

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE, ATPUNE****(Appeal under Section 16 read with Section 18 of the National Green Tribunal Act, 2010)**

APPEAL NO.26 OF 2021

Mr.NARAYAN MOTIRAM HINDALEKAR**APPELLANT****VERSUS****STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY (SEIAA)****RESPONDENT****DOCUMENT OF COMPILATION**

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PUNE

DATE 02/09/2021**ADVOCATE FOR APPLANT**

.76	सिथेटिक डिटरजेंटस और साबुन (निर्माण को छोड़कर)
.77	रेयान टायर कोर्ड, पोलिस्टर फिलामेंट यार्न सहित सिथेटिक फाइबर
.78	सिथेटिक रिसाइन्स
.79	मोल्टिंग के अलावा सिथेटिक रबड़
.80	टैनरीज
.81	थर्मल पाँवर प्लांटस
.82	सिगरेट और तम्बाकू दकू उत्पारण सहित तम्बाअफीम प्रसंस्क/
.83	विलायक निष्कर्षण और रिफाइनरी ति तेलहाईड्रो जनरेटिड तेलों सहित वनस्प/
.84	कोई भी बहिस्त्राव र्जनउत्स/उत्पन्नकर्ता प्रक्रिया, ब्लिचिंग, डाईंग, प्रिंटिंग और स्कोरिंग सहित यार्न टाईलटैक्स/
.85	जिक स्मेलटर
टिप्पणी 1 :कोई भी उद्योगघटा से अधिक /टन 5 सूची में शामिल नहीं हैं और जिनके पास औद्योगिक कार्यकलाप जो उपयुक्त/ र्जन का कोल फम उत्सक्षमता का स्टीायर्ड बॉयलर हैं, वे उन्हें लाल श्रेणी के अतर्गत शामिल किया जाएगा।	

[फा.सं. 1-4/2012-आरई (भाग)]

अजय त्यागी, संयुक्त सचिव

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 10th March, 2014

S.O. 733(E).—The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110003, or at e-mail address: esz-mef@nic.in.

Draft Notification

WHEREAS, Western Ghats is an important geological landform on the fringe of the west coast of India and it is the origin of Godavari, Krishna, Cauvery and a number of other rivers and extends over a distance of approximately 1500 km from Tapti river in the north to Kanyakumari in the south with an average elevation of more than 600 m and traverses through six States namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu;

AND WHEREAS, Western Ghats is a global biodiversity hotspot and a treasure trove of biological diversity and it harbours many endemic species of flowering plants, endemic fishes, amphibians, reptiles, birds, mammals and invertebrates and is also an important center of evolution of economically important domesticated plant species such as pepper, cardamom, cinnamom, mango and jackfruit;

AND WHEREAS, Western Ghats has many unique habitats which are home to a variety of endemic species of flora and fauna such as Myristica swamps, the flat-topped lateritic plateaus, the Sholas and wetland and riverine ecosystems;

AND WHEREAS, UNESCO has included certain identified parts of Western Ghats in the UNESCO World Natural Heritage List because Western Ghats is a Centre of origin of many species as also home for rich endemic biodiversity and hence a cradle for biological evolution;

AND WHEREAS, the Western Ghats not only harbour rich biodiversity, but also supports a population of approximately fifty million people and also include areas of high human population density and therefore, there is a need to conserve and protect the unique biodiversity of Western Ghats while allowing for sustainable and inclusive development of the region;

AND WHEREAS, the Ministry constituted a High Level Working Group to study the preservation of the ecology, environmental integrity and holistic development of the Western Ghats in view of their rich and unique biodiversity and it was also tasked with the mandate to take a holistic view of the issue and to bring synergy between protection of

environment and biodiversity and needs and aspirations of the local and indigenous people, sustainable development and environmental integrity of the region and to suggest steps and the way forward to prevent further degradation of the fragile ecology of the Western Ghats;

AND WHEREAS, the High Level Working Group had since submitted its report to the Ministry on 15th April 2013 which was kept in the public domain seeking comments/views of concerned stakeholders and was also sent to the concerned six State Governments of the Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu for their considered comments/views on the report;

AND WHEREAS, the High Level Working Group has identified approximately thirty-seven percent the Western Ghats as ecologically sensitive which covers an area of 59,940 sq. km. of natural landscape of Western Ghats and represents a continuous band of natural vegetation extending over a horizontal distance of 1,500 km and is spread across six states of Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu and includes Protected Areas and World Heritage Sites of Western Ghats and the High Level Working Group has recommended prohibition or regulation of identified projects and activities in the Ecologically Sensitive Area which have maximum interventionist and destructive impacts on ecosystems;

