as we go to press reports are coming in of continued state repression of those opposing the illegalities of this project.

An estimated Rs. 150,000 crores has been proposed as investment in mining related projects in Orissa in the next decade or so. Most of these areas not only have some of the finest forests in the country, they are also the traditional homelands of hundreds of tribal communities besides supporting large numbers of endangered fauna like the tiger and the elephant. Shrinking habitats due to large scale mining, construction of train lines and national highways and irrigation projects have, for instance, already seriously denied elephant populations their traditional migratory corridors.

### Protected Area Update

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An inevitable consequence has been the serious escalation in conflict with human beings with serious losses on both sides.

How, one wonders, can a CM threaten his officials with dismissal if clearances are not granted? Why not ask for the scrapping of all forest and environment related laws, instead? Won't that make things even simpler?

In a scenario like this there appears to be little hope for the forests, for wildlife and the traditional communities that have been living in these regions for generations? Will it help to just create small and scattered islands of wildlife sanctuaries and national parks, and slice everything that links these islands? Who, in any case, will ensure the sanctity of these islands? How long before these are dug up to get to the mineral below?

Orissa's appetite for more investment and for more mining seems insatiable. In the quest for getting more and more from under the earth all that lives on her surface is being mindlessly sacrificed. Wonder what will be left in the years to come!

## NEWS FROM INDIAN STATES

### ARUNACHAL PRADESH

#### 'Vacations for Conservation' program in Eaglenest WLS

A 'Vacations for Conservation' program is being initiated in the Eaglenest Wildlife Sanctuary in March 2006. The core idea is to encourage amateur naturalists to spend their vacations in Arunachal Pradesh and contribute to biodiversity documentation in a systematic manner and have a good experience at the same time. It is hoped that this will also help local people earn a sustainable livelihood from their forests.

The work that the participants will undertake includes spotting herpetofauna, photographing butterflies, fungi and orchids making bird lists, conducting a census of specific red list species, investigating breeding biology of birds and recording bird song. Initially the program is limited to Indian citizens only.

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## ASSAM

### Alternate route for traffic through Kaziranga



The Assam Minister of State for Forests, Pradyut Bordoloi recently suggested that efforts would be made to divert traffic from the NH 37, which runs through the Kaziranga National Park (KNP). Increased traffic on NH 37 and development along the highway has created serious problems for wildlife in the park in recent years. There have also been many instances of animal deaths due to accidents, particularly during the monsoons when the animals try to reach higher grounds on other side of the road (see *PA Updates* 50, 49, 47, 45, 44, 38, 34 & 29).

The proposal is to divert the vehicular traffic from Jakhlabandha to Bokakhat via the NH-52, which links Jakhlabandha to Gohpur. Jakhlabandha is the last town west of KNP and Bokakhat is the first town east of it. Given this, the Bhomoraguri Bridge and a proposed bridge at Gohpur, both across the Brahmaputra, would have to be made 4-lane. This would add 58 kms to the journey from Jakhlabandha to Bokakhat, but the minister pointed out that this was important for the long-term well being of the national park.

He also said that in order to streamline traffic further, another route from Nagaon to Numaligarh via Doboka, Dilai and Dimapur was also being considered. The idea is said to have already received the green signal from the Chief Minister and would soon be placed before the Union Cabinet.

Source: 'Bordoloi unveils KNP preservation concept', *The Sentinel*, 08/10/05.

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### Concern over army offensive in and around Dibru Saikhowa NP in September

Serious concern has been expressed by a group of distinguished citizens over the recent offensive of the Indian Army against ULFA (United Liberation Front of Asom) militants taking shelter in and around the forests of the Dibru Saikhowa National Park. The offensive, which was conducted in September, is said to have caused immense hardships to the local people of the region. Total curbs were imposed on people's movements, resulting in hunger, starvation and disease. The district administration, too, was not allowed to visit the affected areas.

The Army had taken control of the park on August 31 and put the two main forest villages, Laika and Dodhia, with a population of about 10,000, under siege. Their main mode of transport, the country boats, were also seized. The Army had occupied four anti-poaching camps of Lolomi, Kahtalbam, Raidung and Kundaghat of Guijan Range of the park and was also maintaining a vigil at the Guijan and Laikia Ghats.

The Army moved in to take control of the park after issuing a notice to the Divisional Forest Officer-in-Charge of the park on the plea that a counter-insurgency operation would be launched there. The Army said they had definite information of the presence of a strong contingent of ULFA militants inside the park.

At the initial stage of the operation, the Army claimed to have recovered two abandoned camps of the ULFA, but after that, there was no definite information about what actually was happening in the park. ULFA claimed that 12 of its cadres were killed inside the national park and the bodies were thrown into the river. According to Army authorities, however, only four militants including a woman were killed during the operations. This also included Achinta Saikia, the finance secretary of the 28th battalion of the ULFA. The army also alleged that huge amounts of money were recovered from the possession of

Achinta, as it is believed that the ULFA collected huge amounts of money recently from the area.

The Army also asked the forest personnel to vacate their posts and accordingly the Forest department withdrew its staff on September 14. Even the members of the People's Consultative Group, constituted by the ULFA to hold talks with the Government of India, were debarred from entering the National Park. The entire episode had irked the people of the area and a dharna was staged in front of the office of the Tinsukia Deputy Commissioner on September 22.

The citizens meeting in Guwahati called for intervention from the President and the Prime Minister. They pointed out that since the recent peace initiative from the ULFA had drawn a positive response even from the Prime Minister's Office (PMO), it was not understood why the Army had been allowed to start the offensive.

The media had widely covered the plight of the local people in light of the army offensive. The Assam Human Rights Commission (AHRC) also took cognisance of the reports as a serious issue of human rights violation and called for reports from the deputy commissioner and the superintendent of police of Tinsukia district.

Those attending the meeting included eminent critic and litterateur Dr Hiren Gohain, All Assam Students' Union (AASU) adviser and president of North East Students' Organisation (NESO), Dr Samujjal Bhattacharya, Nalinidhar Bhattacharya, Keshab Mahanta, Nitya Bora, Debabrata Das, and Ranaj Pegu. A few persons from the affected villages in Dibru-Saikhowa also narrated their plight during the ongoing army operations.

Subsequent reports indicated that the army had called off its operation on September 27, but the Deputy Commissioner of Tinsukia was not able to confirm it immediately.

(Also see *PA Update* 50)

Source: 'Citizens' meet seeks President, PM's intervention', *The Assam Tribune*, 26/09/05.

SC Pathak. 'Common people hit hard by army action', *The Assam Tribune*, 26/09/05.

SC Pathak. 'Tension in Dibru-Saikhowa; Army holds fire', *The Assam Tribune*, 29/09/05.

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## GUJARAT

### Nine lion deaths in Gir in two months

At least nine lions are reported to have died in the forests of Gir in the months of August and September. Experts maintain that this may be the first instance of so many casualties in a span of two months.

Some reports indicated that at least two of the lions were poisoned by locals to avenge killing of their livestock. Another report indicated that at least seven had been poisoned.

At least two animals were said to be killed for their claws as these were missing when the carcass was found. The autopsy conducted on the last animal that died seemed to indicate that it was suffering from pneumonia.



Source: Himashu Kaushik. 'Too many enemies for Gir lions', *The Times of India*, 01/10/05.

'Seven Asiatic lions die in Gir sanctuary', *NDTV*, 04/10/05.

Amit Jethva. Email dated 9/10/05.

'8 lions dead -- dept in a den of mess!', *The Times of India*, 21/10/05.

'Another lioness breathes her last', *The Times of India*, 24/10/05.

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## JHARKHAND

### Coal mining threat to wildlife corridors



The Wildlife Trust of India (WTI) has warned that the Jharkhand government has planned industrialisation and coal mining in areas that are important wildlife corridors in the state. Their report says that urgent measures are required to save the corridors spanning the five districts of Palamau, Latehar, Chatra, Hazaribagh, and Koderma, which are also among the few surviving bio-diversity rich regions in the state. The report has warned that if the government goes ahead as planned there would be serious human-animal conflict.

The new proposals for development in the region, include those of the Central Coalfields Limited (CCL) which has plans of setting up 25 new coal mining blocks spread across 1,175 sq. km in the above mentioned five districts.

