

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO ----7 OF 2024**

**IN THE MATTER OF:**

**ALAYA SAMANTARAY**

**APPLICANT**

**VERSUS**

**STATE OF ODISHA AND OTHERS**

**RESPONDENTS**

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**PLACE: KOLKATA**

**DATE: 23/11/2024**

**SYNOPSIS**

That the present application Challenges the ongoing and specific harmful tourism activities in the name of Eco Retreat programme organised by Tourism Department, Government of Odisha and outsourced to third party agency for complete operation and maintenance is on going at Penthra Sea beach inside Bhitarkanika National Park in violation of Eco Tourism Policy 2018 issued by MoEFCC.

**List of Dates**

22/04/1975	Bhitarkanika was declared as Wildlife Sanctuary
16/09/1998	Bhitarkanika have been notified as National Park
19/09/2018	MOEF CC issued policy for Eco-tourism in Forest and Wildlife Areas.
11/11/2024	Photographs taken by applicant.
12/11/2024	Letter from applicant to all the concerned authorities.
21/11/2024	MOEFCC sought clarification from the state government.

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLAKATA**

(Under Section 18(1) read with Section 14(1), 15 AND 20 of  
The National Green Tribunal Act 2010)

**Original Application** No ----- /2024

1. Alaya Samantaray, S/o Late Bhagirathi Samantaray, aged about 35 years At- Masakani, PO-Jadupur, Via-Marshaghai, Kendrapara,754213 **APPLICANT**

VERSUS

1. **State of Odisha** represented by Chief Secretary, Government of Odisha, Lokaseva Bhawan, 751001 Bhubaneswar [csori@nic.in](mailto:csori@nic.in)
2. Additional Chief Secretary, Forest, Environment and Climate Change Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: [fesec.or@nic.in](mailto:fesec.or@nic.in)
3. District Magistrate Kendrapara, Collectorate, Kendrapara, AT/PO/PS/DIST-Kendrapara, Pin – 754211, [dm-kendrapara@nic.in](mailto:dm-kendrapara@nic.in)
4. Divisional Forest Officer Mangrove Forest Division (WILDLIFE) RAJNAGAR, AT/PO- Rajnagar, Dist- Kendrapara, pin code-754225, email [dfo.rainagarwl@odisha.gov.in](mailto:dfo.rainagarwl@odisha.gov.in)
5. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, A/3, Chandrasekharpur, Bhubaneswar – 751023, Email: [roez.bsr-mef@nic.in](mailto:roez.bsr-mef@nic.in)
6. The Additional Director General of Forests (Wildlife)- cum- Member secretary National board for wildlife, Ministry of Environment, Forests and Climate Change, Government of India, At/Po- Indira Paryavaran Bhavan, Jorbagh Road, New Delhi – 110003, Email: [adgfc-mef@nic.in](mailto:adgfc-mef@nic.in), [adgwl-mef@nic.in](mailto:adgwl-mef@nic.in)

7. Member Secretary, **Odisha Coastal Zone Management Authority**

1st Floor, Administrative Building, Regional Plant Resource Centre  
Campus, Nayapalli, Bhubaneswar- 751015, Odisha, India, Email-  
[direnvodisha@gmail.com](mailto:direnvodisha@gmail.com)

8. Department of Tourism, Govt. of Odisha, represented through it's

Commissioner-Cum-Secretary, At/Po-Paryatan Bhawan, Museum  
Campus, Lewis Road, Bhubaneswar-751014, Email-[Email-secretary@odishatourism.gov.in](mailto:Email-secretary@odishatourism.gov.in)

**...RESPONDENTS**

- I. The address of the Applicant is given above for the service of notices of this Application.
- II. The addresses of the Respondents are given above for the service of notices of this Application.
- III. The Present Application Challenges the ongoing and specific harmful tourism activities and Eco retreat programme organised by Tourism Department, Government of Odisha and outsourced to third party agency for complete operation and maintenance is on going at Pentha Seabeach inside Bhitarkanika National Park

**FACTS OF THE CASE**

1. That the applicant is a concerned citizen, a journalist and resident of Kendrapara District, The applicant consistently raising the environmental issues of public importance and approach the authorities and forums including National Green Tribunal for redressal in the past. Applicant has filed matters relating to illegal morrum and ordinary earth mining, illegal use of forest land, encroachment of Luna River before this Honble Tribunal in the past

2. The Eco retreat programme organised by Tourism Department, Government of Odisha and outsourced to third party agency for complete operation and maintenance is on going at Pentha Seabeach for last three years and this year also they had started preparation of the ground as evident from the photographs. Morrum has been spread on the Sea-Beach for purpose of road, same has been compacted with heavy vehicles and Roller. Transformer and Electric Poles have been erected on the beach. Concretes structures made to facilitate the Eco-Retreat Programme. Copy of Photographs dated 11/11/2024 is annexed here with as **ANNEXURE-1**.
3. **The Eco retreat programme where in 25 luxury tents pitched to be remain for next 3months, motorised water sports, recreational activities, Beach-Bar and resturant, music on loudspeakers, highly illuminated lights and on top of that the garbage and anthropogenic pressure on the pristine beach will have an adverse and irreversible impact on the wild animal, Sea Turtles and the environment.** Copy brochure detailing the programme is annexed here with as **ANNEXURE-2**
4. That there is uncontrolled footfall of tourists at the site apart from the tourists staying for 90 days at the beach Since the entire activity is organised by Tourism Department by outsourcing to third parties mostly from out of state, hence there is no involvement of any community in managing the daily affair nor there is any benefit sharing provision for the community. As such the activity is not by Forest Department, hence it is to be treated as Non-Forestry Activity. Apart from that there is no approved wildlife management plan of Bhitarkanika National Park incorporating these Eco-retreat Programme, hence there is no legal sanctity of the echo-retreat programme ongoing at Pentha Sea Beach. These activities are also

prohibited in view of the restrictions under Wildlife Protection Act 1972. Govt of Odisha imposed fishing ban in Gahirmatha Marine Sanctuary from November 1 to May 31 to protect the Olive Ridley turtles during their breeding and mating season. The ban is enforced in accordance with the Orissa Marine Fishing Regulation Act (OMFRA) and the Wildlife Protection Act. But irony is that during the banned period the EcoRetreat Programme is organised on the Eco-sensitive Pentha Sea Beach.

5. Pentha Sea Beach, the site of Eco Retreat is one of the nesting site of Oliveridley Sea Turtle and the IUCN lists this species as Endangered one. Some of the threats these sea turtles face in the Odisha are drowning in shrimp nets, getting caught in net, **development of nesting beaches, habitat and light pollution.** The polluted beaches make unsuitable for turtles to nests, the high predation by feral and wild animals are hindrance and moreover, **the human activities are harmful for habitat and breeding of turtles.**
6. **That the Pentha Seabeach is a designated Costal Regulation Zone(CRZ) 1A area and one of the Costal Vulnerable Critical Area for presence of Olive Ridley turtle, there is requirement of approval of Costal Zonal Management Plan for including Eco retreat programme and same has not been in the approved CZMP. Hence the activities relating to Eco retreat and the construction of electric substation and other concrete structures for facilitating the tourism activities area against the mandate of the Costal regulation Zone Notification 2019. The CRZ map of Pentha and Bhitarkanika is annexed here with as ANNEXURE-3**
7. **Ecological Importance of Pentha SeaBeach, the Site of Eco-retreat** Needless to say that in the name of Eco-retreat mass tourism

is promoted which is antithetic to core principles of eco-tourism and further no carrying capacity study made while formulating the idea of Eco-retreat in a highly fragile area and ecologically sensitive site. The site where in the Eco-retreat programme is organised is part of Bhitarkanika National Park, where the water sports activity planned is part of Gahirmatha Marine Wildlife Sanctuary, the sea beach is also classified as Coastal Regulation Zone 1-A which is the highest kind of ecologically important zone for the reason Olive Ridley Nesting Site..

8. The **olive ridley sea turtle** (*Lepidochelys olivacea*), also known as the **Pacific ridley sea turtle**, The olive ridley is classified as vulnerable according to the International Union for Conservation of Nature and Natural Resources, and is listed in Appendix I of CITES. These listings were largely responsible for halting the large-scale commercial exploitation and trade of olive ridley skins. The Convention on Migratory Species and the Inter-American Convention for the Protection and Conservation of Sea Turtles have also provided olive ridleys with protection, leading to increased conservation and management for this marine turtle. National listings for this species range from Endangered to Threatened. The **common bottlenose dolphin** or Atlantic **bottlenose dolphin** (*Tursiops truncatus*) is one of three species of **bottlenose dolphin** in the genus *Tursiops* is categorised as near threatened on the IUCN Red List of Threatened Species. This is because they are vulnerable to environmental degradation, direct exploitation, and problems associated with local fisheries.
9. That the applicant has approached every authorities requesting to stop the eco-retreat programme at Pentha Sea Beach and same may be done anywhere outside/adjoining areas National Park considering

the potential ecological impact on the wildlife and National Park. Copy of letter from applicant dated 12/11/2024 through email is annexed here with as **ANNEXURE-4**.

10. That acting upon the complaint from the applicant, MoEFCC Regional office Bhubaneswar has sought clarification on five points from the state government on 21/11/2024 and same is reproduced as follows

1. Whether the mass tourism activity, including the pitching of luxury tents, is aligned with the sanctuary's approved management plan?
2. Whether the National Board for Wildlife (NBWL) clearance has been obtained for this mass tourism and luxury tenting programme, as required under the Sec 33 of Wildlife Protection Act, 1972
3. Confirmation on whether a carrying capacity study has been conducted to determine the environmental sustainability of this programme in a marine wildlife sanctuary as mandated by Ecotourism guidelines, 2022 by MoEFCC?
4. Details of the clearances and permissions accorded to this programme, along with the names of the issuing authorities?

The letter further emphasise and states that Given the ecological sensitivity of the Bhitarkanika Wildlife Sanctuary, particularly its role as a critical nesting site for the endangered Olive Ridley Sea turtles, this matter requires urgent attention. Therefore, it is requested to get the matter enquired and kindly provide a detailed response to the queries raised, supported by relevant documentation, at the earliest. Copy of MoEFCC letter dated 21/11/2024 is annexed here with as **ANNEXURE-5**.

That despite of MoEFCC letter no steps have been taken by the Government of Odisha to stop the eco-retreat programme at Pentha and the Eco-retreat programme will be open for public and visitors from 1<sup>st</sup> December 2024.

11. That in the garb of Ecotourism, the mass tourism and recreational activities are not permissible inside National Park. As such there has been no carrying capacity study of the site, no involvement of community, promotion anti-ecological activities like loud speaker and high mask lights, throwing of garbage with in sanctuary area. The issue of Eco-retreat was also published in different newspapers but no action from the state government on this issue. Copy of Newspaper articles are annexed here with as **ANNEXURE-6**.

