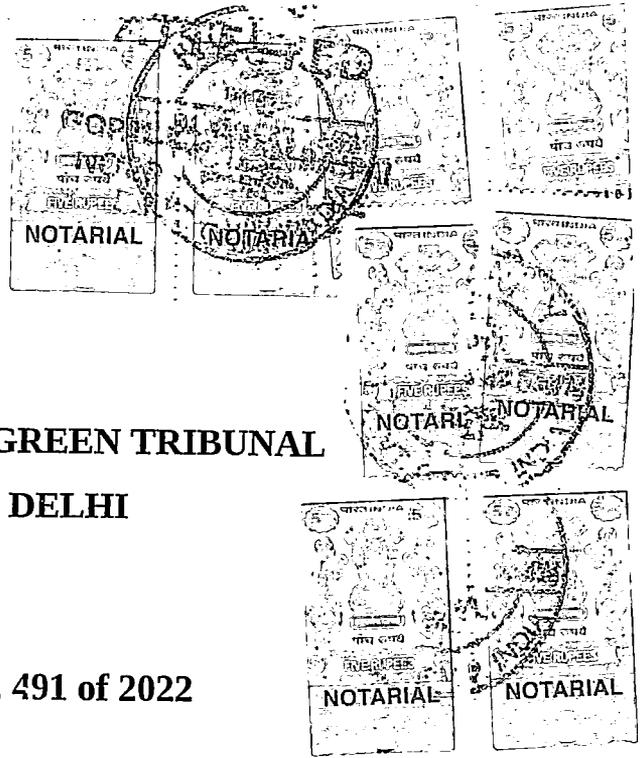


21-6/2022(ENV)

I/52308/2023



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

IN

ORIGINAL APPLICATION No. 491 of 2022

IN THE MATTER OF:

ABHISHEK PANDEY

....APPLICANT

778

VERSUS

**MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE AND
OTHERS**

.....RESPONDENT

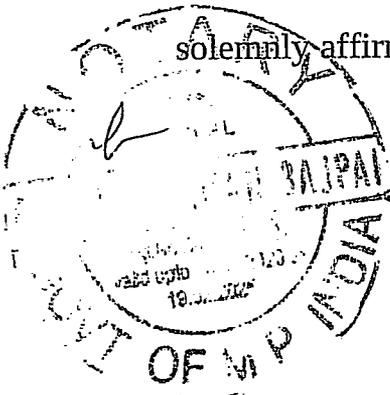
**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT No.1
(MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE,
NEW DELHI)**

MOST RESPECTFULLY SHOWETH:

I, Vishwa Bandhu Meena, son of Bhagwati Prasad Meena , aged about 32 years, currently working as Scientist 'D' in the Ministry of Environment, Forest and Climate Change (MoEFCC), Regional Office, Bhopal, do hereby

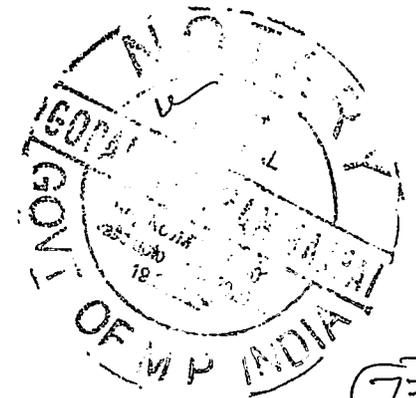
solemnly affirm and state as under: -

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21-6/2022(ENV)

I/52308/2023

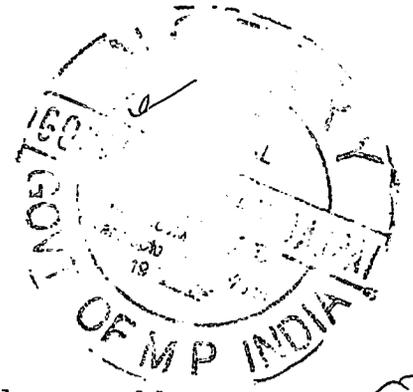


1. That I, in my official capacity as Scientist 'D' in the Ministry of Environment, Forest and Climate Change, Regional Office Bhopal i.e., Respondent No.1 in the above-mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
2. It is submitted that an additional affidavit is being filed in compliance to the direction issued by this Hon'ble Tribunal vide order dated 21.07.2023. The Answering Respondent at this stage craves leave and liberty to file a detailed Affidavit to the aforesaid application, as and when required.
3. It is submitted that; Hon'ble Tribunal vide order dated 21.07.2023 has directed the Ministry to inform;

"....2. It is contended that the MoEF&CC has issued notification of ecosensitive zone but the area of mining from eco-sensitive zone has not been clarified."

4. That the answering respondent has published the notification for the declaration of an Eco-Sensitive Zone (herewith referred to as ESZ) around Son Gharial Wildlife Sanctuary vide S.O. 4030 (E), dated 13.12.2016, with an extent of ESZ of one kilometer from the boundary of the Son Gharial Wildlife Sanctuary. The area of the Eco-Sensitive Zone is 424 square kilometers. The above-mentioned final ESZ notification also prescribes, at Para No. 4, the list of activities prohibited or to be regulated within the Eco-Sensitive Zone. Copy of the said notification, declaring ESZ around Son Gharial Wildlife Sanctuary

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issued vide S.O. 4030 (E), dated 13.12.2016 is marked and annexed herein as **Annexure R1/1.**

5. That answering respondent further submits that the Hon'ble Supreme Court of India, in its judgement dated 26.04.2023 in the matter of I.A. No. 131377 of 2022 in WP(C) No. 202 of 1995 has directed that mining is not permitted within notified ESZ or within 1 km boundary of the Wildlife Sanctuary or National Park. The relevant extract of the judgement are reproduced for ready reference:

“65. We also modify the direction contained in paragraph 56.4 of the order dated 3rd June 2022 (supra) and direct that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary shall not be permissible.”

A copy of the judgement dated 26.04.2023 is marked and annexed herein as **Annexure R1/2.**

6. That answering respondent further submits that the Hon'ble Supreme Court of India, in its judgement dated 28.04.2023 in the matter of in IA NO. 3949 OF 2016 in Writ Petition (C) NO. 202 OF 1995, has further clarified and directed that even in case where the ESZ boundaries are less than one kilometer from the Protected Area, the ban on mining shall extend upto a distance of one kilometer from the boundary of such areas. The relevant extract of the judgement are reproduced for ready reference:

G. Rao

I/52308/2023

"12. We, therefore, clarified that even in case where the ESZ boundaries are less than one kilometer from the Protected Area, the ban on mining shall extend upto a distance of one kilometer from the boundary of such areas".

A copy of the judgement dated 28.04.2023 is marked and annexed herein as **Annexure R1/3.**

7. That in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).

VERIFICATION

Verified at *Bhopal* on this day *5th August* of 2023 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

Grossy

DEPONENT

विश्व बन्धु मीणा
VISHWA BANDHU MEENA

वैज्ञानिक "D" SCIENTIST "D"

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Ministry of Environment, Forest & Climate Change

राज्य कार्यालय, भोपाल, मध्य प्रदेश

नोटरी पंजी. क्र. *56* पृ. क्र. *81* दि. *5/9/23*

Grossy

DEPONENT

विश्व बन्धु मीणा

VISHWA BANDHU MEENA

वैज्ञानिक "D" SCIENTIST "D"

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Ministry of Environment, Forest & Climate Change

राज्य कार्यालय, भोपाल, मध्य प्रदेश



WITNESSED BY ME
NAME *Ashish Chaudhary*
ADDRESS *105, Bhanuani Paiseer*
Bhopal
SIGNATURE *Ashish Chaudhary*

SWORN BY
BY THE WITNESSED BY
5/9/23
GOPAL KUMAR SHARMA
NOTARY-ADVOCATE BHOPAL (INDIA)

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004 99


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2938]

नई दिल्ली, बुधवार, दिसम्बर 14, 2016/अग्रहायण 23, 1938

No. 2938]

NEW DELHI, WEDNESDAY, DECEMBER 14, 2016/AGRAHAYANA 23, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 13 दिसम्बर, 2016

का.आ.4030(अ).—भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. का. आ. 1780 (अ) तारीख 30 जून, 2015, उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उम राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, उपलब्ध करा दी गई थी, साठ दिन की अवधि के भीतर आक्षेप और मुद्दाव आमंत्रित करने हुए एक प्रारूप अधिसूचना प्रकाशित की गई थी;