The report says that these new coal mines will average 300 feet in depth and water tables will be drastically affected. There is the added risk of storm-water pollution and the run off from mines chemically polluting the Damodar River. All this would have serious impacts downstream.

The Jharkhand study is part of a nationwide project of the WTI on 88 wildlife corridors that make an important contribution towards long-term conservation of wildlife. The report for Jharkhand was prepared by Justin Imam of the Hazaribagh chapter of the Indian National Trust for Art and Cultural Heritage (INTACH).

Source: 'Alarm for wildlife habitat', *The Telegraph*, 15/10/05.

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## KERALA

### Global consultation on conservation of wetlands

Experts from within and outside the country attended the three - day 'Global consultation on integrated water resource management of wetlands' at the Centre for Water Resources Development and Management (CWRDM) in Kozhikod in October.

The programme was led by Jane Madgwick, Chief Executive Officer of Wetlands International (WI), and E.J. James, Executive Director-CWRDM. Its deliberations were aimed at developing an action plan for Goal 3 inter-office team on evolving integrated water resource management strategies for sustainable development. Goal 3 of the Wetlands International Strategy aims at conservation and judicious use of wetlands through integrated water resource and coastal zone management

Source: 'Global consultation on conservation of wetland', *The Hindu*, 25/10/05.

## Genetic finger printing to help fight wildlife crime



The Thiruvananthapuram based Rajiv Gandhi Centre for Biotechnology (RGCB) is collaborating with the Kerala Forest Department to harness genetic data of wild animals for scientific investigation of poaching cases. A mission team is already at work on the preparation of DNA fingerprints of threatened species and the application of biotechnology for forensic analysis of genetic samples collected from dead animals. The first phase of the project

would involve the DNA fingerprinting of the tiger and elephant, the most vulnerable species in Kerala.

Proper investigation of poaching crimes is said to be difficult as the carcass of the slain animal is often mutilated or degraded. DNA forensic analysis examines evidence containing genetic material to link the suspect found in possession of wildlife material, to the slain animal. The scientists will use the blood, skin or tissue from a carcass to identify the species, determine the sex and establish parent-offspring relationship.

The method involves the application of a host of techniques ranging from the complex and expensive DNA sequencing and genotyping to the relatively simple and cheap PCR (Polymerase Chain Reaction) method. The geographic origin and individual identity of the animal can also be analysed, once the genetic database of the vulnerable species is built up.

The Director of the RGCB, M. Radhakrishna Pillai said that they hoped to submit the project for funding in seven to 12 months after developing the DNA primers and probes.

Source: T Nandakumar. 'Genetic data to boost wildlife crime probe', *The Hindu*, 16/10/05.

## Periyar land handed over for Sabrimala project; chipko leader opposes move

12.65 hectares of forestland (see *PA Updates* 55 & 54) in the Periyar Tiger Reserve was formally handed over to the Travancore Devaswom Board (TDB) by the Kerala Chief Minister Oommen Chandy. The function was held in the first week of November at Pampa.

President of the TDB, Raman Nair said that this land at Marakootam on the trekking path from Pampa to Sannidhanam in the Neelimala hills would be developed without disturbing the sanctity of the region. The proposed 'queue complex' to be created here would help regulate the movement of devotees to the Sannidhanam. Around 50,000 pilgrims would be accommodated here at a time. It would be in compartments where adequate health care facilities including cardiology units having eight beds, oxygen parlours, first aid centres, facilities for drinking water and snacks, and toilets would be available.

The TDB is also thinking of creating adequate infrastructure for providing medical assistance to the pilgrims on the lines it is provided at Tirupati. Similar facilities would be created enroute to Sabarimala via Uppupara depending on the number of devotees arriving through this trekking path.

The Chief Minister also inaugurated a 60 KV sub-station to provide permanent power supply to the forest shrine. In the absence of permanent connection, the TDB had been paying Rs 14 per unit of power supplied. For setting up the sub-station near Pampa, two acres of land was allotted to the KSEB besides paying Rs 70 lakh 10 year ago by the Board.

Earlier, in the month of October, a six-member team of the Public Accounts Committee (PAC) of Parliament had said that the State Government was responsible for the delay in getting clearance for the proposal to divert the land in the Periyar Tiger Reserve (PTR) for Sabarimala development. This was owing to the delay on the part of the State Government in submitting the request for the final clearance to the Union Ministry of Environment and Forests. The TDB had made the request on September 13 after remitting the mandatory Net Present Value (NPV) and afforestation cost to the Forest

Department.

The PAC said that the State Government was supposed to send the request along with the report and the receipts of NPV and afforestation cost to the Centre the very next day itself, but this was not done. It then directed the State Forest Secretary to submit the report and request to the Centre at the earliest so as to facilitate the final clearance for the forestland diversion before the pilgrim season began.

The PAC team was comprised of M. Jagannath, Mangunda Sreenivasulu Reddy, K.V. Thangabalu, Malaiswami, C. Ramachandraiah and V. Narayana Swami,

Meanwhile, veteran Chipko leader, Sunderlal Bahuguna has opposed the move to hand over the forestland for providing more amenities to pilgrims visiting the shrine. "The temple was established in the midst of a forest for a purpose. These are places of 'Tapasya' and should be retained as they are," he said, speaking at a meet-the-press programme organised by the Ernakulam Press Club recently.

The Kerala Sasthra Sahitya Parishad (KSSP) too has called upon the government to ensure that creation of additional facilities for pilgrims visiting the temple does not cause any harm to the surrounding forests. It has pointed out that it would be impossible to create facilities for the lakhs of pilgrims reaching Sabarimala at the Sannidhanam itself, and that the needs of the growing number of pilgrims can be met only by developing satellite towns within a 10-km radius of the temple. The KSSP had submitted a master plan to the Government suggesting development of nearly 10 towns, such as Pathanamthitta, Erumeli, Perunad and Ranni. The Assembly committee on Environment too is reported to have made such a recommendation.

The KSSP has pointed out that ignoring such suggestions would lead to the destruction of the Sabarimala forests and only endanger the physical existence of the temple. (Also see *PA Updates* 57, 54, 47, 44, 41, 40, 34, 30, 27, 24, 23 & 21).

Source: GK Nair. 'Forestland handed over for Sabarimala development project', *The Hindu Business Line*, 03/11/05.  
'State responsible for delay in forest land diversion', *The Hindu*, 20/10/05.

Chipko leader against using forestland at Sabarimala, '*The New Indian Express*', 17/10/05.

'Create facilities without harming Sabarimala forests: KSSP', *The Hindu*, 31/10/05

Contact: **Field Director**, Periyar Tiger Reserve, Aranya Bhavan, Forest Complex, S.H. Mount P.O. Kottayam - 686006. Kerala. Tel: 0481-2562940(O) / 2560297(R). Fax: 2569217 / 2565740

## **Kerala plans fast track court for forest cases**

The Kerala Forest Minister has said that the state government would be requesting the Kerala High Court to set up a fast track court for the speedy disposal of forest cases involving those of sandalwood theft.

The minister said that 613 charged cases are pending with the Devikulam court alone and in total about 1,000 cases were pending. A panel of advocates would also be constituted to take up the cases of the Forest Department.

Source: 'Govt. plans fast track court for forest cases', *The Pioneer*, 08/10/05.

Contact: **Chief Wildlife Warden** – Kerala, Vazhudacaud, Trivandrum – 695014, Kerala. Tel: 0471-2322217 / 2360452 / 2204896. Fax: 2360452 / 2322217

## **MADHYA PRADESH**

### **Taj Group lodges bordering tiger reserves**

The Taj Group of Hotels has tied up with Conservation Corporation Africa (CCA), to launch five new Safari lodges bordering five tiger reserves in India, four of which are in Madhya Pradesh. The reserves are Corbett (in Uttaranchal), Bandhavgarh, Panna, Kanha and Pench (all in MP). The lodges are expected to be operational by October 2006.

The promoters of the projects have said that the lodges will be constructed and operated without interfering with the habitat of the reserves. An Indian head ranger has been appointed to guard and control activities around these centers. He would receive formal training at

CCA's Ranger Training School at Phinda Private Game Reserve.

(Also see *PA Updates* 53, 49, 47).



Source: 'Taj ties up with African firm for Safari lodges in India',

[www.manormaonline.com](http://www.manormaonline.com), 09/10/05.

