

ORDER passed in Original Application No. 1049/2024**CJ**

Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

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To "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>, "Judicial Section"
<ngtjudicial-kolkata@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Petition & Order dated 07/08/2024 passed in Original Application No. 1049/2024 News Item titled "Proposed luxury hotels in and around Kaziranga threaten wildlife conservation livelihood" appearing in Mongabay dated 31.07.2024 . for your kind perusal & necessary action.**

भवदीय / Regards ☺

परामर्शदाता (न्यायिक) / Consultant (Judicial) ☺

राष्ट्रीय हरित अधिकरण / National Green Tribunal ☺

प्रधान न्यायपीठ / Principal Bench ☺

नई दिल्ली / New Delhi - 110001 ☺



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Mongabay Series: Hewing The Regulatory Tree

Proposed luxury hotels in and around Kaziranga threaten wildlife conservation, livelihood

by Nabarun Guha on 31 July 2024

- *Kaziranga National Park and Tiger Reserve, spread across 1,300 square kilometres, is a UNESCO World Heritage site and home to the one-horned rhinoceros and other wild species.*
- *Upcoming tourism infrastructure projects could be a threat to wildlife, especially in the Ino-Pochar area which has traditionally been a haven for elephants.*
- *Activists are demanding that the government acknowledges farmers' rights over the land where the projects are being proposed.*

Locals and environmental activists are concerned about the upcoming proposed five-star hotels in the vicinity of Assam's Kaziranga National Park and Tiger Reserve (KNPTR). KNPTR is spread across 1,300 square kilometres and is a UNESCO World Heritage site, home to the one-horned rhinoceros, elephants, tigers, wild buffaloes and wild boars among other species. With these upcoming projects, locals are concerned about displacement, environmental impact and the movement of wild animals.

While announcing the projects last year, Assam Chief Minister Himanta Biswa Sarma, had said that Kaziranga would soon have a five-star resort to attract tourists from across the world. He had announced (<https://cm.assam.gov.in/hi/cabinet-decisions-details?articleId=555041>) in 2023 that an Memorandum of Understanding (MoU) will be signed with the Hyatt Group at an investment of Rs. 100 crores. However, in a recent email conversation, a spokesperson from Hyatt Hotels told Mongabay-India that Hyatt does not have any projects in Kaziranga.

Conversation ¹ ₂ Viewing



Adult rhinos with a calf inside the Kaziranga National Park.
Image by Diganta Talukdar via Wikimedia Commons (CC BY-SA 4.0)

Earlier this year, on May 11, Assam Tourism Minister Jayanta Mallabaruah, had posted on X (https://x.com/jayanta_malla/status/1789253835392688148) (formerly Twitter) about three hospitality projects being developed in and around Kaziranga in collaboration with the Department of Tourism. He had said that the foundation stone of these three projects would be laid around June-July. However, that is yet to happen. While it is unclear what the final projects are going to be or who the developers are, land has already been barricaded and farmers displaced for it.

One of the sites of the projects is Inle Pothar, a 19-acre (60 bigha) farmland in the Kohora town of the state's Golaghat district. "The authorities have put up fences all around Inle Pothar and also deployed 35-40 armed commandos to guard the area," said Pranab Doley, President of the Greater Kaziranga Land and Human Rights Committee, condemning the construction of luxury hotels. "When we questioned this move, they said it is being done to fend off wild animals. This area, apart from serving as an important passage for animals, has also been cultivated by indigenous farmers for generations. As Inle Pothar and the adjoining tea gardens lie on the foothills of Karbi Hills, animals use this area during floods, while scouting for natural highlands. Once this area gets blocked, they will enter villages, and this will aggravate human-animal conflict."

Lokhu Gowala, 55, is one such farmer, who has been cultivating paddy on his 1.6 acre (six bigha) land in Inle Pothar since decades. He was building a concrete house with a tin roof in his field. On May 31, Gowala had received a notice from the Circle Officer of the Bokakhat sub division. "The notice said that the land belongs to Assam Tourism Development Corporation (ATDC)," he said. "Other farmers cultivating in Inle Pothar, along with me, had submitted a memorandum against the land acquisition." However, when he went to visit the field on June 7, he saw that his house was demolished.

Inle Pothar, a playground for elephants

Inle Pothar, also known as Hati Pothar (playground of elephants) has traditionally been a haven for the elephants in Kohora district.