और, उक्त प्रारूप अधिसूचना के उल्लंघन में किन्हीं व्यक्तियों और पणधारियों से कोई आक्षेप और मुद्दाव प्राप्त नहीं हुए है;

और, मोन घड़ियाल वन्यजीव अभयारण्य, मध्य प्रदेश के मिद्धि, मिंगरौली, मतना और शहडोल जिलों में स्थित है और यह मोन गोपड तथा वानस नदियों के दोनों नदी तटों पर 209 किलोमीटर की लंबाई एवं 200 मीटर की चौड़ाई में फैला हुआ है;

और, वन्यजीव अभयारण्य निर्जल क्षेत्र के अंतर्गत आता है तथा मत्स्यों, उभयचरों, सर्पियों और पक्षियों की विभिन्न किस्मों को जीवन देता है और अभयारण्य के महत्वपूर्ण जलीय जीव-जंतुओं में घड़ियाल(गेवियेलिस गेंगेटिक्स), मगर(क्रोकोडयलस) और कछुए(टेस्टुडिंस एमपी.) सम्मिलित हैं;

और, अभयारण्य में मुख्य जलीय और अर्ध जलीय वनस्पतियों की प्रजातियों में हायड्रिना, वेनिमनिरिया, गोशमोजिटोन, निटैला, कैरा, टार्डिफा और अन्य प्रजातियां पायी जाती हैं;

और, मोन घड़ियाल वन्यजीव अभयारण्य के चारों ओर के क्षेत्र को, जिसका विस्तार और सीमाएं इस अधिसूचना के पैरा 1 में विनिर्दिष्ट हैं, पर्यावरण की दृष्टि से पारिस्थितिक संवेदी जोन के रूप में सुरक्षित और संग्रहित करना तथा उक्त पारिस्थितिक संवेदी जोन में उद्योगों या उद्योगों के वर्गों का प्रचालन तथा प्रसंस्करण करने को प्रतिषिद्ध करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) और पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (2) के खंड (v) और खंड (xiv) के साथ पठित और उपधारा (1) द्वारा प्रदत्त शक्तियों का
5748 GI/2016 (1)

प्रयोग करते हुए, मध्य प्रदेश राज्य में मोन घड़ियाल वन्यजीव अभयारण्य की सीमा में 1 किलोमीटर तक विस्तृत क्षेत्र को मोन घड़ियाल वन्यजीव अभयारण्य पारिस्थितिक संवेदी जोन (जिसे इसमें इसके पश्चात् पारिस्थितिक संवेदी जोन कहा गया है) के रूप में अधिसूचित करती है, जिसका विवरण निम्नानुसार है, अर्थात् :-

1. पारिस्थितिक संवेदी जोन का विस्तार और उसकी सीमाएं—(1) पारिस्थितिक संवेदी जोन का विस्तार, मोन घड़ियाल वन्यजीव अभयारण्य की सीमा में 1 किलोमीटर तक है। पारिस्थितिक संवेदी जोन का क्षेत्र 424 वर्ग किलोमीटर है।

(2) अक्षांश और देशांतर के साथ वन्यजीव अभयारण्य तथा पारिस्थितिक संवेदी जोन के निर्देशांक के साथ पारिस्थितिक संवेदी जोन की सीमा का मानचित्र उपाबंध I के रूप में उपाबंध है।

(3) पारिस्थितिक संवेदी जोन के अंतर्गत आने वाले 122 ग्रामों की सूची इसके अक्षांशों और देशांतरों के साथ उपाबंध II के रूप में उपाबंध है।

2. पारिस्थितिक संवेदी जोन के लिए आंचलिक महायोजना - (1) राज्य सरकार, पारिस्थितिक संवेदी जोन के लिए राजपत्र में अंतिम अधिसूचना के प्रकाशन की तारीख से दो वर्ष की अवधि के भीतर, स्थानीय व्यक्तियों के परामर्श से और इस अधिसूचना में मंगलन अनुबंधों के सामंजस्य में आंचलिक महायोजना तैयार करेगी।

(2) आंचलिक महायोजना राज्य सरकार में सक्षम प्राधिकारी द्वारा अनुमोदित होगी।

(3) राज्य सरकार द्वारा पारिस्थितिक संवेदी जोन के लिए आंचलिक महायोजना इस तरह, इस अधिसूचना में विनिर्दिष्ट रूप तथा मंगलन केंद्रीय और राज्य विधियों के सामंजस्य और केंद्रीय सरकार द्वारा जारी मार्गनिर्देशों, यदि कोई हों, द्वारा तैयार होगी।

(4) आंचलिक महायोजना, पर्यावरणीय और पारिस्थितिक विचारों को समाकलित करने के लिए राज्य सरकार के सभी संबद्ध विभागों के परामर्श से तैयार होगी, अर्थात्:-

- (i) पर्यावरण ;
- (ii) वन ;
- (iii) नगर विकास ;
- (iv) पर्यटन ;
- (v) नगरपालिका ;
- (vi) राजस्व ;
- (vii) कृषि ;
- (viii) मध्य प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड ;
- (ix) मिंचाई; और
- (x) लोक निर्माण विभाग।

(5) आंचलिक महायोजना अनुमोदित विद्यमान भू-उपयोग, अवसंरचना और क्रियाकलापों पर कोई निर्विधन अधिरोपित नहीं करेगी जब तक कि इस अधिसूचना में और आंचलिक महायोजना में सभी अवसंरचना और अधिक प्रभावी और पारिस्थितिक अनुकूल क्रियाकलाप कारक इस प्रकार विनिर्दिष्ट न हों।

(6) आंचलिक महायोजना में अनाच्छादित क्षेत्रों के जीर्णोद्धार, विद्यमान जल निकायों के संरक्षण, आवाह क्षेत्रों के प्रबंधन, जल-संभरणों के प्रबंधन, भूतल जल के प्रबंधन, मृदा और नदी संरक्षण, स्थानीय समुदायों की आवश्यकताओं तथा पारिस्थितिक और पर्यावरण से संबंधित ऐसे अन्य पहलुओं, जिन पर ध्यान देना आवश्यक है, के लिए उपबंध होंगे।

(7) आंचलिक महायोजना सभी विद्यमान पूजा स्थलों, ग्रामों और नगरीय वंदोवस्तों, वनों के प्रकार और किस्मों, कृषि क्षेत्रों, ऊपजाऊ भूमि, हरित क्षेत्र जैसे उद्यान और उमी प्रकार के स्थान, उद्यान कृषि क्षेत्र, आर्किडों, झीलों और अन्य जल निकायों का अभ्यर्कन करेगी।

(8) आंचलिक महायोजना पारिस्थितिक संवेदी जोन में विकास के पारिस्थितिक अनुकूल विकास और स्थानीय समुदायों की आजीविका को मनिश्चित करते हुए विनियमित होगी।

(9) मध्य प्रदेश राज्य की सरकार अपनी अधिकारिता के अधीन क्षेत्र के लिए आंचलिक महायोजना तैयार करेगी।

3. राज्य सरकार द्वारा किए जाने वाले उपाय-- राज्य सरकार इस अधिमूचना के उपबंधों को प्रभावी करने के लिए निम्नलिखित उपाय करेगी, अर्थात् :-

(1) भू-उपयोग - पारिस्थितिक संवेदी जोन में वनों, उद्यान-कृषि क्षेत्रों, कृषि क्षेत्रों, आमोद-प्रमोद के प्रयोजन के लिए चिह्नित किए गए पार्कों और खुले स्थानों का वाणिज्यिक और औद्योगिक संवर्द्ध विकास क्रियाकलापों के लिए उपयोग या संपरिवर्तन नहीं होगा:

परन्तु पारिस्थितिक संवेदी जोन के भीतर कृषि भूमि का संपरिवर्तन, मानीटरी समिति की सिफारिश पर और राज्य सरकार के पूर्व अनुमोदन से, स्थानीय निवासियों की आवासीय जरूरतों को पूरा करने के लिए, और पैरा 4 की मारणी के मन्ब (2) के अधीन मद सं 0 12, 17, 23, 32 और 35 के मामले सूचीबद्ध क्रियाकलापों को पूरा करने के लिए अनुज्ञात होंगे, अर्थात् :-

