

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

Original Application No. 224/2024/EZ
(Earlier O.A. No.808/2024/PB)

Utpal Saikia and Ors.

Applicant

Vs.

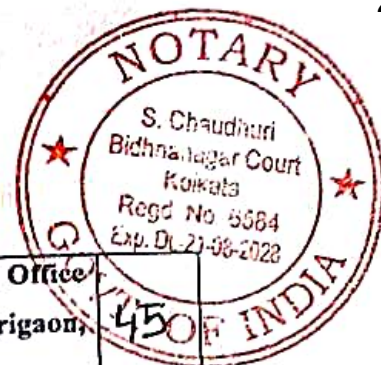
State of Assam & Ors.

Respondent

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Utpal Saikia

(Submitted by Utpal Saikia)

On behalf of Utpal Saikia and Others

Utpal Saikia

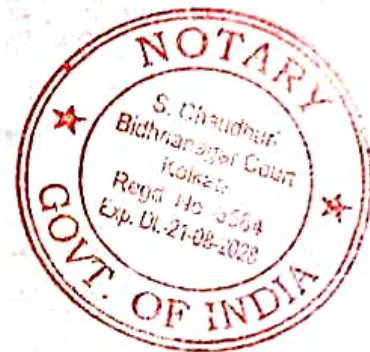
Place: Kolkata

Dated: 12-02-2025

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SL. NO. 1636/20.25

BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARAGANAS



BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No. 224/2024/EZ
(Earlier O.A. No.808/2024/PB)

Utpal Saikia and Ors.

Applicant

Vs.

State of Assam & Ors.

Respondent

Written Statement of Utpal Saikia and Others:

With due respect I would like to submit-

1. That the Pobitora Wildlife Sanctuary situated in the flood plains of river Brahmaputra in the district of Morigaon (Assam) is an important wildlife habitat of India. The area of 1584.76 ha was declared as Reserved Forests (RF) in 1971. The adjacent Mayong Hill with an area of 1191.85 ha was also a Reserved Forest declared during 1957. The final notification of the sanctuary was published vide Govt. Notification no. FRS/19/87/152 dt. 17th March 1998 and published in Assam Gazette on 13th May 1998.
2. That the proximity of the sanctuary (Approx. 25 km) to the capital city of Assam i.e. Guwahati and industrial town Jagiroad has compelled it to face the growing pressure of rapid industrialization. Lack of coordination among government departments resulted into the mushroom growth of coal burned brick kilns all around the Pobitora WL sanctuary. Coal burned Brick kilns and extensive commercial mining cutting of soil and sand for brick production have posed serious threats to the bio-diversity of the sanctuary. Due to its proximity to the capital city Guwahati, the industrialists have targeted this region at the cost of sacrificing the interest of wildlife of Pobitora. Therefore, the industrial lobby has easily targeted the inter space between the 2 blocks (Plain Block and Hill Block) of Pobitora Wildlife Sanctuary to establish brick kilns(Copy of the maps enclosed as Annexure I).

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3. That the interspace between the 2 blocks (Plain Block and Hill Block) of Pobitora WL Sanctuary plays a major role to conserve the biodiversity of the wildlife habitat. As Pobitora is situated in the flood plains of Brahmaputra river, the inter-space is often used as *dandi* or movement corridor by the Rhinos, Buffalos, Tigers, Boars and other animals of the sanctuary (Report of the Range officer, Pobitora enclosed as Annexure II). Due to the importance of the inter-space of the sanctuary, it was proposed ~~3 km~~ (to safeguard the intermediate space between the plain block and Hill block) as Eco- Sensitive Zone and 1 km in outer space of Pobitora WL sanctuary. That the guidelines for declaration of Eco Sensitive Zones around National parks and Wildlife sanctuaries clarified that "In general the width of the Eco- Sensitive Zone could go up to 10 kms around a protected area (or beyond 10 kms, where sensitive corridors) are present as provided in the wildlife conservation strategy-2002". (Copy of the Guidelines for declaration of ESZ are enclosed as Annexure III) Therefore, the inter-space (3km) between the 2 blocks of Pobitora WL Sanctuary is inalienable part of the proposed Eco sensitive zone of the Pobitora WL Sanctuary. While explaining about the extent of Eco Sensitive Zone, the guidelines for Declaration Eco Sensitive Zone (Paragraph 4.2) clearly mentioned that, "In case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10 kms width, these should be included in the Eco Sensitive Zone". The reports of Range Officer, Pobitora WL Sanctuary, DFO, Guwahati WL Division and Conservator of Forest clearly mentioned that the proposed BBA Bricks is in the *dandi* or corridor used by the Rhinos and other wild animals. Moreover, the National Wildlife Action plan (NWAP) 2002-2016 indicates that "Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation and fragments of biodiversity which will not survive in long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere." Further, clarifying the need to protect the wildlife movement corridors, the National Wildlife Action plan (NWAP) 2002-2016 aimed "To declare identified areas around Protected areas and corridors as ecologically fragile under the Environment (Protection) Act, 1986, wherever necessary". (Copy of the OM, Ministry of Environment and Forest enclosed as Annexure IV). Therefore, permission to set up brick kilns without consultation with Forest

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Department officials in ecologically fragile area are against the conservation ethos of the nation.

4. That an industrialist Dilip Chetry, who owns other brick kilns in the Kamrup district of Assam has targeted to expand his brick manufacturing business (Proposed BBA Bricks) amidst of the 2 blocks of the sanctuary. But, he should have obtain permission or NOC from the Pobitora Management Authority (Range Officer, Pobitora/ DFO, Guwahati Wildlife Division of Assam) or from the NBWL (National Board Of Wildlife) to set up Pollution causing Brick Kiln in the proposed Eco - Sensitive Zone or amidst of the 2 blocks of the Pobitora WL sanctuary. As the Hon'ble Supreme Court of India in the WP No. 460/2004 (Goa Foundation Vs Union of India) vide order dated 4th December, 2006 directed that, "all cases where environmental clearances were granted where activities are within 10 kms zone , be referred to Standing Committee of NBWL". (Annexure V) But, in case of the proposed brick BBA Brick kiln, it was never referred to the standing committee of the NBWL nor before the Chief Wildlife Warden, Assam for approval. Thus, the safety and security of the wildlife of Pobitora was completely neglected to assist the industrialist to expand his brick manufacturing industry in the area.

5. That there was a previous attempt by the name of ABB Bricks (proprietor- Dilip Majumdar) in the same site in violation of the terms of the Environmental Protection Act(1986). That illegal activity was compelled to closed down due to the objection of the conscious public. The erstwhile ABB Bricks (proprietor- Dilip Majumdar) had attempted to run the brick kiln with a moving chimney. But, the use of moving chimney was declared illegal by the Supreme Court of India. Moreover, the erstwhile ABB Bricks (proprietor- Dilip Majumdar) had not received any permission from the Pollution Control Board, Assam or not even applied for the permission. In response to a RTI application filed at Pollution Control Board, Assam, they have clarified that there is no record found about the erstwhile ABB Bricks (proprietor- Dilip Majumdar). (Information obtained through RTI Act enclosed as Annexure VI). As the ABB Bricks had no permission from the Pollution Control Board, Assam and Forest Department (Pobitora Management Authority) the proprietor was compelled to shut down his illegal activities. The site of the illegal venture (erstwhile ABB bricks) was handed over to the present proprietor Dilip Chetry to expand his brick manufacturing industry and renamed as BBA Bricks. The issue of the illegal entity of the erstwhile ABB Bricks (proprietor- Dilip Mazumdar) and transfer of his unlawful activities were

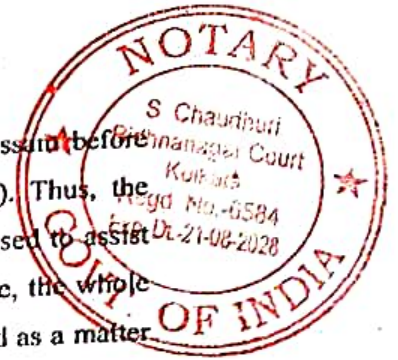
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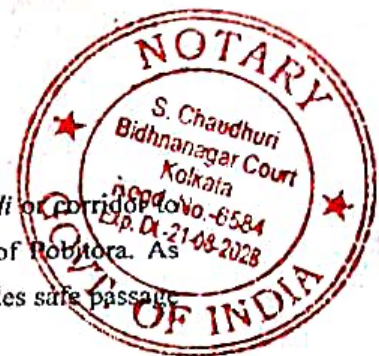
never investigated by the DC, Morigaon or Pollution control Board, Assam before granting their permission to the BBA Bricks (Proprietor- Dilip Chetry). Thus, the illegal entity of ABB Bricks (proprietor- Dilip Mazumdar) was suppressed to assist the new owner and granted permission without any investigation. Hence, the whole process of obtaining permission is illegal *ab initio* and should be treated as a matter of criminal conspiracy. Hence, this fact and information obtained under the RTI Act, 2005 from the Pollution Control Board, Assam should be taken into consideration for the cause of justice.

6. That the Pobitora Wildlife sanctuary comes under the Guwahati Wildlife Division of Assam. The Divisional Forest Officer (S.K. Seal Sarma, AFS) of Guwahati Wildlife Division vide his letter No. B/GWL/199/1245-47, dated 10th October/2011 informed the Deputy Commissioner, Morigaon to stop setting up of Brick kilns in the Eco Sensitive Zone area in the greater interest of the Pobitora Wildlife sanctuary. (Annexure VII). But, the Deputy Commissioner, Morigaon had not adopted any action instead remained a silent spectator and allowed mushroom growth of Brick kilns (Pollution causing industry is prohibited within Eco Sensitive Zone Area) in the proposed Eco Sensitive Zone area.

7. That the Conservator of Forests (WL), Hirdesh Mishra, IFS, from the Office of the Principal Chief Conservator of Forests, Wildlife, Assam vide his Letter No. WL/FG.35/Eco Sensitive Zone Area/Part-II dated 28/02/2013 informed the Deputy Commissioner, Morigaon to stop setting up of Brick kilns within the Eco Sensitive Zone of Pobitora Wildlife sanctuary. (Letter of the Conservator of Forest enclosed as Annexure VIII) But, the Deputy Commissioner, Morigaon remained indifferent to protect the Wildlife of Pobitora from industrial pollution.

8. That the Divisional Forest Officer, Guwahati, Wildlife Division vide his Letter No. B/GWL/106/2013/2707 dated 24th December/2013 informed the Deputy Commissioner, Morigaon that "The BBA Brick kiln is situated in the intermediate space of both the above mentioned parts of Pobitora Wildlife sanctuary namely Burhamayong Reserve Forests and Pobitora Reserve Forests hence, the said Brick Kiln clearly falls within the proposed Eco sensitive zone of Pobitora Wildlife Sanctuary irrespective of the distances physically measured from its periphery to the periphery of pobitora wildlife sanctuary." (Annexure IX) The proposed Eco Sensitive zone includes the inter space 3km between the 2 blocks and in the outer space it was proposed as 1 km from the boundary of the pobitora wildlife

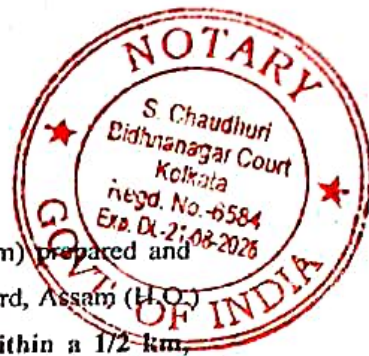




sanctuary. Here, the inter space between the 2 blocks consists of *dandi* or *corridor* provide passage to animals from the Plain Block to the Hill Block of Pobitora. As Pobitora is situated in the flood plains of Pobitora the interspace provides safe passage to wildlife specially during the time of flood.

9. That the Divisional Forest Officer, Guwahati, Wildlife Division vide his Letter No. B/GWL/106/2013/2707 dated 24th December/2013 also clarified about the destructive impact of industrial activities in the wildlife movement corridor or *dandi* of Pobitora WL Sanctuary. Further, the DFO, Guwahati Wildlife Division informed the Deputy Commissioner, Morigaon, "However if the Brick Kiln site is enclosed by erecting permanent fencing/wall and as soon as industrial activity(Brick Production) begins then the traditional and natural trails used by rhinos and other wild animals for their movement as it is required by them shall get blocked". The DC, Morigaon was asked to take necessary action against the proposed BBA Bricks of Dilip Chetry. But, the DC, Morigaon deliberately ignored the interest of the wildlife of Pobitora WL Sanctuary. Thus, DC, Morigaon never held any consultation with the Forest Department of Assam or asked for "NO OBJECTION CERTIFICATE from the Pobitora Management Authority or from the Forest Department of Assam before allowing creation of industrial area amidst of the 2 blocks of the sanctuary. Thus, the safety and security of the wildlife of Pobitora was compromised to satisfy the industrial lobby.

10. That the Pobitora WL Sanctuary is constituted of 2 blocks and the intermediate space between the 2 blocks (where Dilip Chetry has proposed BBA Bricks) comes under the proposed Eco -sensitive Zone was clearly informed by the DFO, Guwahati Wildlife Division to the Chairman, State Pollution Control Board, Assam and requested to take action against the owners vide letter No G/GWL/106/83 dated 4th March/2014. The DFO stated, " I would inform your honour that the Pobitora Wildlife Sanctuary is constituted of 2(two) Reserved Forests namely- Burhamayong Reserved Forest(Area 1191.86 ha.) and Pobitora Reserved Forest(Area 1584.76 Ha) and Govt. Land (Area 1104 Ha). It was finally declared as a wildlife sanctuary by the Gov. Of Assam vide its Notification No. FRS.19/87/152, dated 17th March/1998. The Proposed Eco- Sensitive Zone of Pobitora Wildlife Sanctuary includes an extent of area of 1 km radius from the periphery of the Wildlife sanctuary and as well as the intermediate space between the aboc RFs and Govt khas land". (Annexure X). Further, the inspection

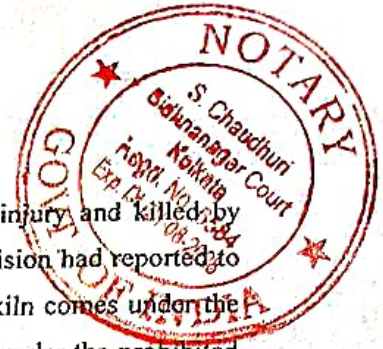


report on the proposed BBA Bricks (visited on 11/12/2012 at 3 pm) prepared and submitted by Ujjal Kr. Sharma, Asstt Engineer Pollution Control Board, Assam (H.O.) on 12/12/2012 informed the Chairman that, "the unit is located within a 1/2 km, from the boundary of the Rajamayong Hill Reserved Forest which is part of the notified Pobitora Wildlife sanctuary. Also falls within the proposed Eco Sensitive Zone of Pobitora Wild Life sanctuary and on the animal movement corridor". Despite of having such clear information before the Chairman, Pollution Control Board, Assam, he has issued Consent to the proposed BBA Bricks in such an Ecologically fragile Zone. A Pre- closure notice was issued by the Pollution Control Board Assam but subsequently withdrawn the same. It clearly indicates about a well orchestrated evil design to destroy the wildlife of the Pobitora Wildlife sanctuary and it should be investigated through a judicial enquiry under the monitoring of the National Green Tribunal.

Therefore I would like to place our prayer-

- I) That the Joint Committee Report in compliance to Hon'ble NGT, Principal Bench, order dated 27-08-2024 in the matter of O.A. 808/2024 have clearly reported (3.0 Overall Observations of the Committee, point no. 7, page no. 9) that "The committee had also observed few Brick Kilns as well as other establishments like resorts, hotels etc. within proposed ESZ of Pobitora WLS". (Annexure XI). The Joint Committee recommended that the Deputy Commissioner, Morigaon(Assam) shall take necessary decision on the establishment of M/S BBA Bricks(wheras other 2 Brick kilns found within the proposed ESZ were recommended to be shifted outside the proposed ESZ of Pobitora). The DFO, Guwahati WL division again and again informed the DC, Morigaon about the status of the ESZ.(Annexure XII). But, contrary to the findings, observations and recommendations of the committee, DC, Morigaon has permitted to run the proposed BBA Brick kiln (Proprietor- Dilip Chetry) within the proposed ESZ of Pobitora WL Sanctuary . Therefore, DC, Morigaon should be directed to cancel the permission issued to the proposed BBA Brick kiln (Proprietor- Dilip Chetry) within the Eco Sensitive Zone and animal movement corridor of Pobitora.
- II) That the DC, Morigaon completely neglected and ignored his constitutional liability to protect the biodiversity of this important wildlife habitat of the nation. Collection of revenue from Pollution causing industries got priority at the cost of the safety and security of the wildlife of Pobitora. The rate of clash between wildlife and

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human is rapidly increasing in the area as several people got injury and killed by Rhinos and Buffaloes of Pobitora. The DFO, Guwahati WL Division had reported to the DC, Morigaon in clear terms that the proposed BBA Brick kiln comes under the proposed ESZ of Pobitora WL Sanctuary and Brick kilns comes under the prohibited category of activities within Eco Sensitive Zone. (Annexure XIII). Despite of such clear reports already communicated with his office, the present DC, Morigaon never consulted the matter with the Pobitora Management Authority (Range Officer of Pobitora WL Sanctuary or the concerned DFO of Guwahati Wild Life Division, Assam) before issuing his permission. Therefore, accountability should be fixed upon the Deputy Commissioner, Morigaon for ignoring the interest of Pobitora WL Sanctuary and to provide advantage to the industrial lobby at cost of the wildlife of the sanctuary. Hence, I request the honourable tribunal to take appropriate action upon the Deputy Commissioner, Morigaon for his negligence towards the wildlife of Pobitora WL Sanctuary.