AND WHEREAS, the Ministry vide OM No. 1-4/2012 – RE (Pt.), dated 20th December 2013, had *inter alia* sought suggestions from the State Governments on modifications in the boundary of the Ecologically Sensitive Area as identified by the High Level Working Group on the basis of physical verification;

AND WHEREAS, the State Government of Kerala has accordingly undertaken the exercise of demarcating Ecologically Sensitive Area in the State by physical verification by setting up an Expert Committee to study the impact of High Level Working Group recommendations and to assess ground level information and it had also set-up Panchayat Level Committees in 123 villages falling within Ecologically Sensitive Area on the basis of the interim report of the Expert Committee for undertaking on-the-spot field verification and interacting with stakeholders;

AND WHEREAS, the Expert Committee and the Panchayat Level Committees have, on the basis of physical verification, recommended exclusion of cultural landscape from Ecologically Sensitive Area as identified by High Level Working Group and the State Government of Kerala is of the view that agricultural areas, orchards, horticultural plots, plantation and residential areas may be kept out of Ecologically Sensitive Area;

AND WHEREAS, the Ecologically Sensitive Area recommended by the Kerala State Government is spread over of an area of 9993.7 sq. km., which includes 9107 sq. km. of forest area and 886.7 sq. km. of non-forest area and ESA in that State works out to 9,993.7 sq km. as compared to 13,108 sq. km. recommended by High Level Working Group;

AND WHEREAS, taking into account the ESA demarcated by Kerala Government for the State of Kerala instead of Ecologically Sensitive Area recommended by High Level Working Group for the state, the total Ecologically Sensitive Area for Western Ghats region works out to 56, 825 sq. km.

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies the identified area of 56,825 sq. km. which is spread across six states namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu, as the Western Ghats Ecologically Sensitive Area (herein after referred to as the Eco-sensitive Area).

2. Boundary and Description of Western Ghats Eco-sensitive Area.- (1) The boundary and description of Eco-Sensitive Area as recommended by High Level Working Group excluding the State of Kerala is as under:-

- (a) the extent of Eco-sensitive area falling in each state is as per **Annexure A**;
- (b) the State-wise map of the portion of the Eco-sensitive area in each state is as per **Annexure – B1 to B5**;
- (c) the state-wise list of villages falling within the Eco-sensitive Area along with respective Districts and Talukas is as per **Annexure-C**.

(2) The Eco-Sensitive Area in the State of Kerala is spread over of an area of 9993.7 sq. km., which includes 9107 sq. km. of forest area and 886.7 sq. km. of non-forest area and the boundary and description of Eco-Sensitive Area and the village-wise details of Eco-sensitive area proposed by the State Government are available on the website of the Kerala State Biodiversity Board.

3. Projects and activities to be prohibited or regulated in the Eco-sensitive area.- (1) The following categories of projects and activities shall be prohibited in Eco-sensitive Area except those proposals which have been received by Expert Appraisal Committees or the Ministry of Environment and Forests or State Level Expert Appraisal Committees or the State Level Environment Impact Assessment Authorities before the 17th April, 2013, the date on which the HLWG report was uploaded on the website of the Ministry and are pending consideration and such proposals shall be dealt in accordance with the guidelines and rules in existence at that time.

(a) Mining: There shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area and all existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, whichever is earlier.

(b) Thermal power plants: No new thermal power projects and expansion of existing plants shall be allowed in the Ecologically Sensitive Area.

(c) Industry: All new 'Red' category of industries as specified by the Central Pollution Control Board or State Pollution Control Board and the expansion of such existing industries shall be banned. The list of 'Red' category industries as specified by the Central Pollution Control Board is at **Annexure D**.

(d) Building, Construction, township and area development projects: All new and expansion projects of building and construction with built up area of 20,000 sq. mts. and above and all new and expansion townships and area development projects with an area of 50 hectares and above or with built up area of 1,50,000 sq. mts. and above shall be prohibited.

(2) The following categories of projects and activities shall be regulated as given below:-

(a) Hydropower projects: New Hydropower projects shall be allowed as per the Environment Impact Assessment notification, published vide number S.O. 1533 (E), dated 14th September, 2006, subject to the following conditions, namely:-

(i) uninterrupted ecological flow of at least thirty per cent of the rivers flow in lean season, till a comprehensive study establishes individual baselines for each project;

(ii) a cumulative study which assesses the impact of each project on the flow pattern of the rivers and forest and biodiversity loss;

(iii) the minimum distance between one project and the other is maintained at three km and not more than fifty per cent of the river basin is affected at any time,

(b) The 'Orange' category of Industries as specified by the Central Pollution Control Board or State Pollution Control Board shall be allowed with strict compliance of environmental regulations but all efforts shall be made to promote industries with low environmental impacts.