- (i) पारिस्थितिक अनुकूल पर्यटन क्रियाकलापों के लिए पर्यटकों के अस्थायी आवासन के लिए पारिस्थितिक अनुकूल आरामगाह जैसे टेंट, लकड़ी के मकान आदि;
- (ii) विद्यमान सड़कों को चौड़ा और मृदुह बनाना;
- (iii) प्रदूषण कारित न करने वाले लघु उद्योग ;
- (iv) वर्षा जल संचयन; और
- (v) कुटीर उद्योग, जिनके अंतर्गत ग्रामीण उद्योग, मृविधा भंडार और स्थानीय मुख-मृविधाएं हैं :

परन्तु यह और कि राज्य सरकार के पूर्व अनुमोदन और संविधान के अनुच्छेद 244 या नन्मय प्रवृन विधि के उपबंधों के अनुपालन के बिना, जिसके अंतर्गत अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम, 2006 (2007 का 2) भी है, वाणिज्यिक या उद्योग विकास क्रियाकलापों के लिए जनजातीय भूमि का उपयोग अनुज्ञात नहीं होगा :

परन्तु यह और भी कि पारिस्थितिक संवेदी जोन के भीतर भू-अभिलेखों में उपसंज्ञात कोई वृटि, मानीटरी समिति के विचार प्राप्त करने के पश्चात् राज्य सरकार द्वारा प्रत्येक मामले में एक बार संशोधित होगी और उक्त वृटि के संशोधन की केंद्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को मूचना देनी होगी ।

परन्तु यह और भी कि उपर्युक्त वृटि का संशोधन में इस उप पैरा के अधीन यथा उपबंधित के सिवाय किसी भी दशा में भू-उपयोग का परिवर्तन सम्मिलित नहीं होगा ।

परन्तु यह और भी कि जिसमें हरित क्षेत्र में जैसे वन क्षेत्र, कृषि क्षेत्र आदि में कोई पारिणामिक कटावनी नहीं होगी और अनप्रयुक्त या अनुत्पादक कृषि क्षेत्रों में पुनः वनीकरण करने के प्रयास किए जाएंगे ।

(2) प्राकृतिक जल स्रोत - आंचलिक महायोजना में सभी प्राकृतिक जल स्रोतों की पहचान की जाएगी और उनके संरक्षण और पुनरुद्भूतकरण के लिए योजना सम्मिलित होगी और राज्य सरकार द्वारा ऐसे क्षेत्रों पर या उनके निकट विकास क्रियाकलाप प्रतिषिद्ध करने के लिए ऐसी रीति से मार्गनिर्देश तैयार किए जाएंगे ।

(3) पर्यटन - (क) पारिस्थितिक संवेदी जोन के भीतर पर्यटन संबंधी क्रियाकलाप पर्यटन महायोजना के अनुसार होंगे जो कि आंचलिक महायोजना के भाग रूप में होगी ।

(ख) पर्यटन महायोजना पर्यटन विभाग, द्वारा मध्य प्रदेश सरकार के वन विभाग, के परामर्श से तैयार की जाएगी ।

(ग) पर्यटन संबंधी क्रियाकलाप निम्नलिखित के अधीन विनियमित होंगे, अर्थात् :-

(i) पारिस्थितिक संवेदी जोन के भीतर सभी नए पर्यटन क्रियाकलापों या विद्यमान पर्यटन क्रियाकलापों का विस्तार केंद्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के मार्गदर्शक सिद्धांतों के द्वारा तथा राष्ट्रीय व्यापक संरक्षण प्राधिकरण, द्वारा जारी पारिस्थितिक पर्यटन (समय-समय पर यथा संशोधित) मार्गदर्शक सिद्धांतों के अनुसार, पारिस्थितिक पर्यटन, पारिस्थितिक शिक्षा और पारिस्थितिक विकास को महत्व देने हुए पारिस्थितिक संवेदी जोन की वहत क्षमता के अध्ययन पर आधारित होगा;

(ii) पारिस्थितिक अनुकूल पर्यटक क्रियाकलापों के संबंध में अस्थायी अधिभोग के लिए वाम मृविधा के सिवाय की सीमा में एक किलोमीटर भीतर होटलों और रिमोटों का नया संनिर्माण अनुज्ञात नहीं होगा;

(iii) आंचलिक महायोजना का अनुमोदन किए जाने तक, पर्यटन के लिए विकास और विद्यमान पर्यटन क्रियाकलापों के विस्तार को वास्तविक स्थल विनिर्दिष्ट मंत्री तथा मानीटरी मिति की सिफारिश पर आधारित संबंधित विनियामक प्राधिकरणों द्वारा अनुज्ञात किया होगा।

(4) नैसर्गिक विरासत -- पारिस्थितिक संवेदी जोन में महत्वपूर्ण नैसर्गिक विरासत के सभी स्थलों जैसे सभी जीन कोश आरक्षित क्षेत्र, शैल विरचनाएं, जल प्रपातों, झरनों, घाटी मार्गों, उपवनों, गुफाएं, स्थलों, भ्रमण, अश्वरोहण, प्रपातों आदि की पहचान की जाएगी और उन्हें संरक्षित किया जाएगा तथा उनकी सुरक्षा और संरक्षा के लिए इस अधिसूचना के अंतिम प्रकाशन की तारीख से छह मास के भीतर, उपयुक्त योजना बनाएगी और ऐसी योजना आंचलिक महायोजना का भाग होगा।

(5) मानव निर्मित विरासत स्थल - पारिस्थितिक संवेदी जोन में भवनों, संग्रचनाओं, शिल्प-तथ्य, ऐतिहासिक, कलात्मक और सांस्कृतिक महत्व के क्षेत्रों की पहचान करनी होगी और इस अधिसूचना के अंतिम प्रकाशन की तारीख से छह माह के भीतर उनके संरक्षण की योजनाएं तैयार करनी होंगी तथा आंचलिक महायोजना में सम्मिलित की जाएगी।

(6) ध्वनि प्रदूषण -- पारिस्थितिक संवेदी जोन में ध्वनि प्रदूषण के नियंत्रण के लिए राज्य सरकार का पर्यावरण विभाग या मध्य प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड, वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसरण में मार्गदर्शक सिद्धांत और विनियम तैयार करेगा।

(7) वायु प्रदूषण -- पारिस्थितिक संवेदी जोन में, वायु प्रदूषण के नियंत्रण के लिए राज्य सरकार का पर्यावरण विभाग या मध्य प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड, वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसरण में मार्गदर्शक सिद्धांत और विनियम तैयार करेगा।

(8) बहिष्कार का निस्सारण - पारिस्थितिक संवेदी जोन में उपचारित बहिष्कार का निस्सारण, जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 6) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसार होगा।

(9) ठोस अपशिष्ट - ठोस अपशिष्टों का निपटान निम्नलिखित रूप में होगा -

- (i) पारिस्थितिक संवेदी जोन में ठोस अपशिष्टों का निपटान भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की समय-समय पर यथा मंथोदित अधिसूचना सं. का.आ. 1357(आ), तारीख 8 अप्रैल, 2016 नगरपालिक ठोस अपशिष्ट प्रबंधन नियम, 2016 के उपबंधों के अनुसार किया जाएगा ;
- (ii) स्थानीय प्राधिकरण जैव निम्नीकरणीय और अजैव निम्नीकरणीय संघटकों में ठोस अपशिष्टों के संपृथक्करण के लिए योजनाएं तैयार करेंगे ;
- (iii) जैव निम्नीकरणीय सामग्री को अधिमानतः खाद बनाकर या कृमि खेती के माध्यम से पुनःचक्रित किया जाएगा ;
- (iv) अकार्बनिक सामग्री का निपटान पारिस्थितिक संवेदी जोन के बाहर पहचान किए गए स्थल पर किसी पर्यावरणीय स्वीकृत गति में होगा और पारिस्थितिक संवेदी जोन में ठोस अपशिष्टों को जलाना या भस्मीकरण अनुज्ञात नहीं होगा।

(10) जैव चिकित्सीय अपशिष्ट- पारिस्थितिक संवेदी जोन में जैव चिकित्सीय अपशिष्टों का निपटान भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की समय-समय पर यथामंथोदित अधिसूचना जी.एस. आर 343 (अ) तारीख 28 मार्च 2016 द्वारा प्रकाशित जैव चिकित्सीय अपशिष्ट प्रबंधन नियम, 2016 के उपबंधों के अनुसार किया जाएगा।