- III) That the Joint Committee report dated 04/11/2024 have detected 2 other Brick kilns within the proposed Eco Sensitive Zone of Pobitora and recommended that they should be shifted out from the present location. Therefore, this recommendation of the committee should be implemented by the Deputy Commissioner, Kamrup(M), Assam.
- IV) That the DC, Morigaon and Kamrup(M) should be directed not to allow any pollution causing industry in the intermediate space between the 2 blocks of Pobitora WL Sanctuary or in the proposed Eco Sensitive zone of the sanctuary. Before, consideration of any kind of Pollution causing industrial activity permission from the Pobitora Wildlife sanctuary management Authority should be made a mandatory requirement or such proposals should be referred to the National Board of Wildlife.
- V) That the officials of Pollution control Board, Assam should be made accountable for intentionally ignoring the interest of Pobitora WL Sanctuary. The fact that the proposed BBA Bricks is proposed amidst of the 2 blocks Pobitora and within the proposed ESZ of the sanctuary was informed to the Pollution Control Board, Assam several times. (Copy already enclosed in Annexure X) Inspection report prepared by their own official Ujjal Kr. Sharma, Asstt Engineer(H.O.) clearly mentioned that the site falls within the proposed ESZ of Pobitora and it will harm the animal life. (Copy enclosed as Annexure XIV) Despite that PCBA issued consent to the brick kiln by

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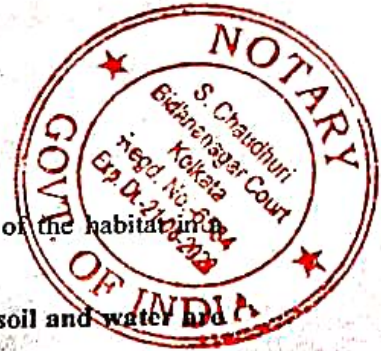


sacrificing the interest of the wildlife of the region. Therefore, appropriate action should be imposed upon those board officials for their negligence and irregularities.

VI) That the PCCF, HoFF, Govt. Of Assam and PCCF(WL) and Chief Wildlife Warden, Assam, D.F.O., Guwahati wildlife Division should be directed play proactive role to preserve the bio-diversity of Pobitora WL Sanctuary from Industrial pollution. They should be instructed to maintain coordination with the DC, Morigaon, Kamrup(M) and Pollution Control Board, Assam in this regard.

VII) That the State Govt., Assam and Govt. of Assam should be directed to expedite the process of notifying the Eco Sensitive Zone of Pobitora including the intermediate space between the 2 blocks and in the outer-space of the Pobitora WL Sanctuary. The proposal for Declaration of ESZ submitted by DFO, Guwahati WL Division(S.K. Seal Sarma, AFS) vide his Letter No A/GWL/106/ECZ/35 dated 18/01/2012 clearly mentioned about the extent of the proposed ESZ as, "The Pobitora Wildlife Sanctuary is famous for One Horned Rhino(*Rhinoceros Unicornis*). Besides this park harbors 46 species of resident and 20 species of biome restricted avian fauna excluding nos of birds 16 species of aquatic plants, 41 species of fish and 8 species of frogs are also sharing habitat.

Under the above circumstances, it is highly essential to notify an area of 1000m (1km) all around the outer boundary of Pobitora Wildlife Sanctuary as an Eco-Sensitive Zone for better environmental safeguard of the life forms in the park. As already mentioned the Rajamayong(hill) RF and Pobitora RF and are not contiguous patches. The inter space between the aforesaid RF are yet to be handed over to the PA authority, however the area to be considered as part of the sanctuary to provide seasonal migration route between the areas where animals physically cross from one part to other. The distance between Pobitora RF and Mayong RF is nearly 3 km, so the inter space brought under Eco-sensitive zone. Where in other areas it is kept 1 km away from the outer boundary of the notified sanctuary."(Annexure XV) Moreover, the Chief Secretary, Govt. Of Assam should be directed to circulate the message to the common masses that ESZ are not meant to hamper their daily activities, instead meant to protect the valuable forests/wildlife/sanctuary's in their locality from any negative impact, and to refine the environment around the protected area. The government should ensure the local residents/public that their legal rights will not be hampered



under any circumstances. It will help to protect the biodiversity of the habitat in a friendly way.

VIII) That the Joint Committee recommended that, "Considering soil and water are the basic ingredients for brick manufacturing and large scale extraction of both these resources in long term may have adverse impacts on environment. Thus, it may be regulated in accordance with the Mines and Minerals (Development and Regulation) Act, 1957 by state Government". Therefore, request the tribunal to give necessary direction to prohibit commercial extraction and cutting of earth for brick industry within the proposed ESZ of Pobitora.

IX) That directions should be issued to the Pollution Control Board, Assam, DC, Morigaon and PCCF(WL) to conduct awareness campaigns among the local people to the prevailing issues like Wildlife Habitat, Impacts of Air Pollution, Eco Sensitive Zone, Eco Fragile Zone etc.

[Handwritten Signature]
ATTESTED
S. CHAUDHURI
★ NOTARY ★
GOVT OF INDIA
Regd No -6584/03
Bidhanagar Court
Dist -North 24 Pgs

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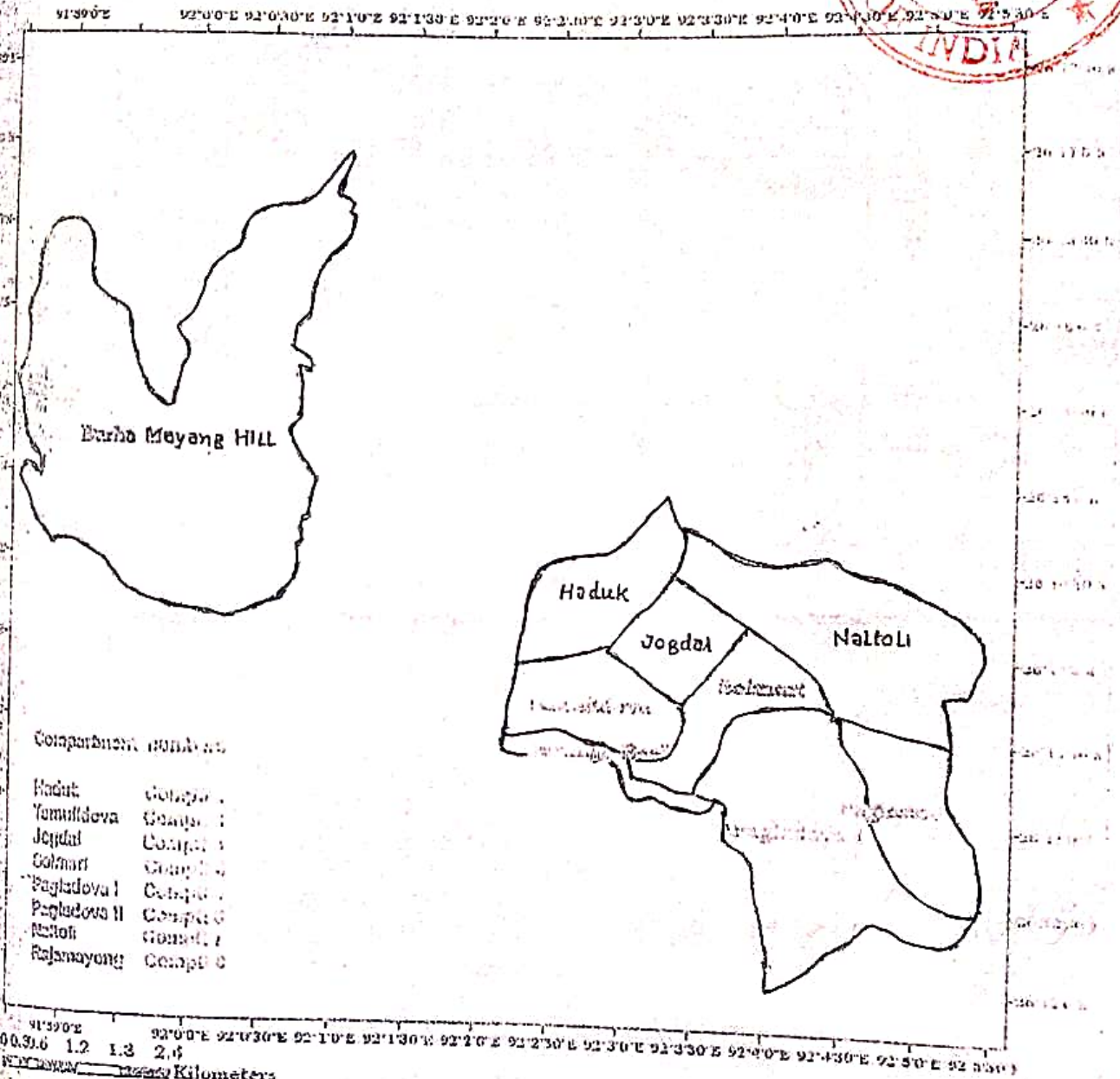
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MANOJ BASU
Advocate
Enrolment No.-F-247/2006
Bidhan Nagar Court
Kolkata-700091

Annexure - I



Block Map of Pabitora Wildlife Sanctuary





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Annexure-IX

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Annexure - II

GOVT. OF ASSAM
OFFICE OF THE RANGE OFFICER::: POBITORA WILDLIFE RANGE
MAYONG, MORIGAON

Memo No.P/20/2013/ 152-53

Date: Mayong the 29th May 2013

From- Ashok Kr. Das, AFS
Forest Range Officer
Pobitora Wildlife Range
Mayong, Morigaon

To,
The Divisional Forest Officer,
Guwahati Wildlife Division.
Shantipur, Guwahati-9.



Sub:- Regarding setting up of a brick kiln adjacent to the Pobitora Wildlife Sanctuary .

Ref:- Your letter no.B/GWL/149/896 Dt.30/4/2013 and letter no. Nil, Dt. 25.4.2013 received from SATIVETI NAVA MILLAN SANGHA AND PUTHIBHARAL, Signed by Kamaljyoti Saikia and Utpal Saikia.(copy enclosed)

Sir,

With reference to the above I would like to inform you that on the basis of the letter dated 25.04.2013 quoted under reference, I have caused a field enquiry of the site of the brick kiln at Sativeti area on 1.05.2013. That sir, the kiln authority has set up a complex of their own by constructing the CHULA and labour huts etc. as I have observed during my field visit. The spot of the kiln is found to be surrounded by paddy field of the nearby villagers and it is about 500 meters away from the boundary of the Rajamayong hill point of Pobitora Wildlife Sanctuary. Hence, the site falls within the proposed eco-sensitive zone of the Protected Area. Moreover, I could see some water bodies there in the nearby area of the kiln, where migratory and indigenous birds might be seen in the season. In the context, I would like to draw your attention that, the area of the site is very much on the corridor of the straying rhinos which strays towards the hill side during the flood time. Setting up such brick kiln in that area must obstruct its regular corridor and may cause other complexity also. That sir, this letter may be treated as the reply to your letter under reference also.

As such, your honour is requested to take up necessary steps against such activities for the interest of the conservation of the wildlife.

This is for favor of your kind information and necessary action.

Encl: As stated above.

(Ashok Kr. Das.AFS)

Copy to Kamaljyoti Saikia and Utpal Saikia, SATIVETI NAVA MILLAN SANGHA AND PUTHIBHARAL, Sativeti, Rajamayong for their information.

(Ashok Kr. Das.AFS)



**GUIDELINES FOR DECLARATION OF
ECO-SENSITIVE ZONES AROUND
NATIONAL PARKS AND WILDLIFE
SANCTUARIES**





HISTORY

The XXI meeting of the Indian Board for Wildlife held on 21st January 2002, wherein a 'Wildlife Conservation Strategy-2002' adopted i.e., "lands falling within 10 Kms of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones.

The Additional Director General of Forests (WL), vide letter dated 6th February 2002, had requested all the Chief Wildlife Wardens for listing out such areas.

The National Board for Wildlife in its 2nd meeting held on 17th March 2005 where it was decided that the 'delineation of eco-sensitive zones would have to be site specific and relate to regulation, rather than prohibition, of specific activities', which was communicated to all states.



HON'BLE SUPREME COURT'S DECISION

- **A Public Interest Litigation was filed by the Goa Foundation vide their Writ Petition No. 460/2004 before the Hon'ble Supreme Court regarding the issue of declaration of eco-sensitive zones.**
- **Vide order dated 4th December 2006, Hon'ble Supreme Court had directed the Ministry of Environment & Forests to give a final opportunity to all States/Union territories to respond to the letter dated 27.5.2005 and that the State Governments send their proposals within four weeks, to the Ministry. It was also directed that all cases where environmental clearances were granted where activities are within 10 Kms zone, be referred to Standing Committee of NBWL.**



PRESENT POLICY

The National Wildlife Action Plan (NWAP) 2002-2016 indicates that "Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity which will not survive in the long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere."

The Action Plan also indicates that "All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986."



PURPOSE FOR DECLARING ECO-SENSITIVE ZONES

- Eco-sensitive Zones around National Parks and Sanctuaries is to create some kind of "Shock Absorber" for the Protected Areas.
- Act as a transition zone from areas of high protection to areas involving lesser protection.
- Eco-sensitive zones would be of a regulatory nature rather than prohibitive nature, unless and otherwise so required.



EXTENT OF ECO-SENSITIVE ZONES

- Eco-sensitive zones around Protected Areas will have to be kept flexible and Protected Area specific.
- The width of the Eco-sensitive Zone and type of regulations will differ from Protected Area to Protected Area.
- In general the width of the Eco-sensitive Zone could go up to 10 Kms around a Protected Area (or beyond 10 Kms, where sensitive corridors) are present as provided in the Wildlife Conservation Strategy-2002.
- The distribution of an area of Eco-sensitive Zone and the extent of regulation may not be uniform all around and it could be of variable width and extent.



THE PROCEDURE TO BE ADOPTED

- Prepare an inventory of the different land use patterns and the different types of activities, types and number of industries operating around each of the Protected Area (National Parks, Sanctuaries) as well as important Corridors be made with the help of range officers. (Thus providing the status of Land use pattern, Industrial activities, Mining activity, Transport corridors, Human Settlements etc.

- A small committee comprising the concerned District Collector, Wildlife Warden, Technical experts, an Ecologist, Civil Societies, Panchyat members/MLA and an official of the Revenue Department of the concerned area, could be formed.



SUGGESTIONS TO BE MADE BY THE COMMITTEE

- *Extent of eco-sensitive zones for the Protected Area being considered.*
- *The requirement of such a zone to act as a shock absorber*
- *To suggest the best methods for management of the eco-sensitive zones, so suggested.*
- *To suggest broad based thematic activities to be included in the Master Plan for the region.*



IDENTIFICATION OF ACTIVITIES

Based on the recommendations of the committee, the Chief Wildlife Warden could group the activities under the following categories :-

- *Prohibited*
- *Restricted with safeguards.*
- *Permissible*



PROCEDURE FOR FINALISATION OF ESZ

- Once the proposal for Eco-sensitive zones has been finalized, the same may be forwarded to the Ministry of Environment and Forests for further processing and notification. Here, it may be noted that, the State/Union Territory Forest Department could forward the proposals to the respective authority in the State Government with copy to the Ministry of Environment and Forests, as and when the proposals (even if it is for single Protected Area) are complete.

- In cases where the boundary of a Protected Area abuts the boundary of another State/Union Territory where it does not form part of any Protected Area, it shall be the endeavour of both the State/Union Territory Governments to have a mutual consultation and decide upon the width of the eco-sensitive zone around the Protected Area in question



PURPOSE OF ESZ

- ■ Maintenance of habitat continuity through corridors or stepping stones
- ■ Maintenance of other types of biodiversity friendly habitats such as organic agriculture
- Prevention of air, water, noise pollution
- Provision of biomass resources for livelihood needs of people
- Provisions of water for livelihood needs of people



PROPOSALS RECEIVED IN MINISTRY OF ENVIRONMENT AND FORESTS

The following no of proposals are received in the Ministry:

1. Sikkim – 6 (Barsey Rhododendron WLS, Fambonglho WLS, Maenam WLS, Pangolakha WLS and Khangchendzonga NP)
2. Karnataka - 3 (Ranganathittu BS, Arabithittu and Melukote WLS of Mysore WLS)
3. Mizoram – 2 (Murlen National Park and Pualreng WLS)
4. Goa – 6 (Netravali WLS, Mhadei WLS, Bhagwan WLS, Cotigao WLS, Bondla WLS and Dr Salim Ali Birds Sanctuary)
5. Gujarat – 2 (Shoolpaneshwar WLS and Purna WLS)



CONCLUDING REMARK

The State Government should endeavor to convey a very strong message to the public that ESZ are not meant to hamper their day to day activities, but instead, is meant to protect the precious forests/Protected Areas in their locality from any negative impact, and also to refine the environment around the Protected Areas.

- These guidelines are indicative in nature and the State / Union Territory Governments may use these as basic framework to develop specific guidelines applicable in the context of their National Parks, Wildlife Sanctuaries, important corridors, etc. with a view to minimizing and preferably eliminating any negative impact on protected areas

F. No 1-27/2014-WL
 Government of India
 Ministry of Environment, Forests and Climate Change
 (Wildlife Division)

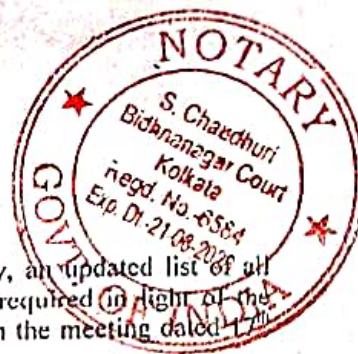
Annexure
 NOTARY
 S. Chaudhuri
 Bidanagar Court
 Kolkata
 No. No. 6584
 Exp. Dt. 21-08-2028
 Indira Paryavaran Bhawan
 Jorhat Road
 New Delhi-110005
 Dated 25 September, 2014

OFFICE MEMORANDUM

Subject: - Guidelines for declaration of Eco-Sensitive Zones around National Parks and Sanctuaries –further clarification reg.

The policy of notification of Eco-Sensitive Zone (ESZ) around National Parks and Wildlife Sanctuaries has been pursued in accordance with the recommendations of the National Board for Wild Life in its meeting held on 17th March 2005. It has been observed that the proposals received from the states require some alignment with the spirit of the recommendations, often resulting in protracted deliberations and correspondence.

