

## **TRUST OF DEED AND BY LAWS OF NAMDAPHA TIGER CONSERVATION FOUNDATION**

1. Name of the Trust :- Namdapha Tiger Conservation Foundation.
2. The office of the foundation :- MIAO, CHANGLANG-DIST, ARUNACHAL PRADESH.
3. The object for which the trust is established is charitable in general and the primary objectives of the foundation shall be:-
  - (i) The aim of the foundation shall be to facilitate and support the Tiger Reserve Management for Conservation of Tiger and Bio-Diversity, through multistakeholder participation as per approve management plans and the support similar initiatives in adjoining landscapes, consistent with the National and State Legislations.
  - (ii) 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 of individuals collaborated by the implementing agency.
  - (iii) 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 requires for the activities of the Foundation for achieving the above said objectives from different sources permitted by law:
    - (e) To support ecotourism, eco-development, research environment 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.

### **To attain the primary objectives as above the foundation shall:-**

- (i) Identify the fringe villages of the protected area and dependence of villagers on natural resources. Taking the family as a unit, the yearly consumption of each family of the fringe village of natural resources mainly firewood, fodder, small timber wood, bamboo, cane, fruits, medicinal plants etc. shall be recorded and this coupled with the status of family like farmers and non agricultural labours, rural artisans and such other persons from the fringe villagers.
- (ii) Consider the buffer zone for planning and development considering each fringe village as a unit and to draw up comprehensive micro plan integrating community land development, agro-forestry, horticulture, dairy farming, silviculture weaving, cultivation of medical plants and its marketing and development of community assets for fringe villagers to minimize their dependence on forests resources and also to increase the income of fringe villagers so as to minimize their dependence on forests resources.

- (iii) Consider the fringe villagers as main beneficiary by giving them employment opportunities and engaging them in the eco-development works.
  - (iv) Endeavor to make the fringe villagers, the main beneficiary in other rural development programmes. The micro plan prepared under Tiger Conservation Foundation shall consider those area of rural development which are not included in other programmes of rural development or complete the programmes which are incomplete under other schemes of DRDA, if beneficial to the fringe villagers.
  - (v) To coordinate the efforts of Tiger Conservation Foundation, Eco-development Committee(EDC) shall be entrusted the responsibility to regulate and control the harvesting of natural resources of natural resources from the buffer zone by the fringe villagers. The foundation shall make arrangements for training the members of EDC so as to teach them the importance of conservation of flora and fauna its scientific management. The training programme will also consider the importance of horticulture and improved varieties of trees for augmenting the income in comparison to traditional agriculture, fodder species which are nutritious and improved varieties of livestock and its management. These trained members in turn shall educate villagers in general and fringe villagers in particular in the meeting of EDC and also by holding the meetings in the villages.
  - (vi) Incorporate 25-50 villages within the jurisdiction of each Tiger Conservation Foundation.
  - (vii) Incorporate only those villages where EDC have been formed and people are willing to participate in the Wildlife Conservation efforts.
  - (viii) Incorporate those villages which lie in the fringe are/buffer zone of the Tiger Reserve.
  - (ix) Arrange supply of seedlings of forestry species, high yielding, varieties of fruits seedlings from horticulture department and its technical know how. The foundation shall also motivate the farmers to grow medicinal plants. For this purpose camps shall be organized with the help of State Forest Research Institute under the transfer of technology from laboratory to the field.
  - (x) Help the educated rural poor among fringe villagers to establish small processing or value addition units like broom making, handicrafts, medical plants and other non-timber forest products and also arrange for imparting training in carpentry, sculpture making etc. so that the dependence of the family on forests may be reduced.
  - (xi) Draw, accept, make, endorse, discount and negotiate with the Govt. of India/Govt. of Arunachal Pradesh and other promissory notes, bills of exchange cheques or other negotiable instruments.
  - (xii) Invest the funds entrusted to the foundation upon such security or in any such manner as may, from time to time be determined by the Executive committee and from time to time sell or transfer such instruments.
  - (xiii) Purchase, take loan accept gift, construct or other wise acquire any land of property wherever suitable which may be necessary or useful for the Foundation.
  - (xiv) Employ directly or indirectly by grants to other Institutions/person to further the programmes to be undertaken or supported by the Foundation.
  - (xv) Sell, lease, exchange and otherwise transfer any portion of properties of the Foundation.
  - (xvi) Do all other such things as may be considered necessary by the Foundation and may be incidental or conducive to the attainment of objectives.
4. There shall be Governing Body of the Foundation as may be constituted under the regulation s of the Foundation.