### Faunal survey of Kanha by the ZSI

The Central Research Station of the Zoological Survey of India (ZSI) conducted a reptilian and avifauna survey of the Kanha Tiger Reserve (KTR) from May to December 2004.

About 80 % of the 39 species of reptiles belonging to 30 genera under 12 families that are reported from the reserve were observed during the survey.

32 species of birds recorded during the survey were new to the avifauna of KTR while six species were new records to the fauna of Madhya Pradesh.

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### Workshop on wildlife health & management

A two-day workshop on 'Wildlife Health Management' was held at the Van Vihar National Park on October 18 & 19. Veterinarians from all the nine national parks in Madhya Pradesh as well as experts from Jabalpur and Anand participated in the

workshop. Senior Forest Department officials from Madhya Pradesh also participated.

The participants made presentations on various activities and also emphasized the need for monitoring and surveillance of animal diseases. One of the main topics of discussion on the 2<sup>nd</sup> day was the threat of bird flu.

This is the first time that such a workshop was organized in the State.

Source: 'Workshop on wildlife health & management', *The Pioneer*, 19/10/05.

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### Biosphere Reserve in Achanakmar- Amarkantak

A decision has been taken by the Government of India to designate the Achanakmar – Amarkantak area in Chhatisgarh and Madhya Pradesh as a biosphere reserve (BR). The initial proposal for the reserve had been prepared by the Madhya Pradesh government in the year 2000 (see *PA Update* 38).

The total area of the reserve would be 3,835.51 sq. kms and it would cover parts of Anuppur and Dindori districts in Madhya Pradesh (1224.98 sq. kms) and parts of Bilaspur district in neighbouring Chhatisgarh (2610.53 sq. kms). The entire area of about 551 sq. kms of the Achanakmar Wildlife Sanctuary would form the core zone of the biosphere reserve.

The key aspects of the BR would be:

- a) Core Zone: to be kept free from all human pressures external to the system
- b) Buffer zone: where manipulation activities will be allowed
- c) Transition zone: heavily populated / disturbed areas of the buffer zone will be designated at transition zone / restoration zone
- d) Legal Status: there will be no change in the status of legal ownership of land and forests and neither will rights of tribals and local people be affected in any way.
- e) State Level Steering Committee: to be headed by Chief Secretary of Addl. Chief Secretary or Pr. Secretary (Forests). The

committee will have a nominee of the MoEF.

- f) Field Level Coordination Committee: to be headed by the Divisional Commissioner / District Collector
- g) Central Assistance: Govt. of India will provide financial assistance as 100% grant.
- h) Inter-State Coordination Committee: to be set up under the chairmanship of Special Secretary / Addl. Secretary in the Union MoEF for resolution of inter-state matters.

Source: 'Establishment of Biosphere Reserve in Achanakamar-Amarkantak area in Chattisgarh and Madhya Pradesh', *Enviro News*, April – June 2005.

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### **Cattle rearers to be moved out of Gandhisagar WLS**

The Madhya Pradesh Forest Department (FD) has initiated moves to evict cattle rearers and their cattle from the forests of the Gandhisagar Wildlife Sanctuary located in the Mandasaur district. Notices issued in July, earlier this year, had set a deadline of October 10 for the sanctuary to be vacated, following which an eviction drive was to be launched starting with the villages of Baghchach and Dhanga.

The cattle rearers who have been living here for more than five decades have opposed the government move saying that the Aannaliya village where they are to be shifted is not suitable for rearing their animals. They have demanded that they should be resettled only after basic facilities were provided.

Source: 'Cattle to be moved out of reserved forest area', *Central Chronicle*, 08/10/05.

Contact: **DFO Mandasaur**, Incharge - Gandhi Sagar WLS, Mandasaur, Madhya Pradesh. Tel: 07422-241519. Fax: 241519

### **NBWL approves Pachmarhi denotification**

In a meeting held in October, the Standing Committee of the National Board for Wildlife (NBWL) is said to have allowed the denotification of a part of the Pachmarhi Wildlife Sanctuary. At the same time the committee has also inserted a clause that the land use pattern for the denotified lands could not be changed. This, it is hoped, would prevent commercial exploitation by the hoteliers lobby in the area.

The areas slated for denotification include the Cantonment Board and 16 peripheral villages - under the Special Area Development Authority (SADA). At least 23,000 persons would be affected and owners of the land that was earlier in the sanctuary would now be free to sell it but the land use would remain unaltered.

The issue of the denotification of parts of the sanctuary has been an emotive one. In June, earlier this year, a large crowd of residents had attacked the range office in Pachmarhi demanding the de-notification of certain areas falling within the Pachmarhi Sanctuary. A similar attack had also taken place in February last year.

The Forest Department is said to have also identified an uninhabited patch of forest near Sohagpur for notification as a sanctuary in lieu of the denotified parts of the Pachmarhi WLS.

The decision to denotify the sanctuary now requires the permission of the Supreme Court.

Source: Rahul Noronha. 'Wildlife Board denotifies part of Pachmarhi Sanctuary', *The Pioneer*, 06/10/05.

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### **MIZORAM**

#### **World Heritage Site proposal for Ngengpui WLS**

The Central Government will approach UNESCO to seek World Heritage Site status for the Ngengpui Wildlife Sanctuary. Senior MoEF

officials recently visited the state in this context. The formal proposal for the same is likely to be submitted to the World Heritage Committee (WHC) of the UNESCO in February 2006.

Ngengpui WLS is spread over 110 square km and the altitude here ranges from 200 metres to about 1,200 metres above sea level. The sanctuary is home to a diverse range of wildlife including tiger, clouded leopard, gaur, barking deer, goral, sambar, hoolock gibbon, Blythe's tragopan, Kaleej pheasant, Hume's bar-tailed pheasant, and the great pied hornbill and.

Source: Santanu Ghosh. 'Mizoram tiger reserve to be upgraded to states' first bio-diversity hotspot', *The Telegraph*, 06/10/05.

Contact: **DFO, (WL)**, Lawngtlai, Ngengpui WLS, Chhingtuipei (W), Mizoram. Tel: 03835-232323. Fax: 0389-2322733

**Chief Wildlife Warden**, Forest Department, Government of Mizoram, Aizwal- 796 001 Mizoram. Tel: 0364-227762(O) 0389-325371(O), 323439(R). Fax: Fax 0364-228334 0389-322733. Email: cwlwmizoram@hotmail.com

## ORISSA

### **FD report says nearly 100 wild animals poached in state in 2004-05**

'Wildlife Crime in Orissa, a report by the wildlife wing of the State Forest Department has said of the 185 wild animals which died during 2004-05, 95 were killed by poachers. These include 14 elephants, 24 deer, nine sambhars, two leopards, two bears, eight wild boars, three monitor lizards, two pangolins, one nilgai, one crocodile, three black bucks and 24 birds.

The report also claimed 158 wildlife offence cases were registered and 162 offenders were arrested. It says that the professional elephant poachers from the Narsinghpur-Badamba area who have perfected the art of tracking and killing tuskers is the biggest threat to wildlife conservation in the state. They are known to be operating in Cuttack, Dhenkanal, Angul, and Nayagarh districts and also in the forests of Rairakhola. Similarly, poachers from Andhra Pradesh are apparently active in the Narayanapatna forest in Rayagada district.

Forest officials also expressed concern on the Sapua Kela community (snake charmers) who have been hunting snakes for selling them to customers from across the globe. The report has estimated that 15,000 to 20,000 snakes are being removed from the forests of the state annually.

Others experts have however pointed out that the poaching figures published in the report was were not even close to the actual number of animals that were being killed in the state for their skins, bones and other organs.

Source: Hrusikesh Mohanty. 'Slaughter and smuggled', *The Times of India*, 17/10/05.

### **Ferry ghats sealed inside Bhitarkanika NP**

In a bid to check human interference in the Bhitarkanika NP, the Forest Department sealed a number of ferry ghats and imposed prohibition on sailing of boats in the Bhitarkanika river system in the first week of October.

The ferry ghats where ban orders were been clamped included Gupti, and Kothighat as the human intrusion from these points into the national park area is said to be most pronounced. The residents of places like Talchua, Rangani, Dangmal and Iswarpur were to be the worst affected, because for them use of the river route, rather than the road was easier to reach Rajnagar block headquarters.

The orders were issued in face of reports of intruders indulging in acts of vandalism in the park like denuding mangrove for firewood collection.