2. For further clarity, a copy of the relevant portion of the National Wildlife Action Plan 2002-2016 is enclosed at Annexure-I, which indicates the scope of ESZ with reference to a Protected Area. This has also been quoted in the guidelines dated 9th February 2011 issued from this Ministry. A copy of the recommendations of NBWL, along with the proposal of Ministry of Environment, Forests and Climate Change given in the agenda note for the meeting, which describes the justification and criteria to be used for identification of the areas for ESZ proposals, is also enclosed at Annexure-II.
3. It needs to be appreciated that as the notification is to be issued by the MoEF&CC based on the concurrence of the State Governments, the basis of identification of an area for declaration as ESZ should be available in the proposal apart from the activities to be regulated/ prohibited and mechanism for enforcement of the regulatory decisions.
4. As the basis of identification is primarily conservation of specific habitats/ corridors extending beyond the Protected Areas, role of the Wildlife Warden of the respective Protected Area in the proposed governance mechanism should also be provided so that appropriate technical decision support is available to the regulatory body from the wildlife warden of the related Protected Areas.
5. Proposal for notification of the powers, if any required to be conferred to the forest administration for enforcement of the regulations and for booking cases for violation of the provisions of the notification, may be included.
6. The guidelines issued from this Ministry vide F No. 1-9/2007 WL-1 (pt) dated 9th February 2011 stand modified to this extent.
7. States are, accordingly, advised to ensure that the proposals of ESZ around Protected Areas are in accordance with the NBWL decision dated 17th March, 2005 and submit to MoEF&CC with all the required documents as communicated from time to time to avoid prolonged correspondence.



8. States are also requested to communicate to this Ministry, an updated list of all PAs, along with the PAs for which no or ZERO ESZ will be required in light of the prescriptions of NWAP 2002 and the criteria agreed by NBWL in the meeting dated 17th March, 2005.

9. Meanwhile, the proposals already received in the Ministry from the State Governments are being processed for notification. Changes, if any in the proposals already processed in MoEF&CC, if not sent prior to the publication of the draft notification, can be proposed for consideration at preliminary notification stage as per time limit prescribed in the draft notification so that the same can be considered by the Expert Committee and incorporated in the final notification on merit.

M. L. Srivastava

(M.L. Srivastava,
Deputy Inspector General of Forests (WL.)
Tele:- 011-2469 5355

Enclosures: Annexure-I & II

1. The Principal Secretary, Environment & Forests Department, All States/UT Govt.
2. The Principal Chief Conservator of Forests, All States/UT Govt.
3. The Chief Wildlife Warden, All States/UT Govt.
4. NIC cell for uploading on web site of MoEF&CC.



**National Wildlife Action Plan
(2002-2016)**



THE SURVIVAL OF MAN DEPENDS ON THE SURVIVAL OF ANIMAL AND PLANT LIFE

Ministry of Environment and Forests, Government of India

(6)



ATION OF WILD AND ENDANGERED SPECIES AND THEIR HABITATS

The aim of the NWA^P is to conserve *in situ* all taxa of flora and fauna along with the full range of ecosystems they inhabit. The ecological requirements for the survival of threatened, rare and endangered species, together with their community associations of flora and fauna, must be ensured.

The isolation of animal species due to fragmentation of habitats reduces relict populations to unviable levels, leading to local extinction. For highly endangered species like the Great Indian Bustard, Bengal Florican, Asiatic Lion, Wild Buffalo, Dugong, the Manipur Brow Antlered Deer and the like, alternative homes are imperative. Where *in situ* conservation efforts are unlikely to succeed, *ex situ* captive breeding and rehabilitation measures may be necessary, in tandem with the preparation of their wild habitats to receive back captive populations, specially in respect of lesser-known species where status and distribution of wild animals are not fully known.

Alteration of genetic purity of certain wild species through inbreeding with domesticated, feral counterparts is yet another grave impending threat, seriously jeopardising genetic purity of species like the Wild Buffalo, Wild Pig and Jungle Fowl. It must be ensured that natural phenomena involving *inter alia* pollination, breeding, feeding, movements and migrations are not hampered but assisted.

1. To identify all endangered species of flora and fauna, study their needs and survey their environs and habitats to establish the current level of security and the nature of threats. Conduct periodic reviews of flora and fauna species status, and correlate the same with the IUCN Red Data List every three years.

2. Invest special care and resources to protect habitats that harbour highly endangered species especially those having single population and a high degree of endemism.

3. Initiate action to prevent the "genetic swamping" of wild species.

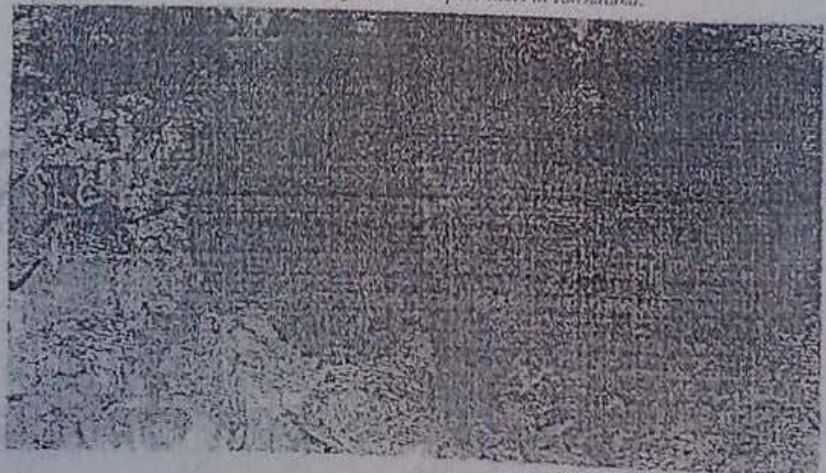
4. To undertake a programme of *ex situ* captive breeding and rehabilitation in the wild for critically endangered species in accordance with IUCN guidelines, after developing requisite techniques and capabilities in this regard.

5. To publish flora and fauna species status papers periodically, which should be translated into local languages.

6. To declare identified areas around Protected Areas and corridors as ecologically fragile under the Environment (Protection) Act, 1986 wherever necessary.

7. To initiate a time bound plan to identify and establish source reserves of all endangered species covering all groups of rare and threatened species of

The Wroughton's fire tailed bat survives only in the Barapada caves in Karnataka.





flora and fauna. Provide protection to the environs and habitats of all threatened species of flora and fauna under PAs.
Timing: To start in 2002 and complete by the year 2009.
Responsibility: MoEF and Scientific Institutions.

1.2 Identify for each threatened species the key threats to survival and develop an action plan to deal with the problems. Due priority to be given to conservation of less charismatic species of both flora and fauna, especially about which little information exists.
Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments, IIT, Scientific Institutions and NGOs.
1.3 Review and update flora and fauna species status every three years to correlate with the IUCN Red Data List.

Timing: To start in 2002 and ongoing.
Responsibility: MoEF, ZSI and BSI.

2.1 Creation of a new Centrally Sponsored Scheme for assisting the State Governments in protection of wildlife and its habitat outside Protected Areas.

Timing: To start in 2002 and ongoing.
Responsibility: MoEF, State Governments and NGOs.

2.2 Identify suitable alternative homes for single isolated populations of species such as Jerdon's Courser, Asiatic Lion, Manipur Deer, Wroughton's Free Tailed Bat and the like, and manage the same as Protected Areas effectively.

Timing: To start in 2002 and ongoing.
Responsibility: MoEF, State Governments, Scientific Institutions and NGOs.

2.3 Special schemes for the welfare of local people outside PAs to be taken up on priority basis where critically endangered species are found. These Centrally Sponsored Schemes will be for helping the local people to get better access to health, education and alternate ways to meet their everyday livelihood needs.

Timing: To start in 2002 and ongoing.
Responsibility: MoEF, State Governments and NGOs.

3.1 Take immediate steps for preventing the entry of domestic and feral species that may lead to genetic swamping. Safeguards have to be taken to prevent wild populations of such species from straying out of their habitats.

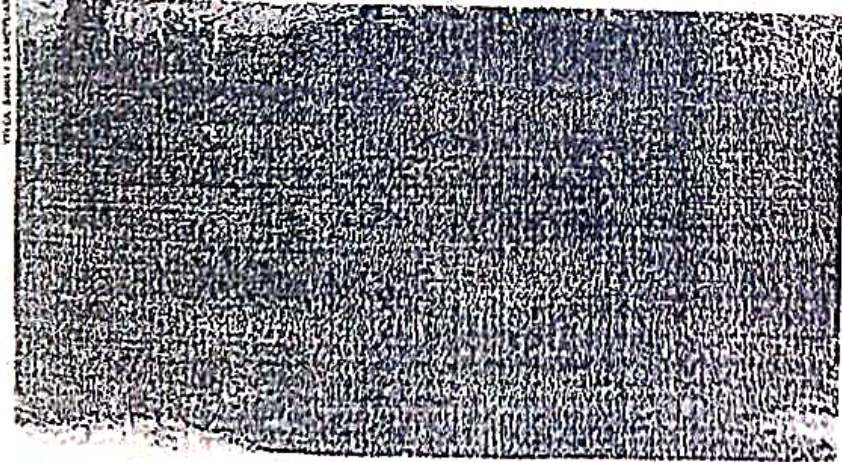
Timing: To start in 2003 and ongoing.
Responsibility: MoEF, State Governments and NGOs.

3.2 Genetically pure populations to be safeguarded from future genetic contamination and where genetic swamping has occurred, to phase out such swamping.

Timing: To start in 2002 and ongoing.
Responsibility: MoEF and scientific institutions.

3.3 Take preventive action against the introduction of related species which may cause interbreeding among taxa.

Finding an alternative home for the Asiatic lion is vital for its survival.





and hybridisation. Further introductions of floral and faunal species exotic to the locality must not be permitted in Protected Areas, nor in areas from where they are likely to invade protected areas.

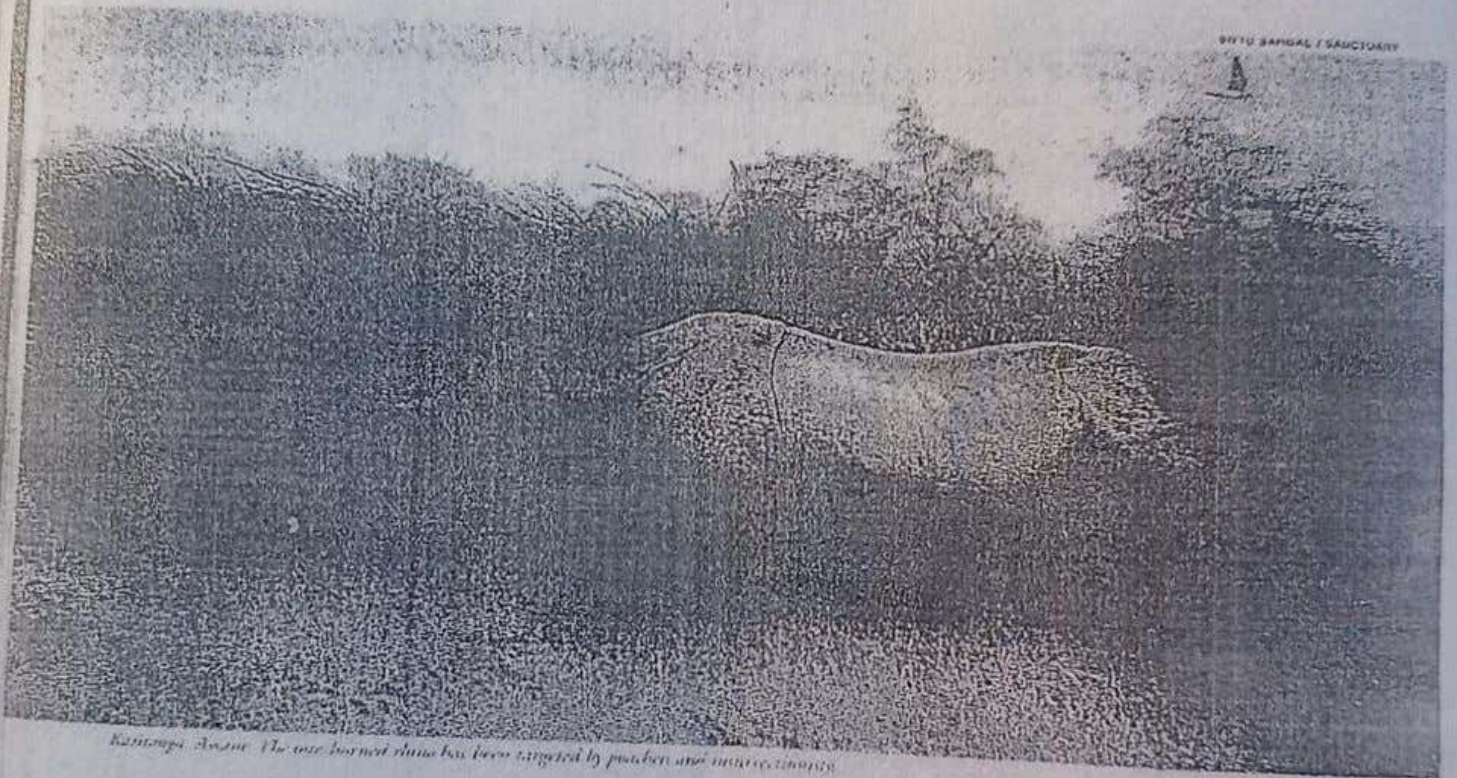
Timing: To start in 2003 and ongoing.

Responsibility: MoEF, State Governments, Scientific Institutions and NGOs.

4.1 Develop capabilities for planned breeding and reintroduction of captive bred populations of identified endangered species in accordance with IUCN guidelines.

Timing: To start in 2003 and ongoing.

Responsibility: CZA, State Governments and Scientific Institutions.



Kamrupa Assam: The air-borne rhino has been targeted by poachers and hunters.

4.2 Develop the technical expertise for capture, translocation, rehabilitation of species at 10 selected sites.

Timing: To start in 2002 and complete by the year 2007

Responsibility: WWF, State Governments and Scientific Institutions.

5.1 Publications of species status papers periodically covering all rare, endangered and vulnerable species of flora and fauna. Translation of these papers in relevant local languages will also be done.

Timing: To start in 2002 and ongoing.

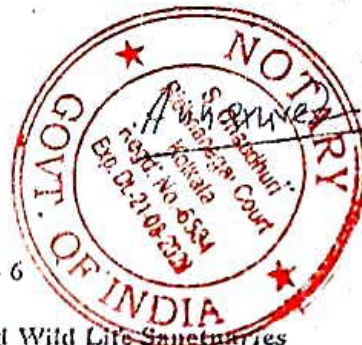
Responsibility: MoEF, BSI, ZSI and Scientific Institutions.

5.2 All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986.

Timing: To complete by the year 2005.

Responsibility: MoEF.

For State Government, India



AGENDA ITEM NO - 6

Eco-Fragile/ Eco-Sensitive Zones around National Parks and Wild Life Sanctuaries..

BACKGROUND:

→ The National Wild Life Action Plan (2002-2016) was adopted by the Indian Board for Wild Life in its XXIst meeting held on 21st January 2004. The Plan inter-alia requires identification of ecologically fragile areas and Wild life corridors around Protected Areas and their notification as Eco-fragile zones under the Environment (Protection) Act, 1986. The Wild Life Conservation Strategy-2002, adopted during the same meeting further stipulates that "Lands falling within 10 Km of the boundaries of National Parks and sanctuaries should be notified as eco-fragile zones under section 3 (v) of the Environment (Protection) Act and Rule 5 Sub-rule 5 (viii) & (x) of the Environment (Protection) Rules."

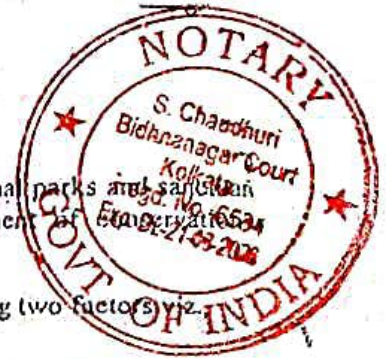
The Member-Secretary of the IBWL thereafter requested the State Governments to list out such areas and furnish detailed proposals for their notification as Eco-sensitive areas under the Environment (Protection) Act, 1986. However, many States/Departments raised concern over the 10 Kms range limits stating that:

1. In Himalayan states, most of the human habitations and other areas would come under the purview of eco-sensitive zone and will adversely affect the development.
2. The Highway development project of the Ministry of Transport would be severely hampered.
3. The eco-sensitive zones in the state of Rajasthan should be notified within a range of 0-10 Kms depending upon the requirements and practical implementability, as the uniform application of 10 Kms would hit the number of existing towns including Jaipur, Bharatpur, Sawai Madhopur, Kota, Udaipur, etc.
4. The Chief Minister of Goa requested for dispensing with the limit of 10 Kms in view of the fact that such a decision might impede the socio-economic development in the State.

Two court cases have been filed before in the states of Goa and Maharashtra against the State Governments for not notifying the 10 Kms areas as eco-fragile zones under the Environment (Protection) Act, 1986

MINISTRY'S COMMENTS

The very fact, that ministry has notified a number of Ecologically Sensitive Areas in the country and a high level committee has been set up for this purpose, reflects the deep and abiding concern of the Government for environmental conservation. India has been a pioneer in the area of integrating the needs of development and the commitment to environment protection. Considering the fact that sustainable development has been a key feature of the development strategy of the nation, a balance has to be struck between the protection of ecologically sensitive areas and the needs of local, regional and national development. It is, therefore, important that only elements of critical ecological importance that do not unduly impinge on the process of development and efforts at eradication of poverty are taken into account to avoid excessive rigid interpretation leading to enhanced conflict between wild life authorities and the



local communities. It is equally important to consider that the areas around national parks and sanctuaries notified as ESA do not become a subject matter of litigation to the detriment of biodiversity.