(11) यानीय परिवहन - परिवहन की यानीय गतिविधियां आवाम के अनुकूल विनियमित होंगी और इस संबंध में आंचलिक महायोजना में विशेष उपबंध अधिस्थित किए जाएंगे और आंचलिक महायोजना के तैयार होने और राज्य सरकार के सक्षम प्राधिकारी के द्वारा अनुमोदित होने तक, मानीटरी मिति प्रवृत्त नियमों और विनियमों के अनुसार यानीय गतिविधियों के अनुपालन को मानीटर करेगी।

(12) औद्योगिक इकाईयां - (क) प्रस्तावित पारिस्थितिक संवेदी जोन में विधि के अनुसार स्थापित विद्यमान काष्ठ आधारित उद्योगों के सिवाए नए काष्ठ आधारित उद्योगों की स्थापना को अनुज्ञात नहीं किया जाएगा।

(ख) जल, वायु, मृदा, ध्वनि प्रदूषण कारित करने वाले किसी नए उद्योग की प्रस्तावित पारिस्थितिक संवेदी जोन में स्थापना को अनुज्ञात नहीं किया जाएगा।

(ग) पारिस्थितिक संवेदी जोन के भीतर कोई नया विस्फोटक भंडार गृह स्थापित नहीं किया जाएगा।

4. पारिस्थितिक संवेदी जोन में प्रतिषिद्ध और विनियमित क्रियाकलापों की सूची - पारिस्थितिक संवेदी जोन में सभी क्रियाकलाप पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) के उपबंधों और तद्धीन बनाए गए नियमों द्वारा शामिल होंगे और नीचे दी गई नालिका में विनिर्दिष्ट रीति में विनियमित होंगे, अर्थात् :-

सारणी

क्रम सं.	क्रियाकलाप	टीका-टिप्पणी
(1)	(2)	(3)
प्रतिषिद्ध क्रियाकलाप		
(1)	वाणिज्यिक खनन, पत्थर की खदान और उनको तोड़ने की इकाइयां।	(क) सभी प्रकार के खनन (लघु और बृहत खनिज), पत्थर की खानें और उनको तोड़ने की इकाइयां वास्तविक स्थानीय निवासियों की घरेलू आवश्यकताओं के सिवाय नहीं होंगी जिन्हें निजी उपयोग के लिए मकानों के मंजूरिमाण या मरम्मत के लिए भूमि को खोदना और मकान बनाने के लिए देशी टाइलों का निर्माण भी सम्मिलित है; (ख) माननीय उच्चतम न्यायालय की रिट याचिका (मिविल) सं. 1995 का 202 टी.एन. गोविंदरामन थिरुमूलपाद बनाम भारत सरकार के मामले में आदेश तारीख 4 अगस्त, 2006 और रिट याचिका (सी) सं. 2012 का 435 गोवा फाउंडेशन बनाम भारत सरकार के मामले में तारीख 21 अप्रैल, 2014 के अंतरिम आदेश के कठोर अनुसरण का प्रचालन होगा।
(2)	आग मीलों की स्थापना।	पारिस्थितिक संवेदी जोन के भीतर नई और विद्यमान आग मीलों का विस्तार अनुज्ञान नहीं होगा।
(3)	जल या वायु या मृदा या ध्वनि प्रदूषण कारित करने वाले उद्योगों की स्थापना।	पारिस्थितिक संवेदी जोन के भीतर नए और विद्यमान प्रदूषण कारित करने वाले उद्योग का विस्तार अनुज्ञान नहीं होगा।
(4)	जलावन लकड़ी का वाणिज्यिक उपयोग।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय)।
(5)	नए बृहत जल विद्युत, सिंचाई परियोजनाओं और सिंचाई परियोजना का स्थापना।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय)।
(6)	किसी परिसंकटमय पदार्थों का उपयोग या उत्पादन।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय)।
(7)	प्राकृतिक जल निकायों या मतही क्षेत्र में अनुपचारित बहिर्वाह और ठोस अपशिष्टों का निस्सारण।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय)।
(8)	पर्यटन से संबंधित क्रियाकलाप जैसे गर्म वायु गुब्बारों आदि द्वारा राष्ट्रीय उद्यान क्षेत्र के ऊपर से उड़ना जैसे क्रियाकलाप करना।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय)।
(9)	नए काष्ठ आधारित उद्योग।	पारिस्थितिक संवेदी जोन की सीमाओं के भीतर नए काष्ठ आधारित उद्योग की स्थापना को अनुज्ञान नहीं किया जाएगा; परन्तु विद्यमान नए काष्ठ आधारित उद्योग विधि के अनुसार चालू रह सकने हैं; परन्तु यह और कि विद्यमान आग मीलों की अनुज्ञप्तियों का नवीकरण उनकी अवमान अवधि पर नहीं किया जाएगा।
(10)	बकरी पालन।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय)।

विनियमित क्रियाकलाप		
(11)	होटलों और रिमोटों का स्थापन।	<p>पारिस्थितिक अनुकूल पर्यटन क्रियाकलाप से संबंधित पर्यटकों को अस्थायी अधिभोग के लिए वास सुविधा के सिवाय मंगक्षित क्षेत्र सीमा के एक किलोमीटर के भीतर कोई नया वाणिज्यिक होटल और रिमोट अनुज्ञान नहीं होंगे।</p> <p>परन्तु वन्यजीव अभयारण्य की सीमा में एक किलोमीटर में परे और पारिस्थितिक संवेदी जोन के विस्तार तक सभी नए पर्यटन क्रियाकलापों या विद्यमान क्रियाकलापों का विस्तार पर्यटन महायोजना के अनुरूप होगा।</p>
(12)	संनिर्माण क्रियाकलाप A	<p>(क) मंगक्षित क्षेत्र या पारिस्थितिक संवेदी जोन जो भी निकट हो की सीमा में एक किलोमीटर के भीतर किसी भी प्रकार का वाणिज्यिक संनिर्माण अनुज्ञान नहीं किया जाएगा:</p> <p>परन्तु स्थानीय लोगों को पैरा 3 के उप पैरा (1) में सूचीबद्ध क्रियाकलापों सहित उनके आवासीय उपयोग के लिए उनकी भूमि में संनिर्माण करने की अनुमति दी जाएगी।</p> <p>(ख) परन्तु यह और कि ऐसे लघु उद्योगों जो प्रदूषण उत्पन्न नहीं करते हैं, से संबंधित संनिर्माण क्रियाकलाप विनियमित किए जाएंगे और लागू नियमों और विनियमों, यदि कोई हों, के अनुसार सक्षम प्राधिकारी की पूर्व अनुमति से ही न्यूनतम पर रखे जाएंगे।</p> <p>(ग) एक किलोमीटर से आगे और पारिस्थितिक संवेदी जोन की सीमा तक वास्तविक स्थानीय आवश्यकताओं के लिए संनिर्माण की अनुज्ञा दी जाएगी और अन्य वाणिज्यिक संनिर्माण क्रियाकलाप आंचनिक महायोजना के अनुरूप होंगे।</p>
(13)	वृक्षों की कटाई।	<p>(क) राज्य सरकार में सक्षम प्राधिकारी की पूर्व अनुमति के बिना वन, सरकारी या राजस्व या निजी भूमि पर या वनों में किसी वृक्षों की कटाई नहीं होगी।</p> <p>(ख) वृक्षों की कटाई, संबंधित केंद्रीय या राज्य अधिनियम या उसके अधीन बनाए गए नियमों के उपबंधों के अनुसार विनियमित होगी।</p> <p>(ग) आरक्षित वनों और मंगक्षित वनों के मामले में कार्य योजना निर्देशों का पालन किया जाएगा।</p>
(14)	वाणिज्यिक जल संधानन जिनके अंतर्गत भू-जल संचयन भी है।	<p>(क) भूमि के अधिभोगी के वास्तविक कृषि और घरेलू खपत के लिए ही जल का सतही और भूमिगत जल निष्कर्षण अनुज्ञान होगा।</p> <p>(ख) औद्योगिक या वाणिज्यिक उपयोग के लिए सतही और भूमिगत जल के निष्कर्षण के लिए संबंधित विनियामक प्राधिकारी से पूर्व लिखित अनुज्ञा अपेक्षित होगी जिसके अंतर्गत कितने परिमाण में वह निष्कर्षण करेगा, भी है।</p> <p>(ग) सतही या भूजल का विक्रय अनुज्ञान नहीं होगा।</p> <p>(घ) किसी भी स्रोत में, जिसके अंतर्गत कृषि भी है, जल के संपूर्ण या प्रदूषण को रोकने के लिए सभी उपाय किए जाएंगे।</p>
(15)	विद्युत केबलों और दूरसंचार टावरों का परिनिर्माण।	भूमिगत केवल लगाने को बढ़ावा दिया जाएगा।
(16)	होटलों और लॉज के विद्यमान परिमरणों में बाड़ लगाना।	लागू विधियों के अधीन विनियमित होंगे।
(17)	विद्यमान मडकों को चौड़ा करना और उन्हें मृदुद करना।	यथा लागू उचित पर्यावरण समाधान निर्धारण और न्यूनीकरण उपायों के साथ किया जाएगा।