Soneswar Narah, chief advisor of the farmers' group, Jeepal Krishak Suraksha Samiti, said that Inle Pothar is a playground for over 400 elephants and the area has a history of peaceful coexistence between people and elephants. "People of Kaziranga have made a

consumed their paddy, while tigers have killed their livestock, but they have accepted these losses as a cost of living near Kaziranga. However, the tourism model adopted by the state government in Kohora is not the right move." Narah added that tourism cannot take place by displacing locals. "If [luxury] hotels come up on this land, the ecological balance here will be severely disturbed. And, even if the authorities manage to compensate the affected people, how are they going to compensate the elephants?"

Bubul Sarma, an environmental activist hails from Kaziranga and his village is just 2.5 kilometres away from Inle Pothar. "Not just elephants, you will find deer, wild boar and a wide variety of birds and butterflies on this land," he added. "Everything will be lost if a hotel comes up here. Instead, the government should try to improve the condition of state-run guest houses in Kaziranga. There are enough luxury resorts in Kaziranga and they can do without more."



A herd of Asiatic wild elephants inside the KNPTR. Image by Anwar ali hozarika via Wikimedia Commons (CC BY-SA 4.0).

Currently, KNPTR has nine animal corridors (https://dpns.assam.gov.in/sites/default/files/swf_utility_folder/departments/direc-2022-01_dated_01-04-22_part-i.pdf) delineated: Amguri, Bagori, Chirang, Deosur, H in Golaghat district.

In 2022, the Supreme Court had directed (https://main.sci.gov.in/supremecourt/1995/2997/2997_1995_8_1501_43924_Judge-Apr-2023.pdf) that every protected forest (national park or sanctuary) should have a kilometre Eco Sensitive Zone (ESZ), where no infrastructure projects would be allowed. KNPTR is among a handful of national parks in the country without a declared ESZ.

Without a declared ESZ, a radius of 10 kilometre outside the park has been enforced by the Supreme Court since 2006.

Sarma said that in such a scenario, the proposed hotel project would fall under the purview of ESZ.

Sonali Ghosh, Director, KNPTR, told Mongabay India that the area for the projects does not fall under any designated animal corridor. "There is nothing for us to do in this matter because the land in question is government land," she added. "The ESZ is yet to be finalised. There are already 150 resorts, hotels and homestays in Kaziranga. All of them went through a proper planning process. For this project, we haven't reached that stage yet and as of now, no construction has begun on this land."

'Government must acknowledge farmers' rights over the land'

Over 45 farmer families survive on the yield produced from the 19-acre (60 bigha) land in Inle Pothar, of which 9.9 acre (30 bigha) has been earmarked for the luxury hotels project. Even though the authorities have marked it as

government land, the farmers have been paying revenue land taxes for more than a decade.

Minali Gowala, who owns 2.3 acres (seven bighas) of land in Inle Pothar said that the authorities stopped collecting taxes from them only in the last two years.

Doley, who recently accompanied these farmers in a meeting with the Deputy Commissioner of Golaghat said that the chief minister has asked them to initiate talks on compensation for the farmers. "The question of compensation comes later. First, the government needs to acknowledge that these farmers have rights over this land. We have submitted our memorandum and documents at the deputy commissioner's office and he said he would inform the chief minister about our grievances."

However, on July 5, when the farmers reached Inle Pothar with their tools to cultivate land as normal, they were assaulted by armed police personnel, claim some of the farmers. Narah of Jeepal Krishak Suraksha Samiti that also substantiated this claim said that while initially, the authorities had claimed that only 0.9 acres of land would be required for the project, they have taken over much more. "The entire area is cordoned off by barbed fencing with a board that reads 'This property belongs to ATDC'."

Meanwhile, in a recent post on X (formerly Twitter) (<https://x.com/ATULBORA2/status/1802012020314943531>), the Agriculture Minister of Assam, Atul Bora, who is also the MLA of the Bokakhat constituency which includes Inle Pothar, said that the land in question is government khas land.

Livelihood of tea workers at risk

In the Tata-owned Hathikuli tea estate, eight acres have reportedly been earmarked for the IHCL to build a luxury resort.

Surajit Paik, President, Bokakhat unit of the All Assam Tea Tribes Students Association (AATSA) told Mongabay India that they will not allow this project to come up in Hatikhuli. "Around 1,500 people work in Rongajan and Hatikhuli tea gardens, whose livelihood will be affected by the hotels," he added. "The company has taken this land on a lease. When we spoke to the management, they said the government wants this land for the hospitality project and they would shift our workers to some other garden. However, we have made it clear that we will not allow tea leaves to be pulled out from here for the sake of a hotel. Apart from the livelihood of our workers, this tea garden also provides shelter to wild animals."