The term Ecological Sensitivity or Fragility should take into account the following two factors:-

- 1 Permanent and irreparable loss of extant life forms; and / or
- 2 Significant damage to ecological processes affecting natural evolution or speciation,

The essence of the above interpretation is that the loss of biodiversity needs to be measured not only in terms of existing stock, but also in terms of potential that must be conserved for posterity. This responsibility has to be shared by all sections of society. However, the nuances of ecological sensitivity are such that excessive rigidity on this count could defeat the very purpose of striking the balance between preservation of our ecological endowments and the needs of development.

In view of the above explanation it will be appropriate for all state governments to identify the ESA around NP and Sanctuaries based on one or a combination of following parameters

- 1 Complete protection to the endemic species in its entire range
- 2 Development process not to reduce, damage or destroy the habitat of critically endangered, endangered or any other threatened species
- 3 Protection to biological corridors.
- 4 Protection to highly complex and diversified ecosystems susceptible to irreversible damage like coral reefs, mangroves etc.
- 5 Sites associated with reproductive, breeding or nurturing behavior of rare and threatened species.
- 6 Existence of Pristine forests
- 7 Steep slopes (more than 60°)

The state governments may identify such areas and send the report in six months time.

THE NATIONAL BOARD FOR WILDLIFE MAY CONSIDER THE PROPOSAL FOR IDENTIFICATION OF ECO-SENSITIVE AREAS AROUND NATIONAL PARKS/WILDLIFE SANCTUARIES ON THE BASIS OF THE PARAMETERS MENTIONED ABOVE AND DIRECT THE STATES TO SUBMIT THE REPORT TO CENTRAL GOVERNMENT IN SIX MONTHS



Summary Record of the Second Meeting of the 'National Board for Wildlife' chaired by the Hon'ble Prime Minister of India, held on 17th March 2005 at 1700 hours at 7, Race Course Road, New Delhi.

The list of participants is at *Annexure I*.

Thiru A.Raja, Hon'ble Minister of Environment and Forests in his welcome address mentioned that presence of wildlife was an accurate index of the overall health of the ecosystem. He also stressed the fact that India has 17% of the global human population and 18% of the livestock, all of which are supported by only 2% of the global forests. The need of the hour is to have a convergence of conservation measures and human needs and aspirations.

The following items were discussed:

Agenda Item No. 1

The report of the Director, Wildlife Preservation, and Member Secretary, NBWL was presented to the members. The report is at *Annexure II*.

Agenda Item 2: Action Taken Report on the recommendations of the first meeting of NBWL

i) Agenda 2: Constitution of Standing Committee

The Standing Committee of NBWL had been constituted vide MoEF Notification No. 6-1/2003 WL-I dt 4.11.03 (*Annexure III*). The next meeting of the Standing Committee is scheduled to be held on 6th April 2005.

ii) Agenda 3: Establishment of 'CITES Cell' in India

A revised constitution of a 'National Wildlife Crime Bureau' has been proposed under Agenda item 14 of this Meeting.

iii) Agenda 4: Task Force on Natural Heritage Sites

A 'Task Force' has been constituted. Six new world heritage sites have been identified in addition to the existing five in the country. The report of the Task Force is enclosed at *Annexure IV*.

(26)

Annexure - V

IN THE SUPREME COURT OF INDIA
 WRIT PETITION NO.460/2004
 GOA FOUNDATION V/S UNION OF INDIA
 ORDER DATED 4.12.2006



UPON hearing counsel the Court made the following

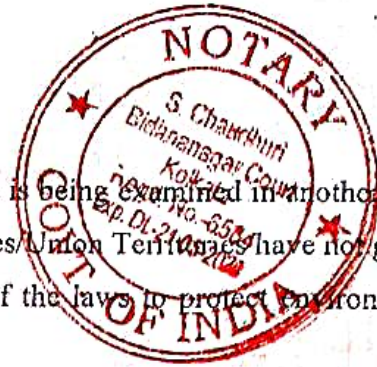
ORDER

The order dated 16th October, 2006 refers to a letter dated 27th May, 2005 which was addressed by the Ministry of Environment and Forests (MoEF) to the Chief Wildlife Wardens of all States/Union Territories requiring them to initiate measures for identification of suitable areas and submit detailed proposals at the earliest. The order passed on that date was that MoEF shall file an affidavit stating whether the proposals received pursuant to the letter of 27th May, 2005 have been referred to the Standing Committee of National Board for Wildlife under the Wild Life (Protection) Act, 1972 or not. It was further directed that such of the States/Union Territories who have not responded to the letter dated 27th May, 2005 shall do the needful within four weeks of the communication of the directions of this Court by the Ministry to them.

It seems that despite the letter dated 27th May, 2005 and despite the Ministry having issued reminders and also bringing to the notice of the States/Union Territories the orders of this Court dated 16th October, 2006, the States/Union Territories have not responded. However, we are told that the State of Goa alone has sent the proposal but that too does not appear to be in full conformity with what was sought for in the letter dated 27th May, 2005.

The order earlier passed on 30th January, 2006 refers to the decision which was taken on 21st January, 2002 to notify the areas within 10 km. of the boundaries of national parks and sanctuaries as eco-sensitive areas. The letter dated 27th May, 2005 is a departure from the decision of 21st January, 2002. For the present, in this case, we are

not considering the correctness of this departure. That is being examined in another case separately. Be that as it may, it is evident that the States/Union Territories have not given the importance that is required to be given to most of the laws to protect environment made after Rio Declaration, 1972.



The Ministry is directed to give a final opportunity to all States/Union Territories to respond to its letter dated 27th May, 2005. The State of Goa also is permitted to give appropriate proposal in addition to what is said to have already been sent to the Central Government. The communication sent to the States/Union Territories shall make it clear that if the proposals are not sent even now within a period of four weeks of receipt of the communication from the Ministry, this Court may have to consider passing orders for implementation of the decision that was taken on 21st January, 2002, namely, notification of the areas within 10 km. of the boundaries of the sanctuaries and national parks as eco-sensitive areas with a view to conserve the forest, wildlife and environment, and having regard to the precautionary principles. If the States/Union Territories now fail to respond, they would do so at their own risk and peril:

The MoEF would also refer to the Standing Committee of the National Board for Wildlife, under Sections 5 (b) and 5 (c) (ii) of the Wild Life (Protection) Act, the cases where environment clearance has already been granted where activities are within 10 km. zone.

List the matter after eight weeks:

(N. Annapurna) 5/12/06

Court Master.

(V.P. Tyagi) 5/12/06

Asstt. Registrar.

FORM-A

ANNEXURE - E

To,
The Public Information Officer, Pollution Control Board, Assam.

1. Name of the Applicant : Utpal Saitia.
2. Address : Vill- Sativeti P.B. - Mayong P.O. - Rajamaryong
Pin- 782411 Dist- Morigaon (Assam)
3. Telephone No. : 98595 0549
4. E-mail Address : ussai@iaglobe@gmail.com.
5. Particulars of Information : Information regarding proposed
M/s Phawani Bricks (B.B.A) and A.B.B Bricks.
Concerned Department : Pollution Control Board Assam.

(b) Particulars of Information required : Information Related to A.B.B.
Bricks (Mayong, Morigaon, Assam)

(iv) Details of Information required : Whether 'CTE' OR 'CTO' was
granted to the ABB Bricks.

(v) Period for which Information required : 2004-05 ; 2005-06.

(vi) Other Details : A.B.B. Bricks (Proprietor- Dilip Majumdar)

In Bengmari KISSAM, Revenue Circle- Mayong,
Morigaon.

6. I state that the Information sought does not fall within the restrictions contained in
Section 4 of the Act and to the best of my knowledge it pertains to your office.

7. A fee of Rs. 10/- has been deposited in your office vide No.
dated

Place: Guwahati.

Date: 5/4/2013.

Utpal Saitia.

Signature of the Applicant

Consisted to be trace copy
M.M. Dutta
Adj. Secy

INFORMATION REQUIRED:

Q. NO. 1. In the session 2004-05 Mr Dilip Majumdar (proprietor ABB Bricks), had tried to establish a Brick industry(A.B.B. Bricks) in the Sengmarikissam Vill-Sativeti, Revenue Circle- Mayong, Dist- Morigaon(Assam) amidst of agricultural land . Whether, Mr. Dilip Majumdar had obtained the 'CONSENT TO ESTABLISH' and 'CONSENT TO OPERATION' from the Pollution Control Board Assam. If any inspection was made in this regard supply a copy of that inspection report.

Q. NO. 2. Mr. Dilip Majumdar had used a moving iron chimney in his A.B.B. Brick industry as he had not constructed any fixed chimney. That act of using a moving iron chimney was legal or illegal. What are the present guidelines of PCBA regarding use of moving iron chimneys in Brick Industries? It is legal or illegal.

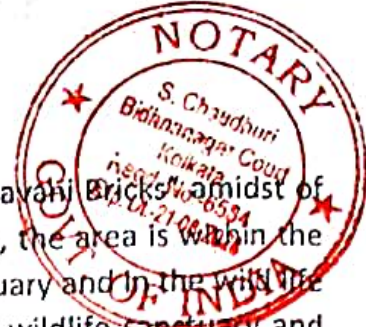
Q. NO. 3. Whether any person can establish a brick industry in Assam without obtaining the "Consent to establish" or "consent to operation" from the PCBA. If someone commits that wrong, it is illegal or not. What are the legal remedies that can be adopted by the PCBA to resist such illegal activities? If Dilip Majumdar had started the brick industry without obtaining the "consent to operation" from the PCBA, his activity was illegal or not.

Q. no. 4. As Dilip Majumdar (A.B.B. Bricks) failed to run the industry due to the opposition of the local people, he sold it to another businessman Mr Dilip Chetry (B.B.A. Bricks) after a few years lapse. If the activities of Dilip Majumdar were illegal from the very beginning, how he can sell his illegal industry to one another businessman i.e. Dilip Chetry. Whether, PCBA will investigate the matter or not.

Q. no. 5. If a particular industry is going to violate the fundamental right to live in a pollution free environment as guaranteed under Article 21 of the Indian constitution, and the local people has objections regarding that industry, the board can withdraw its 'CONSENT TO ESTABLISH' or not.

Q. NO. 6. Under what circumstances the pollution control board can withdraw its "consent to establish" granted to a particular brick industry.

*Certified to be true copy
N. M. Datta
Advocate*



Q.NO.7. The PCBA have issued a 'CTE' to the proposed "Bhavani Bricks" amidst of agricultural land in the vicinity of inhabited lands. Further, the area is within the proposed eco sensitive zone of the Pobitora Wildlife Sanctuary and in the wildlife movement corridor between the plain portion of Pobitora wildlife sanctuary and Mayong Hill reserve forest (a part of the Pobitora Wildlife Sanctuary). Whether, the PCBA has any right to issue the "consent to establish" amidst of a wildlife Sanctuary to any Brick industry or for any other industrial activity.

Q.NO.8. Before granting the "consent to establish" to the proposed M/S Bhawani Bricks (BBA Bricks) in 2011, whether, the PCBA had initiated any official inspection to that area [vill-sativeti, Revenue Circle-Mayong, Dist- Morigaon], which is proposed amidst of agricultural land. If any inspection was made in this connection, provide a copy of that inspection report.

Q. NO. 9. Whether the PCBA has any right to issue "CTE" to a brick industry or any other industry within the Proposed Eco sensitive zone of a Protected wildlife Sanctuary. What is the opinion of the PCBA regarding the closure of the Proposed Bhavani Bricks as it is going to harm the entire Bio diversity of the area including the rare migratory Birds.

Q.NO.10. The PCBA has issued the CTE to the proposed Bhawani Bricks (BBA Bricks) between the two protected areas of a wildlife Sanctuary i.e. Pobitora Wildlife Sanctuary. The D.F.O. Guwahati wildlife division has informed the issue to the DC Morigaon for necessary action. The PCBA will withdraw its CTE granted to the industry or not.

Certified to be true Copy
N.M. Dutta
Advocate



Pollution Control Board, Assam

(Department of Environment & Forests : : Government of Assam)

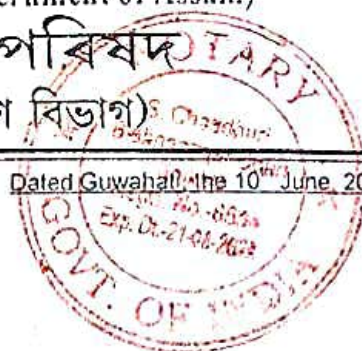
অসম প্রদূষণ নিয়ন্ত্রণ পৰিষদ
(অসম চৰকাৰৰ বন আৰু পৰিৱেশ বিভাগ)

No. WB/RTI/T-50/13-14/11

To.

Sri Utpal Saikia,
Village - Sativeti,
P.O. Rajamayong, P.S. Mayang,
Dist. Morigaon(Assam).

Dated Guwahati, the 10th June, 2013.



Sub: Information under RTI Act, 2005.
Ref: (i) Your application dtd. 05/04/2013.
(ii) Your first appeal petition dtd. 09/05/2013.

Sir,

With reference to the above, it is to inform you that the item wise reply to the queries raised by you in your RTI application dtd. 05.04.2013 are as follows for your needful.

- Reply to Q. No. 1 : There is no any record regarding M/s. A.B.B. Bricks of Mr. Dilip Mazumdar
- Reply to Q. No. 2 : The Hon'ble Supreme Court of India has imposed a ban on operation of moving chimney by brick kiln units, as an illegal act, since from the year 2003. Pollution Control Board, Assam has already issued necessary directions in this regard to all the Deputy Commissioners in the State of Assam to ensure closure of the brick kiln units operating with moving chimney under their respective jurisdiction.
- Reply to Q. No. 3 : Operation of brick kiln units without obtaining prior "Consent to Establish" and "Consent to Operate" is a violation of Section 21 of Air (Prevention & Control of Pollution) Act, 1981 as amended. There is not record in respect of M/s. A.B.B. Bricks of Mr. Dilip Mazumdar. Hence it is not possible to comment regarding its legal entity.
- Reply to Q. No. 4 : Pollution Control Board, Assam is no way related to sale/purchase deal of land of any type.
- Reply to Q. No. 5 : Pollution Control Board, Assam consider all complaints filed by any body against any industry and take justified action as per law of the land.
- Reply to Q. No. 6 : Consent to Establish may be withdrawn if terms & conditions are not fulfilled
- Reply to Q. No. 7 : The land of M/s Bhawani Bricks is certified by the Competent Authority as non agricultural land. Further the area around Pobitora Wild Life has not been declared till date as Eco-sensitive Zone.
- Reply to Q. No. 8 : Copy of the inspection report is enclosed herewith.
- Reply to Q. No. 9 : Pollution Control Board, Assam does not issue Consent to Establish to industries covered under EIA Notification of 2006 if they are located within Eco-Sensitive Zone. Brick kilns are not covered under EIA Notification of 2006.
- Reply to Q. No. 10 : The Deputy Commissioner, Morigaon has already issued necessary permission for setting up the brick kiln unit, M/s Bhawani Bricks, and Pollution Control Board, Assam has granted Consent to Establish to the unit, after verification of all the relevant documents. However, since the matter is subjudice the withdrawal of Consent to Establish or grant of Consent to Operate depends on the court verdict.

Encl: As stated

Yours faithfully,

(M.M. Bora)

APIO & Sr. Env. Engineer (Z-III)

Dated Guwahati, the 10th June, 2013.

Memo No. WB/RTI/T-50/13-14/11-A.

Copy to:-

1. P. A. to the Chairman, PCBA for kind appraisal of the Hon'ble Chairman.
2. The Member Secretary, Pollution Control Board, Assam for kind information.

(M.M. Bora)

APIO & Sr. Env. Engineer (Z-III)

Head Office : Bamunimaidam, Guwahati - 781021, Assam : India.

Phone : 2652774 & 2550258 ; Fax : 0361-2550259 ; Gram : POLLUTIONCONTROL

E-mail : membersecretary@pcbassam.org ; Website : www.pcbassam.org

Regional Offices at : Dibrugarh, Golaghat, Sibsagar, Tezpur, Guwahati, Bongaigaon, Nagaon & Sivasar

TYPE COPY

GOVT. OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER: GUWAHATI WILDLIFE DIVISION
SANTIPUR, GUWAHATI 09
LETTER NO.B/GWL/149/1245-47 Dated Guwahati the 10th Oct.2011

From :

S.K. Seal Sarma, AFS
Divisional Forest Officer
Guwahati Wild life Division
Santipur, Guwahati -09

To,

The Deputy Commissioner,
Morigaon District
Morigaon.

Sub : Regarding setting up of a brick kiln in adjacent to the Wildlife Sanctuary.

Madam,

Most respectfully, I beg to inform you that two brick kilns are seen establishing one at Sativeti and the other in opposite to the Dhekiabari anti poaching camp on the solution side Guwahati - Mayang PWD Road under Mayang Revenue Circle of Morigaon District.

The location of the said brick kilns are very much within half a kilometer from the boundary of the Raja Mayang Hill RF which is a part of the notified Pobitora Wildlife Sanctuary. Moreover, the sites fall within the proposed Eco Sensitive Zone of the Pobitora Wildlife Sanctuary and on the animal movement corridor.

Setting up of such coal based industries in close to the boundary of the wild life sanctuary will certainly have immense adverse effect to both the flora & fauna and its natural environment.

Under the circumstances, may I request your honour to kindly immediate necessary measures to stop setting up of the brick kilns in Eco Sensitive Zone for the greater interest of the wildlife Sanctuary and its natural environment.

yours faithfully

(SK Seal Sarma)

Copy to the Chairman, Pollution Control Board, Assam, Bamunimaikum, Guwahati -21 for favour of his kind information. He is also requested to take requisite measures at his end the aforesaid issue.

Copy of the Range Officer, Pobitora Wildlife Range, Mayang for his information and necessary action. He is requested to collect copies of the valid authority if the properties have for establishment such industries and provide to this end for taking onward necessary action.