(c) in the case of activities that are covered in the schedule to the Environment Impact Assessment notification number S.O. 1533 (E), dated 14th September, 2006, published by the Ministry of Environment and Forests and are falling in the Eco-Sensitive Area, except the projects and activities which are specifically prohibited under sub-para (1) shall be scrutinized and assessed for cumulative impacts and development needs before considering for prior environmental clearance by the Ministry under the provisions of the said notification.

(d) in particular and without prejudice to the provisions of the relevant Acts, in cases of diversion of forest land for non-forestry purposes in the Eco-sensitive area, all information of the project, from application stage to approval shall be placed in the public domain on the website of the Ministry of Environment and Forests and of the Forest Department of the respective States.

(e) the requirements of prior informed consent under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) shall be complied with and the consent of Gram Sabha for undertaking projects and activities shall be mandatory.

4. Implementation and Monitoring mechanism.— (1) The responsibility for monitoring and enforcement of provisions of this notification shall be with the concerned State Governments of Western Ghats region and the State Governments shall ensure placing of required mechanisms for effective monitoring and enforcement of restrictions in the Eco-sensitive area and while placing such mechanisms, the State Governments shall inter-alia ensure strengthening of existing regulatory institutions and processes, and participation and involvement of local communities in decision making and the details of such mechanisms shall be shared by the concerned State Governments with the Ministry of Environment and Forests.

(2) A Decision Support and Monitoring Centre for Western Ghats shall be established by the Ministry of Environment and Forests in collaboration with the six State Governments of the Western Ghats region which shall assess and report on the status of ecology of Western Ghats on regular basis and provide decision support facility in the implementation of the provisions of this notification and shall also facilitate mechanisms for scientific decision making and strengthening enforcement.

(3) The post clearance monitoring of projects and activities allowed in the Eco-sensitive Area shall be carried out by the concerned State Government, State Pollution Control Board and the Regional Office of the Ministry and all projects in the Eco-sensitive Area which have been given Environmental Clearance or Forest Clearance shall be monitored at least once a year by the concerned Regional Office of the Ministry of Environment and Forests.

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 4th September, 2015

S.O.2435(E).— The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, in supersession of the notification of the Government of India, Ministry of Environment and Forest published in Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii) vide notification number S.O. 733(E), dated the 10th March, 2014, as except as respects things done or omitted to be done before such supersession, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, CGO Complex, Jor bagh Road, Ali Ganj, New Delhi-110003, or at e-mail address: esz-mef@nic.in.

Draft notification

WHEREAS, Western Ghats is an important geological landform on the fringe of the west coast of India and it is the origin of Godavari, Krishna, Cauvery and a number of other rivers and extends over a distance of approximately 1500 kilometre from Tapti river in the north to Kanyakumari in the south with an average elevation of more than 600 metre and traverses through six States namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu;

AND WHEREAS, Western Ghats is a global biodiversity hotspot and a treasure trove of biological diversity and it harbours many endemic species of flowering plants, endemic fishes, amphibians, reptiles, birds, mammals and invertebrates and is also an important center of evolution of economically important domesticated plant species such as pepper, cardamom, cinnamom, mango and jackfruit;

AND WHEREAS, Western Ghats has many unique habitats which are home to a variety of endemic species of flora and fauna such as Myristica swamps, the flat-topped lateritic plateaus, the Sholas and wetland and riverine ecosystems;

AND WHEREAS, UNESCO has included certain identified parts of Western Ghats in the UNESCO World Natural Heritage List because Western Ghats is a Centre of origin of many species as also home for rich endemic biodiversity and hence a cradle for biological evolution;

AND WHEREAS, the Western Ghats not only harbour rich biodiversity, but also supports a population of approximately fifty million people and also include areas of high human population density and therefore, there is a need to conserve and protect the unique biodiversity of Western Ghats while allowing for sustainable and inclusive development of the region;

AND WHEREAS, the Ministry constituted a High Level Working Group to study the preservation of the ecology, environmental integrity and holistic development of the Western Ghats in view of their rich and unique biodiversity and it was also tasked with the mandate to take a holistic view of the issue and to bring synergy between protection of environment and biodiversity and needs and aspirations of the local and indigenous people, sustainable development and environmental integrity of the region and to suggest steps and the way forward to prevent further degradation of the fragile ecology of the Western Ghats;

AND WHEREAS, the High Level Working Group had since submitted its report to the Ministry on the 15th April, 2013 which was kept in the public domain seeking comments/views of concerned stakeholders and was also sent to the concerned six State Governments of the Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu for their considered comments/views on the report;