Source: 'Ferry ghats banned', *The Statesman*, 08/10/05.

Contact: **DFO**, Bhitarkanika NP, At/PO Rajnagar, Dist. Kendrapada – 745225. Orissa. Tel: 06729-72460/64. Fax: 06727-20775

### **Baitarni Elephant Reserve hits mining roadblock; CM orders forest clearance for mining projects in six months**

The Orissa State government is said to be having concerns over the creation of the Baitarni Elephant Reserve that was approved by the Union Ministry of Environment and Forests

(MoEF) a few months ago. The reason for this is reported to be the fact that the new reserve will take over a huge chunk of the mining areas.

The Baitarni Elephant Reserve is proposed to cover 10,560 sq kms – 6548 sq kms of which will lie in the Keonjhar district, while the rest falls in the Dhenkanal districts. The state government feels that this is too large an area, and if notified in its totality the reserve would come in way of development of mines in the region.

The state is said to be contemplating the notification of a smaller area for the Baitarni Reserve. Proposals to increase the area of the Sambalpur and Mahanadi Elephant Reserves too has been put on hold (see *PA Update* 54).

Elephant population here is said to have fallen from 1841 in 2002 to a little over 1600 this year. In spite of this human animal conflicts have continued to rise (see *PA Updates* 56, 47, 46, 41, 39, 34, 32, & 29) primarily due to shrinking animal habitat that has resulted from mining and other development activities.

At present, the state has three Elephant Reserves- Mayurbhanj, Mahanadi and Sambalpur, all of which were notified during 2001-2002.

In what can be considered a related development, the Chief Minister, Naveen Patnaik directed the forest officials to hasten the forest clearance process, particularly for mining projects. Chairing a high level meeting recently, the CM expressed concern about the fact that the Forest Department, was 'scuttling' the initiatives of the Orissa Mining Corporation (OMC) to open more mining leases in the State.

It has been pointed out that while private parties get forest clearances within six months, the proposals of OMC were pending even years after their submission. The CM has directed officials to issue the clearance within six months or face action.

The officials of the Steel and Mines Department too were ordered to work in tandem with the Forest Department to expedite the process. As many as 14 proposals of the OMC presently await forest and environment clearances at different offices. Of these, three are related to chromite mines, eight for iron and

three for iron and manganese. While three proposals are pending with the Union Ministry of Environment and Forest, one is pending with the office of the PCCF, six with the office of Keonjhar DFO, three with the office of the Bonai DFO and one with the Dhenkanal DFO.

Principal Secretary to the Chief Minister Bijoy Kumar Patnaik, Principal Secretary Forest and Environment, Satya Prakash Nanda; Principal Secretary Steel and Mines and Chairman of the OMC, Bhaskar Chattarjee; Managing Director, Sanjeeb Chopra and other senior officials of the Forest Department attended the meeting.

Source: 'New elephant reserve plans hit mining roadblock', *The New Indian Express*, 04/10/05.

'Issue forest clearances in six months of face axe: CM', *The Pioneer*, 22/10/05.

### **Biju Patnaik award for black buck panel**

The first Biju Patnaik award for wildlife conservation was recently given to the black buck management committee of Buguda in Ganjam district. The award was given by the Chief Minister Naveen Patnaik at a function to mark the 51st Wild Life Protection and the Conservation of Forest Week. The committee was awarded with a cash of Rs 51,000 and a citation.

Source: 'Biju Patnaik award for black buck panel', *The Pioneer*, 05/10/05.

**CWLW– Orissa**, Plot No. 8, Shahid Nagar, Bhubaneswar – 751007, Orissa.  
Tel: 0674-513134 / 515840. Fax: 512502

### **TAMIL NADU**

#### **Rejuvenation camp for domestic elephants in Mudumalai WLS**

The annual rejuvenation camp for captive and temple elephants in Tamil Nadu is slated to begin at Mudumalai Wildlife Sanctuary on November 21. About 75 elephants are expected to take 'rest' in the camp at Theppakkadu, being organised by the Hindu Religious and Charitable Endowments (HR and CE) for the third year in a row (see *PA*

Update 52).



Source: 'Rejuvenation camp for TN elephants from Nov. 21', *Central Chronicle*, 24/10/05.

Contact: **Wildlife Warden**, Mudumalai WLS, Mahalingam Bldgs, Coonor Road, Udhagamandalam- 643001 Tamil Nadu. Tel: 0423-244098

### Applications invited for green awards

The Director, Department of Environment, Govt. of Tamil Nadu, has invited applications from individuals, institutions and research organisations for the Environment Awards given by the State Government to individuals / organisations involved in environmental education and awareness, protection and management. A cash prize of Rs.5,000 is awarded for the best research article on environmental issues published during 2005.

The last date for issue of applications is December 31, and January 20, 2006 for the submission of filled-in applications.

Contact: **Director**, Department of Environment, Ground Floor, Panagal Buildings, Saidapet, Chennai-600015, Tamil Nadu. Tel: 044 -24336421. Fax: 24336594. Web: www.environment.tn.nic.in

### Rs.2.04-cr. For Kalakad Mundanthurai TR

The Union Ministry of Environment and Forests (MoEF) has given administrative sanction for releasing funds to the tune of Rs.2.04 crores during the current fiscal for the Kalakad Mundanthurai Tiger Reserve (KMTR).

The recurring cost of the scheme, Rs.1.11 crore, will be shared equally by the

Centre and State Government. The remaining Rs.93.24 lakh, being non-recurring cost of the scheme, will be treated as 100 % central assistance. The first installment of Rs.90 lakhs will be released shortly, and the balance in due course, after a review of the works undertaken.

The ministry has given guidelines under various heads to spend the amount and no deviation would be allowed without prior concurrence of the Centre. The Chief Wildlife Warden and the Principal Chief Conservator of Forest of the State Government would have to ensure, through periodical field inspections, that works are undertaken in accordance with the management plans and the Annual Plan of Operation (APO).

As per the APO, Rs.18.24 lakhs would be spent as follows - procuring 14 wireless sets for anti-poaching camps (Rs.2.24 lakhs), jungle gear for 60 persons (Rs.3 lakhs), arms and ammunition (Rs.3 lakhs), construction of Deputy Director's Office at Ambasamudram (Rs.8 lakhs) and prophylactic immunisation of peripheral livestock (Rs.2 lakhs) under the non-recurring heads.

Under the recurring heads, a fire-line would be created and maintained for 385 km and 80 firewatchers would be deployed for six months. Two watchtowers and water storage facilities would be constructed, and as many fire fighting units would be stationed inside the forest. On the eco-development front, Rs.50 lakhs will be spent for rehabilitation of forest dependents and ensuring proper functioning of village forest committees.

Source: P Sudhakar. 'Rs. 2.04 cr. Sanction for tiger sanctuary', *The Hindu*, 17/10/05.

Contact: **Field Director KMTR**, NGO 'A' Colony, Palayam Kottai, Tirunelveli - 627 007. Tel: 0462-273075, 2552663(O), 2580115(R). Fax: 0462-2580115

**CWLW**, Tamil Nadu, 6D, Panagal Building, No.1, Jeenis Road, Saidapet, Chennai - 600015. Tamil Nadu. Tel: 044-24321738 / 22353589. Fax: 2433707/24321738

## TRIPURA

### Focus on tourism promotion in PAs; maximum revenue from Sipahijala WLS

As part of special plans to increase revenue flow, the Tripura government has decided to focus on the protected areas in the state to promote tourism. These include the Sipahijala, Trishna and Roa Wildlife Sanctuaries.

The Union Tourism Ministry has sanctioned Rs 5 crores for a tourism interpretation centre at the Sipahijala WLS. The interpretation centre would provide a comprehensive database and information to tourists about the places to be visited in the state and their special features, with detailed visuals, pictures and other documentary support.

The total revenue to the state from tourism was Rs 4.2 lakh in 2001-02. It rose to Rs 12.29 lakh in the year 2004-05 – with a major share coming from the Sipahijala WLS located in the Bishalgarh subdivision of West Tripura. Of the a total revenue of Rs 32.28 lakh between 2001-02 and August 15, 2005, Rs 31.84 lakh had come from Sipahijala.

The reason is that Sipahijala is only 30 kms from, Agartala, has facilities for lodging and boarding and good road connectivity. The security situation there too is supposed to be good. The state now wants to upgrade facilities at Roa and Trishna so that all the PAs are placed on an equal footing.