**5. Property, Assets and Liabilities:-**

- (1) The income and property of the Foundation, whatsoever 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, whatsoever 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.

**6. Power of the Government**

The Government may, from 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.

**7. 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 a manner as the Government of Arunachal Pradesh may determine.

8. We the undersigned are desirous of forming a trust in pursuance of this trust of deed:

Sl No	Name	Father/Husband/Wife	Occupation	Address	Signature

**9. Rules of the Namdapha Tiger Conservation Foundation:-**

- (a) "Act" means the Wildlife (Protection) Act, 1972 (53 to 1972) as Rule amended upto 2006.
- (b) "Executive Committee" means an Executive Committee of the Foundation constituted by the Trust of Deed.
- (c) "Foundation" means the Namdapha Tiger Conservator Foundation established under Section 38 X of the Act.
- (d) "Implementing agency" means Namdapha Tiger Reserve already notified under Section 38X by the Govt. of Arunachal Pradesh vide memo No. CWL/D/21(II)/06-072526-43 dt. 26<sup>th</sup> Oct, 2007.
- (e) "Operational Manual" means the administrative code of the Foundation approved by the Govt. of Arunachal Pradesh.
- (f) "Rules of Foundation" means the approved Trust of Deed and operation Manual of the Foundation.
- (g) "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.
- (h) "State Government" means the State Govt. of Arunachal Pradesh.
- (i) "Tiger Conservation Authority" means the National Tiger Conservation Authority Constituted under section 38L of the Act.

- (j) “Tiger Reserve” means the area notified as such project tiger area vide FOR.482/D-4/84/5842-943 dtd. Itanagar 2<sup>nd</sup> march/1987 by the Govt. of Arunachal Pradesh under Project Tiger Scheme.
- (k) “Tiger Reserve State” means state of Arunachal Pradesh.

**(2) Operation and Jurisdiction:-**

The area of operation of the Foundation shall be the Namdapha Tiger Reserve and its adjoining landscape forming the impact zone with possible corridor value for dispersal of wild animals from the Tiger Reserve.

**(3) Governing Body of the Foundation:-**

(1) The Tiger Reserve State of Arunachal Pradesh shall have a governing body for giving overall policy guidance and directions to the Namdapha Tiger Conservation Foundation.

(2) The Government Body of the Namdapha Tiger Conservation Foundation shall consist of the following members, namely:-

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|--------|---|---------------------|
| (i)    | Hon’ble Minister (Env & Forests)  | :- President        |
| (ii)   | Principal Secretary (Env. & Forests )   | :- Vice President   |
| (iii)  | Conservator of Forests & Field Director of Namdapha Tiger Reserve   | :- Member           |
| (iv)   | Dy. Conservator of Forests (WL) O/o Prin. Chief Conservator of Forests (WL &BD) Itanagar                            | :- Member           |
| (v)    | Representative of Director Wildlife Institute of India, Dehradun  | :- Member           |
| (vi)   | Director, Zoological Survey of India  | :- Member           |
| (vii)  | Hon’ble MLA of the area   | :- Member           |
| (viii) | Zila Parishad Member having Jurisdiction Over all Tiger Reserve area  | :- Member           |
| (ix)   | Two representative of the Eco-development Committee working in Tiger Reserve to be Nominated by the Governing Body. | :- Member           |
| (x)    | Chief Wildlife Warden of the State  | :- 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 Zila Parishad, cease to be a member of the Governing Body.

(4) The tenure of the 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 overall 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 following;
  - (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 organization to achieve the objectives of the Foundation;
  - (h) frame rules and regulations under the provisions of the deed of trust for managing the affairs of the foundations;
  - (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 be necessary to achieve the objectives of the trust.
- (6) The meetings of the Governing Body shall be held in the following manner, namely:-
- (a) The meetings of the Governing Body shall be held at least once in a year preferably in the first month of the financial year;
  - (b) Every meeting of the Governing Body shall be called in writing by and under the signature of the members Secretary of the Governing Body through a prior notice of fifteen days containing a summary of the business to be transacted in such meeting;
  - (c) 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;
  - (d) If the President is not present in the meeting of the Governing Body, the Vice-President shall preside over the meeting;
  - (e) 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;
  - (f) All dispute in a meeting shall be determined by the division of vote;
  - (g) All 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
  - (h) 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.
- (7) When a person become or is appointed or nominated as a member of the trust by virtue of an office held by him his membership shall terminate when he ceases to hold that office and the successor to his office shall be deemed to have acquired the membership of trust.
- (8) When a member desires to resign from the membership of the trust he shall address his resignation to the Member Secretary and present it to him. His resignation shall take effect only on its acceptance by the President of the Governing Body.
- (9) Any vacancy in the membership of the trust either by resignation or under regulation 7 of these rules on otherwise shall be filled up by appointment or

nomination by the authority or institution on entitled to do so, as the cases may be.

