

Annexure IX (20), (Vide Article - 9.01 (xxv))

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 22nd June, 2007

S.O. 1008 (E).—In pursuance of Section 38X of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following guidelines for the purpose of Regulation of Tiger Conservation Foundation, namely:

1. Short title and commencement.—
 - (1) These guidelines may be called the National Tiger Conservation Authority (Tiger Conservation Foundation) Guidelines, 2007.
 - (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— In these guidelines, unless the context otherwise requires –
 - (a) "Act" means the Wild Life (Protection) Act, 1972 (53 of 1972);
 - (b) "Executive Committee" means an executive committee of the Foundation constituted by its trust of deed;
 - (c) "Foundation" means the Tiger Conservation Foundation established under section 38X of the Act;
 - (d) "Governing Body" means governing body of the Foundation as constituted by its trust of deed;
 - (e) "implementing agency" means a tiger reserve notified under section 38V of this Act or a reserve already notified by the State Government under Project Tiger Scheme;
 - (f) "Operations Manual" means the administrative code of the Foundation approved by the State Government;
 - (g) "Rules of the Foundation" means the approved trust of deed and Operations Manual of the Foundation;
 - (h) "staff" means any employee of the Foundation appointed by appropriate authority and shall include consultants, professionals engaged on contract, staff on deputation, daily wage workers, etc.;
 - (i) "State Government" means the State Government of the Tiger Reserve State;
 - (j) "Tiger Conservation Authority" means the National Tiger Conservation Authority constituted under section 38L of the Act;
 - (k) "tiger reserve" means the areas notified as such under section 38V, apart from those already notified by State Governments under Project Tiger Scheme;
 - (l) "tiger reserve state" means a state having tiger reserve.

3. Constitution of Tiger Reserve Foundation.—

- (1) The State Government shall establish a Tiger Conservation Foundation in each tiger reserve for facilitating and supporting its management for conservation of tiger and biodiversity, apart from taking ecotourism and ecodevelopment initiatives by involving people in such process.
- (2) The Foundation shall be a trust, registered under the relevant rules of the Government.
- (3) The Head Office of the Foundation shall be located at an administratively convenient location in proximity to the tiger reserve.
- (4) The area of operation of the Foundation shall be the tiger reserve and its adjoining landscape, forming the impact zone with possible corridor value for dispersal of wild animals from the tiger reserve.

4. Aim and Objectives of the Trust.—

- (1) The aim of the Foundation shall be to facilitate and support the tiger reserve management for conservation of tiger and biodiversity, through multi-stakeholder participation as per approved management plans, and to support similar initiatives in adjoining landscapes, consistent with the national and state legislations.
- (2) For the furtherance of the said objectives, the functions of the Foundation shall be undertaken through the implementing agency and its staff and or sponsored or supported by it or through other institutions, agencies or individuals collaborated by the implementing agency.
- (3) To achieve the above said aim, the Foundation shall have the following objectives, namely:-
 - (a) to facilitate ecological, economic, social and cultural development in the tiger reserve and adjoining landscape;
 - (b) to provide support to safeguard the natural environment in the tiger reserve and relevant places;
 - (c) to facilitate the creation of, and or maintenance of such assets as felt necessary for fulfilling the above said objectives;
 - (d) to solicit technical, financial, social and other support required for the activities of the Foundation for achieving the above said objectives from different sources permitted by law;
 - (e) to support ecotourism, ecodevelopment, research, environmental education, training, management and advisory aspects in the above and related fields to support the implementing agency; and
 - (f) anything incidental or ancillary to the above for furthering the above said objectives.

5. Governing Body of the Foundation.—

- (1) The Tiger Reserve State shall have a governing body for giving overall policy guidance and direction to the Tiger Conservation Foundation.
- (2) The Governing Body of the Tiger Conservation Foundation shall consist of the

following members, namely:-

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| (i) | Minister in-charge of Wildlife in the State Government | - | President |
| (ii) | Principal Secretary or the Secretary, as the case may be, of the Forests Department to that Government | - | Vice President |
| (iii) | Principal Chief Conservator of Forests | - | Member |
| (iv) | Field Director of the Tiger Reserve | - | Member |
| (v) | Deputy Director of the Tiger Reserve | - | Member |
| (vi) | two prominent scientists or qualified experts in the field (to be nominated by that Government) | - | Members |
| (vii) | Member of Legislative Assembly, who represent the concern area in the State Legislative Assembly | - | Member |
| (viii) | representative of the District Panchayat having jurisdiction over the Tiger Reserve area | - | Member |
| (ix) | two members of the Executive Committee of the Foundation (other than the Field Directors/Deputy Directors) | - | Member |
| (x) | Chief Wildlife Warden | - | Member-Secretary |