AND WHEREAS, the High Level Working Group has identified approximately thirty-seven percent the Western Ghats as ecologically sensitive which covers an area of 59,940 square kilometre. of natural landscape of Western Ghats and represents a continuous band of natural vegetation extending over a horizontal distance of 1,500 kilometre and is spread across six states of Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu and includes Protected Areas and World Heritage Sites of Western Ghats and the High Level Working Group has recommended prohibition or regulation of identified projects and activities in the Ecologically Sensitive Area which have maximum interventionist and destructive impacts on ecosystems;

AND WHEREAS, the Ministry vide OM No. 1-4/2012 – RE (Pt.), dated the 20th December 2013, had *inter alia* sought suggestions from the State Governments on modifications in the boundary of the Ecologically Sensitive Area as identified by the High Level Working Group on the basis of physical verification;

AND WHEREAS, the State Government of Kerala had earlier accordingly undertaken the exercise of demarcating Ecologically Sensitive Area in the State by physical verification the Ecologically Sensitive Area recommended by the Kerala State Government is spread over of an area of 9993.7 square kilometre, which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and Ecologically Sensitive Area in that State works out to 9,993.7 square kilometre as compared to 13,108 square kilometre recommended by High Level Working Group;

AND WHEREAS, earlier the Ministry issued a draft notification vide S. O. No. 733 (E), dated the 10th March 2014, declaring Ecologically Sensitive Area in the Western Ghats taking into account the Ecologically Sensitive Area demarcated by Kerala Government for the State of Kerala instead of Ecologically Sensitive Area recommended by High Level Working Group for the State, while for other States of Western Ghats region the Ecologically sensitive Area recommended by the High Level Working Group was considered ;

AND WHEREAS, while responding to the said draft notification number S.O. 733 (E), on dated the 10th March, 2014 some of the States of Western Ghats region had sought an opportunity to undertake demarcation of Ecologically Sensitive Area by physical verification and the same was given by the Central Government vide letter dated the 9th June, 2014 except for the State of Kerala;

AND WHEREAS, the Central Government had convened meetings of the State Environment and Forest Ministers of the Western Ghat region on the 7th July, 2015 and Members of Parliament of Western Ghats region on the 3rd August, 2015 to review the progress of demarcation of Ecologically Sensitive Area by physical verification and also to address the apprehensions /concerns expressed by the State Governments and the various stakeholders of Western Ghats from time to time;

AND WHEREAS, the representatives of the State Governments of Western Ghats region had informed during the meeting held on the 7th July, 2015 that demarcation of Ecologically Sensitive Area by physical verification is in advanced stages of completeness;

AND WHEREAS, it was resolved in both the meetings to clarify that there will be no displacement or dislocation of the local people living in habitations within the Ecologically Sensitive Areas demarcated in the Western Ghats and practicing of agriculture and plantation activity shall also not be affected due to the provisions contained in the draft notification;

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies the identified area of 56,825 square kilometre which is spread across six States, namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu, as the Western Ghats Ecologically Sensitive Area .

2. Boundary and Description of Western Ghats Eco-sensitive Area.- (1) The boundary and description of Eco-Sensitive Area as recommended by High Level Working Group excluding the State of Kerala is as under:-

- (a) the extent of Eco-sensitive area falling in each state is as per *Annexure A*;
- (b) the State-wise map of the portion of the Eco-sensitive area in each state is as per *Annexure – B1 to B5*;
- (c) the state-wise list of villages falling within the Eco-sensitive Area along with respective Districts and Talukas is as per *Annexure-C*.

(2) The Eco-Sensitive Area in the State of Kerala is spread over of an area of 9993.7 square kilometre which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and the boundary and description of Eco-Sensitive Area and the village-wise details of Eco-sensitive area proposed by the State Government are available on the website of the Kerala State Biodiversity Board.

3. Projects and activities to be prohibited or regulated in the Eco-sensitive area.- (1) The following categories of projects and activities shall be prohibited in Eco-sensitive Area except those proposals which have been received by Expert Appraisal Committees or the Ministry of Environment, Forests and Climate Change or State Level Expert Appraisal Committees or the State Level Environment Impact Assessment Authorities before the 17th April, 2013, the date on which the High Level Working Group report was uploaded on the website of the Ministry and are pending consideration and such proposals shall be dealt in accordance with the guidelines and rules in existence at that time.

(a) Mining: There shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area and all existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, whichever is earlier.

(b) Thermal power plants: No new thermal power projects and expansion of existing plants shall be allowed in the Ecologically Sensitive Area.

