

भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण
National Tiger Conservation Authority

F. No. 7-9/2010-NTCA (Part)

New Delhi, the December 30, 2019

CORRIGENDUM

Sub: Compliance of the statutory provisions in context of infrastructure Development Projects -reg.

Ref: This Authority letter of even number dated 28.11.2018 (copy enclosed).

Sir,

Reference is invited to the subject & reference mentioned above. I am directed to inform that the earlier letter issued of even no. dated 28.11.2018 by this Authority is hereby amended only to the extent provided as under:-

- In the para titled '**Project Proposal involving area falling within a Tiger Reserve**- In 3rd line '**if found sustainable**' is to be deleted and in the 4th line '**if agreed upon**' is to be deleted.
- In the para titled '**Project proposal involving corridor/ linking area, irrespective of legal status of land**- in the 4th line, '**if found sustainable**' is to be deleted and in the 5th line '**if agreed upon**' is to be deleted.

This issues under Section 38 (O) (2) of the Wildlife (Protection) Act, 1972 and approval of the Competent Authority.

Encl: As above.

Nishant Verma
30/

(Nishant Verma)

Deputy Inspector General of Forests (NTCA)

E-mail: dig2-ntca@nic.in

Tel. No. +91 11 2436 7837-39

Fax: +91 11 2436 7836

Distributions:

1. The Chief Wildlife Warden(s), All Tiger Range States.
2. The PCCF (HoFF), All Tiger Range States.
3. The Field Director (s), All Tiger Reserves.
4. The Inspector General of Forests (WL), MoEF&CC, New Delhi.
5. The IGF/ AIGF, NTCA Regional Offices, Guwahati, Nagpur and Bangalore.

Copy for information to:

1. PPS to ADG (WL), MoEF&CC, New Delhi
2. PS to ADG (PT) & MS (NTCA)

F. No. 7-9/2010-NTCA (Part)
Government of India
Ministry of Environment, Forest and Climate Change
National Tiger Conservation Authority

B-1, Wing, 7th Floor,
Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.
Email: Email: dig-ntca-mef@nic.in
Tel. (EPABX) 011-24367837-39
Fax: 011-24367836.
Dated: 28.11.2018

To,
The Chief Wildlife Warden (s),
All Tiger Range States

Sub: Compliance of the statutory provisions in context of Infrastructure Development Projects – reg.

Sir,

Reference is invited to the subject cited above. In respect of infrastructure development projects, especially in context of linear development, the statutory role of this Authority is clearly outlined in the Wildlife (Protection) Act, 1972 which is **re-iterated** as follows:

1. Section 38 (O) (1) (b) of the Wildlife (Protection) Act, 1972:

The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:-

"Evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserve,"

2. Section 38 (O) (1) (g) of the Wildlife (Protection) Act, 1972:

The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:-

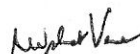
"ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wildlife and on the advice of the Tiger Conservation Authority;"

Accordingly, the "flow" of obtaining clearance in respect of the aforesaid sections is re-iterated as under:

1. Project proposal involving area falling within a Tiger Reserve:

In respect of projects falling within a notified tiger reserve, be it core or buffer, irrespective of area involved, the project proposal needs wildlife clearance. Therefore, the project proponent shall have to submit proposal to the Chief Wildlife Warden of the concerned State and if found sustainable, the proposal shall be placed before the State Board for Wildlife (SBWL). The proposal, if agreed upon shall be forwarded for consideration of the Standing Committee (SC) of the National Board for Wildlife (NBWL). The Standing Committee of NBWL shall refer it to the National Tiger Conservation Authority for its advise as per provisions of section 38 (O) (1) (b) of the Wildlife (Protection) Act, 1972. The NTCA shall after due scrutiny advice the SC of NBWL for allowing or disallowing the project. There may be areas within the buffer where legal status of the land can be other than forest. Herein too, section 38 (O) (1) (b) shall be invoked and the Chief Wildlife Warden can refer the matter directly to the NTCA.

Contd...../-



2. Project proposal involving corridor / linking area, irrespective of legal status of land:

In such projects, the project proponent may have to seek wildlife or forest clearance or both. The latter clearance shall be necessitated in case legal status of the land is forest.

In respect of wildlife clearance, the project proponent shall have to submit proposal to the Chief Wildlife Warden of the concerned State and if found sustainable, the proposal shall be placed before the State Board for Wildlife (SBWL). The proposal, if agreed upon shall be forwarded for consideration of the Standing Committee (SC) of the National Board for Wildlife (NBWL). The Standing Committee of NBWL shall refer it to the National Tiger Conservation Authority for its advise as per provisions of section 38 (O) (1) (g) of the Wildlife (Protection) Act, 1972. The NTCA shall after due scrutiny advice the SC of NBWL for allowing or disallowing the project.

I am directed to request you to follow the above statutory provisions in letter and spirit particularly in respect of all projects falling within the notified tiger reserves and its corridors for wildlife clearance irrespective of area involved and requirements of obtaining forest clearance or not.

This issues under section 38 (O) (2) of the Wildlife (Protection) Act, 1972 and approval of the Competent Authority.

Yours faithfully,

Nishant Verma 28/11/18
(Nishant Verma)

Deputy Inspector General of Forests (NTCA)

Copy to:

1. The Field Director (s), All Tiger Reserves.
2. The Inspector General of Forests (WL), MoEF&CC, New Delhi
3. The IGF/ AIGF, NTCA Regional Offices, Guwahati, Nagpur & Bangalore.
4. PS to ADG (PT) & MS (NTCA).

*OLC
19/11/18
30/11/18*