12. It is pertinent to mention here that on dated 19<sup>th</sup> September 2018 MoEFCC issued one policy for Eco-tourism in Forest and Wildlife Areas, and in the policy it is clearly mentioned that *“Carrying capacities of visitors and vehicles those may be allowed to enter inside the identified area will be assessed and ceiling on number of visitors/vehicles those may allowed to enter the area at any given time, will be fixed”* but as on date no such carrying capacity has been calculated and the state authorities are going to open the Eco- retreat for the visitors. Copy of the eco tourism policy dated 19/09/2018 is annexed here unto as **ANNEXURE-7**.

13. It is submitted that on the eco-tourism policy it is also categorically mentioned that *“Demarcation of areas for tourist visitation, whether within core or buffer or both will depend upon the management requirements and shall be decided based on the target species, their behavioural and habitat characteristics. To maintain ecological integrity, protection of breeding areas and other sensitive sites are necessary. Therefore, those should be*

*excluded from eco-tourism activities. Finalisation of tourism packages, identification of tourism routes, etc. will be done by the respective Protected Area Manager/ DFO in consultation with the State Chief Wildlife Warden.”* But as on date no such demarcation has been done prior to start of the tourism activity.

#### 14. **BHITARKANIKA NATIONAL PARK**

An area of **145 Sq.kms.** have been notified as Bhitarkanika National Park vide Notification No.19686/F & E dated 16.9.1998 of Forests & Environment Department, Govt. of Orissa. It has much significance with regard to ecological geo-morphological and biological background which includes mangrove forests, rivers, creeks, estuaries, back water, and mud flats. Bhitarkanika National Park is the core area of Bhitarkanika Sanctuary.

#### 15. **BHITARAKANIKA SANCTUARY**

Bhitarkanika Wildlife Sanctuary was declared vide notification No.6958/FF AH Dtd. 22.04.1975 over an area of **672 square kilometers.** The Sanctuary comprising Mangrove Forests, meandering rivers, innumerable criss-crossed tidal inundated creeks provide last refuge to the already endangered salt water Crocodile (*Crocodile Porosus*). Besides estuarine Crocodile, the Sanctuary is rich in avifauna mammalian and reptilian population. Theses Mangrove forests are good habitat for King Cobra, Indian Python and Water Monitor Lizard. A large number of water birds visit Bagagahan heronry which is an area of approximately 4 hectare. within the Bhitarkanika Forest Block near Suajore creek from the month of June to October. Most of the Birds are Asian open bill. Egrets. Black Ibis, Cormorants, Darters & etc.

#### 16. **BHITARKANIKA RAMSAR SITE**

During 2002 the Bhitarkanika mangroves having an area of **2672 sq-**

**km. been declared as a Ramsar site** being a wetland of international importance. The world's second largest mangrove ecosystem, Bhitarkanika, a network of creeks, rivers, small islands, estuaries, mudflats and sandy beaches, is home to a wide variety of wildlife. Located in the delta of the Brahmani-Baitarani rivers. About 94 species of mangroves are found here

17. The ocean side of Bhitarkanika is Odisha's only **marine wildlife sanctuary spread in an area of 1435 SqKm, The Gahirmatha Marine Sanctuary declared in the year 1997**. On the coastal side of the park, **large pods of bottle-nosed dolphins can often be seen in the ocean**. Copy of the marine sanctuary map is annexed here unto as **ANNEXURE-8**.

#### **18. VIOLATION OF GUIDING PRINCIPLES FOR ECOTOURISM**

- (i) Eco-tourism Plan: Eco-tourism facilitation within the forest and wildlife areas will be a part of the management/ working plan of the unit. The eco-tourism plan will provide for identified locations/ routes for visitation, permissible activities, permissible time for visit and means of travel. Delineation of **inviolable space** in the area and seasonal requirements will be specified in the Plan. States may develop benchmarks/ standardized criteria based on site specificity, for adoption of best practices in eco-tourism.
- (ii) Eco-tourism zone: Demarcation of areas for tourist visitation, whether within core or buffer or both will depend upon the management requirements and shall be decided based on the target species, their behavioral and habitat characteristics. To maintain ecological integrity, protection of breeding areas and other sensitive sites are necessary. Therefore, those should be excluded from eco-tourism activities. Finalisation of tourism packages, identification of tourism routes, etc. will

be done by the respective Protected Area Manager/ DFO in consultation with the State Chief Wildlife Warden.

(iii) Community Participation: It is essential that management of eco-tourism facilitates primarily vests on the local communities as the principal stakeholders. Thus, the benefits flowing from the visitation in the area must also accrue to the local communities by way of livelihood opportunities arising from eco-tourism. This will reinforce their interface and sense of ownership. 3 Buffer areas, private lands, revenue lands and Reserve Forests around PAs that have good wildlife habitat will be developed for eco-tourism to reduce pressure on sensitive "core" areas and to enhance local benefits.

(iv) Infrastructure development: Natural profile and ecological integrity of forest and wildlife areas, along with their wildlife/ biodiversity values shall be maintained. Infrastructure for eco-tourism will be so designed that those merge with the ambient environment. These will utilise local resources and avoid use of cement concrete as far as possible. The activities will be eco-friendly and no permanent structures will be established in violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 .

Considering that the **local livelihood improvement is one of the expected outcomes of eco-tourism. homestead based hospitality enterprises will be encouraged.** Construction works like permanent buildings for camps, camping complexes with lodging/ boarding structures, helipads, new roads, tourist bungalows/ commercial lodges etc for eco-tourism purpose shall not be allowed without clearance under **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.** Infrastructure outside Protected Areas will also be developed in eco-friendly manner so that those merge with the surroundings. The

extent of infrastructure those will be developed will be limited to the carrying capacity of the area.

**19. IMPLEMENTATION STRATEGY** The following are the broad framework for implementation of the eco-tourism policy:

- I. **Strategy i: Identification of potential sites:** Each State may identify areas for eco-tourism within the Protected Areas, in pristine areas rich in biodiversity or **of aesthetic significance through a participatory 'Process involving stakeholders, particularly the local communities.**
- II. **Strategy ii: Assessment of Carrying Capacity:** Carrying capacities of visitors and vehicles those may be allowed to enter inside the identified area will be assessed and ceiling on number of visitors/vehicles those may allowed to enter the area at any given time, will be fixed. Carrying capacity assessment will cover:
  - Number of Persons visiting the PA at different points of time
  - Number of Vehicles/boats, etc. entering the PA
  - Infrastructure
  - Duration of the visits
  - Duration of exposure of the PA to [co-tourism activities
- III. **Strategy iii: Capacity building:** Field functionaries will be imparted specialized training on Eco-tourism activities. capacities of local communities will be built to act as nature guides and to provide hospitality management services. This may include training to discharge specialized tasks such as tourist guides, natural science interpreters, patrol partners for protection work, entrepreneurs for small scale homestead based hospitality industry, small business operators (like souvenir shops, equipments for hire, photography etc). The State Governments may charge a conservation fee for overall eco-development. The conservation fee may be decided based on the number of persons visiting the facility, the duration of

operation of the facility (seasonal or year round) and on a luxury classification system such as home stay to high-end. The rate of conservation fee and tourist facility strata will be determined by the State Government and the funds, so collected will be earmarked to address local livelihood development issues, human wildlife conflict management and conservation through eco-development.

- IV. **Strategy iv: Sharing of Revenue benefits:** Considering that eco-tourism is an economic activity, it is important that the eco-tourism plan incorporates a feasible revenue sharing mechanism for the stakeholders. Provision will be made for establishment of foundations, either for each of the identified area or an umbrella Foundation to cover multiple areas. The funds accrued from eco-tourism activities in the Foundations will be utilised for community development, and running of eco-tourism facilities. An indicative model for sharing of revenue is as under:
- 40% for payment of remuneration to local community directly involved in running eco-tourism facilities;
  - 40% for maintenance of the Eco-tourism facilities
  - 10% as incentive to local Eco Development Committee (EDC) or Village Level Forest Management Committee
  - 10% as revenue to Government
- V. **Strategy v: Monitoring:** Eco-tourism plans will invariably include a dynamic monitoring mechanism, covering number of tourists visiting and the pattern, their level of satisfaction, involvement of local people, scope for improvement, etc. This will facilitate prediction of growth and preparation for management of the growth of eco-tourism in terms of visitation management, growth of hospitality facilities in neighborhood, need for security arrangements for the area and so on.

VI. **Strategy vi: Education and interpretation: For effective** use of the eco-tourism potential of the area, the management has to work on an effective education and interpretation plan. The visitors must be sensitized on the significance of conservation and expected behavioral requirements while they are within the pristine area. For this purpose an effective communication plan is essential which must include providing crucial information to the tourists to appreciate the eco-system services and intangible benefits provided by the area. It will be a good idea to put in place electronic visual tools, well equipped interpretation centre, appropriate signages, audiovisual presentation centers, interactive learning tools, safety protocol and information material on the area for the visitors.

VII. **Strategy vii: Interface with District/ State Administration:** Within National Parks, Sanctuaries and Reserved or Protected Forests: Collaboration and coordination amongst the Central and State Government Departments, EDCs, forest dwellers, local communities and civil society institutions will bring about synergy for effective eco-tourism management. States/ District/ Protected Area Steering Committees may be set up. A local level committee may look like: Park Manager/ the Divisional Forest Officer- Chair Honorary Wildlife Warden- Member Representative of Tourism Department-Member Representative of Local Panchayat- Member Representative of Local Communities- Member Wildlife Experts- Member Forest Range Officer- Member Secretary. Mandate: • To oversee implementation of the eco-tourism strategies and guidelines with respect to the concerned area and make recommendations to the Eco-tourism Board and State/UT Government, wherever necessary; • To advise local communities on issues relating to development of eco-tourism in areas outside

Protected Areas • To monitor the activities of tour operators and ensure that they follow all safety norms, rules and procedures and do not cause any damage or disturbance to the eco-tourism resources and activities; • To ensure that the revenue from eco-tourism flow to the local communities. The State Board for Wildlife may take review of the Tourism activities in the State and make suggestions appropriately.

20. That the Eco-Retreat Programme organised in the garb of Eco Tourism is promoting mass tourism at the cost of environment and wildlife, without involvement of local community, without any carrying capacity study, nature education and sensitization is completely in violation of the settled principles and policy of Eco Tourism.

21. In view of this, the proposed Eco-retreat Programme may be stopped within Sanctuary area of Bhitarkanika Wildlife Sanctuary and National Park.