Sd/- illegible

(SK Seal Sarma)

Letter No. A/GWL/149/986

Dated Guwahati, the 10th Oct.2011

Copy to the Principal Chief Conservators of Forests, Wildlife, Assam, Basistha, Guwahati -29 for favour of his kind information and necessary action.

(SK Seal Sarma)

GOVERNMENT OF ASSAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS : WILDLIFE : ASSAM
BASISTHA : GUWAHATI-29.

No.WL/FG. 35/Eco Sensitive Zone Area/Part-II,

dt: 28.02.2013

To
The Deputy Commissioner,
Morigaon District,
Morigaon.



Sub:- Regarding setting up of a brick kiln in adjacent to the Wildlife Sanctuary.

Sir,

With reference to the subject cited above; I am directed to inform you that two brick kilns are being established within the proposed Eco Sensitive Zone of the Pobitora Wildlife sanctuary and on the animal movement corridor. It will certainly harm both the flora and fauna of this important Wildlife Sanctuary and also its natural environment.

The Divisional Forest Officer, Guwahati Wildlife Division had already written to you long back vide his letter No. B/GWL/199/1245-47, dated 10th Oct/2011 in this regard, a copy of which is enclosed for your ready reference.

Under the circumstances, I am directed to request you to take up immediate necessary action to stop the setting up of these brick kilns in the eco-Sensitive Zone Area in the greater interest of the Pobitora Wildlife Sanctuary and its natural environment.

Encl:- As stated above.

Yours faithfully,

[Signature] 28.2.13

(Hirdesh Mishra)
Conservator of Forests (WL),

O/o the Principal Chief Conservator of Forests, Wildlife, Assam.

[Handwritten note]
28/2/13

c/c

ANNEXURE - 14 Annexure - IX
- 85 -



GOVT. OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER :: GUWAHATI WILDLIFE DIVISION
SANTIPUR :: GUWAHATI

Letter No. B/GWL/106/2013/2707



To,
The Deputy Commissioner,
Morigaon District
Morigaon, Assam.

Sub: Finding out of distance of BBA Brick Kiln from the periphery of Pobitora Wildlife Sanctuary in connection with WP(C) 1265/2012.

Ref: Your letter no. MRV 21/2012/210 dtd. 16/12/2013.

Sir,

With reference to the above, I have the honour to inform you the following facts for favour of your kind perusal and onward necessary action.

- 1) The GPS Co-ordinates recorded on the periphery of BBA Brick Kiln, the periphery of Burhamayong Reserve Forest (Part of Pobitora Wildlife Sanctuary) and on the periphery of the Pobitora Reserve Forest (Part of Pobitora Wildlife Sanctuary) on the basis of which the shortest distance from the periphery of the BBA Brick Kiln to the periphery of both the above, mentioned parts of Pobitora Wildlife Sanctuary was worked out in the GIS cell earlier have been found to have corresponded with the map of Revenue Department during the joint verification dated. 19/12/2013. But the physical distance from the periphery of the Brick Kiln to the Pobitora Reserve Forests (Part of Pobitora Wildlife Sanctuary) has been found to be 2048.50 meter (24.5 meter excess then the distance measured in the GIS cell on the basis of Geo referenced topo sheet map of survey of India.) at the physically measured distance from the periphery of the Brick Kiln to the periphery of Burhamayong Reserve Forests (Part of Pobitora Wildlife Sanctuary) has been found to be 1212 meters (752 meters excess then the distance worked out in the GIS cell on the basis of the Geo referenced topo sheet map of survey of India.) However physically measured distance may be accepted as the actual shortest distance from the periphery of the Brick Kiln to the periphery of both above mentioned parts of Pobitora Wildlife Sanctuary.

- (2) - 26 -
- 2) The BBA Brick Kiln is situated in the intermediate space of both the above mentioned parts of Pobitora Wildlife Sanctuary, namely ~~Baranayong 1~~ Forests and Pobitora Reserve Forests hence, the said Brick Kiln clearly lies within the proposed eco sensitive zone of Pobitora Wildlife Sanctuary irrespective of the distances physically measured from its periphery to the periphery of Pobitora Wildlife Sanctuary.
- 3) Comments on probable impact on flora and fauna of Pobitora Wildlife Sanctuary in terms of causing degradation of environment and generation of pollution from said Brick Kiln can be furnished by the Pollution Control Board. However, the Brick Kiln site is enclosed by erecting permanent fencing/wall and as soon as industrial activity (Brick production) begins then the traditional and natural routes used by rhinos and other wild animals for their movement as it is required by law shall get blocked.

This is for favour of your kind information and necessary action.

Yours faithfully,

[Signature]
 Divisional Forest Officer
 Guwahati Wildlife Division
 Santipur, Guwahati-09.

Memo no. A/GWL/106/2013/888

dated. 2/1/2014

Copy to the Principal Chief Conservator of Forests, Wildlife, Assam, Bisistha, Guwahati for favour of his kind information and necessary action.

Divisional Forest Officer
 Guwahati Wildlife Division
 Santipur, Guwahati-09.

Annexure - X

ANNEXURE - III

OFFICE OF THE DIVISIONAL

GUWAHATI WILDLIFE DIVISION
ATI-9.

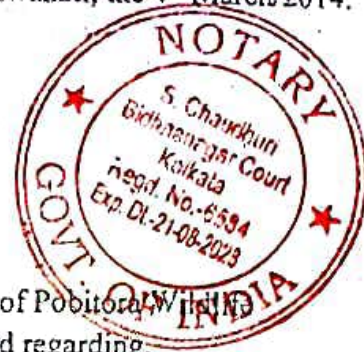
(272)

Memo No. B/GWL/106/ 18 2 - 1

Dated Guwahati, the 4th March/2014.

To.

The Chairman,
State Pollution Control Board, Assam,
Barnunimaidum, Guwahati-21.



Sub :- Industries situated in the proposed Eco-sensitive Zone of Pobitora Wildlife Sanctuary and action to be taken against the owners and regarding.

Ref :- Hon'ble Gauhati High Court's order on dated 28-10-2013 passed in connection with W.P(C) No.1265/2012 Lakshman Saikia & 3 others -vs- the State of Assam others.

Sir.

With reference to the above, I have the honour to forward herewith an inventory report of industries situated in the proposed Eco-sensitive Zone of Pobitora Wildlife Sanctuary as submitted by the Range Officer, Pobitora Wildlife Range, Mayong vide his No.P/20/2014/724, dt.15-01-2014, the content of which is self explanatory for favour of your kind information and taking necessary action as per law.

I would inform your honour that the Pobitora Wildlife Sanctuary is constituted of 2(two) Reserved Forests namely- Buramayong Reserved Forest(Area 1191.86 ha.) and Pobitora Reserved Forest (area 1534.76 Ha) and Govt. land (Area 1104 Ha.) It was finally declared as a Wildlife Sanctuary by the Govt. of Assam vide its Notification No.FRS.19/87/152, dated 17th March/1998.

The Proposed Eco-sensitive Zone of Pobitora Wildlife Sanctuary includes an extent of area of 1 Km. radius from the periphery of the Wildlife Sanctuary and as well as the intermediate space between the above RFs and the Govt. khas land. The industries enlisted in the Range Officer, Pobitora Wildlife Range's report are situated within the said proposed Eco-sensitive Zone of Pobitora Wildlife Sanctuary. I would also like to draw your kind attention to the Hon'ble Gauhati High Court's order dated 28-10-2013 passed in connection with W.P(C) No.1265/2012 Lakshman Saikia & 3 others -vs- State of Assam in this regard.

This is for favour of your kind information and necessary action.

Encl :- The R.O. Pobitora Wildlife Range's
letter No.P/20/2014/724, dt.15-01-2014.

Yours faithfully

(D.D.Gogoi, IFS)
Divisional Forest Officer:
Guwahati Wildlife Division:
Guwahati:

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6/c

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Annexure - XI

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 808 OF 2024

In the matter of:

Utpal Saikia & Ors.

Vs.

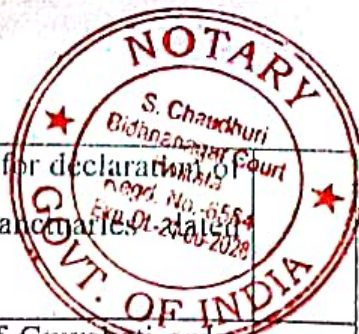
State of Assam

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1.	Joint Committee Report in compliance to Hon'ble NGT order dated 27.08.2024 in O.A No. 808/2024.	
2.	Annexure- I A copy of Hon'ble NGT order dated 27.08.2024 in O.A No. 808/2024.	
3.	Annexure- II A copy of Hon'ble NGT order dated 04.10.2024 in O.A No. 808/2024.	
4.	Annexure- III A copy of CTO of M/s BBA, Sativeti dated 21.03.2024.	
5.	Annexure- IV A copy of PCBA public notice for adaptation of Zig-Zag technology in Brick Kilns dated 08.12.2023	
6.	Annexure- V A copy of Stack monitoring report of M/s BBA sativeti dated 29.03.2024.	
7.	Annexure- VI A copy of CTO of M/s BBD Brick Industry dated 24.06.2024.	
8.	Annexure- VII A copy of CTO M/s BBD Brick Industries Unit-II dated 14.03.2024.	
9.	Annexure- VIII A copy of M/s PNB, Dhekiabari dated 03.09.2024.	
10.	Annexure- IX A copy of Google map of Pobitora Wildlife Sanctuary.	

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11.	Annexure- X A copy of MoEF & CC, Guidelines for declaration of ESZ around National Parks and Wildlife Sanctuaries dated 09.02.2011.	
12.	Annexure- XI A copy of Hon'ble High Court of Guwahati order dated 28.10.2013 in W.P. (C) No. 1265/2012.	
13.	Annexure- XII A copy of Minutes of physical verification conducted in pursuance of Hon'ble High Court of Guwahati order dated 28.10.2013 in W.P. (C) No. 1265/2012.	
14.	Annexure- XIII A copy of Hon'ble High Court of Guwahati order dated 30.08.2013 in W.P. (C) No. 4604/2019.	
15.	Annexure- XIV A copy of Hon'ble High Court of Guwahati order dated 27.09.2024 in W.P. (C) No. 1942/2024.	
16.	Annexure- XV A copy of detailed report of PCBA dated 23.10.2024 in compliance to Hon'ble High Court of Guwahati order dated 27.09.2024 in W.P. (C) No. 1942/2024.	
17.	Annexure- XVI A copy of DFO Wildlife Guwahati report of Deputy Commissioner, Morigaon along with list of activities going on within proposed ESZ dated 09.09.2024.	
18.	Annexure- A A copy of photographs taken during Committee visit dated 18.10.2024.	
19.	Annexure- B A copy of Hon'ble Supreme Court order dated 26.04.2023 in W.P.(C) No. 202/1995 and order dated 28.04.2023 in I.A No. 3949/2016 IN W.P. (C) No. 202/1995.	

(Filed by Adv. Rajkumar)
On behalf of Central Pollution Control Board

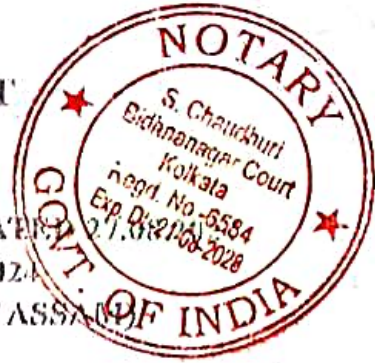
Place: Delhi

Dated: 04.11.2024

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JOINT COMMITTEE REPORT

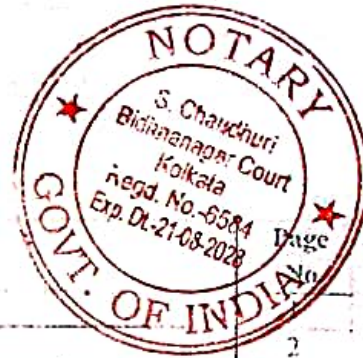
IN COMPLIANCE TO HON'BLE NGT ORDER DATED
IN THE MATTER OF O.A. NO. 808/2024
(UTPAL SAIKIA & OTHERS VS. STATE OF ASSAM)



REGIONAL DIRECTORATE (NORTH-EAST)
CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment, Forest & Climate Change)
CTO Building, Ground Floor
Shillong - 793001

[November, 2024]

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1.0 BACKGROUND:

The present Original Application (O.A.) No. 808/2024 has been registered by the National Green Tribunal (NGT) in accordance with NGT Act 2010 in exercise of suo-motus jurisdiction on a letter petition dated 19.10.2023 received from several persons led by Utpal Saikia.

Hon'ble NGT vide order dated 27.08.2024 (copy enclosed as Annexure-I) in the matter of O.A. No. 808/2024 (Utpal Saikia and Others Vs State of Assam) issued the relevant directions, reproduced below:

2. Complainants have stated that Pobitora Wildlife Sanctuary comprised of 2 blocks and a rich biodiversity with more than 103 one horned Rhinos, 300 Indian Buffaloes, Leopards, Deers, Pangolins, Wild bours etc., besides migratory birds.

3. One Dilip Chetry, an industrialist, is creating an industrial zone amidst 2 Blocks of Pobitora Wildlife Sanctuary and trying to establish brick-kiln using coal as fuel. It is also said that attempt is also been made to establish cement factories and stone quarries in the said area.

4. A Report of Forest Range Officer, Pobitora Wildlife Range sent to Regional Forest Officer vide letter dated 04.05.2023 has also been appended to the said complaint wherein Forest Range Officer has reported that he found brick-kiln at Sativeti area on 01.05.2023 which is surrounded by paddy fields of villagers and is about 500 meters away from the boundary of Rajamayog hill point of Wildlife Sanctuary and falls within proposed eco-sensitive zone of protected area.

5. Further letter dated 04.03.2024 sent by Divisional Forest Officer to Assam State Pollution Control Board has also been placed on record whereby Divisional Forest Officer forwarded inventory report of industries situated in the proposed eco-sensitive zone of Pobitora Wildlife Sanctuary as received from Range Officer, Pobitora Wildlife Range. Vide letter dated 15.01.2024, Forest Officer stated that sanctuary is constituted of two reserve forests namely Bada Mayang Reserve Forest (area 1191.86 hectares) and Pobitora Reserve Forest (area 1584.76 hectares) and government land (area 1101 hectare). The said area was declared as wildlife Sanctuary by the Government of Assam's notification dated 17.03.1998. Proposed eco sensitive zone of Pobitora

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Wildlife Sanctuary includes an extent area of one kilometer radius from the boundary of wildlife sanctuary as also Intermediate States between the above government land. Industries enlisted by Range Officer, Pabitora Wildlife Sanctuary situated within the said proposed eco sensitive zone of Pabitora Wildlife Sanctuary. Divisional Forest Officer had requested Chairman Assam State Pollution Control Board to take appropriate action in the matter;

6. It does not appear from record that any effective action has been taken in the matter and as per complaint said industries are still operating in questioned area.

7. In our view, prima facie a substantial question relating to environment arising out of the implementation of enactments mentioned in Schedule - I of NGT Act, 2010 has arisen. However, before taking any further action in the matter we find it appropriate to obtain a Factual Report and for this purpose constitute a Joint Committee, comprising representative of Secretary, MoEF&CC, New Delhi; Member Secretary, PCB, A; representative of Central Pollution Control Board (CPCB); and PCCF, Wildlife, Assam.

8. CPCB shall be the Nodal Agency for coordination and compliance of this order.

9. Above Committee shall collect relevant information after visiting site, and submit a Factual Report within one month with Registrar General of this Tribunal..."

The matter was further listed for hearing on 04.10.2024 (Annexure-II) and Hon'ble NGT, PB, Delhi again directed the Joint Committee to submit report within one month positively.

2.B ACTION TAKEN BY CPCB

2.1 Constitution of Committee:

The Competent Authority of CPCB nominated Sh. Anil C. Ranveer, Scientist-E, Regional Directorate North East (RDNE), CPCB, Shillong to represent in the Joint Committee. As CPCB is made the Nodal Agency for coordination and compliance of the order, CPCB- Delhi requested Ministry of Environment, Forest & Climate Change (MoEF&CC) for nominating

[Handwritten signature]

S. Prasad

[Handwritten signature]

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member for the Joint Committee. Accordingly, Wildlife Division, MoEF&CC vide letter dated 10.10.2024 that Integrated Regional Office (IRO), MoEF&CC nominate representative for the Joint Committee. Regional Office (RO), MoEF&CC nominated Dr. Subrata Bose, Scientist-G, Sub-office MoEF&CC, Guwahati vide letter dated 15.10.2024. Finally, the Joint Committee was constituted comprising of following members:



1. Sh. Sandeep Kumar, IFS, Principal Chief Conservator of Forest (PCCF), Wildlife, Guwahati, Assam.
2. Dr. Subrata Bose, Scientist-G, Sub: Office, MoEF&CC, Guwahati.
3. Sh. Anil C. Ranveer Scientist-E, RDNF, CPCB, Shillong
4. Dr. Shamama Kr. Dutta, Member Secretary, Pollution Control Board Assam (PCBA), Guwahati.

2.2 Actions Taken by the Committee:

The committee visited the site on 18.10.2024 and observed number of Brick Kilns and other establishments like- resorts, hotels, etc. located near the periphery of Pohitora Wildlife Sanctuary (WLS). However, the committee decided to visit few of Brick Kiln including the Brick Kiln in question. The detailed observations of the committee are summarised below:

1. M/s Bhabani Brick Industry, (BBA), Village Sativevi, Chengmai Khasm, Dist.: Marigaon, Assam-782411.

- The consent to operate (CTO) issued by PCBA was valid upto 30.06.2024. (copy enclosed as Annexure-III).
- At the time of visit the unit was not in operation.
- The Unit had production capacity of 5 lakh bricks per round (batch) as per CTO
- The owner of the Brick Kiln, Mr. Dilip Chetri, informed that the Brick Kiln was established during the year 2011.
- As informed by the owner, earlier there was a brick-kiln in the name of M/s ABB, (owned by Sh. Dilip Mazumdar) established at the same location.
- PCBA has issued notification *vide* Public Notice dated 08.12.2023 (copy enclosed as Annexure- IV) for adoption of zig-zag or vertical shaft technology within two years as per MoEF&CC notification dated 22.02.2022 (available on CPCB website

[Signature]

S. Bose

09/31/24

[Signature]

Page 13



- at <https://epb.nic.in/cgi-bin/industry-specific-standards> (brick kiln.pdf). However, at the time of visit, the Unit was found to be using conventional technology for manufacturing of bricks.
- The Unit has constructed fixed chimney of height about 30 meter.
 - Third party stack monitoring was carried out by PCBA on 29.03.2024. Monitoring results are enclosed at Annexure-V).
 - As informed by the owner, the Unit consumes coal as fuel for manufacturing of Bricks. About 50-60 tonnes of coal is consumed per round for brick manufacturing.
 - As informed by the owner, soil used as raw material for the manufacturing of bricks is taken from own as well as nearby agricultural lands.
 - The Committee had found that the unit is located at a distance of 892 m from Pobitora Wildlife Sanctuary.