Source: 'Tripura plans to revamp sanctuaries', *The Telegraph*, 15/10/05.

Contact: **Wildlife Warden**, Sepahijala WLS, P.O. Golaghati (Sepahijala) - West Tripura – 799102, Tripura. Tel: 0381-2220773  
**Chief Wildlife Warden**, Tripura, Aranya Bhawan, Nehru Complex, Agartala – 799001, Tripura. Tel: 0381-225223. Fax: 0381-225253/224013, 2422249

## UTTARANCHAL

### Mega tourism project on the outskirts of Corbett NP

A major, US \$ 200-million tourism project on the outskirts of Corbett National Park in is being

finalised by a consortium led by international investment firm Chescor Capital. Around 800 acres of land have been allotted for the project near the park. Chescor, has offices in London and Dubai and has been involved in developing and financing many other projects in West Asia and India too.

Chescor has said that the project would be developed as a 'pure eco-tourism' venture with very low density. The project would include green relaxing spaces, a golf course and orchards. The project will be a destination resort with a host of facilities with the entertainment focus on nature. It would also serve as a hub destination for other tourist spots in the state.

The company sees huge prospects for international tourism in the state and has been working on the project with Delhi-based architect firm, Fairwood Consulting

The Uttaranchal Chief Minister, Mr. N. Tiwari, also led a high-level team to the UAE recently to promote the investment potential in the State.

(Also see *PA Updates* 50, 47 & 44)

Source: Vimala Bhasin. 'Chescor firming up proposal for Uttaranchal eco-tourism project', *The Hindu Business Line*, 21/09/05.

Contact: **Field Director**, Corbett Tiger Reserve, Ramnagar –244715, Nainital, Uttaranchal. Tel: 05947 – 85489. Fax: 51376  
**CWLW**, Uttaranchal, 85, Rajpur Road, Dehradun, Uttaranchal. Tel: 0135-744225 / 679817. Fax: 675138/747669

## UTTAR PRADESH

### Dudhwa Dy. Director resigns; staff rally in support

The Deputy Director of Dudhwa National Park, PP Singh, resigned recently, alleging illegal actions of some forest officers. Three hundred employees of the national park went on strike to express solidarity with him. The striking employees have demanded that action be taken against the Field Director of the national park for being 'soft' on people involved in 'anti-forest activities'. They say that the Director has been reluctant to respond to tip-offs about poaching or

illegal activities. They have also demanded that Singh withdraw his resignation.

Earlier in the month Singh had been credited with the successful busting of an international gang of wildlife smugglers who were bringing in tiger and leopard skins from Nepal. It has been alleged that since then the local police in connivance with other IFS officers were trying to harass Singh.

Two persons had been arrested near Dudhwa on October 10, and three leopard skins and one tiger skin were reportedly recovered from them. The Forest Department said that villagers of Deradoon Tola in Nepal were poaching wild animals in the country's hilly Uttar Khand forest and were then transporting the skins and other animal parts to Delhi via Palia, Bhira and Bareilly in UP.

The operation to arrest the duo was jointly conducted by the Sashtra Sewa Bal (SSB) and Forest Department, with the help of some local informers. Acting as the decoy customer, the Dudhwa Deputy Director met the accused at Sampurnanagar, about 35 km from the national park. When the smugglers turned up, his team nabbed them.

Subsequently Forest Department officials had filed a complaint against some local policemen of Sampurnanagar, who, were allegedly, trying to set free the smugglers and had even harassed a forest officer.

The Chief Wildlife Warden (CWW), Mohammed Ahsan, has been asked to look into the matter.

Source: Piyush Srivastava. 'Dudhwa Dy. Director hands in papers, staff go on strike', *The Indian Express*, 28/10/05.

Piyush Srivastava. 'Two held in cross border racket', *Indian Express*, 12/10/05.

Contact: **Director**, Dudhwa National Park, Dist. Lakhimpur Kheri, Uttar Pradesh. Tel: 05872-252106. Fax: 05872-252106.

**Chief Wildlife Warden**, Uttar Pradesh, 17, Rana Pratap Marg, Lucknow – 226001, Uttar Pradesh. Tel: 0522-206584(O), 2237715 & 2223015(R). Fax 0522-222061/ 206188

## Rise in swamp deer population in Dudhwa



Latest census figures indicate that the swamp deer population in the Dudhwa National Park has gone up significantly from around 1600 in 2002 to 2854 now. This is however still only a fourth of the population five years back. The group density of the deer (the number sighted in a group) too has increased from eight to 129.

An action plan was chalked out in 2002 after the deer's group density declined sharply from 300 in the year 2000 to just eight in 2002-03. The main reasons for the decline were said to be poaching, encroachment by sugarcane fields of the Ghola-Gajraula area of the park which supported nearly 1,600 swamp deer and the overflowing of the Suheli River in the forest due to sudden release of water from Nepal.

One of the initiatives taken to deal with the problem was to develop swampy land in the Sathiaya area of the park and also create mounds for the deer to take refuge when water from Suheli entered the forest

The problem of water release from the Suheli river is to be discussed in the next meeting of the Indo-Nepal coordination committee

Source: Piyush Srivastava. 'Deer density shoots up at Dudhwa park', *The Indian Express*, 30/09/05.

## WEST BENGAL

### Rains kill 1000 fledglings in Raiganj WLS

Up to a thousand birds (largely fledglings) were killed due to heavy rains in the first week of October in Raiganj Wildlife Sanctuary located in the North Dinajpur district. The bird species

killed include open-bill storks, night herons and egrets. It would be recollected that nearly 3500 birds were reported to have died here in a similar fashion exactly a year ago, in October 2004 (see *PA Update* 52).

Source: Marcus Dam. 'Birds perish in sanctuary'  
*The Hindu*, 06/10/05.

Contact: **Arunayan Sharma**, Centre for Ecological Engineering, Netaji Subhash Road, In front of T.O.P, Malda - 732101, West Bengal. Email: [s\\_arunayan@rediffmail.com](mailto:s_arunayan@rediffmail.com)  
**DFO (Raiganj WLS)**, Raiganj Social Forestry Division, P.O. Karnajora, Dist. North Dinajpur, West Bengal. Tel: 03523 - 252647(O), 253139(R). Fax: 03523-252647

## NATIONAL NEWS FROM INDIA

### Butterfly migration in South India



Information has been sought on instances of butterfly migration that has begun in South India. One of the key indicators is 'black and blue coloured butterflies flying in North East - South West direction'.

Following are some of the important things, which will be helpful in the migration study: species ratio; total span of migration; time of migration; date; direction and place.

Contact: **Kishen Das**. #951, 6th cross, I Main, Srirampura II stage, Mysore-570023 Karnataka. Tel: 09880275941. Email: [kishen.das@gxs.com](mailto:kishen.das@gxs.com)

### Newsletter on Butterflies

A new online newsletter on butterflies – 'Indian Lepidoptera' has been started recently.

It can be accessed at

[http://www.geocities.com/newsletter\\_for\\_indian\\_epidoptera/onlinenewsletter.html](http://www.geocities.com/newsletter_for_indian_epidoptera/onlinenewsletter.html)

First issue in the Doc format can be accessed at [http://www.geocities.com/newsletter\\_for\\_indian\\_epidoptera/indialepidoptera\\_sept\\_2005.doc](http://www.geocities.com/newsletter_for_indian_epidoptera/indialepidoptera_sept_2005.doc)

Contact: **Kishen Das**, see above.

### Wildlife Crime Bureau in three months

The Union Minister for Environment and Forests (MoEF) has said the Wildlife Crime Bureau (WCB), a central investigative agency on the lines of the Narcotics Control Bureau, would be set up within the next three months. Setting up of the bureau was one of the recommendations of the Tiger Task Force.

An Indian Forest Service officer of the rank of Director General would head the WCB which would have regional offices across the country. The agency would be vested with adequate powers to prosecute offenders. (Also see *PA Updates* 57, 55, 54, & 53)

Source: 'Wildlife Crime Bureau in three months: Minister', *The Hindu*, 27/10/05.

### Census training for forest officials of 5 states

A training workshop on new wildlife census methods was held in the Kanha National Park from October 25 to 28. Forest officials from the states of Madhya Pradesh, Rajasthan, Chhatisgarh, Jharkhand and Maharashtra participated. The training was imparted by experts from the Wildlife Institute of India.