(c) Industry: All new 'Red' category of industries as specified by the Central Pollution Control Board or State Pollution Control Board and the expansion of such existing industries shall be banned. The list of 'Red' category of industries shall be as specified by the Central Pollution Control Board:

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 27th, February, 2017

S.O. 667(E).—The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, in supersession of the notification of the Government of India, Ministry of Environment, Forest and Climate Change published in Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii) vide notification number S.O. 2435(E), dated the 4th September, 2015, as except as respects things done or omitted to be done before such supersession, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, CGO Complex, Jor bagh Road, Ali Ganj, New Delhi-110003, or at e-mail address: esz-mef@nic.in.

Draft notification

WHEREAS, Western Ghats is an important geological landform on the fringe of the west coast of India and it is the origin of Godavari, Krishna, Cauvery and a number of other rivers and extends over a distance of approximately 1500 kilometre from Tapti river in the north to Kanyakumari in the south with an average elevation of more than 600 metre and traverses through six States namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu;

AND WHEREAS, Western Ghats is a global biodiversity hotspot and a treasure trove of biological diversity and it harbours many endemic species of flowering plants, endemic fishes, amphibians, reptiles, birds, mammals and invertebrates and is also an important center of evolution of economically important domesticated plant species such as pepper, cardamom, cinnamom, mango and jackfruit;

AND WHEREAS, Western Ghats has many unique habitats which are home to a variety of endemic species of flora and fauna such as Myristica swamps, the flat-topped lateritic plateaus, the Sholas and wetland and riverine ecosystems;

AND WHEREAS, UNESCO has included certain identified parts of Western Ghats in the UNESCO World Natural Heritage List because Western Ghats is a Centre of origin of many species as also home for rich endemic biodiversity and hence a cradle for biological evolution;

AND WHEREAS, the Western Ghats not only harbour rich biodiversity, but also supports a population of approximately fifty million people and also include areas of high human population density and therefore, there is a need to conserve and protect the unique biodiversity of Western Ghats while allowing for sustainable and inclusive development of the region;

AND WHEREAS, the Ministry constituted a High Level Working Group to study the preservation of the ecology, environmental integrity and holistic development of the Western Ghats in view of their rich and unique biodiversity and it was also tasked with the mandate to take a holistic view of the issue and to bring synergy between protection of environment and biodiversity and needs and aspirations of the local and indigenous people, sustainable development and environmental integrity of the region and to suggest steps and the way forward to prevent further degradation of the fragile ecology of the Western Ghats;

AND WHEREAS, the High Level Working Group had since submitted its report to the Ministry on the 15th April, 2013 which was kept in the public domain seeking comments/views of concerned stakeholders and was also sent to the concerned six State Governments of the Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu for their considered comments/views on the report;

AND WHEREAS, the High Level Working Group has identified approximately thirty-seven percent the Western Ghats as ecologically sensitive which covers an area of 59,940 square kilometre. of natural landscape of Western Ghats and represents a continuous band of natural vegetation extending over a horizontal distance of 1,500 kilometre and is spread across six states of Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu and includes Protected Areas and World Heritage Sites of Western Ghats and the High Level Working Group has

recommended prohibition or regulation of identified projects and activities in the Ecologically Sensitive Area which have maximum interventionist and destructive impacts on ecosystems;

AND WHEREAS, the Ministry vide OM No. 1-4/2012 – RE (Pt.), dated the 20th December 2013, had *inter alia* sought suggestions from the State Governments on modifications in the boundary of the Ecologically Sensitive Area as identified by the High Level Working Group on the basis of physical verification;

AND WHEREAS, the State Government of Kerala had earlier accordingly undertaken the exercise of demarcating Ecologically Sensitive Area in the State by physical verification the Ecologically Sensitive Area recommended by the Kerala State Government is spread over of an area of 9993.7 square kilometre, which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and Ecologically Sensitive Area in that State works out to 9,993.7 square kilometre as compared to 13,108 square kilometre recommended by High Level Working Group;

AND WHEREAS, earlier the Ministry issued a draft notification vide S. O. No. 733 (E), dated the 10th March 2014, declaring Ecologically Sensitive Area in the Western Ghats taking into account the Ecologically Sensitive Area demarcated by Kerala Government for the State of Kerala instead of Ecologically Sensitive Area recommended by High Level Working Group for the State, while for other States of Western Ghats region the Ecologically sensitive Area recommended by the High Level Working Group was considered ;

AND WHEREAS, while responding to the said draft notification number S.O. 733 (E), on dated the 10th March, 2014 some of the States of Western Ghats region had sought an opportunity to undertake demarcation of Ecologically Sensitive Area by physical verification and the same was given by the Central Government vide letter dated the 9th June, 2014 except for the State of Kerala;