Paik said that the tea garden workers have been living in the area for 200 years. While most of them work in the tea gardens, some of them also practice cultivation at Inle Pothar, the farmland between Hatikhuli and Rongajan tea gardens. "Most of the people affected by this project are tea tribe people," he said. "They have been denied ownership of land even after 200 years. They precariously survive in cramped 8x8 tea garden quarters and then someday their land is handed over to corporations."

Mongabay India tried to contact IHCL for a comment, but their spokesperson said they are not communicating with the media at this moment.

NGOs and activists oppose the plan

The proposed projects have also drawn strong reactions from multiple environment NGOs, activists and concerned citizens.

The Assam Environmental NGO Forum, a collective of environmental NGOs, wrote to the chief minister requesting reconsideration of sites for hospitality industry projects in Kaziranga.

Mubina Akhtar, an environmental activist and also the Secretary of Kaziranga Wildlife Society, said that the locals and conservationists strongly oppose the proposed five-star hotel plan, as the site has been a traditional elephant refuge in the Kaziranga-Karbi Anglong landscape. "Already unchecked growth of the hospitality industry in close confines of the national park has created a hard boundary for wildlife, reducing their dispersal routes and snapping natural connectivity to other forests," she said. "Critical wildlife corridors have increasingly been encroached by private parties for investment in the hospitality sector putting enormous pressure on land use patterns, natural habitat loss and stress on endangered species. Kaziranga is home to several critically endangered species. There have already been too many constructions being allowed around the park, mostly in the Kohora and the Bagori ranges, that they could be dangerous to the park's fragile ecosystem."

Sanjib Borkakoti, Expert Member, International Cultural Tourism Committee, (ICOMOS) and Member, Commission and Education, International Union and Council of Nature (IUCN) has also written a letter to Kumar Padmapani Bora, Director of Tourism, Assam.



Armed police personnel deployed to guard the area at Inle Pathar where tourism infrastructure such as hotels have been proposed. Image by Sonowar Narah.

Borkakoti told Mongabay India that they are protesting this move in two capacities: as an expert member of ICOMOS and IUCN. "I wrote a letter to the Director of Tourism on June 18," they said. "However, it has been almost a month, but I have yet to receive any response. So, I have voiced my concern at the meeting of the Heritage Committee, ICOMOS being held at Jaipur. The authorities must remember that this tag of World Heritage Site is not permanent. If the site violates the UNESCO norms, it can lose the tag as well." Mongabay India contacted Bora, Assam's Director of Tourism, but he refused to comment.

Urging the government to reconsider this decision, Debadityo Sinha, Lead, Climate & Ecosystems, Vidhi Centre for Legal Policy, said that tourism in Kaziranga can happen as a co-benefit of conservation, but not at the cost of wildlife. "The state should be taking a more proactive stance for wildlife; instead, they are

constitutional mandate to protect wildlife, which is clearly unsustainable," he said. "Such projects should be planned away from any wildlife habitat or corridor in the Kaziranga landscape. There is already significant damage caused by resorts and other constructions adjoining the Kaziranga National Park, which have been termed unsustainable by government authorities and courts in the past. Setting up five-star hotels in this ecologically sensitive landscape will also set a wrong precedent."

Manoj Gogoi, a local of Kolora, who works as a freelance tourist guide, said that the upcoming projects are not just being detrimental to the wildlife of KNPTR, but also threaten livelihoods for locals. "It is very likely that these big hotel chains will recruit highly trained staff in their properties and many of our local youth, dependent on tourism, will lose their livelihood."

Banner image: An adult male one-horned rhinoceros seeks refuge on higher ground during a flood at Kaziranga National Park in the Bagori range of the Nagaon district in Assam. Image by Diganta Talukdar via Wikimedia Commons (https://commons.wikimedia.org/wiki/File:Beauty_of_Kaziranga_National_Park.jpg) (CC BY-SA 4.0 (<https://creativecommons.org/licenses/by-sa/4.0/deed.en>)).

Article published by Aditiandan



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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1049/2024

News Item titled "Proposed luxury hotels in and around Kaziranga threaten wildlife conservation livelihood" appearing in Mongabay dated 31.07.2024

Date of hearing: 07.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Proposed luxury hotels in and around Kaziranga threaten wildlife conservation livelihood" appearing in Mongabay dated 31.07.2024.