(18)	गन्नि में यानिक यानायात का मंचलन ।	लागू विधियों के अधीन वाणिज्यिक प्रयोजन के लिए विनियमित होंगे ।
(19)	विदेशी प्रजातियों को लाना ।	लागू विधियों के अधीन विनियमित होंगे ।
(20)	पहाड़ी ढालों और नदी तटों का संरक्षण ।	लागू विधियों के अधीन विनियमित होंगे ।
(21)	प्राकृतिक जल निकायों या सतही क्षेत्र में उपचारित बहिर्वाह का निस्सारण ।	उपचारित बहिर्वाह के पुनर्चक्रण को प्रोत्साहित करने और अवमल या ठोस अपशिष्टों के निपटान के लिए विद्यमान विनियमों का अन्वपालन किया जाएगा ।
(22)	वाणिज्यिक साइनबोर्ड और हॉर्डिंग ।	लागू विधियों के अधीन विनियमित होंगे ।
(23)	प्रदूषण कारित न करने वाले लघु उद्योग ।	पारिस्थितिक सवेदी जोन में देशीय माल से उत्पादों का उत्पादन करने वाले गैर प्रदूषण, गैर परिमंकटमय, लघु और सेवा उद्योग, कृषि उद्योग, कृषि या कृषि आधारित गेमे उद्योग जो पर्यावरण पर कोई विपरीत प्रभाव नहीं डालते हैं, अनुज्ञात किए जाएंगे ।
(24)	वन उत्पादों और गैर काष्ठ वन उत्पादों का संग्रहण ।	लागू विधियों के अधीन विनियमित होंगे ।
(25)	वायु और यानिक प्रदूषण ।	लागू विधियों के अधीन विनियमित होंगे ।
(26)	कृषि प्रणालियों में प्रवल परिवर्तन ।	लागू विधियों के अधीन विनियमित होंगे ।
(27)	खाई-स्थल ।	कोई नई खाई स्थापित नहीं की जाएगी । तथापि, विद्यमान खाई स्थल का प्रचालन इस शर्त के अधीन किया जाएगा कि खुले में अग्नि जलाने की अनुमति न हो ।
(28)	दुकानदारों द्वारा प्लास्टिक के थैलों का उपयोग ।	लागू विधियों के अधीन विनियमित होंगे ।
(29)	ठोस अपशिष्ट प्रबंधन ।	लागू विधियों के अधीन विनियमित होंगे ।
(30)	पारिस्थितिक-पर्यटन क्रियाकलाप ।	लागू विधियों के अधीन विनियमित होंगे ।
संवर्धित क्रियाकलाप		
(31)	डेयरी, डेयरी उद्योग और मत्स्य उद्योग के माथ स्थानीय समुदायों द्वारा चल रही कृषि और वागवानी गतिविधियां ।	लागू विधियों के अधीन अनुज्ञात होंगे।
(32)	वर्षा जल संचयन ।	सक्रिय रूप से बढ़ावा दिया जाएगा ।
(33)	जैविक खेती ।	सक्रिय रूप से बढ़ावा दिया जाएगा ।
(34)	सभी गतिविधियों के लिए हरित प्रौद्योगिकी को ग्रहण करना ।	सक्रिय रूप से बढ़ावा दिया जाएगा ।
(35)	कुटीर उद्योगों जिसके अंतर्गत ग्रामीण कारीगर आदि भी हैं ।	सक्रिय रूप से बढ़ावा दिया जाएगा ।
(36)	नवीकरणीय ऊर्जा स्रोत का उपयोग ।	बायो गैस, मोलर लाईट आदि को बढ़ावा दिया जाएगा ।
(37)	कृषि वानिकी ।	सक्रिय रूप से बढ़ावा दिया जाएगा ।
(38)	कौशल विकास।	सक्रिय रूप से बढ़ावा दिया जाएगा ।
(39)	पर्यावरणीय जागरूकता ।	सक्रिय रूप से बढ़ावा दिया जाएगा ।

5. मानीटरी समिति-(1) केंद्रीय सरकार, मध्य प्रदेश राज्य के अंतर्गत पारिस्थितिक संवेदी जोन के प्रभावी मानीटरी के लिए एक मानीटरी समिति गठित करनी है जो निम्नलिखित से मिलकर बनेगी, अर्थात् :-

(क)	प्रभागीय आयुक्त, रेवा	अध्यक्ष ;
(ख)	पर्यावरण के क्षेत्र में कार्य करने वाले गैर सरकारी संगठनों से मध्य प्रदेश सरकार द्वारा तीन वर्ष की अवधि के लिए नामनिर्दिष्ट एक प्रतिनिधि	सदस्य;
(ग)	पारिस्थितिक और पर्यावरण के क्षेत्र में एक विशेषज्ञ जिसे मध्य प्रदेश सरकार द्वारा तीन वर्ष के लिए नामनिर्दिष्ट किया जाएगा	सदस्य;
(घ)	जिला कलेक्टर, मिडि	सदस्य;
(ङ)	जिला कलेक्टर, सिंगरौली	सदस्य;
(च)	जिला कलेक्टर, मतना	सदस्य;
(छ)	जिला कलेक्टर, शहडौल	सदस्य;
(ज)	अधीक्षण इंजीनियर, लोक निर्माण विभाग, सिंगरौली	सदस्य;
(झ)	अधीक्षण इंजीनियर, लोक स्वास्थ्य इंजीनियरी, सिंगरौली	सदस्य;
(ञ)	जिला पंचायत का मुख्य कार्यकारी अधिकारी, सिंगरौली	सदस्य;
(ट)	नगर और ग्राम योजना विभाग का प्रतिनिधि	सदस्य;
(ठ)	मध्य प्रदेश प्रदूषण नियंत्रण बोर्ड का प्रतिनिधि	सदस्य;
(ड)	राज्य जैव-विविधता बोर्ड का सदस्य	सदस्य;
(ढ)	क्षेत्र निदेशक, मंजय व्याघ्र आरक्षित, मिडि	सदस्य-सचिव।

निर्देश - निबंधन

(1) पारिस्थितिक संवेदी जोन समिति इस अधिसूचना के उपबंधों के अनुपालन को मानीटर करेगी।

(2) मानीटरी समिति का कार्यकाल तीन वर्ष का होगा।

(3) पारिस्थितिक संवेदी जोन में भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 मिनंवर, 2006 की अनुसूची में के अधीन सम्मिलित क्रियाकलापों और इस अधिसूचना के पैरा 4 के अधीन प्रतिषिद्ध गतिविधियों के सिवाय आने वाले ऐसे क्रियाकलापों की दशा में वास्तविक विनिर्दिष्ट स्थलीय दशाओं पर आधारित मानीटरी समिति द्वारा संवीक्षा की जाएगी और उक्त अधिसूचना के उपबंधों के अधीन पूर्व पर्यावरण निकासी के लिए केंद्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को निर्दिष्ट की जाएगी।

(4) इस अधिसूचना के पैरा 4 के अधीन यथा विनिर्दिष्ट प्रतिषिद्ध क्रियाकलापों के सिवाय, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ) तारीख 14 मिनंवर, 2006 की अधिसूचना के अनुसूची के अधीन ऐसे क्रियाकलापों, जिन्हें सम्मिलित नहीं किया गया है, परंतु पारिस्थितिक संवेदी जोन में आते हैं, ऐसे क्रियाकलापों की वास्तविक विनिर्दिष्ट स्थलीय दशाओं पर आधारित मानीटरी समिति द्वारा संवीक्षा की जाएगी और उसे संबद्ध विनियामक प्राधिकरणों को निर्दिष्ट किया जाएगा।

(5) मानीटरी समिति का सदस्य-सचिव या संबद्ध उपायुक्त, ऐसे व्यक्ति के विरुद्ध, जो इस अधिसूचना के किसी उपबंध का उल्लंघन करता है, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन परिवाद फाइल करने के लिए सक्षम होगा।