AND WHEREAS, the Central Government had convened meetings of the State Environment and Forest Ministers of the Western Ghat region on the 7th July, 2015 and Members of Parliament of Western Ghats region on the 3rd August, 2015 to review the progress of demarcation of Ecologically Sensitive Area by physical verification and also to address the apprehensions /concerns expressed by the State Governments and the various stakeholders of Western Ghats from time to time;

AND WHEREAS, the representatives of the State Governments of Western Ghats region had informed during the meeting held on the 7th July, 2015 that demarcation of Ecologically Sensitive Area by physical verification is in advanced stages of completeness;

AND WHEREAS, it was resolved in both the meetings to clarify that there will be no displacement or dislocation of the local people living in habitations within the Ecologically Sensitive Areas demarcated in the Western Ghats and practicing of agriculture and plantation activity shall also not be affected due to the provisions contained in the draft notification;

And Whereas, the Central Government convened a meeting with the Members of Parliament of the Western Ghats region on 11th August, 2016 and decided that the Draft Notification dated 4th September, 2015 would be the basis for further discussion to finalize it.

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies the identified area of 56,825 square kilometre which is spread across six States, namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu, as the Western Ghats Ecologically Sensitive Area .

2. Boundary and Description of Western Ghats Eco-sensitive Area.- (1) The boundary and description of Eco-Sensitive Area as recommended by High Level Working Group excluding the State of Kerala is as under:-

- (a) the extent of Eco-sensitive area falling in each state is as per Annexure A;
- (b) the State-wise map of the portion of the Eco-sensitive area in each State is as per Annexure – B1 to B5;
- (c) the State-wise list of villages falling within the Eco-sensitive Area along with respective Districts and Talukas is as per Annexure-C.

(2) The Eco-sensitive Area in the State of Kerala is spread over of an area of 9993.7 square kilometre which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and the boundary and description of Eco-sensitive Area and the village-wise details of Eco-sensitive area proposed by the State Government are available on the website of the Kerala State Biodiversity Board.

3. Projects and activities to be prohibited or regulated in the Eco-sensitive area.- (1) The following categories of projects and activities shall be prohibited in Eco-sensitive Area except those proposals which have been received by Expert

Appraisal Committees or the Ministry of Environment, Forest and Climate Change or State Level Expert Appraisal Committees or the State Level Environment Impact Assessment Authorities before the 17th April, 2013, the date on which the High Level Working Group report was uploaded on the website of the Ministry and are pending consideration and such proposals shall be dealt in accordance with the guidelines and rules in existence at that time.

(a) Mining.- There shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area and all existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, whichever is earlier.

(b) Thermal power plants.- No new thermal power projects and expansion of existing plants shall be allowed in the Ecologically Sensitive Area.

(c) Industry.- All new 'Red' category of industries as specified by the Central Pollution Control Board or State Pollution Control Board and the expansion of such existing industries shall be banned and the list of 'Red' category of industries shall be as specified by the Central Pollution Control Board:

provided that all existing 'Red' category of industries including health care establishments shall unfold continue in Eco-sensitive Area under the applicable rules and regulations.

(d) Building, construction, township and area development projects.- All new and expansion projects of building and construction with built up area of 20,000 square metres and above and all new and expansion townships and area development projects with an area of 50 hectares and above or with built up area of 1,50,000 square metres and above shall be prohibited and there shall be no restriction on repair or extension or renovation of existing residential houses in the Eco-sensitive Area as per prevailing laws and regulations.

Note: (1) All existing health care establishments can continue in Eco-sensitive Area and proposed Primary Health Centres established as per laws and regulations. 2 No restriction in change in ownership of property.

(2) The following categories of projects and activities shall be regulated as given below:-

(a) Hydropower projects- New Hydropower projects shall be allowed as per the Environment Impact Assessment notification, published vide number S.O. 1533 (E), dated the 14th September, 2006, subject to the following conditions, namely:-

(i) uninterrupted ecological flow of at least thirty percent of the rivers flow in lean season, till a comprehensive study establishes individual baselines for each project;

(ii) a cumulative study which assesses the impact of each project on the flow pattern of the rivers and forest and biodiversity loss;

(iii) the minimum distance between one project and the other is maintained at three kilometre and not more than fifty per cent. of the river basin is affected at any time.

(b) The 'Orange' category of Industries as specified by the Central Pollution Control Board or State Pollution Control Board shall be allowed with strict compliance of environmental regulations but all efforts shall be made to promote industries with low environmental impacts.