- (10) The trust shall function notwithstanding that any person entitled to be a member by virtue of his office is not represented on the trust for the time being. The proceedings of the trust shall not be invalidated by the above, reason, or for the existence of any vacancy or any defects in the appointment of its members.

**(10) The Executive Committee:-**

- 1) The Tiger Conservation foundation of Namdapha Tiger Reserve 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:-**

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| (i) Conservator of Forests & Field Director (PT),<br>Namdapha Tiger Reserve  | :- Chairperson |
| (ii) Asstt. Conservator of Forests of the Tiger Reserve  | :- Member      |
| Secretary (iii) Two representatives of Eco-Development<br>Committee of Namdapha Tiger Reserve to be<br>nominated by the Governing Body | :- Member      |
| (iv) Two Range Forest Officers of Namdapha<br>Tiger Reserve  | :- Member      |

- (4) The tenure of the nominated member shall be for a period of two years from the date of his nomination. The members of the Executive Committee other than nominated members, shall cease to be member as such, if he cease to hold that office or post by virtue of which he becomes the member of the Committee.

- (5) The Executive Committee shall have the following powers and perform the following functions:-

- a. the affairs and fund of the Foundation in accordance with the Rules & 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 to engage any person of one description and make appointment thereon in accordance with the rules and regulations of the Foundation;
- d. enter into agreement with other public or private organization individuals for furtherance of its objectives and in accordance with the rules and regulation of the Foundation;
- e. endowment, grant-in-aids, donations or gift to the Foundation not inconsistent with the rules and regulations of the foundation and interest of the Government;
- f. takeover or acquire in the name of the Foundation by purchase, gift or otherwise from Government or other public bodies or private bodies or private individuals

or originations any movable or immovable properties in the State or elsewhere in conformity with the rules and regulation of the Foundation; and  
g. perform such other functions are assigned to it by the Governing Body.

- (6) The proceedings of the Executive Committee, the office and Authorities of the Executive Committee shall be regulated as per the guidelines issued by the Govt. of India vide notification dated 22.6.2007 and in accordance with the rules and regulation of the Foundation.
- a. 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.
  - b. 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.
  - c. 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.
  - d. Any inadvertent omission to give notice to or the non-receipt of notice of any meeting by any member shall not invalidate the proceeding of the meeting.
  - e. The Executive Committee shall meet as and when necessary but at least once in every month.
  - f. All disputed issue in the Executive Committee meetings shall be determined by vote among members.
  - g. Any members who is unable to attend the 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.
  - h. 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.
  - i. 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.
  - j. The minutes of the proceedings of the Executive Committee meetings shall be recorded and such minutes after due approval shall be issued.

**(7) Office and Authorities of the executive Committee:-**

- a. The Field Director of the Namdapha Tiger Reserve shall be the Executive Director of the Foundation and he or she shall carryout 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.
- b. The Executive Director shall have the following powers in conformity with the rules of the Foundation ; namely:-
  - (i) to accept contributions on behalf of the Foundation either in cash or in kind from a person or institutions:
  - (ii) to purchase, acquire, take and lease any movable or immovable property for the purpose of achieving the objectives of the Foundation;

(iii) to have control and authority on the general administration of the Foundation.  
(iv) to open and operate accounts with banks;  
(v) to prosecute, sue and defend all actions at law for and on behalf of the Foundation.

- c. The Executive Director shall have powers to convene seminars, workshop etc. and to oversee publications of research materials and book of the Foundation.
- d. 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;
- e. The Executive director shall have powers to interact with National and International Agencies for furthering the objectives of the Foundation.

**(8) Expulsion from membership:-**

If any person, who is member of the Foundation or the Executive Committee act in any manner or attempt to act in any manner which is contrary to regulations of the Foundation or abet such acts, he shall be liable to be expelled from such membership by Executive Committee and shall in addition to such expulsion be subject to such other penalties as the Govt. of India or the Govt. of Arunachal Pradesh may deem fit to impose.

**(9) 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 fee and other charges for the service generated out of the Tiger Reserve;
- (b) Contribution from the other sources in terms of specific project from national as well as international agencies as permitted by laws;
- (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.



**(10) Miscellaneous:-**

- (a) 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.
- (b) Every staff of the Foundation may be sued or prosecuted by the Foundation for any loss or damaged caused to the Foundation or its property or for anything done by him detrimental to the interests of the Foundation.