

THE TIGER CONSERVATION AUTHORITY FUND (REGULATION) GUIDELINES, 2007*

In pursuance of sub-section (2) of section 38-Q of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby constitutes the Tiger Conservation Authority Fund, and for the purpose of its regulations, makes the following guidelines, namely:—

1. Short title and commencement.—(1) These guidelines may be called THE TIGER CONSERVATION AUTHORITY FUND (REGULATION) 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) "Chairperson" means the Chairperson of the Authority appointed under clause (a) of sub-section (2) of section 38-L;

(c) "Fund" means the Tiger Conservation Authority Fund constituted under sub-section (2) of section 38-Q;

(d) "implementing agency" means a tiger reserve notified under section 38-V of this Act or a reserve already notified by the State Government under Project Tiger Scheme;

(e) "Member-Secretary" means the Member-Secretary of the Tiger Conservation Authority appointed under clause (o) of sub-section (2) of section 38-L;

(f) "section" means section of the Act;

(g) "Tiger Conservation Authority" means the National Tiger Conservation Authority constituted under section 38-L;

(h) "Tiger Conservation Foundation" means the Tiger Conservation Foundation established under section 38-X;

(i) "tiger reserve" means the areas notified as such under section 38-V, including those already notified by the State Governments under the Project Tiger Scheme;

(j) "tiger reserve State" means a State having tiger reserve.

3. Constitution of the Fund.—The Central Government hereby constitutes a Fund to be called the Tiger Conservation Authority Fund, to which the following sums shall be credited, namely:—

(i) any grants and loans made to the Tiger Conservation Authority by the Central Government;

(ii) all fees and charges received by the Tiger Conservation Authority under the Act;

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government; and

(iv) interest accrued on investment and fixed assets of the Authority.

*Vide S.O. 1009(E), dated 22-6-2007, published in the Gazette of India, Ext., Pt. II, S. 3(ii), dated 22-6-2007, Sl. No. 748.

4. Objects of the Fund.—The Fund shall be utilised by the Tiger Conservation Authority for the following purposes:

(a) for meeting of the salary, allowances and other remuneration of the Members, officers and other employees of the Authority;

(b) for all expenses incurred by the Authority in the discharge of its functions and duties relating to funding support to tiger reserves in States for tiger conservation; and

(c) any other expenditure required to be incurred by the Authority.

5. Operation of the Fund.—(1) The Fund shall be operated by the Member Secretary of the Tiger Conservation Authority with the sanction of the Chairperson.

(2) The Fund shall be maintained in two separate heads of accounts, one relating to the receipt from the grants and loans made by the Central Government, and the other concerning the fee and charges, received by the Tiger Conservation Authority.

6. Eligible Implementing Agency.—(1) The Tiger Conservation Authority may provide funding support for tiger conservation to a tiger reserve State, to be implemented by the tiger reserve, which would be the Implementing Agency as approved by the Authority.

(2) Without prejudice and in addition to any other guidelines and regulations, the Implementing Agency would only be considered for financial assistance from the Fund, if it fulfills the following requirements:—

(a) the Implementing Agency is a tiger reserve recognised by the Tiger Conservation Authority;

(b) the Implementing Agency is empowered by its formation documents (such as the notification of its constitution, Memorandum of Understanding, etc.);

(c) the activities of the implementing agency are for the benefit and in the interests of conservation of tiger, its habitat, co-predators, prey animals, addressing the ecodevelopment, livelihood concerns of people living in and around such areas;

(d) the Implementing Agency maintains regular accounts of its receipts and expenditure, which shall provide a true and fair view of the financial condition of such agency and are audited by a Chartered Accountant or the Government Auditor;

(e) the instrument under which the Implementing Agency is constituted do not contain any provision for the transfer or application at any time of the whole or any part of its income or assets for any purpose which is or may be in conflict or inconsistent with the object or purpose of the Fund, generally, or that of the financial assistance by way of grant if any extended to the Implementing Agency, in particular.

(3) The question as to whether the above requirements are duly and fully satisfied by an Implementing Agency shall be decided by the National Tiger Conservation Authority.

7. Procedure for applying for financial assistance from the Fund.—(1) All applications for financial assistance from the Fund shall be made by an

Implementing Agency in the form of Annual Plan of Operation based on the Management Plan of the tiger reserve, duly approved by the concerned Chief Wild Life Warden and the Tiger Conservation Authority, for which financial assistance is being sought.

(2) The form duly completed in all respects shall be submitted (in duplicate) to the Member-Secretary.

(3) The financial assistance by way of grant shall be made out of the Fund to the Implementing Agency, if approved by the Authority, subject to such conditions as may be imposed on by the Authority and the financial assistance may be withdrawn at any time, if the conditions are not complied with.

8. Fund releasing process.—(1) The Tiger Conservation Authority, shall after due vetting of the proposal received from a tiger reserve state through its process, may release funds to the Tiger Conservation Foundation established by the Implementing Agency under section 38-X of the Act, under intimation to the concerned State Government.

(2) The necessary budget provision including the matching grant for meeting the recurring items of expenditure as done under Project Tiger on a 50:50 basis should be ensured by the tiger reserve state and made available to the respective Tiger Conservation Foundation so that the Implementing Agency is in a position to utilize the fund within a fortnight of its release from the Authority.