The participants were trained to collect various evidences of animal presence including scratch marks, scats, kill evidences and territorial markings. The camera trap method was also demonstrated to correlate findings of the census, particularly in dense forest areas.

Nearly 50 Forest Department officials from Madhya Pradesh between the rank of ranger and conservator from the State participated.

Source: Rahul Noronha. 'Census training for forest officials of 5 states begins', *The Pioneer*, 25/10/05.

### Green Governance Awards

The first Green Governance Awards instituted by the Bombay Natural History Society (BNHS) were recently given away by the Prime Minister, Dr. Manmohan Singh in New Delhi.

The purpose of the award is to recognize and appreciate an organisation's efforts beyond meeting statutory compliance for protection and conservation of the environment. There were 28 participants in three categories: Conservation and restoration of habitat, conservation of flora and conservation of fauna.

The awardees included Tata Chemicals for their contribution to the Whale Shark Conservation Project in Gujarat; Godrej & Boyce Manufacturing for protection of the Vikhroli mangroves in Mumbai and the 8<sup>th</sup> Mountain Division of the Indian Army for their 'Operation Green Kargil'.

Source: Arjun Nayar. Email dated 20/10/05. 'Tribal rights bill only to record people's rights, says Manmohan', *The Hindu*, 11/11/05.

Contact: **Dr. Asad Rahmani**, Director BNHS, Hornbill House, Shahid Bhagat Singh Marg, Mumbai 400 023 Maharashtra. Tel: 022-2821811. Fax: 2837615. Email: bnhs@bom3.vsnl.net.in

### SOUTH ASIA

#### Workshop on 'Eco-tourism and Bio-diversity: Shrinking Wetlands'

A four-day workshop titled 'Eco-tourism and Bio-diversity: Shrinking Wetlands' starting October 25 was held at the Sunderbans Tiger Reserve. Organised by the United States Educational Foundation in India (USEFI) in association with the Department of Forests and the Government of West Bengal. The main purpose of the workshop was to discuss the problems and issues in relation to the threats to

wetlands, the strengthening of the legal and policy framework, the potential of eco-tourism in the wetlands and the protection of wildlife.

Those participating included Fulbright Scholars from the South Asia region and representatives from Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka and the US.

Source: 'Workshop to tackle threats to Sunderbans wetlands', *The Indian Express*, 25/10/05.

### WHAT'S AVAILABLE

- **Pande, P and N Pathak (2005):** National Parks and Sanctuaries in Maharashtra. Bombay Natural History Society, Mumbai

This two volume Directory is without doubt the most comprehensive compilation of information on the protected areas of Maharashtra. It contains among other things detailed maps, fauna and flora checklists and detailed information on the history and present management status.

Volume I is the State Profile while Volume II deals with the Individual Profiles and Management Status of each of the states sanctuaries and national parks.

Contact: **BNHS**, see above  
**Pratibha Pande**, D – I/112, Rabindra Nagar, New Delhi – 110003. Tel: 011 – 24692903,

- **Semwal RL (2005):** The Terai Arc Landscape in India, Securing Protected Areas in the Face of Global Challenge. WWF – India.

The Terai Arc Landscape (TAL) in India covers an area of nearly 30,000 sq. kms across the states of Uttaranchal, Uttar Pradesh and Bihar. The area within TAL that is covered by forests is about 1,500 sq. kms. The land use here varies between patches of forest in various conditions: nine protected areas, agricultural fields, urban settlements as well as an infrastructure network.

The present report focuses on key global change phenomenon affecting the TAL and has identified two specific biological factors for

analysis: increasing habitat fragmentation and proliferation of invasive species. It builds a framework for understanding these issues in the context of the Western-Central TAL, outlines some of the underlying drivers leading to these global change factors, and also discusses ongoing and potential responses.

Contact: **WWF – I**, Forest & Biodiversity Conservation Division, 172-B, Lodhi Estate, New Delhi – 110003. Tel: 011-51504785/87/88. Fax: 51504779. Email: forests@wwfindia.net. Web: www.wwfindia.org

- **Shahabuddin G, Ravi Kumar and M Srivastava (2005):** Forgotten Villages – A people’s perspective on village displacement from Sariska Tiger Reserve Environmental Studies Group, Council for Social Development (CSD), New Delhi

The report is the outcome of a year long study started in September 2004. It looks at the socio-economic status, forest dependency and cultural aspects of the lives of those to be displaced from the sanctuary; documents their aspirations and perspectives and studies the process of relocation including the plan and package in relation to the proposed relocation site. The report suggest a five – pronged approach to resolving the issues in Sariska.

These include the need for:

- just and equitable relocation of the four villages located centrally in Core Zone I of the park;
- the creation of livelihood alternatives for peripheral villages
- a transparent and accountable joint management system for the park
- drastically stepping up protection by forest personnel and
- improving biomass productivity and employment opportunities in the buffer zone.

Contact: **Ghazala Shahabuddin**, CSD, Sangha Rachna, 53 Lodi Estate, New Delhi – 110003. Tel: 011 – 24615383 / 24611700. Fax: 24616061. Email: [ghazalafarzin@yahoo.com](mailto:ghazalafarzin@yahoo.com)

- **Chandan P, A Chatterjee, P Gautam, C Seth, J Takpa, S Haq, P Tashi and S Vidya (2005):** Black-necked Crane – Status, Breeding Productivity and Conservation in Ladakh, India 2000-2004. WWF India and Dept of Wildlife Protection, Govt. of Jammu & Kashmir.

This report is the result of intensive studies and surveys in Ladakh, the first of its kind to be conducted in all the 22 wetlands in the region.

The report suggests that though the population of the bird seems to be increasing, the overall breeding productivity is declining. The increase in population if due to the discovery of new breeding sites while the decline in breeding success is due to increased human activities, and resultant secondary impacts like killing by dogs and pressure on the habitat due to unplanned developmental activities.

Contact: **CWLW J&K**, Tourist Reception Centre, Srinagar – 190 001. Tel: 0191-544575, 0194-452469/ 476261. Fax: 0191-544575, 0194-4524690

**Pankaj Chandan**, WWF - I Hemis Complex, Zangsti Road, Leh 194 101 J & K. Tel: 01982 – 251896. Fax: 252414. Email: pchandan@wwfind.net; pankaj\_chandan2001@yahoo.com

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## IN THE SUPREME COURT

### **I.A. No.1355 by Vasundhara and Kalpavriksh for modifications of Orders in I.A.No.548**

I.A No.548 in the Godavarman case is a matter in which all state governments were restrained from ordering the removal of dead, diseased, dying or wild fallen tree, drift wood and grasses etc from any National Park or game sanctuary. This order passed on 14.2.2000 reads:

*'Issue notice to all the respondents. In the meantime, we restrain respondents No. 2 to 32 from ordering the removal of dead, diseased, dying or wind fallen trees, drift wood and grasses, etc from any National Park or Game Sanctuary or forest.*

On 28.2.2000 the Supreme Court passed another order clarifying further on the 14.2.2000 order which said, *In the order dated 14.02.2000 the word for forest in the 2<sup>nd</sup> line from bottom at page 4, are ordered to be deleted. The sentence would read thus:*

*'...In the meantime, we restrain respondent No. 2 to 32 from ordering the removal of dead, diseased, dying or wind fallen trees, drift wood and grasses, etc from any National Park or Game Sanctuary....'*

There were subsequent orders by the court and Central Empowered Committee, which restricted rights of forest dependant communities.

The issue got heightened, when, many states interpreted this order in a way that it restricted the rights of forest dependant communities including for the removal of Non-Timber Forest Produce (NTFP) from forest land for livelihood and household needs. Such an interpretation led to serious alarm amongst people's groups, community based enterprises and other NGOs.

In early 2005 an intervention was filed in I.A. 548, seeking modifications and clarifications on the above orders. The petition was filed by the Orissa based NGO, Vasundhara and Kalpavriksh Environmental

Action Group, which is based in Delhi and Pune. It provided critical information on the livelihood dependencies of the forest dwelling communities *vis a vis* NTFPs, and highlighted the implications of the order passed in I.A. 548.