Photographs taken during the committee visit are enclosed at Annexure- A (Fig. 1)

11. M/s BBD Brick Industry (Unit-I) and M/s BBD Brick Industries Unit-II Mayong, Dhekiajari, Dist.: Kamrup, Assam-782401

- The Unit-I has valid CTO up to 31.03.2029 issued by PCBA on 24.06.2024(Annexure-VI).
- The Unit-II has valid CTO up to 30.06.2025 issued by PCBA on 14.03.2024(Annexure-VII).
- The owner of the Brick Kilo, Mr. Shri Bipal Malakar informed that the Brick Kilo was established during the year 2011.
- The Unit-I has constructed rectangular shaped kiln for adoption of zig-zag technology for production of bricks as per MoEF&CC notification dated 22.02.2022.
- PCBA has issued notification for adoption of zig-zag technology for production of bricks as per MoEF&CC notification dated 22.02.2022. However, at the time of visit, the Unit-II was found to be using normal brick setting as in conventional technology for manufacturing of bricks.
- The Unit-I has production capacity of 20 lakh bricks per year and the Unit-II has production capacity of 5 lakh bricks per round as per CTO.

(Signature)

S. Bose

m/37/10

(Signature)

Page | 4

- The Unit-I has a chimney of 35 meters height and the Unit-II has a chimney of 30 meter height.
- As informed by the Unit Representative, the Unit consumes coal as fuel for production of Bricks. About 50-60 tonnes of coal is consumed per round for manufacturing of bricks.
- As informed by the Unit Representative, soil used as raw material for the manufacturing of bricks is taken from own as well as nearby agricultural lands.
- The committee had found the Units are located at a distance of 374 m from Pobitora WLS.



Photographs taken during the committee visit are enclosed at Annexure- A (Fig. 2)

III. M/s Pashupati Nath Bricks (PNB), Dhokiahari, Govall, Dist.: Kamrup, Assam.

- The Unit has valid CTO up to 31.03.2025 issued by PCBA on 03.09.2024 (Annexure-VIII).
- The owner of the Brick Kiln Mr. Santosh Newar informed that the Brick Kiln was established during the year 2010.
- The Unit has production capacity of 20 Lakh bricks per season as per CTO
- PCBA has issued notification for adoption of zig-zag technology for production of bricks as per MoEF&CC notification dated 22.02.2022. However, at the time of visit, the Unit was found to be using conventional technology for manufacturing of bricks.
- The Unit has fixed chimney of height about 30 meters.
- As informed by the Unit Representative, the Unit consumes coal as fuel for production of Bricks. About 50-60 tonnes of coal has been consumed per round for brick production.
- As informed by the Unit Representative, soil used as raw material for the manufacturing of bricks taken from nearby agricultural lands as informed by the Unit representative.
- The committee had found the Unit is located approx. 100 metres from school Paschim Mayong High school, Kamrup and 536m from Pobitora WLS.

Photographs taken during the committee visit are enclosed at Annexure -A (Fig. 3)

[Signature]

S. Bose

M. J. J.

[Signature]



3.0 Overall Observations of the Committee:

1. Pobitora WLS is known for holding the highest density of One Horned Rhinoceros in the country. Located in the sub-urbs of the capital city of Guwahati, Assam, the sanctuary harbors several species including Leopard, Capped Langur, Pangolin, One Horned Rhinoceros, Wild Water Buffalo, Monitor Lizard, Wild Boar etc. The Google Maps of Pobitora WLS is enclosed at Annexure-IX.
2. Pobitora WLS, located within the state of Assam, was notified in the year 1998 *vide* Notification No. FRS.19/87/152 dated 17/03/1998. It includes: Pobitora Reserve Forest, Rajanayong Hill Reserved Forest, and three Govt. khaslands – Murkata, Kamarpur, and Dprang. However, despite the notification, these khaslands have not been handed over to the Forest Department yet.
3. Interlocutory Applications (I.A.) Nos. 85332 and 85124 of 2023, under WP(C) No. 202/1995, were filed in the Hon'ble Supreme Court. The petitioner sought the Hon'ble Courts intervention in a) Demarcation of boundary of Pobitora WLS immediately, b) handing over of khaslands to provide adequate habitat to the Rhinos and c) demarcation of Eco-Sensitive Zone (ESZ) of Pobitora WLS.
4. Wildlife Division, MoEF&CC, Delhi has published guidelines for declaration of ESZ around National Parks and Wildlife Sanctuaries on 09.02.2011 (copy enclosed as Annexure-X), wherein permitted, regulated and prohibited activities in ESZ are listed. Some of the following activities which are prohibited/regulated/promoted in the said Guidelines, which are relevant to the matter at hand are:
 - i. Commercial mining activities are prohibited. However, Regulation will not prohibit digging of earth for construction or repair of house and for manufacturing of tiles or bricks for housing for personal consumption.
 - ii. Setting of Industries causing pollution have been prohibited.
 - iii. Establishment of Hotels and Resorts may be regulated as per approved master plan which takes care of habitats of the animals allowing no their restriction on movement
 - iv. Adaptation of Green Technology for all the activities should be actively promoted.

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5. The committee has noted that there are various cases regarding Brick Kiln namely M/s BBA, Village Sativeti, Morigaon, around Pobitora pending/disposed of by Hon'ble High Court of Gauhati. The details of such cases are as follows:

- i. Case No.: WP(C)/1265/2012 (Lakshman Saikia & 3 others- V/s- State of Assam) was taken up by Hon'ble High Court of Gauhati and the same was disposed of by directing to conduct survey/inspection and if it is found that setting up of the Brick Kiln would have adverse effect on the surrounding and/or nearby land suitable for agriculture, or within the proposed ESZ, necessary order shall be passed by the Deputy Commissioner, Morigaon as well as by the Member Secretary, PCB, cancelling the earlier permissions, granted by the Deputy Commissioner, Morigaon and by the PCBA, respectively *vide* its order dated 28.10.2013 (copy enclosed as Annexure-XI).

In compliance to this Hon'ble High-Court order dated 28.10.2013 the Deputy Commissioner Morigaon has constituted a joint team comprising of a) Circle officer, Mayong Rev, Circle, b) DFO, Giby, Wild Life division, c) District Agriculture Officer, Morigaon & Regional EE, PCBA, Nagaon for physical verification of the site. Accordingly, a joint team physically inspected the site & measured the distance of M/s BBA Brick Kiln industry from the periphery of Burha Mayong (Mayong Parbat) Hill Reserved Forest as well as Pobitora WLS on 19.12.2013 (Copy enclosed as Annexure-XII). The findings of Joint were as follows:

- a. The minimum distance from the stack of the M/s BBA, Brick Kiln to Mayang Reserved Forest boundary is 1212 meters (nearest point). 1120 meters from forest boundary to the nearest outer boundary of the brick unit.
- b. The distance of Brick Kiln from periphery to Pobitora WLS is 2130 meters to the stack and 2048.48 meters the nearest outer boundary of the said Brick Kiln.

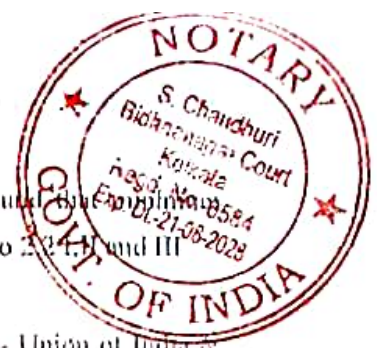
The above findings of joint team were communicated to the Deputy Commissioner, Morigaon by Regional EE, PCBA, Nagaon on 23.12.2013

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S. Bose

27/12/23

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However, in the present visit, this Committee has found that the distance of the brick kilns as mentioned in paragraphs no. II and III

- ii. Similarly, Case No.: WP(C)/1604/2019 (Dilip Chetri - V/s- Union of India & 4 others.) was taken up by Hon'ble High Court of Gauhati and the same was disposed of by directing Deputy Commissioner, Morigaon to decide afresh within a period of eight weeks from the date of order with regards to NOC issued in favour of the petitioner after considering the reports of the stakeholders and giving opportunity of hearing to the petitioner as well as the private respondents vide its order dated 30.08.2023 (copy enclosed as Annexure-XIII).
- iii. Case No.: WP(C)/1942/2024 (Bharat Suikia & 9 others- V/s- State of Assam & 9 ors.) was taken up by Hon'ble High Court of Gauhati and the same was disposed of by directing the District Commissioner, Morigaon to take necessary decision for establishment of brick-kiln M/s BBA, Village Sativeti within 4 weeks from 23.10.2024, after receipt of fresh report from PCBA, District Agricultural Officer & Circle Officer, Morigaon vide its order dated 27.09.2024 (copy enclosed as Annexure-XIV).

In compliance to this Hon'ble High-Court order dated 27.09.2024, PCBA has submitted report by recommending permission to M/s BBA Brick Kila, Village Sativeti to continue its operation after completion of conversion to zig-zag technology and all requisite pollution control measures as per CTO. (Detailed report is enclosed at Annexure-XV).

The final decision with respect to establishment of M/s BBA Brick Kiln will be taken by the District Commissioner, Morigaon within four (4) weeks from 23.10.2024.

- 6. The committee had not noticed any cement industry within the proposed ESZ of Pobitora WLS for which allegation was reported in the Hon'ble NGT order.
- 7. DFO, Wildlife Gauhati has submitted a report to the District Commissioner, Morigaon, in which a list of construction activities ongoing and already completed within 1km from the boundary of Pobitora WLS has been given, vide letter dated 09.09.2024 (copy enclosed as Annexure-XVI).

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S. B. Das

13/10/24

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The committee had also observed few Brick Kilns as well as other resorts, hotels etc. within proposed ESZ of Pobitora WLS.

8. The committee had found Mystique Mayong Resort located approx. 820 meters away from Pobitora WLS.

4.D Recommendations of the Committee:

Based on the site visit and previous Court orders relating to the Pobitora WLS, the Committee noted that the issues highlighted in the earlier cases are continuing since long (since year 1995).

However, the Committee felt that instead of a case-by-case decision a consolidated approach is needed in the area balancing Environment, Wildlife Habitat and Development. Unless the ESZ boundary of the Pobitora WLS is defined and Notified in Gazette, the highlighted issues may continue and emerge again and again. Thus, considering the present situation, the recommendations of the Committee are as follow:

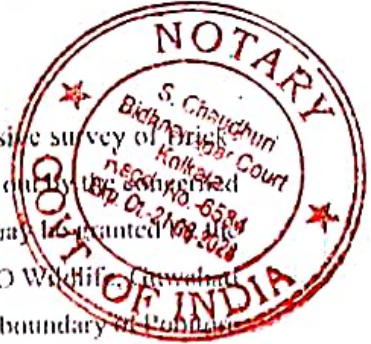
1. The matter of the rationalisation of the boundary of Pobitora Wildlife Sanctuary is sub-judice in the Hon'ble Supreme Court in LA. Nos. 85332 and 85124 of 2023, under WP(C) No. 202/1995. Only after the rationalisation of boundary of Pobitora Wildlife Sanctuary is concluded with the approval of the Hon'ble Supreme Court, the process for declaration of ESZ of the sanctuary would be initiated following the laid down procedure.
2. The concerned authorities may be directed to expedite the declaration of ESZ of Pobitora Wildlife Sanctuary after rationalization of the boundary of the sanctuary is concluded with the approval of the Hon'ble Supreme Court of India as the matter is presently sub-judice in LA. Nos. 85332 and 85124 of 2023, under WP(C) No. 202/1995. The Judgement of Hon'ble Supreme Court dated- 26.04.2023 & 28.04.2023 in W.P. 202 of 1995 filed as T.N. Godavaman Thirumulpad vs Union of India and Ors. needs to be considered while declaring ESZ. The prohibited Activities/industries (as well as public roads) may be shifted away from the ESZ.

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S. Prasad

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3. In order to comply with the statutory provisions of ESZ, extensive survey of brick kilns and other industries like resorts, hotels etc. shall be carried out by the concerned authorities and on the basis of the survey required permission may be granted by the concerned regulatory authorities. However, on the basis of the report of DFO Wildlife, Guwahati dated 09.09.2024, the ongoing activities within one km from the boundary of Pobitora WLS should be immediately closed down/regulated/shifted outside the proposed ESZ.
4. In compliance to the Hon'ble High Court of Gauhati Order in the matter of WPC/1942/2024 dated 23.10.2024, the District Commissioner, Morigaon shall take necessary decision on the establishment of Brick Kiln by M/S BBA at Village Sativeti.
5. The Brick Kilns with zig-zag technology or vertical shaft or use of Piped Natural Gas as fuel and complying with the standards notified by MoEF&CC dated 22.02.2022 shall only be allowed outside the proposed ESZ.
6. The M/s BBD Brick Industry (Unit-I & Unit-II) and M/s PNB Brick Industries shall be shifted outside the proposed ESZ and Mystique Mayong Resort shall be regulated as per the MoEF&CC guidelines for declaration for ESZ around National Parks and WLS dated 09.02.2011.
7. Considering soil and water are the basic ingredients for brick manufacturing and large-scale extraction of both these resources in long term may have adverse impacts on environment. Thus, it may be regulated in accordance with the Mines and Minerals (Development and Regulation) Act, 1957 by State Government.
8. In order to support, wildlife habitat and villagers, regular monitoring of Air quality in and around the Pobitora WLS may be carried out by the concerned authorities for maintaining Air Quality standards.
9. To reduce vehicular and noise pollution inside the Pobitora WLS, infrastructure for Battery Operated vehicles may be developed and E-vehicles may be introduced in

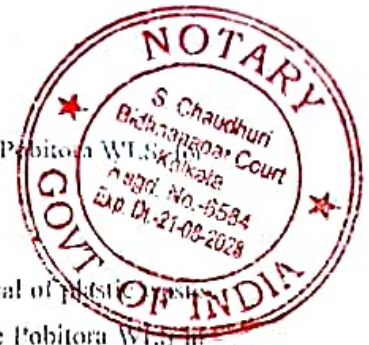
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time-bound manner for regular patrolling and Jungle-safari in the Pobitora Wildlife Sanctuary which separate funds may be allocated.



10. Further, to manage plastic waste, facility for collection and disposal of plastic waste may be introduced by the Forest Department for the tourist in the Pobitora Wildlife Sanctuary in accordance with the Plastic Waste Management Rules, 2016.
11. The major source of fuels in Brick Kilns as reported is Coal. To reduce air pollution and pollution load of transporting coal from far-away places and to manage local agricultural waste alternative clean fuels such as Biomass Pellet/Briquette may be explored in Brick Kilns by preparation of guidelines from concerned authorities.
12. In addition to regulatory approach, awareness campaign may be conducted (mass/print media) to educate local people to the prevailing issues like Wildlife Habitat, Wildlife Sanctuary, FSZ, Impacts of Air Pollution, Eco-tourism benefits, etc. by concerned authorities

Sandeep Kumar, IFS,
PCCF (Wildlife) &
Chief Wildlife Warden, Assam,
Guwahati

Dr. Subrata Bose,
Scientist-G,
Sub-Office, MoEF&CC,
Guwahati

Dr. Shantanu Kr. Datta
Member Secretary,
PCBA, Guwahati

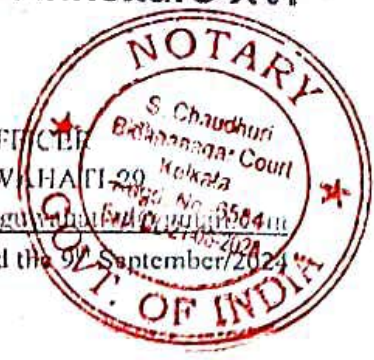
Anil C. Ranveer
Scientist-E,
RDNE, CPCB, Shillong

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GOVERNMENT OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER
GUWAHATI WILDLIFE DIVISION::BASISTHA, GUWAHATI-29

Email ID- dffo.guwaha



No. B/GWL/ESZ/Pobitora WLS/2024/2397

Dated the 9th September/2024

To,
The District Commissioner,
Morigaon District, Morigaon.

Sub: Report regarding Activities inside the Eco-sensitive Zone of Pobitora Wildlife Sanctuary.

Ref: RFO, Pobitora Wildlife Range's letter No. PWL/20/PWLS/2024/633, dtd. 06-09-2024.

Sir,

With reference to the above subject, I would like to enclose herewith a copy of the list regarding Activities going on within one (1) km. from the boundary of Pobitora Wildlife Sanctuary submitted by the Range Forest Officer, Pobitora Wildlife Range vide letter quoted under reference. Since the Eco-sensitive Zone of Pobitora Wildlife Sanctuary has not been notified, hence, as per the directives dated 11-12-2018 of the Hon'ble Supreme Court in the WP(C) No. 202/1995 T.N. Godavarman Thirumulpad -Vs- the UoI & Ors, the Eco-sensitive Zone around Pobitora Wildlife Sanctuary stands at ten (10) km. from the boundary of Pobitora Wildlife Sanctuary. No mining activities inside the Eco-sensitive Zone are to be permitted and any other activity should be regulated as per the Guidelines for declaration of Eco-sensitive Zone (2011 guidelines) by MoEF & CC.