### **GROUND S**

That the applicant is relying on the following grounds to invoke the jurisdiction of the Hon'ble Tribunal and immediate relief to stop some specific tourism activities and prohibit temporary construction of tents /sheds in Bhitarkanika Wildlife Sanctuary and National Park.

- I. That the Luxury Tents pitched in the National Park area that are operational for THREE months in a fragile ecosystem in the garb of promoting eco-tourism is prohibited, bad in law and against the spirit of precautionary principle and sustainable development.
- II. That the operation of motorized tourist boats inside the fragile core area of the olive ridley turtle affects the habitat of several protected species.

- III. Operation of water sports and illumination will affects the breeding, nesting and roosting activity of Olive Ridley and Dolphin.
- IV. That the issues in the application is a substantial issue relating to environment as because the site in question is a source of Rich Biodiversity .
- V. **The mass Tourism activities in the Critical Vulnerable Coastal area is in violation of CRZ Notification 2019**
- VI. **That the Tourism and activities along with other recreational programme inside National Park without permission from National Board for Wildlife is violation of Section 33 of the Wildlife Protection Act 1972**
- VII. That temporary construction of tents and sheds for tourists in Ramsar Site, wetland of international importance and an ecologically sensitive area that is nesting, basking and feeding site of olive ridley which are globally endangered species as listed under the IUCN Appendix that will bring irreparable damage to the local environment, biodiversity.

### **LIMITATION**

That the preparation of the Eco Retreat is ongoing on day to basis and no steps taken pursuant to the complaint dated 12/11/2024 and MoEFCC letter 21/11/2024, hence the application is not barred by limitation.

### **INTERIM PRAYAER**

Honble Tribunal may please to direct the Chief Secretary Of Odisha to immediately stop the Eco-Retreat programme at Pentha Sea Beach till final disposal of the Original Application

### **PRAYER**

That the Hon'ble Tribunal may please to

- I. hold and declare that the Eco-Retreat Programme at Pentha Sea Beach, Rajnagar, Kendrapara is illegal
- II. That the Honble Tribunal may direct the state respondents to restore the Eco-Retreat site to its pristine condition
- III. Fix the accountability of Government Authorities who have allowed the Eco retreat programme at Pentha Sea beach and
- IV. direct the Chief Secretary to file prosecution and disciplinary action against the erring officer
- V. Pass any other order(s)/direction(s) that Your Lordships may deem fit and proper in the interest of justice, equity and good conscience.

For this act of kindness the Applicant shall remain ever grateful to you.

DATE- 23/11/2024

PLACE- BHUBANESWAR

APPLICAT THROUGH

ADVOCATE

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO -..... OF 2024/EZ

IN THE MATTER OF:

ALAYA SAMANTARAY

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

AFFIDAVIT

23 NOV 2024

I, Alaya Samantaray Aged about 35 years S/o Late Bhagirathi Samantaray,  
At- Masakani, PO-Jadupur, Via-Marshaghai, Kendrapara, 754213,Odisha, do  
hereby solemnly affirm, and declare as under:

1. That I am the applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

Alaya Samantaray  
DEPONENT

VERIFICATION

Verified on this the \_\_\_\_\_ day of 23 NOV 2024 at Bhubaneswar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By

Advocate The above named deponent(s) being duly identified or S.I.P. [Signature]  
Advocate, Bhubaneswar  
Appears before me on 23 NOV 2024 at [Signature] A.M./P.M. [Signature] states on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief

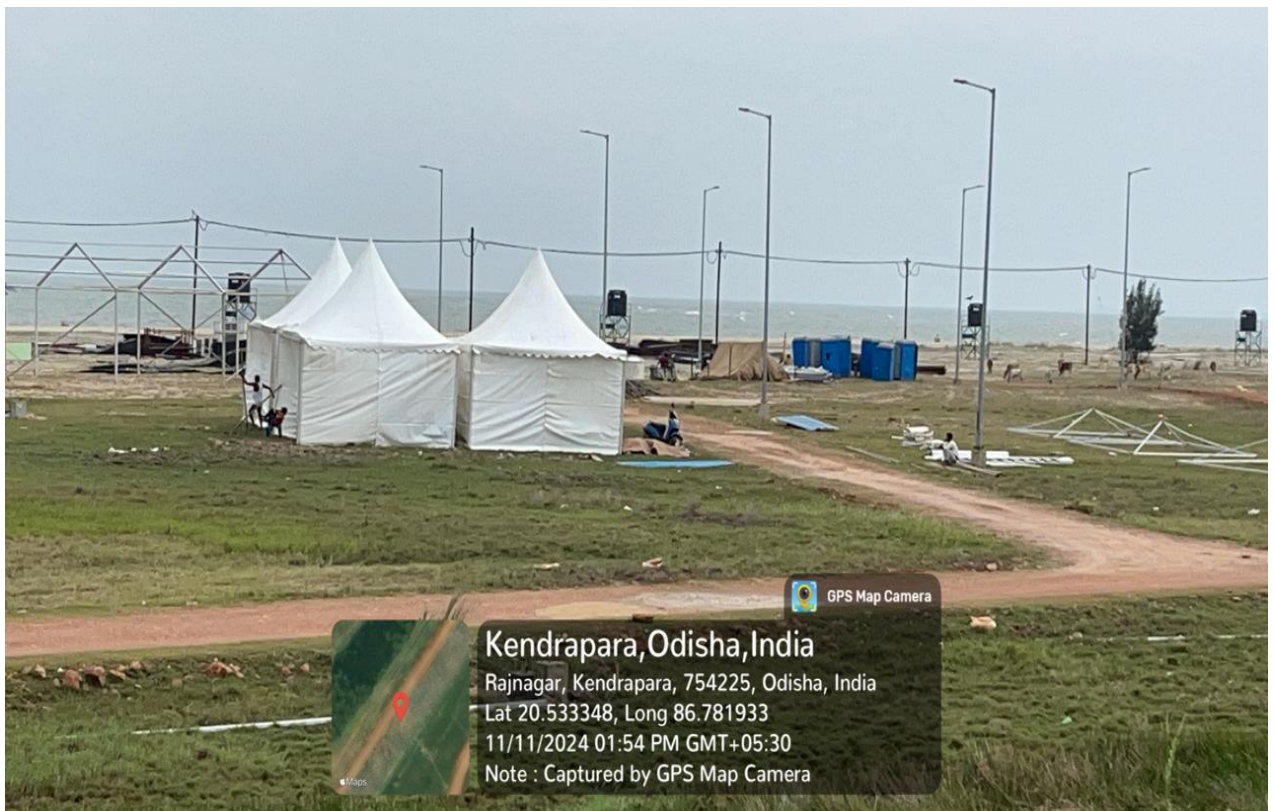
Alaya Samantaray  
DEPONENT

JANMEJAYA RAUTRAY  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR  
REGD. NO-ON-65/2012  
Mob. No. - 9337121273



Deponent(s) Notary, Bhubaneswar

PHOTOGRAPH DATED 11/11/2024 SHOWING TOURISM ACTIVITY INSIDE BHITARAKANIKA NATIONAL PARK.





# Eco Retreat ODISHA

Konark | Satkosia | Bhitarkanika | Sonapur  
Putsil | Hiraakud | Daringbadi



For bookings :

[odishaecoretreats.com](http://odishaecoretreats.com)

Contact

+91 674 262 33 00



# Eco Retreat ODISHA

India's most exciting glamping event is back in a bigger and better way. From enchanting beaches, picturesque hill stations to amazing wildlife areas - choose one or choose many from among 7 exotic locations this year.

Plan your luxury escapade to pristine beaches of Konark, the Pentha beach in Bhitarkanika National Park or at the golden beaches of Sonapur. You could also plan adventure getaway to Hirakud and Satkosia Gorge Sanctuary or a relaxing trip to quaint hillstations of Daringbadi or Putsil, Koraput.

This glamorous camping event offers luxury tented accommodations at par with 3-star category hotels and resorts apart from hosting a slew of water sports, adventure activities, trails to key tourist destinations and other engaging activities. Developed as a model for sustainable tourism, this event is for those who believe in responsible travel and tourism without compromising on self-indulgence.

Apart from being a zero-waste discharge tourism offering, the Eco Retreats in Odisha are conducted in strict compliance with guidelines and standard operating procedures prescribed by Ministry of Health and Family Welfare, Govt. of India. So shed those travel inhibitions and gear up for an ultimate glamorous escapade.

Visit Eco Retreat Odisha for an experience of a lifetime!



# BHITARKANIKA



An unexplored virgin beach inside a National Park. Throw in plush amenities and who wouldn't want to escape from the humdrum of a busy monotonous life? This is Eco Retreat at Pentha Beach inside the Bhitarkanika National Park. Surrounded by a casuarina forest, Pentha Beach is absolutely breathtaking.

The Bhitarkanika National Park is also a Ramsar Site and the second largest mangrove ecosystem of India. The wetlands house largest variety of mangrove species in India along with the largest number of saltwater crocodiles in the Indian sub-continent, monitor lizards, eight varieties of kingfisher, has one of the largest heronry in India and acts as a feeding ground for migratory birds during winter. Do not miss the opportunity of going on a boat safari along the creeks of Bhitarkanika to spot this exquisite wildlife. Visit the Bhitarkanika sanctuary as well as the crocodile breeding centre.