- (3) A member of the Governing Body shall, upon ceasing to be a Member of Legislative Assembly or, as the case may be, the District Panchayat, cease to be a member of the Governing Body.
- (4) The tenure of nominated member shall be for a period of three years from the date of his nomination.
- (5) The Governing Body shall have the following powers and perform the following functions, namely:-
- (a) make over all policy of the Foundation in consonance with the provisions of the Act;
 - (b) consider and approve the balance sheet and audited accounts of the Foundation;
 - (c) consider and approve the Annual Report of the Foundation;
 - (d) approve the work plan, fund flow, Annual Budget of the Foundation;
 - (e) make amendment in the deed of trust, which may be necessary, subject to the approval of the Government;
 - (f) approve the "Operations Manual" of the Foundation;
 - (g) coordinate between different departments and other institutions and non Governmental organisations to achieve the objectives of the Foundation;
 - (h) frame rules and regulations under the provisions of the trust of deed for managing the affairs of the Foundation;
 - (i) take all policy decisions regarding fund raising, investment and budget of the Foundation;

- (j) suspend, terminate or effect any other procedures on any Project or activity undertaken by the Foundation; and
 - (k) perform such other functions as may necessary to achieve the objectives of the trust.
- (6) The meetings of the Governing Body shall be held in the following manner, namely:-
- (i) the meetings of the Governing Body shall be held at least once in a year preferably in the first month of the financial year;
 - (ii) every meeting of the Governing Body shall be called in writing by and under the signature of the Member-Secretary of the Governing Body through a prior notice of fifteen days containing a summary of the business to be transacted in such meeting;
 - (iii) any inadvertent omission to give notice to, or the non-receipt of notice of any meeting by, any member shall not invalidate the proceedings of the meeting;
 - (iv) if the President is not present in the meeting of the Governing Body, the Vice-President shall preside over the meeting;
 - (v) one third of the members of the Governing Body present shall form the quorum of the Governing Body provided that no quorum shall be necessary in respect of any adjourned meeting;
 - (vi) all disputes in a meeting shall be determined by the division of vote;
 - (vii) the member who is unable to attend the Governing Body meeting may send his views on the agenda in writing and such expression of opinion shall be taken to be his vote on the matter concerned; and
 - (viii) the minutes of the proceedings of the meeting shall be recorded and such minutes after approved and signed by the Member Secretary, Governing Body shall be the conclusive proof of the business transacted in the meeting.

6. The Executive Committee.-

- (1) Every Tiger Conservation Foundation shall have an Executive Committee to look after its day-to-day management.
- (2) The affairs of the Foundation shall be administered subject to the rules of the Foundation by the Executive Committee.
- (3) The Executive Committee shall consist of -
 - (a) Field Director of the Tiger Reserve - Chairperson
 - (b) Deputy Director or Assistant Director of the Tiger Reserve - Member
 - (c) two representatives of Ecodevelopment Committees working in the Tiger Reserve, to be nominated in the Governing Body - Member
 - (d) two members of frontline staff of the Tiger Reserve - Member

(the Deputy Director or, as the case may be, the Assistant Director of the tiger reserve shall function as the Secretary of the Executive Committee).

- (4) The tenure of the nominated member shall be for a period of two years from the date of his nomination.
- (5) A member of the Executive Committee, other than nominated members, shall cease to be a member as such, if he ceases to hold that office or post by virtue of which, he became the member of the Committee.
- (6) The Executive Committee shall have the following powers and perform the following functions, namely:-
 - (a) the affairs and funds of the Foundation in accordance with the rules and regulations of the Foundation;
 - (b) make endeavour to achieve the objectives of the Foundation and discharge all its functions;
 - (c) exercise administrative and financial powers including power to engage any person of one description and make appointment thereon in accordance with the rules and regulations of the Foundations;
 - (d) enter into arrangement with other public or private organisations or individuals for furtherance of its objectives and in accordance with the rules and regulations of the Foundation;
 - (e) endowments, grants-in-aid, donations, or gifts to the Foundations not inconsistent with the rules and regulations of the Foundation and interest of the Government;
 - (f) take over or acquire in the name of the Foundation by purchase, gift or otherwise from Government or other public bodies or private individuals or organizations, any movable and immovable property in the state or elsewhere in conformity with the rules and regulations of the Foundation; and
 - (h) perform such other functions as are assigned to it by the Governing Body.

7. Proceedings of the Executive Committee.-

- (1) Every meeting of the Executive Committee shall be presided over by the Chairperson. Provided that in the absence of the Chairperson the Executive Committee shall elect a Chairman to preside over the meeting.
- (2) One-half of the total members of the Executive Committee present in the meeting shall constitute the quorum, provided that no quorum shall be necessary in respect of any adjourned meeting.
- (3) Not less than seven days notice for every meeting of the Executive Committee shall be given to each member of the said Committee, provided that the Chairperson may call an emergency meeting if the situation so warrants.
- (4) Any inadvertent omission to give notice to or the non-receipt of notice of any meeting by any member shall not invalidate the proceedings of the meeting.
- (5) The Executive Committee shall meet as and when necessary but at least once in every month.