9. Suspension of financial assistance.—(1) The Tiger Conservation Authority may provide and fix definite time schedule for completion of the activities, require a Memorandum of Understanding with the tiger reserve state and Implementing Agencies.

(2) The Tiger Conservation Authority, with a view to ensure compliance of these guidelines, may suspend, postpone or defer payment of any installment of financial assistance or may impose new conditions for such payment, at any time.

10. Ownership and maintenance of assets.—(1) The Implementing Agency shall retain, hold and use all moneys received by it from the Fund and all assets created with such moneys solely and exclusively for the purpose for which the moneys were received by the Implementing Agency and for no other purpose, without prior written permission of the Authority.

(2) The Implementing Agency shall have no right to divert or transfer any such money or assets or to create any encumbrances thereon of any kind, or to part with possession thereof, without the written permission of the Tiger Conservation Authority.

(3) The Tiger Conservation Authority may, if it has sufficient reason to believe, or is of the opinion that the implementing agency—

(a) is not capable of completing or implementing the activities as stipulated;

(b) is likely to be liquidated or wound up or may cease to carry on its normal activities;

(c) is likely to undergo substantial reorganization or restructuring which may adversely affect its eligibility to receive financial assistance from the Fund;

(d) is unable to maintain and preserve the assets acquired or created out of such financial assistance;

(e) is unable to perform or is likely to commit breach of its obligations in respect of the financial assistance granted to it or the assets or otherwise;

(f) may act or operate against the purpose of the Fund or otherwise against the Act, then at any time, revoke the grant of financial assistance and, in that case the Implementing Agency shall be disentitled to retain the moneys paid or payable out of the Fund and of the assets created thereby which shall cease to be entrusted to or with it, but without prejudice of the Authority's right to take any other action in accordance with any law for the time being in force.

11. Maintenance of accounts.—The Tiger Conservation Authority shall maintain the books of accounts in such form and manlier as prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

12. Programme processing procedure.—The Tiger Conservation Authority shall process and vet the programme proposals in consultation with the technical experts available with the Authority or as may necessary from time to time.

13. Monitoring procedure.—The monitoring of the activities taken up with the financial assistance out of the Fund shall be effected, *inter alia*, in the following manner:—

(a) carrying out inspections, examination of the books of accounts and issuance of directions to the Implementing Agency or any other person associated with the programme;

(b) visits by the officers of the Tiger Conservation Authority to the tiger reserves and other areas as required under the Act;

(c) hiring specialists of the subject, in accordance with the programmes taken up under the Fund;

(d) commissioning of research, evaluation studies, etc.

14. Funds received by the Authority.—(1) *Eligibility.*—(a) the donations may be made by individuals as well as corporate and non-corporate bodies;

(b) all donations to be made by the donors shall be and shall deem to be unconditional and irrevocable;

(c) such donations shall form part of the Fund and shall vest in the Tiger Conservation Authority with its absolute and unfettered right of retention, application, utilisation, disbursement and disposal thereof or any part thereof.

(2) *Procedure for making donations.*—The donations to the Fund shall be specifically made out in the name of the Tiger Conservation Authority Fund and sent to the Member-Secretary, National Tiger Conservation Authority, Barrack No. 5, Bikaner House, Shahjahan Road, New Delhi, who shall issue receipts in Form appended to these guidelines to the donors and while making such donation, the donor shall provide following particulars, namely:—

(a) Name of the donor,

(b) Address,

- (c) Bank Draft/Cheque number with date and name of the Bank,
(d) Amount of donation.

(3)(a) The donors to the Fund may recommend their preference for the Implementing Agency for which the donation may be utilised.

(b) The recommendations, if any, of the donors may be given due consideration to the extent deemed appropriate by the Tiger Conservation Authority which shall not, however, be in any manner answerable to the donors or any person for its decision in this behalf.

(c) The decisions in this regard shall be final and no correspondence shall be entertained.

15. Power of the Authority to modify guidelines, etc.—The Authority may, from time to time, amend or modify these guidelines and regulations as it may consider necessary in the interest of or for the furtherance of the objects of the Fund.

16. Trust or agency to be implied.—Notwithstanding anything contained in these guidelines, the Tiger Conservation Authority shall not and in any circumstances be regarded as a trustee or agent of any persons (including donors or implementing agencies) for any purpose whatever and the Authority shall not be answerable or accountable to any such person in any manner for any reason including any act of omission or commission on the part of the Authority.

FORM

[See guideline 14(2)]

RECEIPT FOR DONATIONS MADE

NATIONAL TIGER CONSERVATION AUTHORITY

Receipt No..... Dated.....

Received with thanks from.....(Name and address) a sum of Rs.....(in figures) Rupees.....(in words) only by cheque/draft/Pay order no.....dated.....as unconditional and irrevocable donation to the National Tiger Conservation Authority Fund. The above donation has been accepted subject to the Guidelines and Regulations of the Fund.

National Tiger Conservation Authority
Barrack No. 5
Bikaner House
Shahjahan Road
New Delhi - 110011

Signature.....

Name and Designation.....