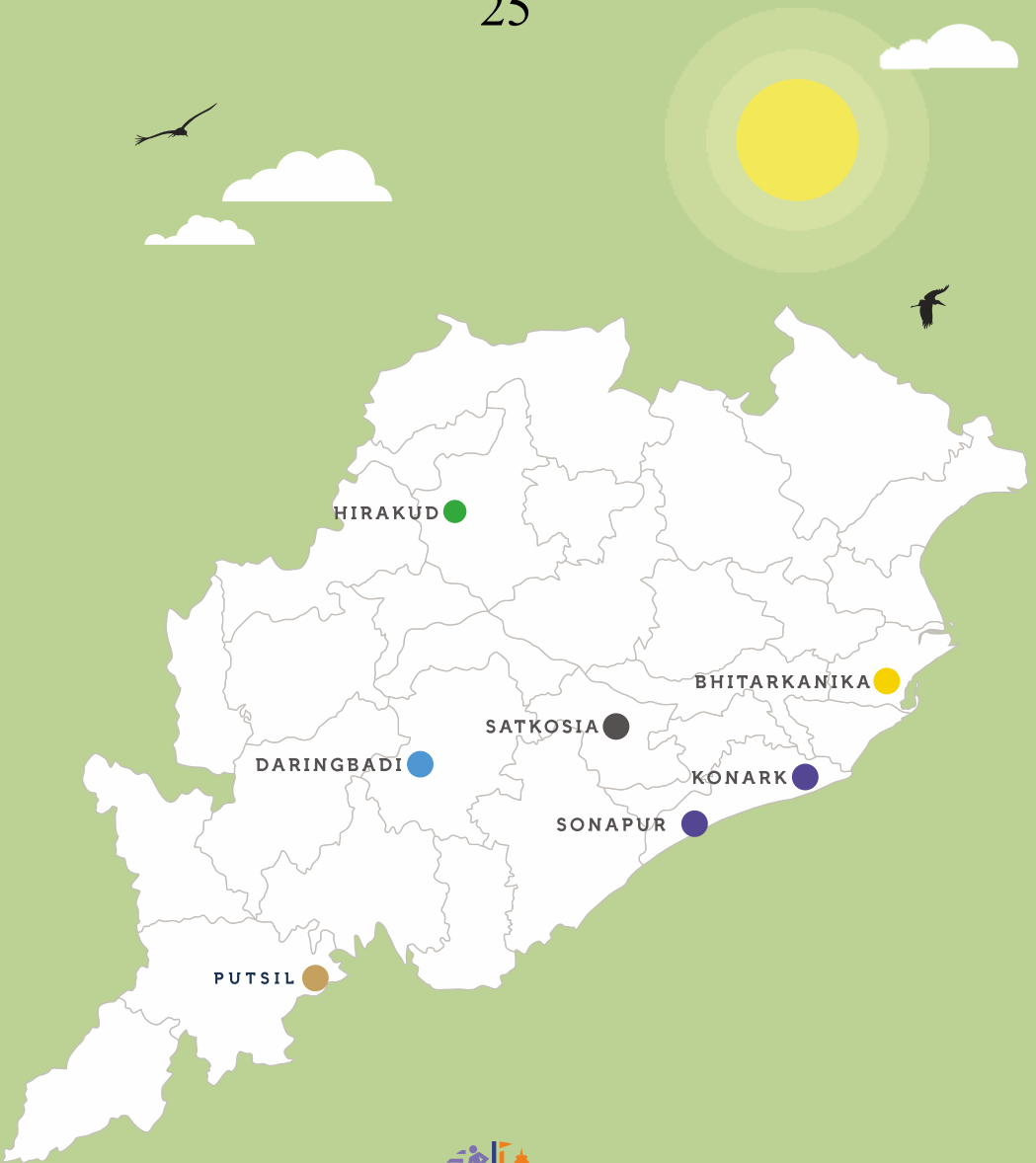
Go on a trip to the nearby turtle sanctuary at Gahirmatha Beach where the lovely Olive Ridley turtles come to nest every year. Other activities on offer here include rifle shooting, archery, zorbing, cycling, cultural performances, etc.

Glamping packages starting from Rs. 7,000 with staying options as:

- Deluxe Swiss Cottage
- Premium Swiss Cottage

Bhitarkanika Helpline @ +91 7847942633





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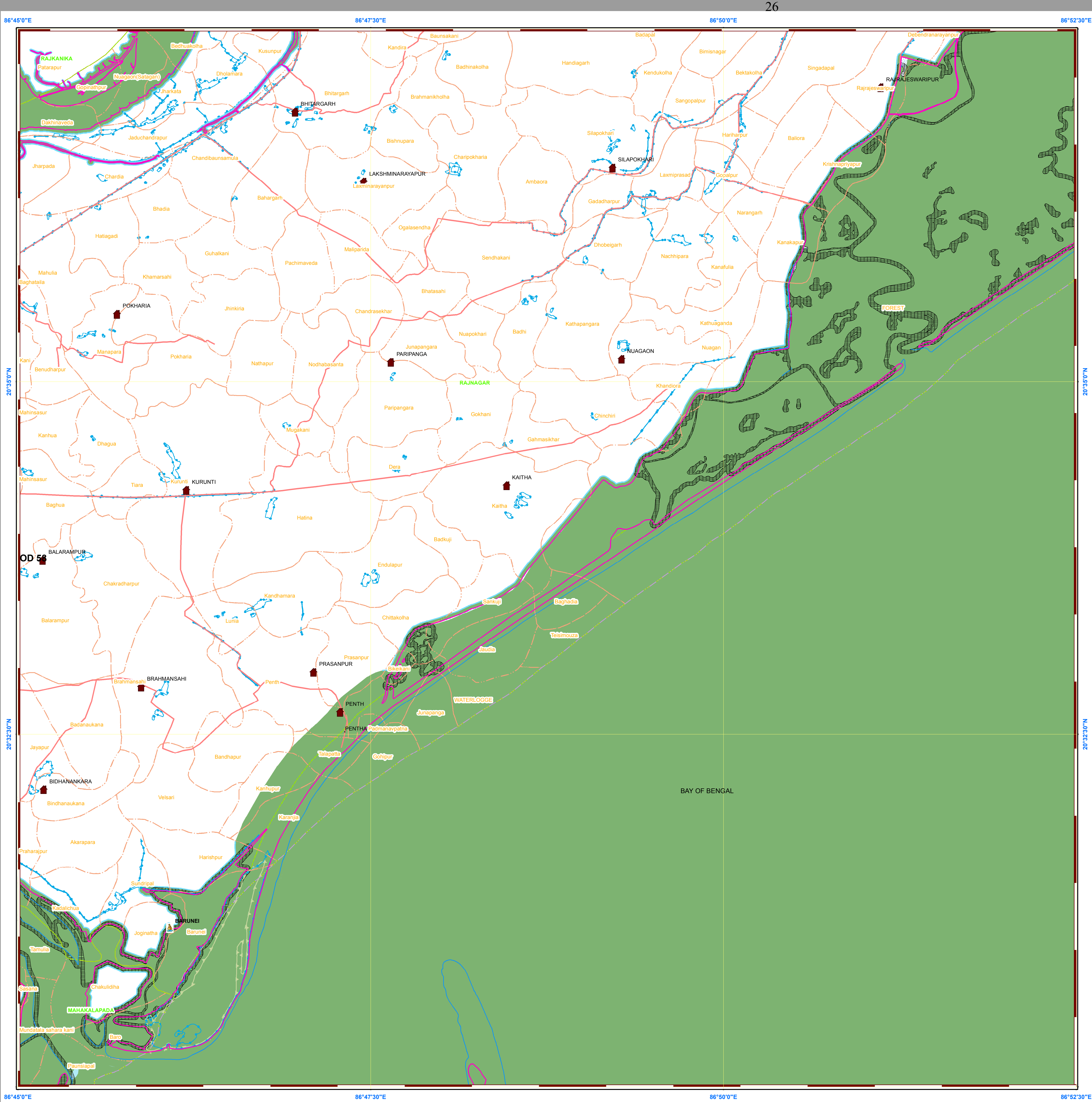