The undersigned could collect data of activities going on within 1 km from the boundary. Hence, I request you to kindly take necessary action in this regard.

This is for your kind information and necessary action.

Encl: As stated above.

Yours faithfully,

Divisional Forest Officer,
Guwahati Wildlife Division,
Basistha, Guwahati-29.

Dated the 9th September/2024

No. A/GWL/ESZ/Pobitora WLS/2024/1726

Copy to-

The Principal Chief Conservator of Forests, Wildlife & Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37, for his kind information and necessary action.

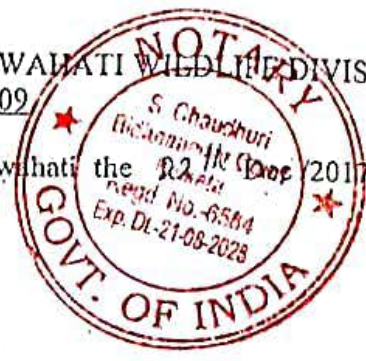
Divisional Forest Officer,
Guwahati Wildlife Division,
Basistha, Guwahati-29.

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Annexure - XII
Annexure - VII

2.6.2

OFFICE OF THE DIVISIONAL FOREST OFFICER:: GUWAHATI WILDLIFE DIVISION
SANTIPUR, GUWAHATI-09



No. B/GWL/WP(C) 7048 (Dilip Chetry)/2018 Dated Guwahati 2017

To,

The Deputy Commissioner,
Morigaon District, Morigaon.

Sub:- Judgement order dated 23.11.2017 passed by the Hon'ble High Court in connection with W.A. No. 241/2017, Sri Bharat Saikia and anr-Vs-Sri Dilip Chetry & Others.

Ref:- Your office letter No. MRK.36/2017/8, dt. 18/12/2017.

Sir,

With reference to the above subject, I have the honour to submit herewith the detail report in connection with W.A. No. 241/2017, Sri Bharat Saikia and anr-Vs-Sri Dilip Chetry & Others are as follows:-

The Pobitora Wildlife Sanctuary was notified by Govt. of Assam vide notification No. FRS/19/87/152, dt. 17/03/1998 comprising of Two Nos. Reserve forests i.e. Pobitora Reserve Forest, Rajamayong Reserve Forests and Govt. Khas land 11.04 Sq. K.m.. Total areas is 38.81 Sq. K.M.

The Pobitora Wildlife Sanctuary is famous for one horn Indian Rhino. Besides this the Park harbors 46 species of resident avian fauna excluding nos. of migratory birds, 16 species of aquatic plants, 41 species of fish and 8 species of frogs also sharing the habitats.

The Pobitora Reserve Forests is basically flood prone areas and one of the rich and ecologically diverse habitat for wide variety of animals and plant species. The flood bring alluvial deposits to the Wildlife Sanctuary creating a unique type of habitats whereas Rajamayong Reserve Forest is hill representing different geo-morphological features than Pobitora Reserve Forests.

Since Pobitora Reserve Forest and Govt. Khas land submerged during flood times and all the wild animal having natural instinct to move towards high land during flood time. Since Rajamayong Reserve Forests is hill terrain, the Wild animal move towards hill side.

The wild animal such as Rhino. Elephant were always follow a specific trail which is commonly known as a Dandi for foraging and they used the Dandi in different time during the year as per their needs. We cannot predict the time and moment of the wild animal in the Dandi.

O/c

Contd....F/2...

The location of the Dilip Chetri's Brick Kiln (GPS Co-ordinates N 26°15'12" E 92° 01'15") which is situated in between Pobitora R.F. and Rajmaying R.F. which is a part of notified Pobitora Wildlife Sanctuary. A map showing the location of the Brick Kiln enclosed herewith as Annexure-I.

A study done by the NGO, Aarrayak to study Rhino movement in and around Pobitora Wildlife sanctuary during 2007-08 and prepare a map showing the Rhino trail. Copy of the map enclosed as Annexure-II.

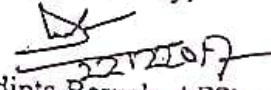
The proposed Eco-Sensitive Zone of Pobitora Wildlife Sanctuary under preparation after compilation of the same will be forwarded to Ministry of Environment and Forests and Climate Change, Govt. of India for taking necessary action. The Brick Kiln falls within proposed Eco-Sensitive Zone of Pobitora Wildlife Sanctuary..

Within the Eco-Sensitive Zone, setting of industries causing pollution (water, air, soil, noise etc.) has been prohibited. Hence a Brick Kiln comes under category of activities to be prohibited in the proposed Eco-Sensitive Zone of Pobitora Wildlife Sanctuary.

Therefore, the establishment of Brick Kiln in close to the boundary of Wildlife Sanctuary will certainly have immense adverse effect to both flora and fauna and its natural environment.

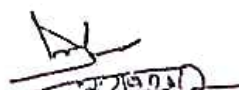
This is for favour of your kind information .and necessary action.

Yours faithfully,


(Pradipta Baruah, AFS)
Divisional Forest Officer,
Guwahati Wildlife Division,
Santipur, Guwahati-9

No. A/GWL/WP(C) 7048 (Dilip Chetry)/951, Dated Guwahati the 22nd Dec /2017 .

Copy to the Principal Chief Conservator of Forests , Wildlife and Chief Wildlife Warden, Assam, Aranya Bhawan, Panjabari, Guwahati-37 for favour of your kind information and necessary action.


Divisional Forest Officer,
Guwahati Wildlife Division,
Santipur, Guwahati-9

INSPECTION REPORT

As directed by the Hon'ble Chairman, Pollution Control Board Assam w.r/s Bhabani Brick Industry has been inspected and findings are as follows:-

1. Name & Address of the unit : M/s Bhabani Brick Industry, (BBA),
Vill.: Sativeti, Chengmai Kissam,
P.O.: Rajamayong,
Dist. Morigaon, (Assam).
2. Date & time of inspection : 11/12/12, at 3 P.M.
3. Name of the proprietor : Sh Dilip Chetry.
4. Location of the unit : The unit is located in the village sativeti & on the right hand side of Guwahati- Mayong P.W.D. Road and about 100 mtrs, away from the P.W.D. Road. The area falls under Mayong Revenue Circle. The unit is located within a ½ km. from the boundary of the Rajamayong Hill Reserve Forest which is a part of the notified Pabitora Wild life Sanctuary. Also falls within the proposed Eco-Sensitive Zone of the Pabitora Wild life Sanctuary and on the animal movement corridor.
5. Chimney Height : The unit has already constructed fixed Chimney of height about 100 ft. and rectangular shaped.
6. Findings : During inspection findings are as follows:-
 - (i) Making of raw bricks is going on in full swing.
 - (ii) Preparation for mixing of raw materials is going on.
 - (iii) Raw bricks are kept in stack for drying.
 - (iv) The labour contractor has informed that, making of raw bricks has been started from last 20 days.
 - (v) As informed by the labour contractor, at present, there are 75 nos. of labour engaged in the unit.
 - (vi) Small thatched hut for the labourers has been seen in one side of the unit.
 - (vii) During the time of inspection, about 1,00,000 pieces of raw bricks have been seen ready and kept in stack.
 - (viii) Raw bricks are not yet burned in the kiln.
 - (ix) The unit is surrounded by paddy fields.
 - (x) Though, at present, no any paddy cultivation has been seen but, land has been prepared for paddy cultivation (Boro paddy).
 - (xi) Local farmers have alleged that, the brick manufacturing unit has encroached some part of the surrounding paddy fields and use its top soil in making of raw bricks.
7. Remarks : Running of a brick manufacturing unit in the above said location will have an adverse effect on the surrounding paddy fields as well as in the environment of the area. The smoke emitted from the chimney will cause health problems to the local people and also to the animal life. The rising temperature of the kiln will damage the soil property of the nearby paddy fields.

(Ujjal Kr. Sharma)
Asst. Engineer (H.O)
Pollution Control Board, Assam.

Annexure - XV

GOVT. OF ASSAM
OFFICE OF THE DIVISIONAL FOREST OFFICER :: GUWAHATI WILDLIFE DIVISION
SANTIPUR, GUWAHATI-09.

Letter No. A/GWL/106/ECZ/35,

From: S K Seal Sarma AFS
Divisional Forest Officer
Guwahati Wildlife Division
Santipur, Guwahati-09.

To,

The Principal Chief Conservator of Forests,
Wildlife, Assam.
Basistha, Guwahati-09.

Dated Guwahati, the 18th Jan/2012



Sub: Resubmission of proposal for declaration of *Eco Sensitive Zones* around National Parks & Wildlife Sanctuaries as per new guideline of Govt. of India.

Ref: Your office letter No. WL/FG.35/Eco Sensitive Zone Areas dt. 20th July/ 2011 and this office letter No.A/GWL/106/819, dt.25th July/2011.

Sir,

With reference to the above, I have the honour to resubmit herewith the necessary proposal for declaration of *Eco Sensitive Zones* around *Pobitora, Amchang and Deepar Beel Wildlife Sanctuaries* under Guwahati Wildlife Division prepared separately as per Guidelines communicated by the Govt. of India vide No.1-9/2007/WL-1(Pt), dt.9th Feb/2011 for favour of your kind perusal and onward requisite action.

Encl:- As stated above.

Yours faithfully

(S K Seal Sarma)

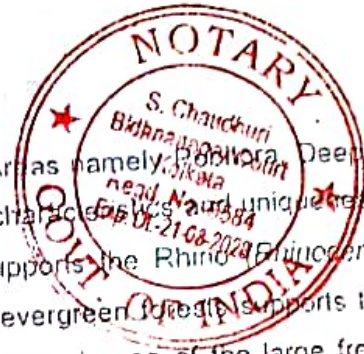
Sl. No.	Activity	Prohibited	Regulated	Permitted	Remarks
1	Commercial mining	Y			Regulation will not prohibit the digging of earth for construction or repairing of houses or making provision for fishery
2	Felling of trees		Y		With prior permission from appropriate authority
3	Setting of Saw Mill	Y			
4	Stone Quarrying and mining	Y			For local consumption and development works special permission may be granted by appropriate authority.
5	Setting of industries causing pollution (Water, Air, Soil, Noise etc)	Y			
6	Tourism		Y		As per the Tourism Master Plan of the State and as per the carrying capacity study of the ESZ
7	Ground water			Y	Permitted for bona fide agricultural and domestic consumption use only. For the industrial commercial use required prior permission from the appropriate authority
8	Use of plastics	Y			
9	Discharge of effluents	Y			Discharge of untreated effluents are prohibited
10	Establishment of hotels and resorts		Y		The Master Plan that take care of habitats allowing no restriction on movement of wild animals
11	Plantation programme			Y	Agro based forestry activities shall be encouraged
12	Erection of electric cables		Y		Promote underground cabling
13	Electric power transmission line	Y			The erection of high tension electric transmission line within the ESZ is prohibited, the existing line should be shifted, if not provisions should be made to insulate the lines to avoid electrocution of wildlife
13	Widening of road		Y		This should be done with proper EIA and mitigation measures
14	Use of renewable energy sources			Y	Local residents are to be encouraged for such practice



PROPOSAL FOR ECO- SENSITIVE ZONE AROUND THE PROTECTED AREAS UNDER
GUWAHATI WILDLIFE DIVISION.

Introduction: -

The Guwahati Wildlife Division is constituted with three Protected Areas namely Pobitora, Deepar Beel and Amchang Wildlife Sanctuary. Each of the PA has its own characteristic unique faunal and floral resources. Pobitora is situated on flood plains of River Brahmaputra and supports the Rhinoceros (*Rhinoceros unicornis*) population, Amchang is on undulating terrain with semi-evergreen forest supports the isolated population of Elephants (*Elephas maximus*) and Deepar Beel is one of the large fresh water lake with diverse aquatic flora supports large number of migratory as well as resident population of birds. only RAMSAR site of Assam.



Objectives: -

The Protected Areas (PA) is ecologically sensitive and needs proper attention to preserve and protect the habitat in and around the Sanctuary on the basis of environmental considerations to avoid permanent and irreparable loss of life forms. The protected areas are near to Guwahati city that is fast developing and facing tremendous pressure from various developmental activities. Moreover, the PAs are surrounded by human habitation causing severe biotic pressure on the PA. To mitigate such severe pressure from biotic and developmental activities both inside and periphery areas, a definite Eco- Sensitive Zone are to be notified all around each of the PA for protection of all the life forms considering the necessary environmental consideration.

The proposed Eco- Sensitive Zone around the different PA under Guwahati Wildlife Division is discussed below

Committee is constituted with the following members to propose Eco Sensitive Zone in
Mithora Wildlife Sanctuary:

<u>Name</u>	<u>Designation</u>
1 <u>Sri S K Seal Sarma</u>	Divisional Forest Officer, Guwahati Wildlife Division, Samany Paths, 781029
2 <u>Dr Bibhab Kr Talukdar,</u>	Director, Arrayak Nature Circle, 50 Samany Paths, Guwahati.
3 <u>Sri Kamaljit Talukdar,</u>	Circle Officer, Mayong Revenus Circle, Bhokal Gaon, Morigaon.
4 <u>Sri Sailen Nath,</u>	Member of Panchayat, Mayong Gaon Panchayat, Morigaon.



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 Director, Wildlife Division
 Government of Assam
 Guwahati

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further downstream of Kaziranga National Park within the latitude 26° 12'

longitude 90° 2' to 90° 5' East. The sanctuary falls in the district of Morigaon, Assam. These flood prone areas are one of the rich and ecologically diverse habitats for the wide variety of animals and plant species. The plain areas flooded during monsoon and parts of it remain wet even during dry water. Flood brings alluvial deposits to the wildlife sanctuary creating a unique type of habitat.

The Pobitora Wildlife Sanctuary comprises two parts i.e. erstwhile Pobitora RF and Raja Mayong RF with an area of 15.9 sq km and 11.99 sq km respectively, forming the area of Pobitora Wildlife Sanctuary 27.89 sq km which is under the administrative control of the PA management. However, the remaining portion of the area i.e. 1104 ha is under the Revenue which is yet to be handed over to the PA that extends the total area of the PA to 38.81 sq km as notified as per Govt. notification no. FRS/19/87/152 dt 17th March 1987. The Pobitora RF is basically a flood prone area whereas Raja Mayong is a hill representing different Geo-morphological features than Pobitora RF. The Pobitora Wildlife Sanctuary is surrounded by as many as 27 civil villages with an estimated population over 25000 nos. At the same time, being primarily agriculturist, the villager around the PA are rearing cattle with an estimated population over 10000 that create immense biotic pressure on the PA.

Further with the progress of various developmental programmes, certain industrial activities are coming up in fringe areas of the PA causing environmental threat to the PA in near future.

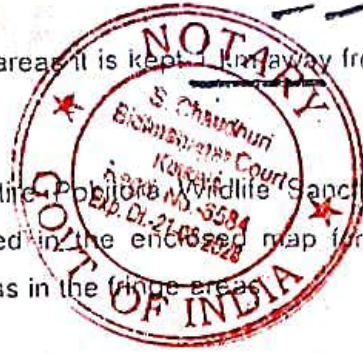
The Pobitora Wildlife Sanctuary is famous for One Horned Rhino (*Rhinoceros unicornis*). Besides this the park harbors 46 species of resident and 20 species of biome restricted avian fauna excluding nos. of migratory birds. 16 species of aquatic plants, 41 species of fish and 8 species of frogs are also sharing the habitat.

Under the above circumstances, it is highly essential to notify an area of 1000 m (1 km) all around the outer boundary of Pobitora Wildlife Sanctuary as an Eco-Sensitive Zone for better environmental safeguard of the life forms in the park. As already mentioned the Rajamayong (hill) RF and Pobitora RF are not contiguous patches. The inter space between the aforesaid RF are yet to be handed over to the PA authority, however, the area to be considered as part of the Sanctuary to provide seasonal migration route between areas where animals physically cross from one part to other. The distance between Pobitora RF and Mayong RF is nearly 3 km, so the inter-



space brought under the eco-sensitive zone where as in other areas it is kept 1 km away from the outer boundary of the notified Sanctuary

Thus the buffer area comprising 74 Sq. km around the entire Pobitora Wildlife Sanctuary is propose to be declared as Eco-Sensitive Zone as delineated in the enclosed map for better environmental safeguard of all the life forms in the park as well as in the fringe areas



Boundary of the Proposed Eco-Sensitive Zone:-

North At a point one km away from the outer boundary of the Sanctuary located on the bank of Pokoria River and proceeds through the east of Bordia Gaon till it reached the north of Bhikridoba. Then the line meets be Mayong-Morigaon PWD Road and runs up to Loonmati and further runs till it meet the river Brahmaputra.

East Starting from Diplang gaon on the North of Kalong River the boundary runs towards North crossing Nakara beel touching the East boundary of Kukurabari beel and reaches Pokoria River, one km away from the Sanctuary boundary.

South At a point one km. away from the Pobitora Wildlife Sanctuary, (Khat Basti) on the left bank of Ghoramara jan and move towards east touching South boundary of Bogabari Beel crossing Kolong river on the North of Bhurbhanda. Then the boundary runs to the South of Kalong River till it reached Diplang Gaon on the North of Kalong River.

West Starting from Ghoramara Jan at a distance one km from the sanctuary boundary and proceed towards Govardhan Hill and further runs to the North till it meet the river Brahmaputra.

Tough the extent of the PA is 38.81 sq km, but the natural boundary is of 2637 m and rest of the boundary approximately 36 km is encircled by human population and the PA is surrounded by 27 civil villages. The names of the villages are:

Rajamayong, Buramayong, Loonmati, Owguri, Satveti, Sildubi, Halipara, Hatimuniya, Kamarpur, Karanibori, Buraburi, Kukuari, Nekehabhi, Diprang, Thengbhanga, Gurubandha, Keetasila, Dhanukhunda 1, Gorali, Murkata I & II, Dhanukhunda II, Sonoka.

ii) Inventory of existing legal status :

All the villages mentioned above are falls within Mayong Revenue Circle. They have legal entitlement over the land they reside and are privileged to utilize their land for generating income

around the PA are rating came with...
pressure on the PA

Further, as the PA is situated with an easy proximity to Guwahati city and industrial town like Jajiroad, the ever increasing pressure on the fringe area of the PA for various development programmes, industrial and rural developmental activities causing environmental threat to the PA in near future



iii) Description of Bio-diversity value etc.:

The area falls within the Brahmaputra Valley (9 A), Bio-geographic province as per Bio-geographic classification of India (2000). Being situated at the flood plains of River Brahmaputra, soil of the area is mostly alluvial deposit of river. In some places alluvial with higher clay percentage that may termed as fertile clayey loam with silt.