(c) In the case of activities that are covered in the schedule to the Environment Impact Assessment notification number S.O. 1533 (E), dated 14th September, 2006, published by the erstwhile Ministry of Environment and Forests and are falling in the Eco-sensitive Area, except the projects and activities which are specifically prohibited under sub-para (1) shall be scrutinised and assessed for cumulative impacts and development needs before considering for prior environmental clearance by the Ministry under the provisions of the said notification.

(d) In particular and without prejudice to the provisions of the relevant Acts, in cases of diversion of forest land for non-forestry purposes in the Eco-sensitive Area, all information of the project, from application stage to approval shall be placed in the public domain on the website of the Ministry of Environment, Forest and Climate Change and of the Forest Department of the respective States.

(e) The requirements of prior informed consent under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) shall be complied with and the consent of Gram Sabha for undertaking projects and activities shall be mandatory.

4. Implementation and Monitoring mechanism.- (1) The responsibility for monitoring and enforcement of provisions of this notification shall be with the concerned State Governments of Western Ghats region and the State Governments shall

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 3rd October, 2018

S.O. 5135(E).—The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, in supersession of the notification of the Government of India, Ministry of Environment, Forest and Climate Change published in Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (ii) vide notification number S.O. 667(E), dated the 27th February, 2017, as except as respects things done or omitted to be done before such supersession, as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the Public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor bagh Road, Ali Ganj, New Delhi-110003, or at e-mail address: esz-mef@nic.in.

Draft notification

WHEREAS, Western Ghats is an important geological landform on the fringe of the west coast of India and it is the origin of Godavari, Krishna, Cauvery and a number of other rivers and extends over a distance of approximately 1500 kilometre from Tapti river in the north to Kanyakumari in the south with an average elevation of more than 600 metre and traverses through six States namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu;

AND WHEREAS, Western Ghats is a global biodiversity hotspot and a treasure trove of biological diversity and it harbours many endemic species of flowering plants, endemic fishes, amphibians, reptiles, birds, mammals and invertebrates and is also an important center of evolution of economically important domesticated plant species such as pepper, cardamom, cinnamom, mango and jackfruit;

AND WHEREAS, Western Ghats has many unique habitats which are home to a variety of endemic species of flora and fauna such as Myristica swamps, the flat-topped lateritic plateaus, the Sholas and wetland and riverine Eco-systems;

AND WHEREAS, UNESCO has included certain identified parts of Western Ghats in the UNESCO World Natural Heritage List because Western Ghats is a Centre of origin of many species as also home for rich endemic biodiversity and hence a cradle for biological evolution;

AND WHEREAS, the Western Ghats not only harbour rich biodiversity, but also support a population of approximately fifty million people and include areas of high human population density and therefore, there is a need to conserve and protect the unique biodiversity of Western Ghats while allowing for sustainable and inclusive development of the region;

AND WHEREAS, the Ministry constituted a High Level Working Group to study the ecology, environmental integrity and holistic development of the Western Ghats in view of their rich and unique biodiversity and it was also tasked with the mandate to take a holistic view of the issue and to bring synergy between protection of environment and biodiversity and needs and aspirations of the local and indigenous people, sustainable development and environmental integrity of the region and to suggest steps and way forward to prevent further degradation of the fragile ecology of the Western Ghats;

AND WHEREAS, the High Level Working Group had since submitted its report to the Ministry on the 15th April, 2013 which was kept in the public domain seeking comments/views of concerned stakeholders and was also sent to the concerned six State Governments of the Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu for their considered comments/views on the report;

AND WHEREAS, the High Level Working Group has identified approximately thirty-seven percent the Western Ghats as ecologically sensitive which covers an area of 59,940 square kilometre. of natural

landscape of Western Ghats and represents a continuous band of natural vegetation extending over a horizontal distance of 1,500 kilometre and is spread across six states of Western Ghats region namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu and includes Protected Areas and World Heritage Sites of Western Ghats and the High Level Working Group has recommended prohibition or regulation of identified projects and activities in the Ecologically Sensitive Area which have maximum interventionist and destructive impacts on Eco-systems;

AND WHEREAS, the Ministry vide OM No. 1-4/2012 – RE (Pt.), dated the 20th December 2013, had *inter alia* sought suggestions from the State Governments on modifications in the boundary of the Ecologically Sensitive Area as identified by the High Level Working Group on the basis of physical verification;

AND WHEREAS, the State Government of Kerala had earlier accordingly undertaken the exercise of demarcating Ecologically Sensitive Area in the State by physical verification the Ecologically Sensitive Area recommended by the Kerala State Government is spread over of an area of 9993.7 square kilometre, which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and Ecologically Sensitive Area in that State works out to 9,993.7 square kilometre as compared to 13,108 square kilometre recommended by High Level Working Group;