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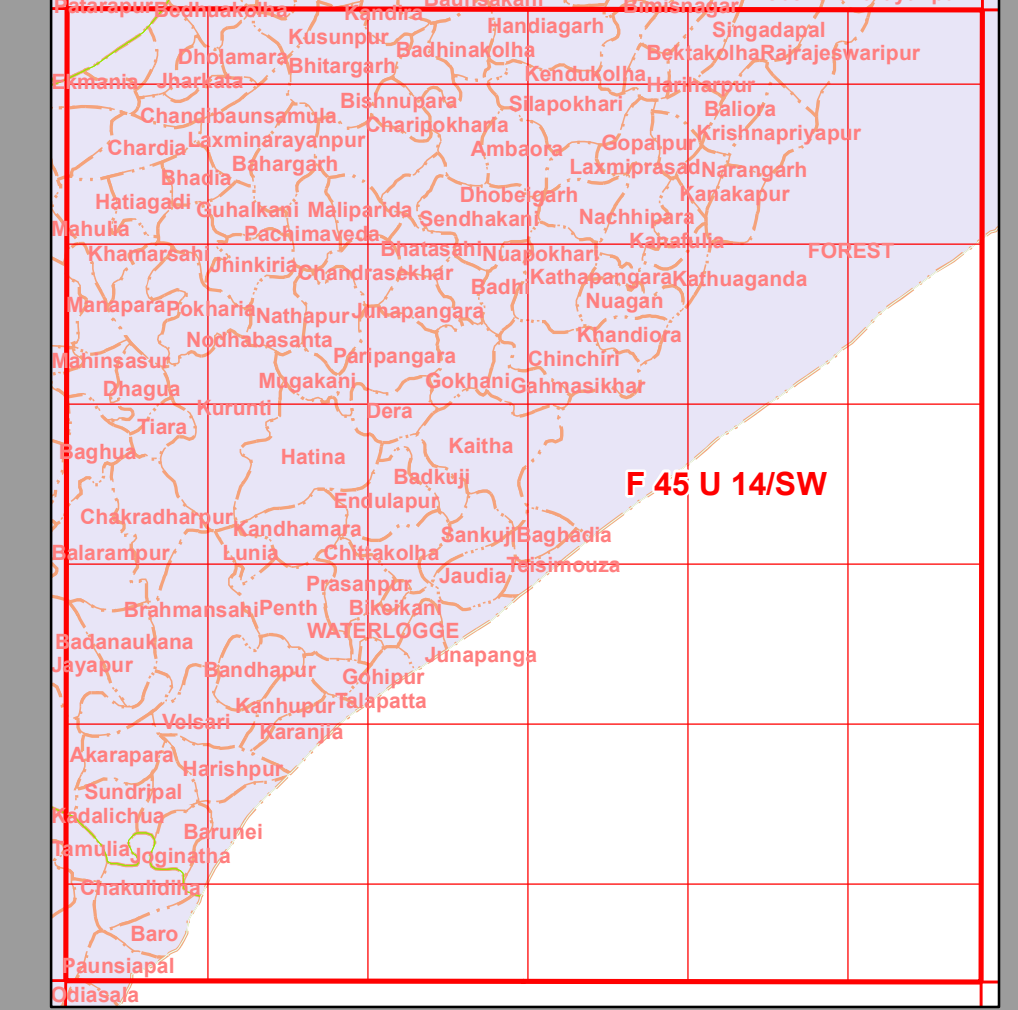
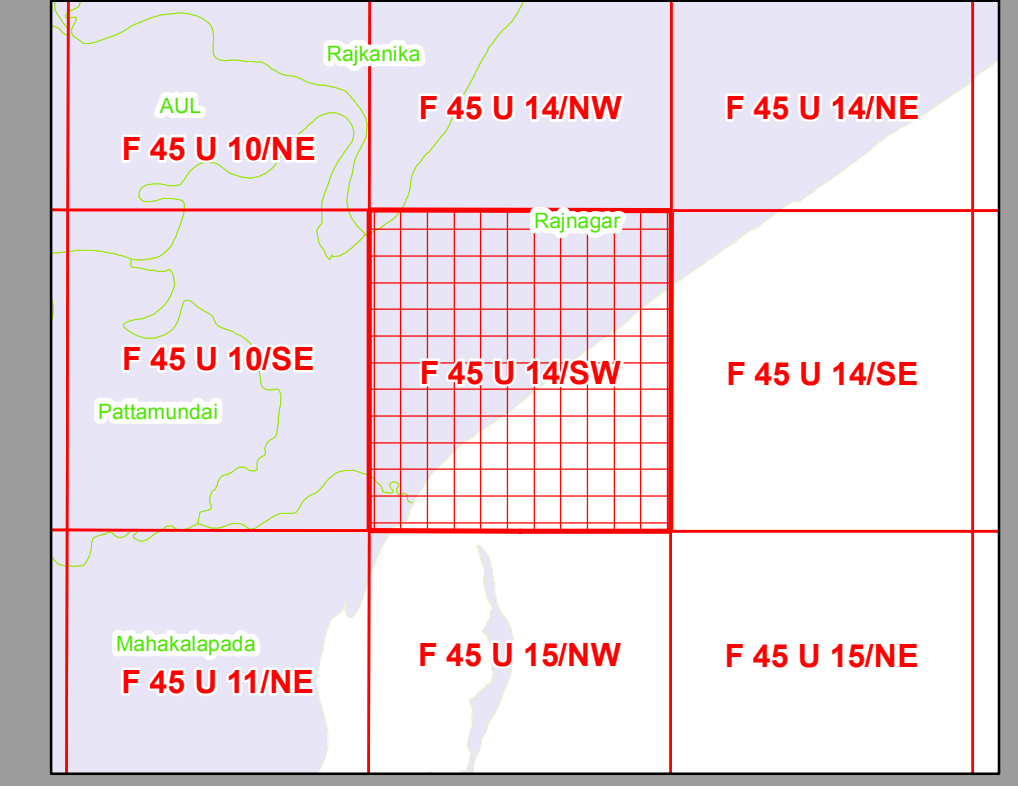
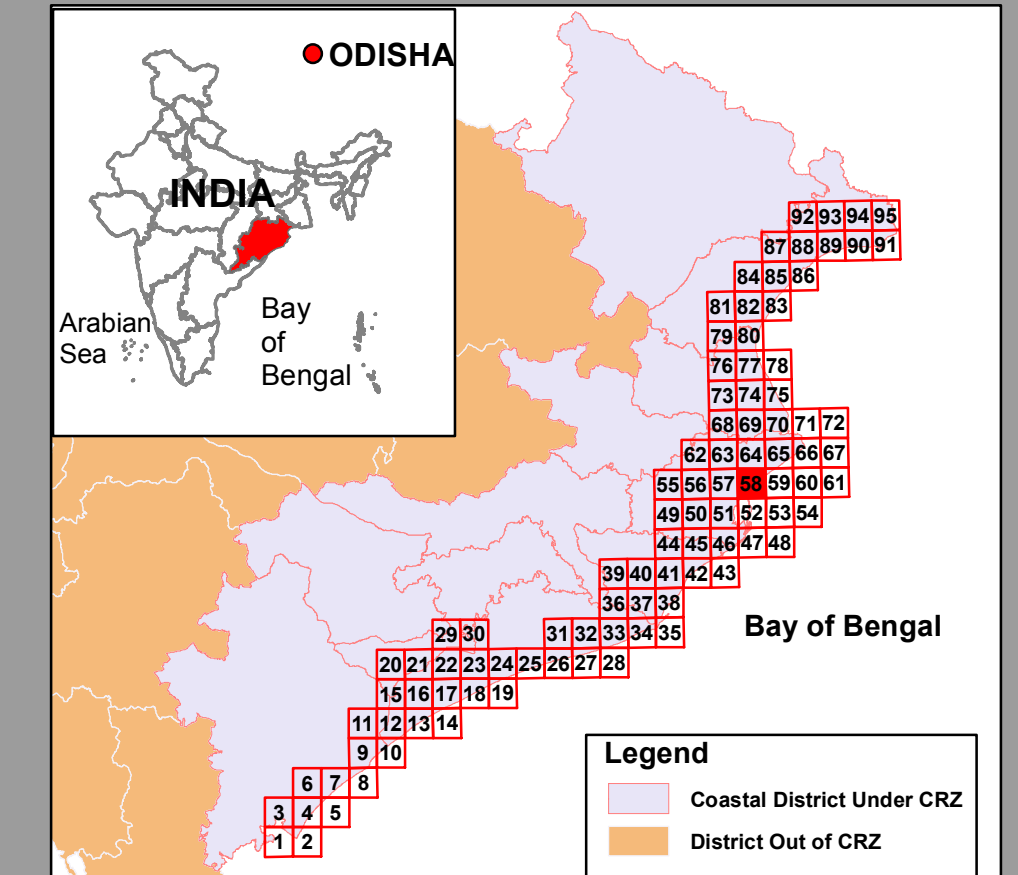
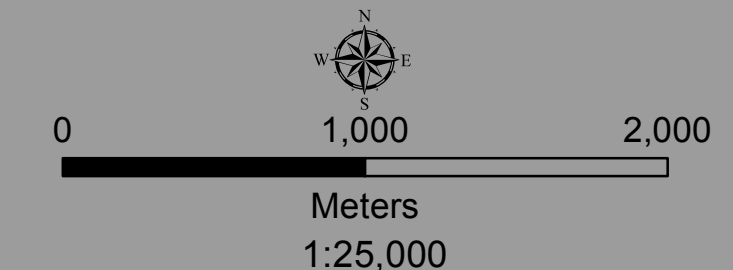
ecoretreat\_ot





# ANNEXURE-3 COASTAL ZONE MANAGEMENT PLAN-3 ODISHA

Sheet No: F 45 U 14/SW  
Projection: UTM Datum: WGS 1984 Map No- OD 58



- Legend**
- Lighthouse
  - Port
  - Fish Landing Centre
  - Multi-Purpose Cyclone Shelter
  - Road
  - Railway
  - High Tide Line( HTL)
  - Low Tide Line( LTL)
  - State Boundary
  - District Boundary
  - Village Boundary
  - Block Boundary
  - Jetty
- CRZ Lines & Boundary**
- 20 m Line in CRZ III Area
  - 50 m Line in CRZ III Area
  - 200 m CRZ Line-NDZ
  - Hazard Line
  - CVCA Boundary
  - Sand Dune Beyond CRZ Boundary
- CRZ Category**
- CRZ-IA
  - 50m Mangrove Buffer Zone-CRZ IA
  - CRZ-IB
  - CRZ- II**
  - CRZ-II
  - CRZ- III**
  - No Development Zone (CRZ-IIIB)
  - 200 m to 500 m from HTL
  - CRZ- IV**
  - CRZ-IVB
  - CRZ-IVA
- DATA SOURCE**
- I) National Center for Sustainable Coastal Management  
1) HTL, 2) CVCA  
3) CRZ-IA
- II) Survey of India  
1) Hazard Line
- III) Odisha Space Application Centre  
1) Administrative Boundaries, Infrastructure Facilities, etc  
2) LTL, CRZ Categories and Lines
- ABBREVIATIONS**
- CRZ : Coastal Regulation Zone  
NDZ : No Development Zone  
CVCA : Critically Vulnerable Coastal Areas
- Mapped in 2019

PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION, 2019

Scrutinized by	Certified by	Approved by

**Prepared by**

**Forest & Environment Department**  
 Government of Odisha  
 State Secretariat, Bhubaneswar-751001

**Odisha Space Applications Centre**  
 Science & Technology Department,  
 Government of Odisha, Bhubaneswar-751023

**Prepared for**  
Odisha Coastal Zone Management Authority



Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

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**Fwd: Request to Stop Ecoretreat Programme at Pentha beach,Rajnagar Within Bhitarkanika Wildlife Sanctuary.**

1 message

---

**Alaya Samantaray** <mkpnirbhaydipu@gmail.com>  
To: sankarprasadpani <sankarprasadpani@gmail.com>

Tue, Nov 12, 2024 at 9:30 AM

----- Forwarded message -----

From: **Alaya Samantaray** <mkpnirbhaydipu@gmail.com>

Date: Tue, Nov 12, 2024 at 9:20 AM

Subject: Request to Stop Ecoretreat Programme at Pentha beach,Rajnagar Within Bhitarkanika Wildlife Sanctuary.

To: &lt;csori@nic.in&gt;, &lt;fesec.or@nic.in&gt;, &lt;roez.bsr-mef@nic.in&gt;, &lt;dgfindia@nic.in&gt;

Regards

Alaya Samantaray ,Kendrapara

**bhitarkanika ecoretreat.pdf**

377K

**12thNovember2024**

**TO**

1. The Chief Secretary of Odisha

LokaSeva Bhawan, Bhubaneswar, 751001, **Email- [csori@nic.in](mailto:csori@nic.in)**

2. Additional Chief Secretary, Forest and Environment Department, Kharbela Bhawan, Bhubaneswar, Government of Odisha 751001 email- [fesec.or@nic.in](mailto:fesec.or@nic.in)

3. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Integrated Regional Office, A/3, Chandersekharpur, Bhubaneswar – 751023, Email: [roez.bsr-mef@nic.in](mailto:roez.bsr-mef@nic.in)

4. The Additional Director General of Forests (Wildlife), Ministry of Environment, Forests and Climate Change, Government of India, Indira Paryavaran Bhavan, Jorbagh Road, New Delhi – 110003 Email: [dgfindia@nic.in](mailto:dgfindia@nic.in)

Sub- Request to Stop Ecoretreat Programme at Pentha beach, Rajnagar within Bhitarkanika Wildlife Sanctuary

Dear Sir,

I Sri Alaya Samantaray, a resident of Marshaghai tahasil in Kendrapara District wish to bring your kind attention to some illegal and environmentally unsustainable activities in the name of eco-tourism taking place inside Bhitarkanika Wildlife Sanctuary,

As you know Pentha is one of the nesting site of Oliver Ridley Sea Turtle and the IUCN lists this species as Endangered one. Some of the threats these sea turtles face in the Orissa are drowning in shrimp nets, getting caught in net, development of nesting beaches, habitat and light pollution. The polluted beaches make unsuitable for turtles to nests, the high predation by feral and wild animals are hindrance and moreover, the human activities are harmful for habitat and breeding of turtles.

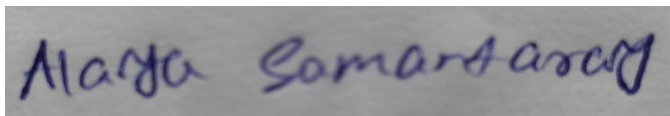
The Eco retreat programme going on at Pentha Seabeach for last two years and this year also they had started preparation of the ground as evident from the photographs, will have serious adverse impact on the wild-animals and nesting of sea turtle. The Eco retreat programme where in 25 luxury tents for 3months, motorised water sports, recreational activities, music on loudspeakers, highly illuminated lights and on top of that the garbages and anthropogenic pressure on the pristine beach will have an adverse and irreversible impact on the wildanimal, SeaTurtles and the environment. These activities are also prohibited in view of the restrictions under Wildlife Protection Act 1972.