- (6) All disputed issues in the Executive Committee meetings shall be determined by vote among members.
- (7) Any member who is unable to attend any Executive Committee meeting may send his views on the agenda in writing and such expression of opinion shall be taken to be his vote on the matter concerned.
- (8) The Executive Committee shall refer any issue for the advice or recommendation to a Sub-Committee constituted by it for the purpose and the Executive Committee shall have the right to override the recommendation or advice given by the Sub-Committee and in doing so, it shall record reasons thereof.
- (9) The Annual General Body Meeting of the Executive Committee shall be conducted every year and the audited accounts of the previous year and the budget for the current year shall be presented, discussed and approved.
- (10) The Minutes of the proceedings of the Executive Committee meetings shall be recorded and such minutes after due approval shall be issued by the Secretary.

8. Office and Authorities of the Executive Committee.-

- (1) The Field Director of the Tiger Reserve shall be the Executive Director of the Foundation and he or she shall carry out all administrative and day-to-day functions of the Foundation on behalf of the Executive Committee and he shall be the custodian of all records, assets and belongings of the Foundation.
- (2) The Executive Director shall have the following powers in conformity with the rules of the Foundation; namely:-
 - (a) to accept contributions on behalf of the Foundation either in cash or in kind from a person or institutions.
 - (b) to purchase, acquire, take on lease any movable and immovable property for the purpose of achieving the objectives of the Foundation.
 - (c) to have control and authority on the general administration of the Foundation.
 - (d) to open and operate accounts with banks.
 - (e) to prosecute, sue and defend all actions at law for and on behalf of the Foundation.
- (3) The Executive Director shall have powers to convene seminars, workshops, etc., and to oversee publications of research materials and books of the Foundation.
- (4) The Executive Director shall initiate appropriate actions for the preparation and submission of project proposals on different programmes to be undertaken by the Foundation to various agencies for support.
- (5) The Executive Director shall have powers to interact with National and International Agencies for furthering the objectives of the Foundation.

9. Property, Assets and Liabilities.-

- (1) The income and property of the Foundation, howsoever derived, shall be applied solely towards the promotion of the objectives thereof as set-forth above.
- (2) No portion of the income and property of the Foundation shall be paid or transferred directly or indirectly, by way of dividend, bonus or otherwise, howsoever, by way of profit, to the persons who at any point of time have been members of the Foundation or to any of them or to any person claiming through them.
- (3) Provided that nothing herein contained shall prevent the payment of remuneration to any member or any person in return of any service rendered to the Foundation or for any administrative expenses as stipulated in the Operations Manual.

10. Powers of the Government.-

The Government may time to time review the functioning of the Foundation and issue such directions as it may consider necessary in respect of the affairs of the Foundation.

11. Financial Regulations.-

A. Funds of the Trust:

The following shall be the various sources of funds for running the affairs of the Foundation in conformity with the rules and regulations of the trust, namely:-

- (a) the income generated from levying tourist entry fees and other charges for the services generated out of the Tiger Reserve;
- (b) contribution from other sources in terms of specific projects from national as well as international agencies as permitted by law;
- (c) grant-in-aids, donation or assistance of any kind from any individuals or organizations including foreign Governments and other external agencies as permitted by law; and
- (d) any other activity as permitted by law and in conformity with the rules of the trust.

B. Accounts and Audit:

- (a) the Foundation shall maintain proper accounts and prepare annual accounts comprising of the receipts and payments, statement of liabilities, etc., in such form as may be determined;
- (b) the accounts of the Foundation shall be audited annually by the qualified Chartered Accountant, empanelled by the Comptroller Auditor-General of India, approved by the Governing Body;
- (c) the audited accounts shall be discussed and approved by the Governing Body in its annual meeting held for the purpose; and
- (d) the accounts of the Foundation shall be subjected to the general provisions and directives of the Comptroller and Auditor-General of India.

12. Dissolution of the Foundation.-

The Foundation is irrevocable, however, in the event of any circumstance in which it is decided to terminate or dissolve the Foundation, after the satisfaction of all its debts and liabilities, any assets and property, whatsoever be the same, shall not be paid to or distributed among the members of the Foundation but shall be dealt with in such manner as the State Government may determine in that behalf.

13. Miscellaneous.-

- (1) As and when there is any change in the nomenclature of Ministries, Departments, or institution and designation mentioned, such changes shall automatically stand incorporated in the rules of the Foundation.
- (2) Every staff of the Foundation may be sued or prosecuted by the Foundation for any loss or damage caused to the Foundation or its property or for anything done by him detrimental to the interests of the Foundation.

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Dr. RAJESH GOPAL, Member-Secy. (NTCA)