The prayer asked the court to:

- *Modify the order dated 14.2.2000 in order to allow for the continuation of the rights, concessions and privileges for use of the people living in sanctuaries as well as continuation of rights, concessions and privileges with respect to NTFPs till final declaration of National Park.*
- *Squash the order of the Ministry of Environment and Forests dated 20-10-2003 in so far as it prohibits all rights and concessions in Protected Areas.*
- *Squash the order of the Central Empowered Committee dated 2-7-2003 and the Ministry of Environment and Forests dated 20-10-2003 in so far as it has included all kinds of "Protected Areas" within the scope of the order of 14-2-2000.*
- *To direct the Ministry of Environment and Forests and the Central Empowered Committee to issue a clarification on the same so as to ensure that bona fide rights and concessions are not affected in Sanctuaries where they are legally admitted/ recognized in their final notifications and in National Parks where final Notification under Section 35 (4) has not taken place*

The first hearing in the matter was held on 16<sup>th</sup> September 2005, where the applicants were allowed to intervene in the case.

The Amicus Curiae, Harish Salve, began the case proceedings by saying that the I.A relates to encroachments, but subsequently clarified that he was confusing it with another issue. Further, he admitted that the issues raised in the application are very genuine and therefore the Court should consider the matter in detail just

like the Net Present Value (NPV) and other matters. He suggested that this matter should in fact take precedence over commercial and other cases such as NPV and compensatory afforestation. The MoEF Counsel A.D.N Rao told the Court that the issue raised was similar to the issues dealt with in the WWF-India case (337 of 1995), on settlement of rights and therefore both these matter should be heard together.

Justice Y.K Sabharwal went through section 24 (c) of the Wild Life Protection Act, 1972 and said that concessions and rights were allowed as per law but said that a modification in the first hearing is not possible without taking the views of the MoEF.

The Counsel for the state of Orissa stated that a notice should be issued to the state of Orissa in view of the large number of examples cited in the petition about protected areas in Orissa. It was clarified that the examples in Orissa are only illustrative and the issue relates to all states and it will not be in the interest of justice to confine the petition to one state although the condition in Orissa is pitiable and needed urgent attention.

Finally, the court passed the following order: "MoEF may file its response to the application within three weeks. Counsel for the applicant is permitted to make corrections in this application.

List the applications along with I.A 703"

## **Excerpts from Supreme Court Order on Net Present Value**

Natural resources are the asset of the entire nation. It is an obligation of all concerned including Union Government and the State Government to conserve and not waste these resources.

In the present case, the question is about conservation, preservation and protection of forests and the ecology. When forest land is used for non forest purposes, what measures are required to be taken to compensate for loss of forest land and to compensate effect on the ecology is the main question under consideration.

The point in issue is whether before diversion of forest land for non forest purposes and consequential loss of benefits accruing from the forest, should not the user agency of such land be required to compensate for the diversion. If so:

- Should not the user agency be required to make payment of Net Present Value (NPV) of such diverted land so as to utilize the amount so received for getting back in long run the benefits, which are lost by such diversion?
- Should guidelines apply uniformly to all?
- How to calculate NPV?
- Should some projects be exempted from payment of NPV?

Notification dated 23<sup>rd</sup> April, 2004 issued by the Ministry of Environment and Forest constituting an Authority known as the Compensatory Afforestation Management and Planning Authority (CAMPA). We find substance in the suggestion of learned Amicus curiae that there should be more involvement of NGO's by including in the executive body, the conservationists, environmentalists, economists and experts in forestry.

Hence suitable amendment to include two more environmentalist one of whom may be expert in the field of forestry. The members to be included in the Executive Body in consultation with the Chairperson of the CEC.

### **CAMPA**

Effects of degradation of environment or forests can be felt more in adjoining area which may be in a different state or union territory... We direct a suitable modification so as to provide that ordinarily expenditure shall be incurred in a particular state or Union territory but leaving it to the discretion of the CAMPA to also incur expenditure in the state or union territory other the one mentioned in clause 6.2 if it considers it necessary.

### **NPV**

The NPV is the present value of net cash flow from a project discounted by the cost of capital. Forestry is a public project. It is important to bear

in mind that a benefit received today is worth more than that received later. The benefit received today is in fact 'cost incurred today'.

The object of NPV is to utilize the fund to conserve the ecology without in any manner affecting proprietary right of the State Government over the land, timber or the minerals. The notification dated 23<sup>rd</sup> April, 2004 does not deprive any state of any land, timber or mineral. The damage to environment is a damage to the country's assets as a whole. Ecology knows no boundaries. It can have impact on the climate.

Amounts under CAMPA have to be used for regeneration of ecosystem and the same cannot be handed over to any state government on the premise that ecology is not property of any state but belongs to all being a gift of nature for entire nation. The object of the FC Act and the EP Act is protection of environment. These acts do not deal with any proprietary rights of anyone.

### **Conclusions**

- Except for government projects like hospitals, dispensaries and schools all other project shall be required to pay NPV though final decision will be taken after receipt of Expert Committee Report.
- The payment of CAMPA under Notification dated 23<sup>rd</sup> April, 2004 is constitutional and valid.
- The amounts are required to be used for achieving ecological plans and for protecting the environment and for the regeneration for forest and maintenance of the ecological balance and ecosystem. The payment of NPV is for protection of environment and not in relation to any proprietary rights.
- Fund has been created having regard to the principles of intergenerational justice and to undertake short-term measures.
- The NPV has to be worked out on economic principles.

The court directed that an expert committee made up of three members including Ms

Kanchan (Chopra) be set up within a month by the Institute of Economic Growth

The committee would examine the following issues.

- (i) To identify and define parameters on the basis of which each categories of values of forestland should be estimated.
- (ii) To formulate a practical methodology applicable to different bio geographical zones....
- (iii) To illustratively apply this methodology...
- (iv) To determine on the basis of established principles of public finance who should pay the cost for restoration and / or compensation with respect to each category of values of forest.
- (v) Which projects deserve to be exempted from payment of NPV
- (vi) The user agencies shall give an undertaking for further payment, if any as may be determined on receipt of report from the expert body.
- (vii) The Special Purpose Vehicle shall be established with the permission of the court.
- (viii) The institute shall send the report of committee of Experts within a period of four months.
- (ix) The various clauses of CAMPA shall be suitably modified in terms of this judgment within a period of one month

'In the Supreme Court' is based on the Forest Case Update, which is a web-based initiative to provide information and updates on developments related to forests and wildlife in the Supreme Court (see *PA Update* 49). It is produced with the support of the Foundation for Ecological Security, Anand. Forest Case Update Editors: Ritwick Dutta (Court Office), 69, Lawyers Chambers, Supreme Court, New Delhi-110001. Kanchi Kohli, (Coordinating Office) Email: [forestcase@yahoo.com](mailto:forestcase@yahoo.com) All issues of the Forest Case Update are uploaded on <http://www.geocities.com/forestcase/forestcaseupdate.html>

# Kohima Statement on Community Conservation

## Adopted at the Workshop on Community and Biodiversity in Nagaland

Kohima, 24-27<sup>th</sup> October, 2005

(Organised by Forest Department, NEPED, and Kalpavriksh, with sponsorship of Nagaland Forest Department, IFACN, British High Commission, NEPED, and ICIMOD)

Recognising the growth and positive impact of community conservation movement in Nagaland, in particular their attempts to halt indiscriminate hunting, forest destruction, and fishing at specific sites;

Noting the enormous importance of these initiatives in the context of the national and international loss of biodiversity and the erosion of earth's capacity to sustain life;

Respecting that there is a wide range of such initiatives, with a diversity of motivations, institutional arrangements, rules, and impacts;

Realising that several measures are needed to strengthen these initiatives, such as documentation and studies, awareness and capacity building, generating livelihood options linked to conservation, providing appropriate legal measures, and resolving conflicts within and between communities;

Utilizing the existing mandate of Village Councils, Village Development Boards, and various community institutions set up for conservation;

Recognising that these initiatives provide a challenge and an opportunity to develop a policy integrating conservation, livelihood security, and development, as appropriate to the state's unique features (in particular its biological and cultural diversity, its immense traditional knowledge, the strong institutions at village and tribe level, its unique constitutional status, and the ownership of most land and resources by communities);

Stressing that such an integrated policy could focus on inputs for sustainable jhum and other traditional farming systems, forest based livelihoods, agroforestry, value addition to medicinal and aromatic plants, markets for organic and traditional crops, water harvesting, and other such inputs that

sustain rather than destroy the state's natural and agricultural biological diversity;

**We call upon all sections of society, to work towards strengthening community based conservation:**

- **the state government to evolve a state-specific policy integrating conservation, livelihood security, and ecologically sensitive development**
- **relevant government agencies to provide sensitive facilitation and support as requested and required by communities**
- **NGOs, scientific, religious and educational institutions to extend capacity building and technical assistance to communities, and assist in documenting their initiatives**
- **the communities themselves to strengthen and spread their initiatives.**
- **empower youth and women to conserve and sustainably use their environment.**

### Recommendations

Nagaland has a growing number of community led conservation initiatives including declaration of wildlife and forest reserves, seasonal or permanent bans on hunting, and regulations against destructive fishing. These initiatives are being carried out through a diversity of institutional mechanisms and arrangements by the Village Council, students' unions, youth organizations, and public organizations. Most of them involve formal resolutions passed by the village, a set of rules and regulations to ensure conservation, and penalties such as fines to deter and deal with violations. These initiatives appear to have had significantly positive impacts on wildlife and biodiversity, as reported by communities themselves and observed by visitors.