Needless to say that in the name of Eco-retreat mass tourism is promoted which is antithetic to core principles of eco-tourism and further no crrying capacity study made while formulating the idea of Eco-retreat in an highly fragile area and ecologically sensitive site.

In view of this, the proposed Eco-retreat Programme may be stopped within Sanctuary are of Bhitarkanika Wildlife Sanctuary and National Park.

I would request the regional office of MoEFCC to look into the matter and restrain the state authorities from proceeding with the Eco-retreat Programme with in Sanctuary area of Bhitarkanika at Pentha.

Warm Regards



**Alaya Samantaray** At- Masakani, PO-Jadupur, Via-Marshaghai, Kendrapara, 754213,Odisha,





भारत सरकार / Government of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change  
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office  
ए/3, चंद्रशेखरपुर / A/3, Chandrasekharpur  
भुवनेश्वर - 751 023, ओडिशा / Bhubaneswar - 751 023, Odisha



Telephone: 0674 - 2301213, 2302432, 2301248, 2302452, 2302453. E-mail: [roe.z.bsr-mef@nic.in](mailto:roe.z.bsr-mef@nic.in)

File No. 7(28)/2024-FCE(Bhitarkanika)

Date 21.11.2024

To

**The Additional Chief Secretary,**  
Forest, Environment & Climate Change Department,  
Govt of Odisha, Bhubaneswar,  
At- New Forests Secretariat, Kharavela Bhawan  
Gopa Bandhu Marg, Keshari nagar  
Bhubaneswar  
Odisha 751001

**Subject:** Request for Clarification and Details on the Eco-retreat Programme at Pentha Beach within Bhitarkanika Wildlife Sanctuary

Madam/Sir,

With reference to the subject cited above I am directed to draw your kind attention that this office has received a grievance vide mail from Sri Alaya Samantaray, Resident of Marshaghai, Kendrapara District, Odisha. The grievance received is regarding the Eco-retreat Programme being conducted at Pentha Beach, Rajnagar, within the Bhitarkanika Wildlife Sanctuary. Concerns have been raised regarding the potential ecological impacts and possible non-compliance with environmental and wildlife conservation laws (Copy of the complaint enclosed).

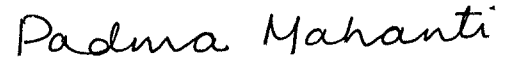
In light of these concerns, this office seeks clarification and a detailed report on the following aspects:

1. Whether the mass tourism activity, including the pitching of luxury tents, is aligned with the sanctuary's approved management plan?
2. Whether the National Board for Wildlife (NBWL) clearance has been obtained for this mass tourism and luxury tenting programme, as required under the Sec 33 of Wildlife Protection Act, 1972?
3. Confirmation on whether a carrying capacity study has been conducted to determine the environmental sustainability of this programme in a marine wildlife sanctuary as mandated by Ecotourism guidelines, 2022 by MoEFCC?
4. Details of the clearances and permissions accorded to this programme, along with the names of the issuing authorities?

SPEED POST

Given the ecological sensitivity of the Bhitarkanika Wildlife Sanctuary, particularly its role as a critical nesting site for the endangered Olive Ridley Sea turtles, this matter requires urgent attention. Therefore, it is requested to get the matter enquired and kindly provide a detailed response to the queries raised, supported by relevant documentation, at the earliest.

Yours faithfully,



Encl: As above

(Padma Mahanti)  
Deputy Inspector General of Forests(C)

**Copy to:**

1. **The Principal Chief Conservator of Forests & HOFF**, Government of Odisha. Bhubaneswar., Aranya Bhawan, Chandrasekharpur. Bhubaneswar- 751023, For Kind Information and necessary action please.
2. **The Principal Chief Conservator of Forests (NODAL)**, Government of Odisha. Bhubaneswar, Aranya Bhawan, Chandrasekharpur. Bhubaneswar- 751023, For Kind Information and necessary action please
3. **The PCCF (WL) & CWLW**, Forest Department, Govt. of Odisha, Parkruti Bhawan, Saheed Nagar, Bhubaneswar, For Kind Information and necessary action please

## Govt urged to stop eco retreat at Pentha beach

POST NEWS NETWORK

**Bhubaneswar, Nov 12:** Environmental activist Alaya Samantaray Tuesday urged the state government to stop eco retreat programme at Pentha beach in Kendrapara citing threats to Olive Ridley sea turtles.

In a letter to the regional office of Ministry of Environment, Forest and Climate Change (MoEFCC), Samantaray requested the state authorities not to continue with the eco retreat programme at Pentha beach within Bhitarkanika Wildlife Sanctuary.

He said the beach is getting polluted as a result of eco-tourism activities which also cause environmental hazards in the area. "Human activities are posing a threat to the habitat and nesting sites of these turtles. Besides, they are also getting caught in shrimp nets," he said.

Samantaray also mentioned that Pentha beach is one of the nesting sites of Olive Ridley sea turtles and the International Union for Conservation of Nature (IUCN) puts them in endangered species category.

In view of these facts, he said, the eco retreat programmes should be stopped as they are prohibited in view of the restrictions under Wildlife Protection Act 1972.



## PENTHA ECO-RETREAT

# Centre seeks clarification

POST NEWS NETWORK

**Bhubaneswar, Nov 21:** The Ministry of Environment, Forest and Climate Change (MoEFCC) Thursday sought clarification from the Odisha government over the Eco-retreat programme at Pentha beach, within Bhitarkanika Wildlife Sanctuary, in Kendrapara district following complaints that the mass tourism activity is posing serious threats to the nesting of Olive Ridley sea turtles.

Padma Mahanti, Deputy Inspector General (DIG) of Forests (C) in a letter to the Additional Chief Secretary of Forest, Environment and Climate Change department, Odisha, said the office had received a complaint from Alaya Samantaray, a resident of Marshaghai in Kendrapara district, regarding the conduct of the Eco-retreat programme at Pentha

beach in Rajnagar. The venue falls within Bhitarkanika Wildlife Sanctuary.

"Concerns have been raised regarding the potential ecological impacts and possible non-compliance with environmental and wildlife conservation laws. In light of these concerns, this office seeks clarification and a detailed report on the following aspects: Whether the mass tourism activity, including the pitching of luxury tents, is aligned with the sanctuary's approved management plan, and whether the National Board for Wildlife (NBWL) clearance has been obtained for this mass tourism and luxury tenting programme, as required under Section 33 of Wildlife Protection Act, 1972," the letter read.

Along with the details of the clearances and permissions accorded to the

programme, the Union ministry has also sought the names of the authorities who had issued these permissions.

Mahanti said given the ecological sensitivity of Bhitarkanika Wildlife Sanctuary, the matter requires urgent attention. "Therefore, we request you to get the matter enquired and provide a detailed response to the queries raised, supported by relevant documentation, at the earliest," she added.

Earlier, environment activist Alaya Samantaray had urged the state government to stop the Eco-retreat programme.

In a letter to the regional office of MoEFCC, Samantaray urged the state authorities not to continue with the Eco-retreat programme at the beach within Bhitarkanika Wildlife Sanctuary.

# Centre seeks report from Forest dept on eco-retreat plan at Pentha beach

EXPRESS NEWS SERVICE

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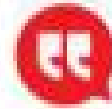
THE Centre has sought a clarification from the Forest and Environment department on the eco-retreat glamping site planned at Pentha beach within Bhitarkanika wildlife sanctuary.

The Ministry of Environment, Forest and Climate Change (MoEFCC) has sought to know if necessary approval for the luxury tenting project has been obtained and carrying capacity study done for the project.

Acting on the petition filed by environmental activist Alaya Samantaray, the deputy inspector general of forests at MoEFCC has asked the additional chief secretary (ACS) of Forest and Environment department of Odisha to submit the clarification along with a detailed report in this regard.

Highlighting the concerns raised over the potential ecological impacts and possible non-compliance with environmental and wildlife conservation laws, the MoEFCC has sought response from the ACS on whether the tourism activity including the pitching of luxury tents in the eco-retreat programme, is aligned with the sanctuary's approved management plan.

The state Forest department has also been asked to clarify if clearance from the National Board of Wildlife (NBWL) has



*Given the ecological sensitivity of Bhitarkanika, particularly its role as a critical nesting site for the endangered Olive Ridley turtles, the matter requires urgent attention*

Alaya Samantaray, activist

been obtained as required under the Wildlife Protection Act and whether carrying capacity study has been conducted to determine the environmental sustainability of the luxury tenting programme in the marine wildlife sanctuary mandated by the Ecotourism 2022 guidelines issued by the MoEFCC.

Given the ecological sensitivity of Bhitarkanika, particularly its role as a critical nesting site for the endangered Olive Ridley turtles, the matter requires urgent attention, the letter stated.

Samantaray had urged the state government and the Centre to ban the programme citing it to be a threat to the landscape used by the vulnerable Olive Ridley turtles as their nesting site. He stated that the programme taking place at Pentha beach for the last two years will have serious impact on the wild animals in the sanctuary and nesting of the endangered turtles.

Government of India  
Ministry of Environment, Forests and Climate Change  
Wildlife Division

6<sup>th</sup> Floor, Vayu Wing  
Indira Paryavaran Bhawan,  
Jor Bag Road, Aliganj,  
New Delhi-110003

F. No. 1-57/2014 WL

Dated: 19<sup>th</sup> September 2018

1. The Pr. Chief Conservator of Forests & HoFF  
All States/UT Governments
2. The Chief Wildlife Warden  
All States/UT Governments

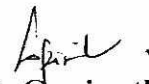
**Sub: Policy for Eco-tourism in Forest and Wildlife Areas- Reg.**

Sir,

Forests and wildlife are inseparable elements of environmental integrity and therefore, a participatory approach towards building the intricate interface between humans and forests is imperative.

2. With a view to practice eco-tourism in a ecofriendly manner, a policy has been prepared by this Ministry. The Eco-Tourism Policy is primarily prepared for wildlife, forest and areas having significant aesthetic appeal for nature. A copy of the document is enclosed.
3. The State/UT Governments may take further necessary action, in this regard.

Yours faithfully,



(Dr. R. Gopinath)  
Joint Director (WL)  
Telefax: 011-24695379  
E.mail: jd-wl@nic.in

**Encl: As above.**

**Copy to:**

1. Principal Secretary (Forests), all States/UT Governments.
2. The Joint Secretary, Niche Tourism, Ministry of Tourism, Parivahan Bhawan,  
New Delhi.