AND WHEREAS, earlier the Ministry issued a draft notification vide S. O. No. 733 (E), dated the 10th March 2014, declaring Ecologically Sensitive Area in the Western Ghats taking into account the Ecologically Sensitive Area demarcated by Kerala Government for the State of Kerala instead of Ecologically Sensitive Area recommended by High Level Working Group for the State, while for other States of Western Ghats region the Ecologically sensitive Area recommended by the High Level Working Group was considered;

AND WHEREAS, while responding to the said draft notification number S.O. 733 (E), dated the 10th March, 2014 some of the States of Western Ghats region had sought an opportunity to undertake demarcation of Ecologically Sensitive Area by physical verification and the same was accorded by the Central Government vide letter dated the 9th June, 2014 except for the State of Kerala;

AND WHEREAS, the Central Government had convened meetings of the State Environment and Forest Ministers of the Western Ghat region on the 7th July, 2015 and Members of Parliament of Western Ghats region on the 3rd August, 2015 to review the progress of demarcation of Ecologically Sensitive Area by physical verification and also to address the apprehensions /concerns expressed by the State Governments and the various stakeholders of Western Ghats from time to time;

AND WHEREAS, the representatives of the State Governments of Western Ghats region had informed during the meeting held on the 7th July, 2015 that demarcation of Ecologically Sensitive Area by physical verification is in advanced stages of completeness;

AND WHEREAS, it was resolved in both the meetings to clarify that there will be no displacement or dislocation of the local people living in habitations within the Ecologically Sensitive Areas demarcated in the Western Ghats and practicing of agriculture and plantation activity shall also not be affected due to the provisions contained in the draft notification;

And Whereas, the Central Government convened a meeting with the Members of Parliament of the Western Ghats region on 11th August, 2016 and decided that the Draft Notification dated 4th September, 2015 would be the basis for further discussion to finalize it.

And Whereas, further, the Central Government convened a meeting with concerned State Govt. representatives in the Ministry on 11th April, 2018 and decided that the Draft Notification dated 27th February, 2017 would be the basis for further discussion to finalize it.

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies the identified area of 56,825 square kilometre which is spread across six States, namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu, as the Western Ghats Ecologically Sensitive Area.

2. Boundary and Description of Western Ghats Eco-sensitive Area.- (1) The boundary and description of Eco-sensitive Area as recommended by High Level Working Group excluding the State of Kerala is as under:-

- (a) the extent of Eco-sensitive area falling in each state is as per Annexure A;
- (b) the State-wise map of the portion of the Eco-sensitive area in each State is as per Annexure – B1 to B5;
- (c) the State-wise list of villages falling within the Eco-sensitive Area along with respective Districts and Talukas is as per Annexure-C.

(2) The Eco-sensitive Area in the State of Kerala is spread over of an area of 9993.7 square kilometre which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area and the boundary and description of Eco-sensitive Area and the village-wise details of Eco-sensitive area proposed by the State Government are available on the website of the Kerala State Biodiversity Board.

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(a) Mining.- There shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area and all existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, whichever is earlier.

(b) Thermal power plants.- No new thermal power projects and expansion of existing plants shall be allowed in the Ecologically Sensitive Area.

(c) Industry.- All new 'Red' category of industries as specified by the Central Pollution Control Board or State Pollution Control Board and the expansion of such existing industries shall be banned and the list of 'Red' category of industries shall be as specified by the Central Pollution Control Board:

provided that all existing 'Red' category of industries including health care establishments shall continue in Eco-sensitive Area under the applicable rules and regulations.

(d) Building, construction, township and area development projects.- All new and expansion projects of building and construction with built up area of 20,000 square metres and above and all new and expansion townships and area development projects with an area of 50 hectares and above or with built up area of 1,50,000 square metres and above shall be prohibited and there shall be no restriction on repair or extension or renovation of existing residential houses in the Eco-sensitive Area as per prevailing laws and regulations.

Note: (1) All existing health care establishments can continue in Eco-sensitive Area and proposed Primary Health Centres established as per laws and regulations. 2 No restriction in change in ownership of property.

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- (i) uninterrupted ecological flow of at least thirty percent of the rivers flow in lean season, till a comprehensive study establishes individual baselines for each project;
- (ii) a cumulative study which assesses the impact of each project on the flow pattern of the rivers and forest and biodiversity loss;
- (iii) the minimum distance between one project and the other is maintained at three kilometre and not more than fifty per cent. of the river basin is affected at any time,

(b) The "Orange/White" category of Industries as specified by the Central Pollution Control Board or State Pollution Control Board shall be allowed with strict compliance of environmental regulations but all efforts shall be made to promote industries with low environmental impacts.