(6) मानीटरी समिति मुद्दा दर मुद्दा के आधार पर अपेक्षाओं पर निर्भर रहते हुए संबद्ध विभागों के प्रतिनिधियों या विशेषज्ञों, औद्योगिक संगमों या संबद्ध पणधारियों के प्रतिनिधियों को अपने विचार-विमर्श में सहायता के लिए आमंत्रित कर सकेगी।

(7) मानीटरी समिति प्रत्येक वर्ष की 31 मार्च तक की अपनी वार्षिक कार्यवाही रिपोर्ट राज्य के मुख्य जीव वाईन उपाबंध III में उपबंधित रूप विधान के अनुसार उक्त वर्ष के 30 जून तक प्रस्तुत करेगी।

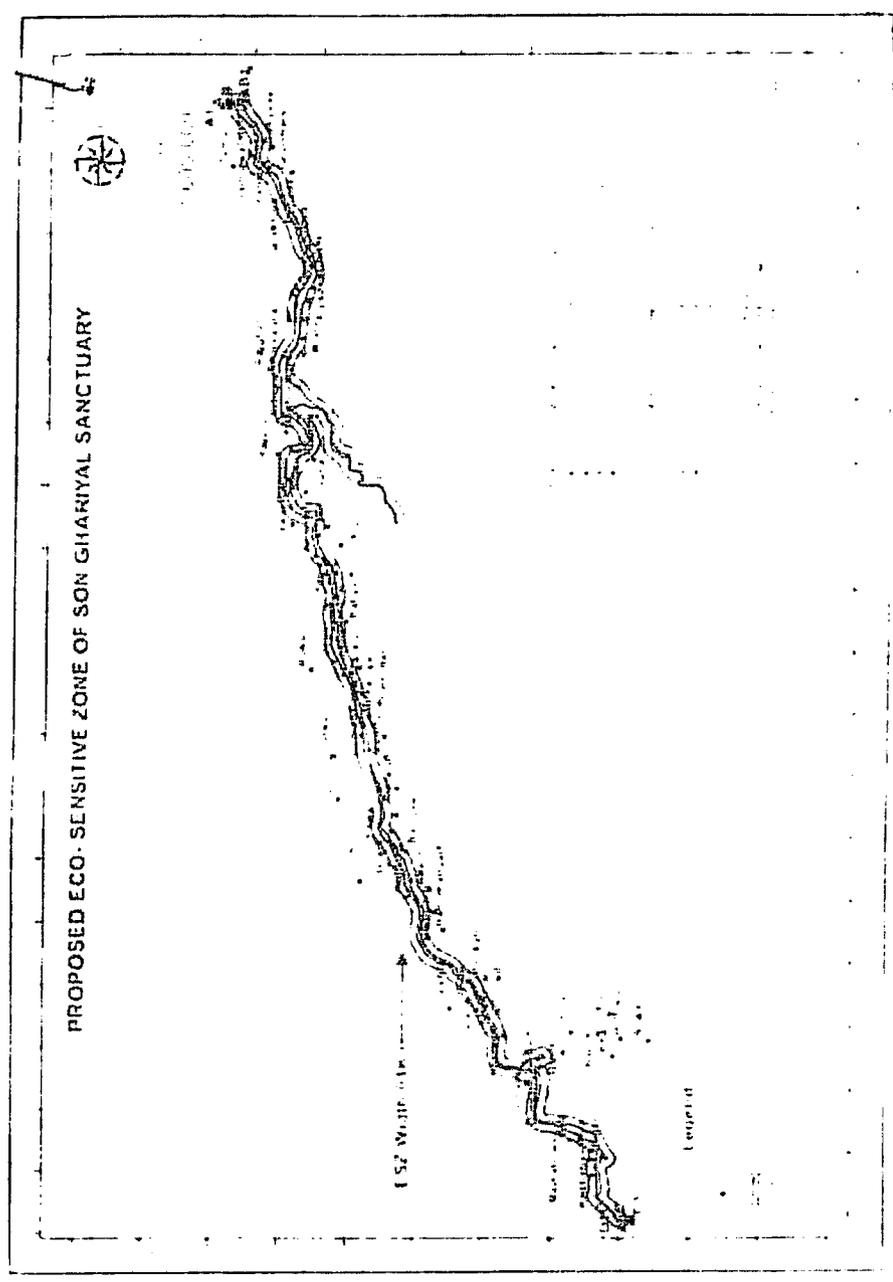
(8) केंद्रीय सरकार का पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय मानीटरी समिति को अपने कृत्यों के प्रभावी निर्वहन के लिए समय-समय पर ऐसे निर्देश दे सकेगा, जो वह ठीक समझे।

6. इस अधिसूचना के उपबंधों को प्रभाव देने के लिए केंद्रीय सरकार और राज्य सरकार अतिरिक्त उपाय, यदि कोई हों, विनिर्दिष्ट कर सकेगी।

7. भारत के माननीय उच्चतम न्यायालय या माननीय उच्च न्यायालय या माननीय राष्ट्रीय हरित प्राधिकरण द्वारा पारित कोई आदेश या पारित होने वाले किसी आदेश, यदि कोई हों, के अधीन, इस अधिमूचना के उपबंध होंगे।

उपाबंध।

पारिस्थितिक संवेदी जोन का मानचित्र



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सोन घड़ियाल वन्यजीव अभयारण्य के निर्देशांक		
	देशांतर	अक्षांश
क	82°44'47.131" पू	24°36'46.069" उ
ख	82°44'50.876" पू	24°36'7.438" उ
ग	82°14'59.978" पू	24°09'45.640" उ
घ	82°14'59.978" पू	24°09'56.385" उ

सोन घड़ियाल वन्यजीव अभयारण्य के पारिस्थितिक संवेदी जोन के निर्देशांक		
	देशांतर	अक्षांश
क.1	82°44'51.175" पू	24°37'19.269" उ
ख.2	82°45'34.613" पू	24°36'2.146" उ
ग.3	82°14'55.232" पू	24°09'13.446" उ
घ.4	82°14'24.569" पू	24°09'48.529" उ

उपाबंध-II

पारिस्थितिक संवेदी जोन के अंतर्गत आने वाले ग्रामों के निर्देशांकों के साथ सूची

क्र.सं	स्थान का नाम	अक्षांश - डी	अक्षांश - एम	अक्षांश - एम	देशांतर - डी	देशांतर - एम	देशांतर - एम	अक्षांश - डीडी	देशांतर - डीडी
1	परमिली	24	10	21.73	81	31	26.94	24.1727	81.52415
2	चमगाडोल	24	8	19.2	81	31	12	24.13867	81.52
3	खारी	24	10	10.76	81	28	8.7	24.16966	81.46908
4	नौशिया	24	11	10.76	81	29	57.6	24.18632	81.49933
5	घोषी	24	13	8.8	81	30	7.52	24.21911	81.50209
6	माज्जा	24	19	58.04	81	32	6.04	24.33279	81.53501
7	खानाई	24	31	30.47	82	33	23.11	24.52513	82.55642
8	गंभी	24	31	9.71	82	29	58.46	24.51936	82.49957
9	खईरा	24	31	55.52	82	27	32.58	24.53209	82.45905
10	नागिया	24	28	51.93	81	59	20.2	24.48109	81.98894
11	माग	24	28	24.021	81	42	31.623	24.47334	81.70878
12	दोग	24	26	9.768	81	43	51.2	24.43605	81.73089
13	पावा	24	27	0.764	81	45	35.107	24.45021	81.75975
14	धरंगोनी खुर्द	24	32	3.22	82	26	4.72	24.53423	82.43464
15	लिनदिहाग	24	31	59.45	82	24	45.67	24.53318	82.41269
16	परमुवाना	24	33	76	82	23	47.79	24.57111	82.39661
17	शिकारागंज	24	17	8.207	81	26	36.579	24.28561	81.44349
18	झाला	24	20	32.169	81	32	46.16	24.34227	81.54616
19	गजघाट	24	34	34.58	82	23	38.43	24.57627	82.39401
20	खैरपुर	24	33	54.549	82	22	13.857	24.56515	82.37052
21	खूनझन खुर्द	24	30	27.53	82	11	11.16	24.50765	82.18643
22	खूनझन काला	24	30	36.175	82	11	13.074	24.51005	82.18697