**POLICY**

**FOR**

**ECO-TOURISM IN FOREST AND**

**WILDLIFE AREAS**



सत्यमेव जयते

**GOVERNMENT OF INDIA**

**MINISTRY OF ENVIRONMENT FOREST AND**

**CLIMATE CHANGE**

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**  
**POLICY FOR ECO-TOURISM IN FOREST AND WILDLIFE AREAS**

**1. BACKGROUND**

Eco-tourism may be defined as '**responsible travel to natural areas that conserves the environment and improves the well-being of local people**' (*TIES*). Forests and wildlife are elements of nature and inseparable parts of the environment. Because of the intricate nature of interface between nature and human beings, nature conservation must entail participation of people as a non negotiable component. The participation in this endeavour includes not only the forest fringe dwellers, but also those who may be living away from the forests. Eco-tourism may be developed in wildlife conservation areas designated as Protected Areas (PAs) – Wildlife Sanctuaries, National Parks, Conservation Reserves and Community Reserves., and also in areas outside designated protected Areas, which may include, forests, mangroves, Sacred Groves, mud flats, wetlands, rivers, etc. Appreciation of the various elements of nature, their direct and indirect impact on our survival and intangible services provided by those are of paramount. Visitation to such pristine Areas would facilitate direct appreciation and understanding of the nature. Eco-tourism, when practiced appropriately, besides educating the visitors can also provide livelihood opportunities for the local communities. Hence, there is felt need to develop a model of eco-tourism that is responsible and compatible with sensitivities of the management objectives of the landscapes. However, the objective primarily being for preservation, it is of prime importance that the profile of the natural features are not compromised due to the impact of eco-tourism activities.

**2. GOAL**

Promoting better understanding of nature and wildlife conservation while generating income and opportunities for the local communities.

### 3. OBJECTIVES

The following are the broad objectives of the Eco-tourism policy:

- i. Adopting low impact nature tourism which ensures ecological integrity
- ii. Promoting biodiversity richness and heritage values of India's wilderness
- iii. Engaging local communities and developing mechanisms with a view of enriching the local economy and promoting sustainable use of indigenous materials
- iv. Establishing partnerships with all stakeholders for developing and promoting nature tourism.

### 4. GUIDING PRINCIPLES FOR ECOTOURISM

**(i) Eco-tourism Plan:** Eco-tourism facilitation within the forest and wildlife areas will be a part of the management/ working plan of the unit. The eco-tourism plan will provide for identified locations/ routes for visitation, permissible activities, permissible time for visit and means of travel. Delineation of inviolate space in the area and seasonal requirements will be specified in the Plan. States may develop benchmarks/ standardized criteria based on site specificity, for adoption of best practices in eco-tourism.

**(ii) Eco-tourism zone:** Demarcation of areas for tourist visitation, whether within core or buffer or both will depend upon the management requirements and shall be decided based on the target species, their behavioural and habitat characteristics. To maintain ecological integrity, protection of breeding areas and other sensitive sites are necessary. Therefore, those should be excluded from eco-tourism activities. Finalisation of tourism packages, identification of tourism routes, etc. will be done by the respective Protected Area Manager/ DFO in consultation with the State Chief Wildlife Warden.

**(iii) Community Participation:** It is essential that management of eco-tourism facilitates primarily vests on the local communities as the principal stakeholders. Thus, the benefits flowing from the visitation in the area must also accrue to the local communities by way of livelihood opportunities arising from eco-tourism. This will reinforce their interface and sense of ownership.

Buffer areas, private lands, revenue lands and Reserve Forests around PAs that have good wildlife habitat will be developed for eco-tourism to reduce pressure on sensitive “core” areas and to enhance local benefits.

**(iv) Infrastructure development:**

Natural profile and ecological integrity of forest and wildlife areas, along with their wildlife/ biodiversity values shall be maintained. Infrastructure for eco-tourism will be so designed that those merge with the ambient environment. These will utilise local resources and avoid use of cement concrete as far as possible.

The activities will be eco-friendly and no permanent structures will be established in violation of Forest (Conservation) Act, 1980.

Considering that the local livelihood improvement is one of the expected outcomes of eco-tourism, homestead based hospitality enterprises will be encouraged.

Construction works like permanent buildings for camps, camping complexes with lodging/ boarding structures, helipads, new roads, tourist bungalows/ commercial lodges etc for eco-tourism purpose shall not be allowed without clearance under Forest (Conservation) Act.

Infrastructure outside Protected Areas will also be developed in eco-friendly manner so that those merge with the surroundings. The extent of infrastructure those will be developed will be limited to the carrying capacity of the area.

## 5. IMPLEMENTATION STRATEGY

The following are the broad framework for implementation of the Eco-tourism policy:

**Strategy i: Identification of potential sites:** Each State may identify areas for eco-tourism within the Protected Areas, in pristine areas rich in biodiversity or of aesthetic significance through a participatory process involving stakeholders, particularly the local communities.

**Strategy ii: Assessment of Carrying Capacity:** Carrying capacities of visitors and vehicles those may be allowed to enter inside the identified area will be assessed and ceiling on number of visitors/vehicles those may allowed to enter the area at any given time, will be fixed. Carrying capacity assessment will cover:

- Number of Persons visiting the PA at different points of time
- Number of Vehicles/boats, etc. entering the PA
- Infrastructure
- Duration of the visits
- Duration of exposure of the PA to Eco-tourism activities

An illustrative calculation of carrying capacity, as worked out in the 'Guidelines for tourism in Tiger Reserves' is at ANNEXURE.

**Strategy iii: Capacity building:** Field functionaries will be imparted specialized training on Eco-tourism activities. Capacities of local communities will be built to act as nature guides and to provide hospitality management services. This may include training to discharge specialized tasks such as tourist guides, natural science interpreters, patrol partners for protection work, entrepreneurs for small scale homestead based hospitality industry, small business operators (like souvenir shops, equipments for hire, photography etc).

The State Governments may charge a conservation fee for overall eco-development. The conservation fee may be decided based on the number of persons visiting the facility, the duration of operation of the facility (seasonal or year round) and on a luxury classification system such as home stay to high-end. The rate of conservation fee and tourist facility strata will be determined by the State Government and the funds, so collected will be

earmarked to address local livelihood development issues, human wildlife conflict management and conservation through eco-development.

**Strategy iv: Sharing of Revenue benefits:** Considering that eco-tourism is an economic activity, it is important that the eco-tourism plan incorporates a feasible revenue sharing mechanism for the stakeholders.

Provision will be made for establishment of foundations, either for each of the identified area or an umbrella Foundation to cover multiple areas. The funds accrued from eco-tourism activities in the Foundations will be utilised for community development, and running of eco-tourism facilities.

An indicative model for sharing of revenue is as under:

- 40% for payment of remuneration to local community directly involved in running eco-tourism facilities;
- 40% for maintenance of the Eco-tourism facilities
- 10% as incentive to local Eco Development Committee (EDC) or Village Level Forest Management Committee
- 10% as revenue to Government

**Strategy v: Monitoring:** Eco-tourism plans will invariably include a dynamic monitoring mechanism, covering number of tourists visiting and the pattern, their level of satisfaction, involvement of local people, scope for improvement, etc. This will facilitate prediction of growth and preparation for management of the growth of eco-tourism in terms of visitation management, growth of hospitality facilities in neighbourhood, need for security arrangements for the area and so on.

**Strategy vi: Education and Interpretation:** For effective use of the eco-tourism potential of the area, the management has to work on an effective education and interpretation plan. The visitors must be sensitized on the significance of conservation and expected behavioural requirements while they are within the pristine area. For this purpose an effective communication plan is essential which must include providing crucial information to the tourists to appreciate the eco-system services and intangible benefits

provided by the area. It will be a good idea to put in place electronic visual tools, well equipped interpretation centre, appropriate signages, audiovisual presentation centers, interactive learning tools, safety protocol and information material on the area for the visitors.

**Strategy vii: Interface with District/ State Administration:**

**Within National Parks, Sanctuaries and Reserved or Protected Forests:** Collaboration and coordination amongst the Central and State Government Departments, EDCs, forest dwellers, local communities and civil society institutions will bring about synergy for effective eco-tourism management. States/ District/ Protected Area Steering Committees may be set up.

A local level committee may look like:

*Park Manager/ the Divisional Forest Officer- Chair*

*Honorary Wildlife Warden- Member*

*Representative of Tourism Department- Member*

*Representative of Local Panchayat- Member*

*Representative of Local Communities- Member*

*Wildlife Experts- Member*

*Forest Range Officer- Member Secretary.*

**Mandate:**

- To oversee implementation of the eco-tourism strategies and guidelines with respect to the concerned area and make recommendations to the Eco-tourism Board and State/UT Government, wherever necessary;
- To advise local communities on issues relating to development of eco-tourism in areas outside Protected Areas
- To monitor the activities of tour operators and ensure that they follow all safety norms, rules and procedures and do not cause any damage or disturbance to the eco-tourism resources and activities;
- To ensure that the revenue from eco-tourism flow to the local communities.

The State Board for Wildlife may take review of the Tourism activities in the State and make suggestions appropriately.

In case of Conservation Reserves and Community Reserves, the Management Committees constituted under Section 36B and 36D of the Wild Life (Protection) Act, 1972 will advise on activities including tourism in Conservation and Community Reserves and will be in consonance with this policy for eco-tourism in Protected Areas.

The State Board for Wildlife would take review of the Tourism activities in the State and make suggestions appropriately.

There are many Protected Areas with shrines or religious places located within. The tour operators, drivers and shrine controlling authorities need to be given an exposure on the value of forest ecosystems and their ecological services, along with the training to inculcate do's and don'ts during visits of pilgrims into forests and PAs. Cooperation of the local administration will be solicited in line with the mechanisms indicated above.

**Strategy viii: Institutional mechanism for implementation:** Each State/UT may establish an Eco-Tourism Development Board to advise the State/UT on the eco-tourism modalities and for overseeing the implementation of the policy. The Board would ensure that objectives of this Policy are attained. The State/UT would also ensure adequate Technical and Financial support to the Board. In case of any dispute, the decision of the management of Protected Areas shall prevail.

**Enabling provisions for management of eco-tourism within protected areas:**

The legal provisions available within the Wild Life (Protection) Act, 1972 for facilitating this include section 29, 30, 33, 33B, 35 (6), 38-O and 64 which provide powers to the state governments to frame rules for carrying out provisions of the Act, and to the Chief Wild Life Wardens to regulate activities within the PAs. The powers for approval of Management plan of a PA are vested with Chief Wild Life Warden. In case of Conservation Reserves and Community Reserves, the powers vested in the respective management committees provide enabling environment for formulation of management plan including the eco-tourism planning within.