2. The matter relates to the upcoming tourism infrastructure projects in the Kaziranga National Park and Tiger Reserve (KNPTR) in Assam. As per the article, these projects could be a threat to wildlife, resulting in displacement, negative environmental impact and the movement of wild animals, especially in the Inle Pothar area which has traditionally been a haven for elephants. The article highlights that KNPTR is spread across 1,300 square kilometres and is a UNESCO World Heritage site, home to the one-horned rhinoceros, elephants, tigers, wild buffaloes and wild boars among other species.

3. The news item states that in 2023, the Assam CM announced that Kaziranga would soon have a five-star resort to attract tourists from across the world. Later the Assam government also disclosed that three

hospitality projects are being developed in and around Kaziranga in collaboration with the Department of Tourism. The article alleges that while it is unclear what the final projects are going to be or who the developers are, land has already been barricaded and farmers have been displaced for it.

4. The news item asserts that one of the sites of the projects is Inle Pothar, a 19-acre farmland in the Kohora town of the state's Golaghat district. It alleges that the authorities have put up fences all around Inle Pothar and also deployed 35-40 armed commandos to guard the area. The article emphasizes that this area, apart from serving as an important passage for animals, has also been cultivated by indigenous farmers for generations. As Inle Pothar and the adjoining tea gardens lie on the foothills of Karbi Hills, animals use this area during floods, while scouting for natural highlands. Once this area gets blocked, they will enter villages, and this will aggravate human-animal conflict. Furthermore, Inle Pothar is also called the playground for elephants. It has over 400 elephants and the area has a history of peaceful coexistence between people and elephants.

5. Over 45 farmer families survive on the yield produced from the 19-acre land in Inle Pothar, of which 9.9 acre has been earmarked for the luxury hotels project. Even though the authorities have marked it as government land, the article claims that the farmers have been paying revenue land taxes for more than a decade. Moreover, In the Tata-owned Hathikuli tea estate, eight acres have reportedly been earmarked for the IHCL to build a luxury resort. The article states that Around 1,500 people work in Rongajan and Hatikhuli tea gardens, whose livelihood will be affected by the hotels.

6. The news item further highlights that Currently, KNPTR has nine animal corridors delineated: Amguri, Bagori, Chirang, Deosur, Harmati, Hatidandi and Kanchanjuri in Nagaon district and Haldibari and Panbari in Golaghat district. In 2022, the Supreme Court had directed that every protected forest (national park or sanctuary) should have a one kilometre Eco Sensitive Zone (ESZ), where no infrastructure projects would be allowed (Writ Petition (Civil) No. 202 Of 1995). KNPTR is among a handful of national parks in the country without a declared ESZ. Without a declared ESZ, a radius of 10 kilometre outside the park has been enforced by the Supreme Court since 2006. Therefore, in such a scenario, the proposed hotel project would fall under the purview of ESZ.

7. It news item further aseerts that there is already significant damage caused by resorts and other constructions adjoining the Kaziranga National Park, which have been termed unsustainable by government authorities and courts in the past. Setting up five-star hotels in this ecologically sensitive landscape will also set a wrong precedent.

8. The above news item indicates violation of the provisions of the Environment Protection Act, 1986; Biodiversity Act, 2002 and the Forest Conservation Act, 1980.

9. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

10. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

11. Hence, we implead the following as respondents in this matter:
- i. Principal Chief Conservator of Forest, Assam
PCCF & HoFF, Assam, Aranya Bhawan, Panjabari, Guwahati,
Kamrup(Metropolitan), Pin – 781037
 - ii. Kaziranga National Park and Tiger Reserve, Through its Field
Director
P.O .Bokakhat ,Dist .Golaghat, P.O .Bokakhat ,Dist .Golaghat,
 - iii. National Tiger Conservation Authority, Through its Regional
Office
National Tiger Conservation Authority (Regional Office) 4th
Floor, HOUSEFED Building, Rukminigaon, G.S. Road,
Guwahati, Guwahati, Assam-781 036.
 - iv. Ministry of Environment and Forest, Through its Regional Office
Integrated Regional Office, Guwahati, 4th Floor,
HOUSEFED Building, G.S. Road Rukminigaon, Guwahati –
781022
12. Issue notice to the respondents for filing their response before the appropriate bench of the Tribunal at least one week before the next date of hearing.
13. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Let the original record of this OA be transferred to the Eastern Zonal Bench, Kolkata.
14. List before Eastern Zonal Bench at Kolkata on 30.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 07, 2024
O.A. No. 1049/2024
HB