क्र.सं	स्थान का नाम	अक्षांश - डी	अक्षांश - गम	अक्षांश - गम	देशांतर - डी	देशांतर - गम	देशांतर - गम	अक्षांश - डीडी	देशांतर - डीडी
23	अनरैला	24	30	37.13	82	7	25.53	24.51031	82.12376
24	झोखा	24	30	54.109	82	7	12.94	24.51503	82.12026
25	नेलिई	24	29	30.134	82	6	5.686	24.4917	82.10158
26	पनवार	24	34	13.355	82	39	37.466	24.57038	82.66041
27	गधवा	24	35	33.63	82	40	41.54	24.59268	82.67821
28	वाधहौर	24	33	20.74	82	18	40.56	24.55576	82.31127
29	मदारिया	24	32	8.94	82	17	46.06	24.53582	82.29613
30	खुवरी	24	31	50.47	81	59	44.52	24.53069	81.9957
31	भितारी	24	26	31.11	81	49	10.51	24.44198	81.81959
32	दिथोग	24	20	26.36	81	34	24	24.34066	81.57333
33	घुघाटा	24	19	13.35	81	31	26.38	24.32038	81.52399
34	चदरेह	24	18	1.11	81	30	0	24.30031	81.5
35	दुर्गापुर	24	15	23.99	81	27	26.46	24.25666	81.45735
36	कुन	24	13	20.61	81	21	33.17	24.22239	81.35921
37	मझाटोलवा	24	13	49.21	81	21	57.7	24.23034	81.36603
38	वाघर्द धवाई	24	16	26.6	81	26	9.41	24.27406	81.43595
39	गुजरेद	24	18	23.52	81	31	56.93	24.30653	81.53248
40	चंदानी	24	29	56.85	81	49	2.2	24.49913	81.81728
41	देवघाटा	24	26	29.45	81	54	5.05	24.44151	81.9014
42	नेरिहा	24	28	54.13	81	59	21.27	24.4817	81.98924
43	हनुमानगढ़	24	22	16.81	81	38	30.62	24.37134	81.64184
44	खैरी	24	18	49.81	81	30	26.65	24.31384	81.5074
45	माजहा	24	19	59.58	81	32	5.22	24.33322	81.53478
46	अकोरी	24	23	15.47	81	41	46.2	24.38763	81.69617
47	नकजहाखुर्द	24	32	2.91	82	13	52.14	24.53414	82.23115
48	केकराई	24	34	31.88	82	40	1.42	24.57552	82.66706
49	घोघरा	24	32	33.22	82	39	12.75	24.54256	82.65354
50	वर्दी	24	32	28.95	82	22	14.55	24.54138	82.37071
51	लवार पीपखार	24	31	41.68	82	19	33.95	24.52824	82.3261
52	लवार नंकारा	24	32	25.18	82	19	53.88	24.54033	82.33163
53	खौनली	24	31	21.93	82	16	28.45	24.52276	82.27457
54	नकजगर कलान	24	30	58.11	82	12	3.69	24.51614	82.20103
55	लिवार	24	33	5.16	82	11	24.29	24.55143	82.19008
56	गमपुर	24	33	8.7	82	12	43.38	24.55242	82.21205
57	अमदई	24	31	24.44	82	8	53.57	24.52346	82.14821
58	गमनगर खुर्द	24	31	13.8	82	10	26.43	24.5205	82.17401
59	वलीयार	24	29	11.16	82	3	30.48	24.48643	82.05847
60	गमडीह	24	28	37.69	82	10	18.36	24.47714	82.17177
61	खैनोही	24	28	16.32	81	59	44.91	24.4712	81.99581
62	चमरोहा	24	31	7.5	82	8	9.6	24.51875	82.136
63	चिनावल खुर्द	24	32	58.74	82	36	13.41	24.54965	82.60373
64	पनपाग	24	28	9.03	81	54	15.99	24.46918	81.90444

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क्र.सं	स्थान का नाम	अक्षांश - डी	अक्षांश - एम	अक्षांश - एम	देशांतर - डी	देशांतर - एम	देशांतर - एम	अक्षांश - डीडी	देशांतर - डीडी
65	मनाई	24	28	3.18	81	56	22.79	24.46755	81.93966
66	नमाई	24	36	50.23	82	39	52.54	24.61395	82.66459
67	खजई	24	33	10.65	82	20	32.73	24.55296	82.34243
68	श्रीवही	24	33	0.17	82	17	18	24.55005	82.28833
69	मनाई	24	33	50.66	82	14	26.22	24.56407	82.24062
70	मियावन	24	33	26.73	82	13	46.51	24.55743	82.22959
71	धेकू	24	33	34.09	82	19	59.48	24.55947	82.33319
72	चिकनी	24	30	51.61	82	30	57.49	24.51434	82.51597
73	रेहादा	24	32	6.53	82	34	51.05	24.53515	82.58085
74	हतवा	24	30	15.61	81	52	40.24	24.50434	81.87784
75	देमहा	24	26	23.02	81	52	27.72	24.43973	81.87437
76	गोत्राउहा	24	30	59.052	82	11	42.643	24.5164	82.19518
77	कुकागांव	24	30	44.919	24	30	44.919	24.51248	24.51248
78	पिपरोहर	24	26	48.77	81	56	52.88	24.44688	81.94802
79	बोलदाहा	24	24	53.433	81	41	15.972	24.41484	81.68777
80	मोहनिया	24	27	31.846	81	55	50.29	24.45885	81.93064
81	झागरी	24	19	19.401	81	32	21.389	24.32206	81.53927
82	उमरिया	24	29	31.02	82	9	43	24.49195	82.16194
83	दावा	24	30	5.811	82	0	25.257	24.50161	82.00702
84	बहेग	24	29	42.563	82	1	32.218	24.49516	82.02562
85	वारिगवान	24	25	10.955	81	45	6.631	24.41971	81.75184
86	कुरुवाह	24	25	33.46	81	49	50.16	24.42596	81.8306
87	भेलकी खुर्द	24	25	37.2	81	47	42.22	24.427	81.79506
88	भोलगर	24	22	52.65	81	39	59.32	24.38129	81.66648
89	मिनाली	24	30	35.8	82	4	53.69	24.50994	82.08158
90	थनाग	24	35	27.71	82	47	34.65	24.59103	82.79296
91	छिवालहावा	24	35	35.41	82	47	16.95	24.59317	82.78804
92	गोदगावन	24	37	32.59	82	44	33.58	24.62572	82.74266
93	कनकटी	24	19	14.29	81	34	34.27	24.32064	81.57619
94	बईगीहई	24	13	47.27	81	28	31.68	24.2298	81.47547
95	पनेहग	24	21	55.03	81	32	15.09	24.36529	81.53753
96	मेहुदा विगन	24	29	54.27	82	5	32.32	24.49841	82.09231
97	दुगब विगन	24	29	54.83	82	7	25.35	24.49856	82.12371
98	मग्मदा	24	33	11.49	82	22	54.45	24.55319	82.38179
99	दधिया	24	28	45.85	82	7	20.71	24.4794	82.12242
100	मरिया	24	11	50.6	81	19	54.02	24.19739	81.33167
101	बईथाहा	24	11	45.6	81	18	34.82	24.196	81.30967
102	हथवार	24	9	34.1	81	29	27.72	24.15947	81.49103
103	बोहीहा	24	7	36.33	81	29	17.77	24.12676	81.48827
104	पईपखाग	24	12	38.18	81	21	33.64	24.21061	81.35934
105	बग्जाई	24	15	34.17	81	28	3.66	24.25949	81.46768
106	बजगिया	24	37	9.854	82	45	47.821	24.6194	82.76328

क्र.सं.	स्थान का नाम	अक्षांश - डी	अक्षांश - एम्	अक्षांश - एम्	देशांतर - डी	देशांतर - एम्	देशांतर - एम्	अक्षांश - डीडी	देशांतर - डीडी
107	केमाउलि	24	33	58.973	82	19	39.34	24.56638	82.32759
108	तागाखिया	24	33	18.24	82	37	25.65	24.55507	82.62379
109	फुलकेथ	24	31	28.72	82	28	59.9	24.52464	82.48331
110	दीघर	24	35	36.8	82	43	2.08	24.59356	82.71724
111	वदगादा	24	33	55.62	82	41	14.95	24.56545	82.68749
112	दमगडी	24	33	40.84	82	14	15.62	24.56134	82.23767
113	खदवडा	24	30	9.65	82	3	34.68	24.50268	82.05963
114	केमोली	24	34	3.82	82	16	57.89	24.56773	82.28275
115	कोतदर कला	24	28	7.27	81	56	47.7	24.46869	81.94658
116	कोतदर खुर्द	24	28	4.9	81	57	42.08	24.46803	81.96169
117	कथोताहा	24	24	35.73	81	42	28.91	24.40993	81.70803
118	भेलकी कला	24	25	56.504	81	46	23.811	24.43236	81.77328
119	गरहारा	24	16	25.45	81	22	59.818	24.27374	81.38328
120	हरियागी	24	11	45.316	81	20	37.057	24.19592	81.34363
121	मरमरहा	24	29	40.488	82	3	17.583	24.49458	82.05488
122	गजावार	24	34	15.889	82	20	9.808	24.57108	82.33606