**ESTIMATION OF CARRYING CAPACITY**  
(Model Calculation, Example: Kanha Tiger Reserve)

(a) **Physical Carrying Capacity (PCC):** This is the “maximum number of visitors that can physically fit into a defined space, over a particular time”. It is expressed as:

$$PCC = A \times V/a \times Rf$$

Where, A = available area for public use

V/a = one visitor / M<sup>2</sup>

Rf = rotation factor (number of visits per day)

In order to measure the PCC to Kanha, the following criteria must be taken into account:  
Only vehicular movements on forest roads are permitted

The “standing area” is not relevant, but “closeness” between vehicles is important

There is a required distance of at least 500 m (<sup>1/2</sup> km.) between 2 vehicles to avoid dust (2 vehicles / km.)

At least 3 ½ hours are needed for a single park excursion

The PA is open to tourists for 9 months in a year and 9 hours per day

Linear road lengths within the tourist zone are more relevant than area, and the total lengths are:

Kanha	107.20 km.
Kisli	72.56 km.
Mukki	103 km.
Total	282.76 or 283 km.

Due to constant vehicular use, the entire road length of 283 km. is prone to erosion, out of which around 90 km. is affected more

$$\text{Rotation Factor (Rf)} = \frac{\text{Opening period}}{\text{Average time of one visit}}$$

$$\text{Physical Carrying Capacity (PCC)} = 283 \text{ km.} \times 2 \text{ vehicles / km.} \times 2.6$$

$$= 1471.6 \text{ or } 1472 \text{ visits / day}$$

(b) **Real Carrying Capacity (RCC):** RCC is the maximum permissible number of visits to a site, once the “reductive factors” (corrective) derived from the particular characteristics of the site have been applied to the PCC. These “reductive factors” (corrective) are based on biophysical, environmental, ecological, social and management variables.

$$RCC = PCC - Cf_1 - Cf_2 \text{ ----- } Cf_n,$$

Where Cf is a corrective factor expressed as a percentage. Thus, the formula for calculating RCC is:

$$RCC = PCC \times \frac{100 - Cf_1}{100} \times \frac{100 - Cf_2}{100} \times \dots \times \frac{100 - Cf_n}{100}$$

Corrective Factors are “site-specific”, and are expressed in percentage as below:

$$Cf = \frac{M_l}{M_t} \times 100$$

Where: Cf = corrective factor

$M_l$  = limiting magnitude of the variable

$M_t$  = total magnitude of the variable

- (i) **Road erosion:** Here the susceptibility of the site is taken into account.

Total road length = 283 km. ( $M_t$ )

Medium erosion sink = 50 km. (weighting factor: 2)

High erosion risk = 40 km. (weighting factor: 3)

$M_l = 50 \times 2 + 40 \times 3 = 100 + 120 = 220$  km.

$M_t = 283$  km.

$$Cfe = \frac{220}{283} \times 100 = 77.8 \text{ or } 78\%$$

- (ii) **Disturbance to Wildlife:** Here, species that are prone to disturbance owing to visitation are considered. The Central Indian barasingha, a highly endangered, endemic species found only in Kanha has a courtship period of about 1 month in winter, during which it is extremely sensitive to disturbance. Likewise, the peak courtship activity for spotted deer lasts for two months before the onset of regular monsoon. As far as tigers are concerned, newborns are seen between March and May and also during the rains; hence an average value of two months in a year can be considered as the matter phase.

$$\text{Corrector Factor (Cf)} = \frac{\text{limiting months / year}}{100 \text{ 12 months / year}} \times$$

Corrective Factor for barasingha

$$Cf w_1 = \frac{1}{9} \times 100 = 11.1\%$$

Corrective Factor for spotted deer

$$Cf w_2 = \frac{2}{9} \times 100 = 22.2\%$$

Corrective Factor for tiger

$$Cf w_3 = \frac{2}{9} \times 100 = 22.2\%$$

Overall corrective factor for disturbance of wildlife in Kanha National Park =  $Cf w = Cf_1 + Cf_2 + Cf_3$   
 $= 11.1 + 22.2 + 22.2 = 55.5$  or 55%

- (iii) **Temporary Closing of Roads:** For maintenance or other managerial reasons, visitation to certain roads may be temporary restricted within the Protected Area. The Corrective Factor in this regard is calculated as:

$$Cf_t = \frac{\text{limiting weeks / year}}{100 \text{ total weeks / year}} \times$$

In Kanha, an average value of 2 limiting weeks per year may be considered as the “limiting weeks”, and thus the corrective factor works out to:

$$Cf_t = \frac{2 \text{ weeks / year}}{100 \text{ weeks / year}} \times 100 = 2\%$$

Computation of RCC

$$\begin{aligned} RCC &= 1472 \times \frac{100-78}{100} \times \frac{100-55}{100} \times \frac{100-5.5}{100} \\ &= 1472 (0.22 \times 0.45 \times 0.95) \\ &= 138.4 \text{ or } 138 \text{ visits / day} \end{aligned}$$

(c) **Effective Permissible Carrying Capacity (ECC):** ECC is the maximum number of visitors that a site can sustain, given the management capacity (MC) available. ECC is obtained by multiplying the real carrying capacity (RCC) with the management capacity (MC). MC is defined as the sum of conditions that PA administration requires if it is to carry out its functions at the optimum level. Limitations in management like lack of staff and infrastructure limit the RCC.

For Kanha, owing to the paucity of staff the MC is around 30%. Hence,  $ECC = 138 \times 0.30 = 41.4$  or 40 vehicles / day.

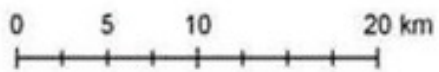
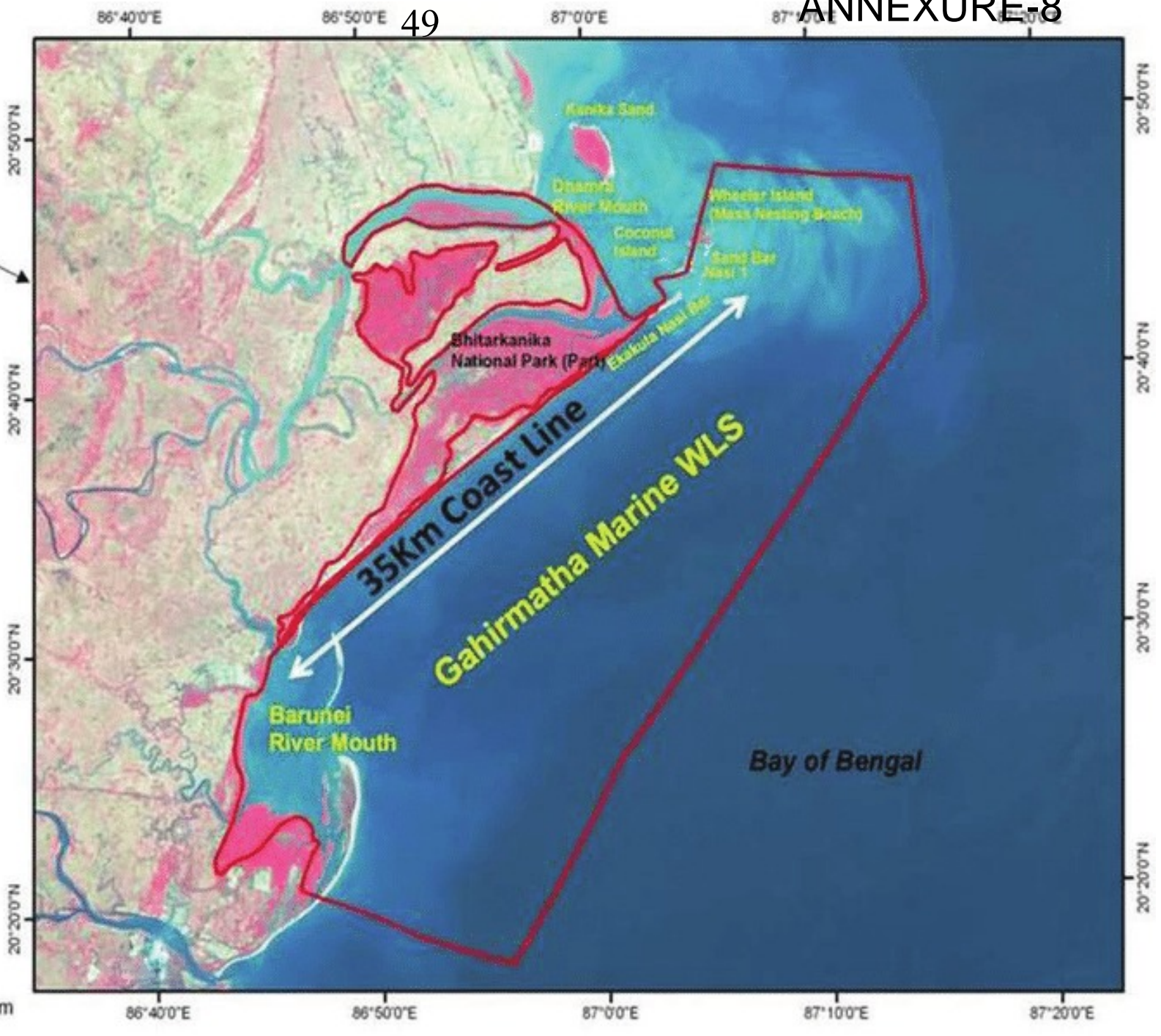
Thus, the Effective Permissible Carrying Capacity on any single day is only 40 vehicles, which should be allowed entry as below:

(Forenoon) = 25 vehicles (inclusive of both entry points)

(Afternoon) = 15 vehicles (inclusive of both entry points)

During peak season (winter months), the staff strength may be increased (only 10%) by deploying “special duty” personnel; this would enhance the ECC to 55 vehicles per day. Further, increase in the number of vehicles would lead to deleterious effects on the habitat.

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## BEFORE THE NATIONAL GREEN TRIBUNAL

Original Application/Appeal No. \_\_\_\_\_ of 2024

In re:

ALAYA SAMANTARAY

APPLICANT

VERSUS

STATE OF ODISHA and Others

RESPONDENTS

KNOW ALL to whom these present shall come – **Alaya Samantaray** Aged about 35 years S/o Late Bhagirathi Samantaray, At- Masakani, PO-Jadupur, Via-Marshaghai, Kendrapara, 754213, Odisha, do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani, Asutosh Padhi, Advocates, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002**

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

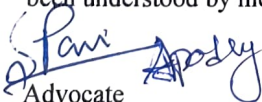
And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 23<sup>rd</sup> day of Nov 2024. Accepted subject to the terms of fees.

  
Advocate

Client

  
Client