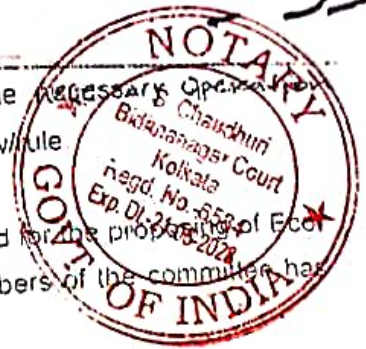
The fertility of the soil is encouraging for agricultural activities and also rich in alluvial grassland. The natural water bodies are ideal for water sources for the cultivation. Small hamlets also maintain a good forested area for regular use including bamboo. The non-cultivated areas are rich in grass that helps in rearing number of cattle. The water bodies of the zone are suitable location for winter migratory water fowls. Fishing among local community is a common practice and water body supports variety of fish species. Land use pattern of the area is around 90% of agricultural land and 10% of other activities

iv) Description of resource base :

The economy of the people residing in the area is not steady in nature. They are small farmers without multiple crop practice. The land holding of the surrounding people are low. The landless comprises almost 3.2% of household population, 44.5% small land holders and 33.5% of house lands population work in other lands. In some of the neighboring villages, total number of persons involved in non-agricultural pursuits being as high as 22% of the working population.

Almost any human activity causes ecological damage to some extent in terms of loss of life forms and/or habitats. On the other hand, excessively rigid guidelines may lead to a substantial, and perhaps unacceptable, curtailment in development activities. Therefore, it is suggested to constitute

Zonal Committee comprising the line departments to constitute the necessary Operational Guidelines for the Eco-sensitive Zone within the purview of the existing law/rule

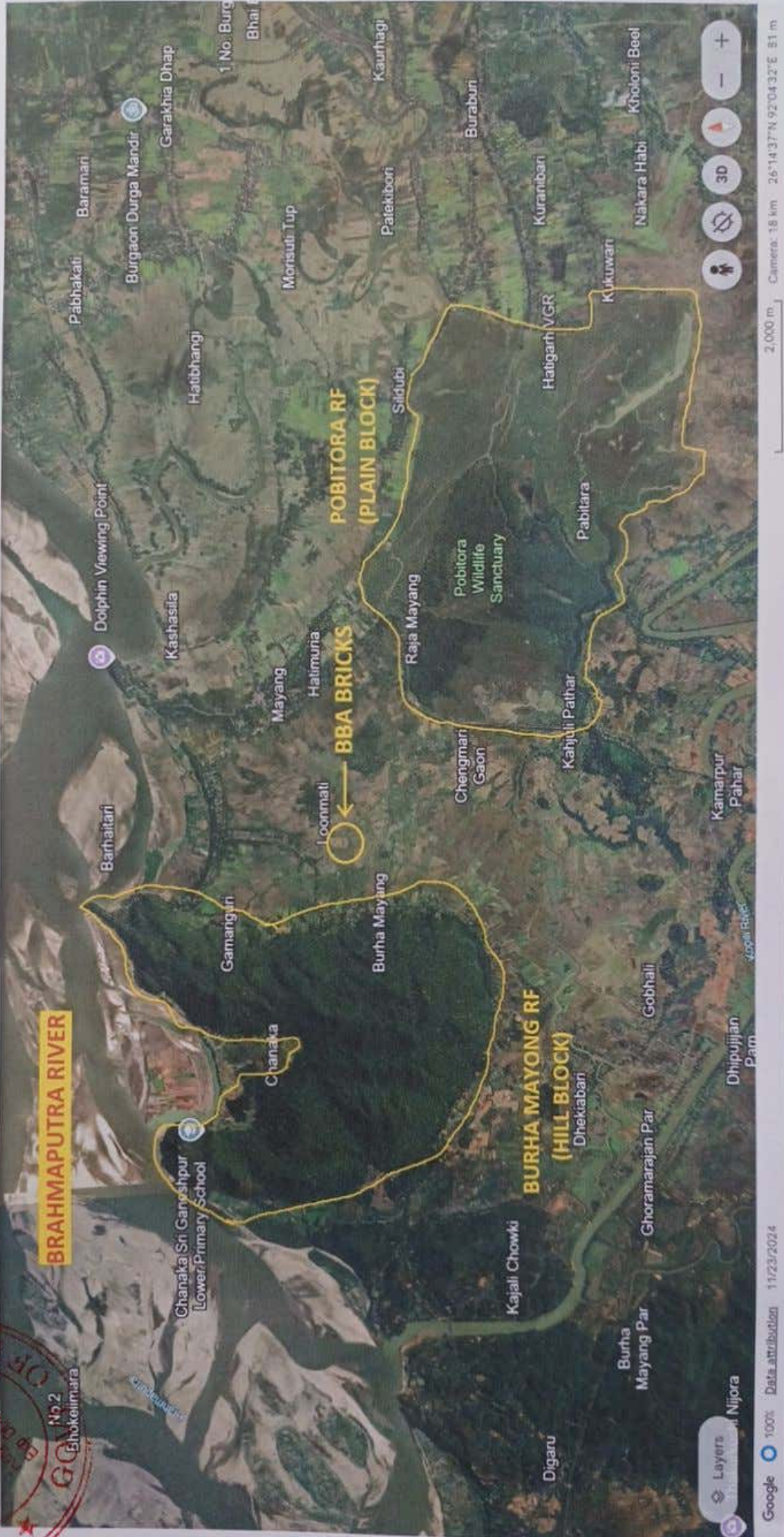


The above recommendation has been made by the committee constituted for the proposed Eco Sensitive Zone around Pobitora Wildlife Sanctuary. The list of the members of the committee has been annexed herewith.

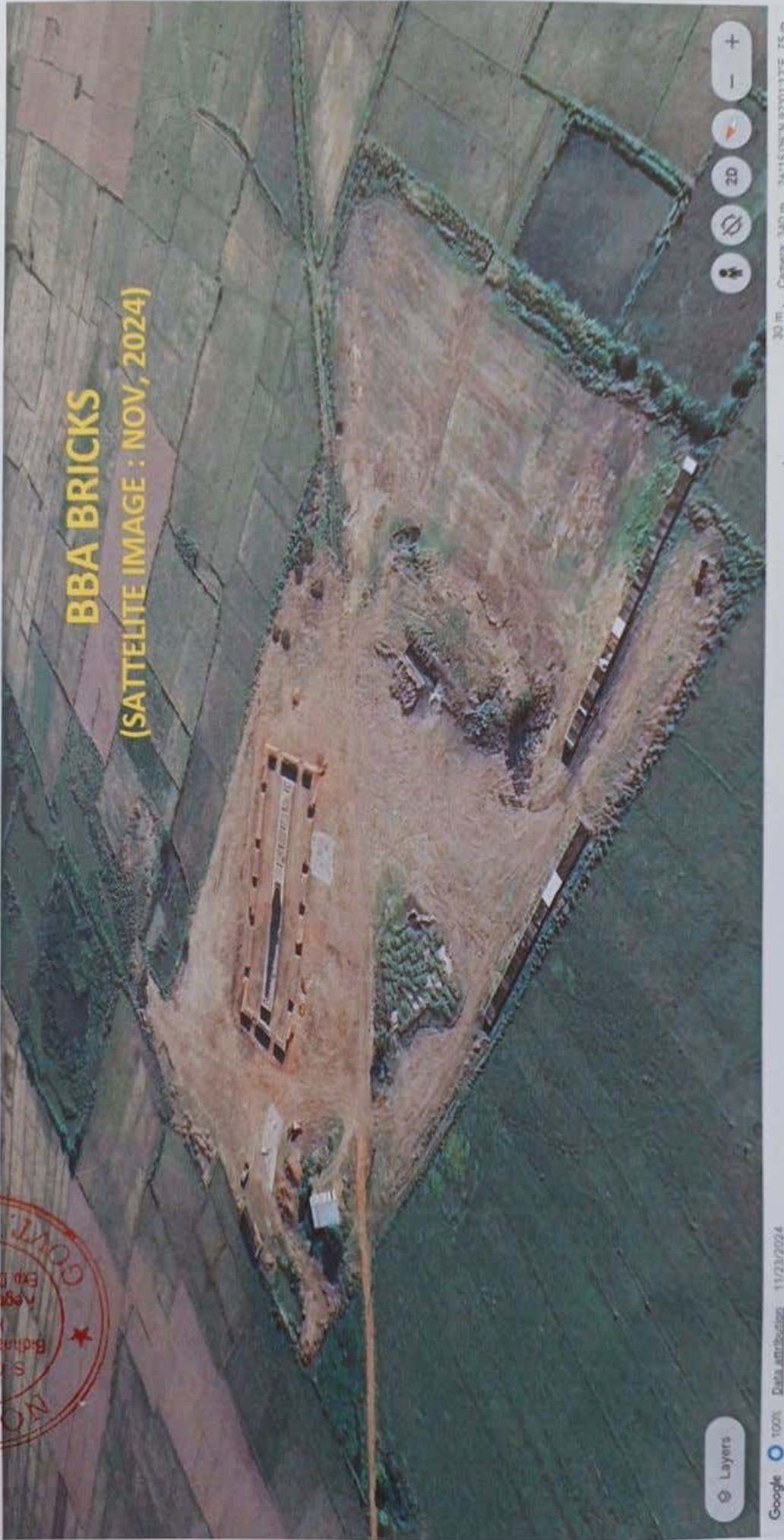
- Enclose. 1 Map of Pobitora WL Sanctuary Showing proposed Eco-sensitive Zone
- 2 List of the Members of the Committee.

Submitted

(S K Seal Sarma)
Divisional Forest Officer
Guwahati WL Division
Guwahati-09.



BBA BRICKS
(SATTELITE IMAGE : NOV, 2024)



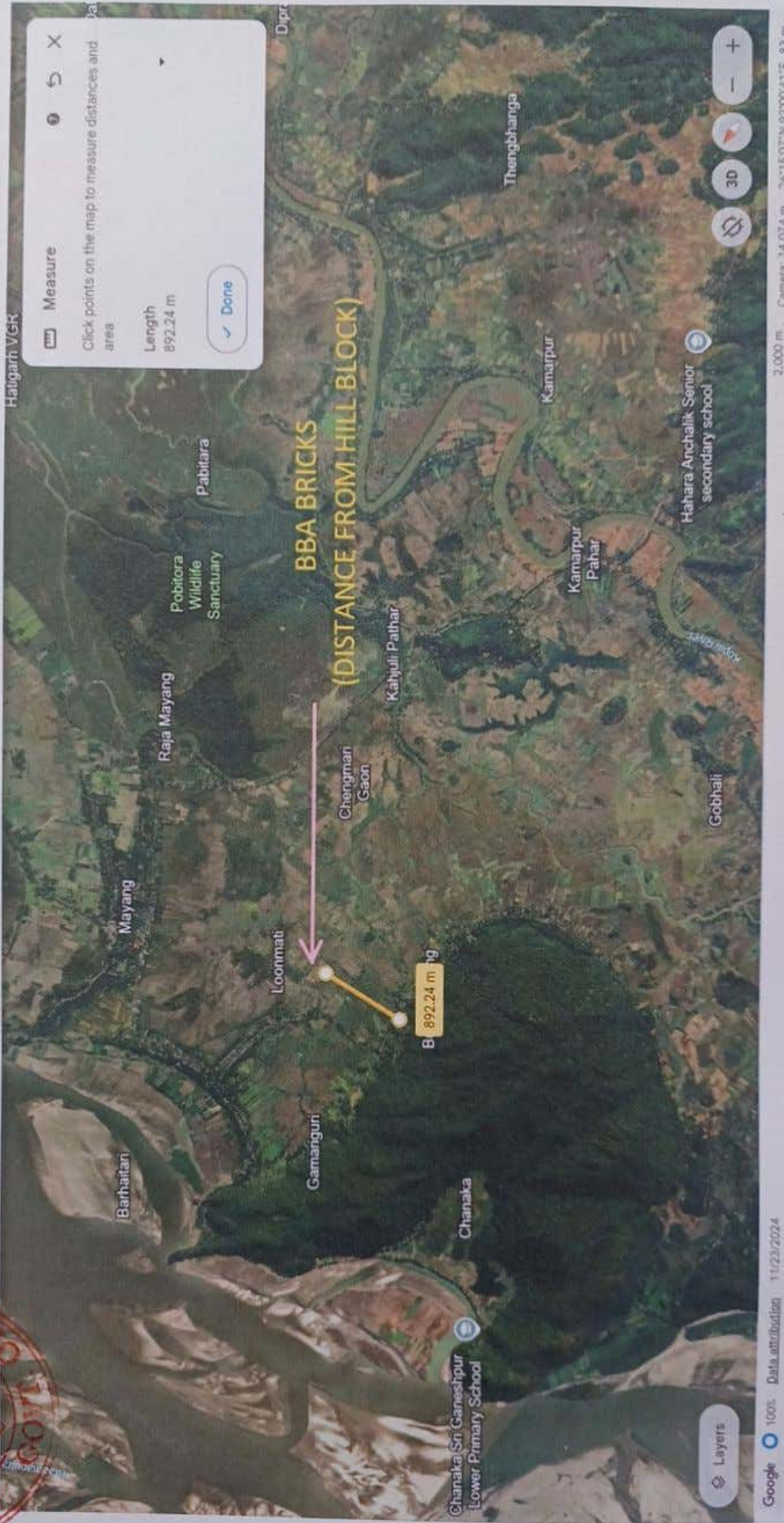
Google 100% Data attribution: 11/23/2024
 30 m Camera: 340 m 26°15'08"N 92°01'12"E 75 m



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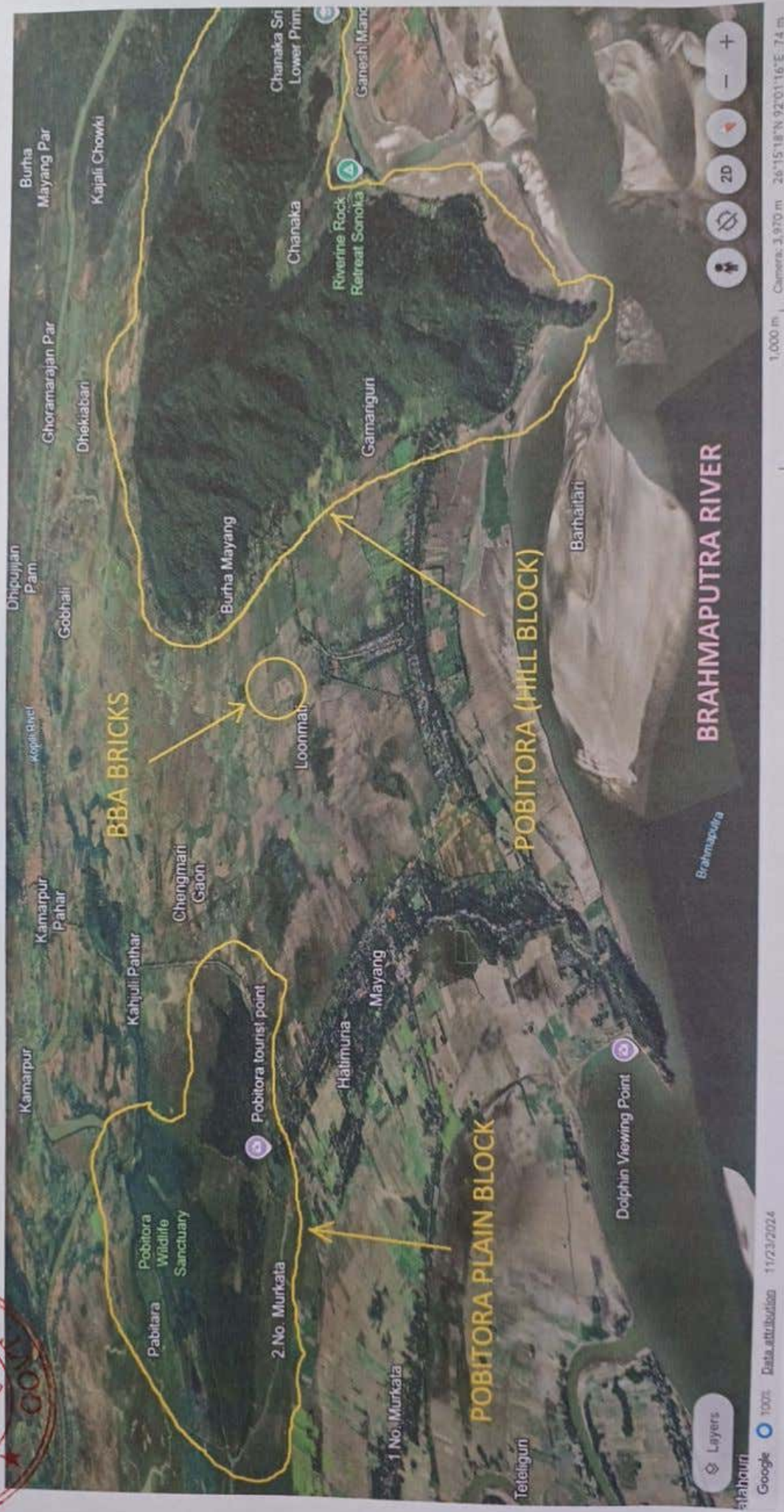


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Google 100% Data attribution 11/23/2024 Camera: 13,036 m 26°14'20"N 92°02'23"E 82 m

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