While these initiatives are increasing in number and effectiveness, they also suffer from

weaknesses and gaps. Realising this themselves, communities have requested different kinds of inputs for strengthening their conservation initiatives:

- Financial resources for conservation works like water holes, appointing guards and patrolling, fencing, awareness programmes, and others;
- Awareness programmes to further sensitise the public and spread the extent and effectiveness of conservation efforts;
- Programmes for training and building capacity to manage conservation areas;
- Technical inputs such as mapping and flora-fauna inventories;
- Networking of various community initiatives within and outside the state.

These inputs could come from a variety of sources, including:

- Technical inputs from relevant government departments, NGOs, scientific and educational bodies, and communities themselves.
- Financial inputs from relevant schemes of state and central governments, donors, tourism initiatives, and communities.

Recognising that in Nagaland the customary laws as per Article 371A of the Constitution of India take precedence over any national laws, we recommend the following specific steps, *all to be carried out by and with communities*:

### **1. Documentation and studies**

- Collating existing information on community initiatives into a database centre at district (at Dept. of Art and Culture) and state levels (state library in Kohima), and at village levels
- Carrying out a state level inventory of existing community initiatives for which information is not yet available
- Conducting inventories of biodiversity in such areas, through Community Biodiversity Registers (only after providing for their legal protection in rules under the Biological Diversity Act)
- Providing the mandate to the relevant departments of the state govt and institutions and experts to document the

range of biodiversity of Nagaland and its existing and potential value

- Documenting biodiversity related folklore
- Studying the institutional structure, rules and regulations, and other community mechanisms involved in conservation
- Encouraging the role of Nagaland University and colleges in documentation and database management
- Ensuring that all the above steps are ongoing, continuous processes.

### **2. Education, awareness, and capacity building programmes**

- Holding district and tribe level workshops to follow up this state level workshop
- Setting up interpretation and information centres relating to biodiversity and community initiatives at the level of villages and districts/tribes
- Setting up community grain/gene banks, managed by individuals or families chosen by the village
- Developing capacity of youth from each tribe, to carry out documentation and studies, spread awareness, and take up other relevant activities
- Developing the capacities of communities to protect their biodiversity and traditional knowledge and cultural expressions against biopiracy, and to enter into arrangements for the use of their resources and knowledge by outside agencies
- Empowering the women to participate in decision making regarding biodiversity conservation
- Developing capacity for ex-situ conservation for rare, endemic and threatened plants, e.g. in home gardens
- Spreading message of conservation initiatives (including hunting bans) at various festivals

### **3. Spreading conservation movement**

- Encouraging all tribal Hohos, student unions, and public organisations to pass and effectively implement resolutions regarding conservation
- Declaring and enforcing bans on sale of wild animal meat and threatened/endemic species of plants in all towns and

municipalities...through district administration and town/municipal councils, with backing by Hohos

- Facilitating communities to link their conserved sites to create larger conservation units and ensure conservation corridors
- Spreading alternative products to wild animal products, e.g. for hornbill feathers and casques, ivory amulets, etc.
- Creating mechanisms for more effective implementation of seasonal hunting bans and fishing regulations by tribal hohos, other tribal public organizations, and village councils
- Facilitating the conservation of indigenous agricultural biodiversity (crops and livestock), and prohibiting the use of genetically modified organisms
- Ensuring technical and financial support (e.g. for patrolling and guarding, water holes, fencing, awareness programmes, from District Planning and Development Boards, relevant government departments, NGOs and institutions, to community initiatives
- Empower field level forest staff to assist in community conservation initiatives
- Regulate timber felling and mining

#### **4. Livelihood options**

- Enhancing livelihoods from agriculture, forestry, and allied sectors related to the lands around the community conserved areas, including:
  - Evolving sustainable jhum systems, enhancing productivity on agricultural lands using organic inputs and appropriate techniques
  - Processing medicinal plants (while ensuring sustainable harvesting) and encouraging wider use of traditional health related knowledge (while ensuring community level protection of such knowledge)
  - Sustainable use of NTFP
  - Encouraging value addition to traditional knowledge and biological resource uses.
  - Ensuring equitable benefit sharing of use of biological resources by

agencies outside of the community, as determined by the communities themselves

- Encouraging supplementary livelihoods related directly to the conservation initiative, such as protection work, ecologically sensitive tourism, and others (while recognizing that these options would be limited, and could create cultural and ecological problems if not consciously and effectively regulated.
- Assessing existing schemes of various line agencies to re-orient them towards community conservation and related livelihood options, including through the above mentioned livelihood and development strategies (linked also to ongoing extension reforms).
- Ensuring that benefits from these are equitably distributed, to ensure that some individuals or families do not corner them.

#### **5. Policy and legal provisions**

- Developing a state-specific policy that integrates conservation, livelihoods, and development at village, district, and state level, with mechanisms to ensure coordination of various schemes, government departments, and institutions;
- Respecting the right of communities to develop and use their own framework of rules as per the customary law, practices and institutions of each tribe of Nagaland, for ensuring conservation.
- Encouraging communities to use customary laws and practices to achieve conservation.
- Informing communities about state, national, and international legal provisions (translated in local languages), under which support could also be provided, including:
  - Village Council provisions under the Nagaland Village and Area Council Act 1978
  - Community Reserves category under Wild Life (Protection) Amendment Act 2003
  - Biodiversity Management Committees and Biodiversity Heritage Committees under Biological Diversity Act 2002
  - Ecologically sensitive areas under Environment Protection Act 1986

- U.N. Convention on Biological Diversity
- Agenda 21
- Relating to the above, if the Legislative Assembly of the state of Nagaland, by a resolution so decides to apply National Laws for the benefit of community conservation, it can be *only* after safeguarding the customary rights and laws of the people of Nagaland. This would include:
  - i. Making changes in the Community Reserves provision of the Wild Life Act to ensure the full authority of the Village Council and village members regarding land use, and to set up and authorize the management institution; and developing guidelines in consultation with communities, for the process of declaring such Community Reserves.
  - ii. Framing rules (to be developed through consultative process involving communities) under the Biological Diversity Act to empower the Village Council to:
    - appoint the Biodiversity Management Committee, which has the authority to decide on all matters relating conservation of biodiversity, sustainable use of biological resources, and equitable sharing of benefits arising from such use.
    - declare Biodiversity Heritage Sites as appropriate to their situation, with full authority to decide the management of the Sites. (Progressive rules notified by

other states such as Madhya Pradesh may be used as inputs for the above).

- iii. Framing rules under the Village and Area Council Act to utilize and link funds received from various sources, for conservation purposes.
- iv. Adopting guidelines for the declaration of relevant community conservation areas, especially those that on their own or jointly form large landscapes or are within ecologically sensitive landscapes, as Ecologically Sensitive Areas under the Environment Protection Act.
- v. Adopting state level guidelines for the process of declaring/notifying community conserved areas and providing inputs by government and NGOs, relating to all the above (as attached).
- vi. Process of declaration for privately owned lands needs the consent of the landowner.

## **6. Conflict resolution**

- Encouraging resolution of conflicts between villages and tribes, through customary law courts;
- Exploring resolution of the inter-state conflict relating to the Dzukou area of Nagaland and Manipur.

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