उपाबंध-III

पारिस्थितिक संवेदी जोन मानीटरी समिति - की गई कार्रवाई की रिपोर्ट का रूप विधान.-

1. बैठकों की संख्या और दिनांक ।
2. बैठकों का कार्यवृत्त : कृपया मुख्य उल्लेखनीय विंदुओं का वर्णन करें । बैठक के कार्यवृत्त को एक पृथक् अनुबंध में उपाबद्ध करें ।
3. आंचलिक महायोजना की तैयारी की प्रास्थिति जिसके अंतर्गत पर्यटन महायोजना ।
4. भू-अभिलेख में सदृश्य वृष्टियों के मुधार के लिए व्यौहार किए गए मामलों का सारांश ।
5. पर्यावरण समाधान निर्धारण अधिसूचना, 2006 के अधीन आने वाली क्रियाकलापों की मंविधा के मामलों का सारांश । व्यौरों को पृथक् उपाबंध के रूप में संलग्न किया जा सकेगा।
6. पर्यावरण समाधान निर्धारण अधिसूचना, 2006 के अधीन न आने वाली क्रियाकलापों की मंविधा के मामलों का सारांश । व्यौरों को पृथक् उपाबंध के रूप में संलग्न किया जा सकेगा।
7. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन दर्ज की गई शिकायतों का सारांश ।
8. महत्ता का कोई अन्य विषय ।

[फा.सं. 25/62/2015-ईएमजेड-आरई]

डा. टी. चांदनी, वैज्ञानिक 'जी'

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 13th December, 2016

S.O.4030(E).—WHEREAS, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of the India in the Ministry of Environment, Forest and Climate Change number S.O. 1780 (E), dated 30th June, 2015, inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

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And Whereas, no objections and suggestions received from persons and stakeholders in response to the draft notification;

And Whereas, the Son Gharial Wildlife Sanctuary is located in Sidhi, Singrauli, Satna and Shahdol Districts of Madhya Pradesh and it is spread over 209 kilometer of length and 200 meters width on both river banks of Son Gopad and Banas Rivers;

And Whereas, the Wildlife Sanctuary falls in the arid zone and supports many species of fishes, amphibians, reptiles and birds and important aquatic fauna of the Sanctuary include Gharial (*Gavialis gangeticus*), Muggler (*Crocodylus palustris*), and turtles (*Testudines sp.*);

And Whereas, the major aquatic and semi aquatic vegetation found in the sanctuary includes *Hydrilla*, *Vallisnaria*, *Potamogeton*, *Nitella*, *Chara*, *Typha* and other species;

And Whereas, it is necessary to conserve and protect the area the extent and boundaries of which is specified in paragraph 1 of this notification around the Son Gharial Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

Now Therefore, in exercise of the powers conferred by sub-section (1) read with clause (v) and clause (xiv) of sub-section (2) of 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 area to an extent of one kilometer from the boundary of the Son Gharial Wildlife Sanctuary, in the State of Madhya Pradesh as the Son Gharial Wildlife Sanctuary Eco-sensitive zone (hereinafter referred to as the Eco-sensitive Zone) details of which are as under, namely:-

1. **Extent and Boundaries of Eco-sensitive Zone-** (1) The extent of Eco-sensitive Zone is one kilometer from the boundary of the Son Gharial Wildlife Sanctuary. The area of Eco-sensitive Zone is 424 square kilo meters.

(2) The map of Eco sensitive Zone, Co-ordinates of Wildlife Sanctuary and Eco-sensitive Zone along with latitudes and longitudes is appended as **Annexure I**.

(3) The list of 122 villages falling within Eco-sensitive Zone along with latitudes and longitudes is appended as **Annexure II**.

2. **Zonal Master Plan for the Eco-sensitive Zone.-** (1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification.

(2) The said Plan shall be approved by the Competent Authority in the State Government.

(3) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

(4) The Zonal Master Plan shall be prepared in consultation with all concerned State Departments, namely:-

- (i) Environment,
- (ii) Forests,
- (iii) Urban Development,
- (iv) Tourism,
- (v) Municipal,
- (vi) Revenue,
- (vii) Agriculture
- (viii) Madhya Pradesh State Pollution Control Board,
- (ix) Irrigation
- (x) Public Works Department

for integrating environmental and ecological considerations into it.

(5) The Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.

(6) The Zonal Master plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

(7) The Zonal Master Plan shall demarcate all the existing worshipping places, village and urban settlements, types and kinds of Forest, tribal areas, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies.

(8) The Zonal Master Plan shall regulate development in Eco-sensitive Zone as to ensure Eco-friendly development for livelihood security of local communities.

(9) The State Governments of Madhya Pradesh shall prepare separate Zonal Master Plans for area under their jurisdiction.

3. Measures to be taken by State Government.—The State Governments shall take the following measures for giving effect to the provisions of this notification, namely:—

(1) **Land use.**— Forest, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or industrial related development activities:

Provided that the conversion of agricultural lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the State Government, to meet the residential needs of local residents, and for the activities listed against serial numbers 12, 17, 23, 32 and 35 in column (2) of the Table in paragraph 4, namely:—

- (i) Eco-friendly cottages for temporary occupation of tourists, such as tents, wooden houses, etc. for eco-friendly tourism activities,
- (ii) Widening and strengthening of existing roads;
- (iii) Small scale industries not causing pollution;
- (iv) Rainwater harvesting; and
- (v) Cottage industries including village etc

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the above correction of error shall not include change of land use in any case except as provided under this sub-paragraph.

Provided also that there shall be no consequential reduction in green area, such as forest area and agricultural area and efforts shall be made to reforest the unused or unproductive agricultural areas.

(2) **Natural springs.**—The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.

(3) **Tourism.**— (a) The activity relating to tourism within the Eco-sensitive Zone shall in accordance with the Tourism Master Plan, which shall form part of the Zonal Master Plan.

(b) The Tourism Master Plan shall be prepared by Department of Tourism, in consultation with Department of Forest and Environment of the Madhya Pradesh State Government.

(c) The activity of tourism shall be regulated as under, namely:—

- (i) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the eco-tourism guidelines issued by National Tiger Conservation Authority, (as amended from time to time) with emphasis on eco-tourism, eco-education and eco-development and based on carrying capacity study of the Eco-sensitive Zone;
- (ii) new construction of hotels and resorts shall not be permitted within one kilometer from the boundary of the Sanctuary except for accommodation for temporary occupation of tourists related to Eco-friendly tourism activities;
- (iii) till the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee.
- (4) **Natural heritage.**- All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs and other natural heritages shall be identified and preserved and plan shall be drawn up for their protection and conservation, within six months from the date of publication of this notification and such plan shall form part of the Zonal Master Plan.
- (5) **Man-made heritage sites.**- Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be indentified in the Eco-sensitive Zone and plans for their conservation shall be prepared within six months from the date of publication of this notification and incorporated in the Zonal Master Plan.
- (6) **Noise pollution.**- The Environment Department of the State Government or Madhya Pradesh State Pollution Control Board shall draw up guidelines and regulations for the control of noise pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and the rules made there under.
- (7) **Air pollution.**- The Environment Department of the State Government or Madhya Pradesh State Pollution Control Board shall draw up guidelines and regulations for the control of air pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made there under.
- (8) **Discharge of effluents.**- The discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974)and the rules made there under.
- (9) **Solid wastes.** - Disposal of solid wastes shall be as under:-
- (i) the solid waste disposal in Eco-sensitive Zone shall be carried out in accordance with the provisions of the Solid Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number S.O. 1357 (E), dated the 8th April, 2016 as amended from time to time;
 - (ii) the local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components;
 - (iii) the biodegradable material shall be recycled preferably through composting or vermiculture;
 - (iv) the inorganic material may be disposed in an environmentally acceptable manner at site(s) identified outside the Eco-sensitive Zone and no burning or incineration of solid wastes shall be permitted in the Eco-sensitive Zone.
- (10) **Bio-medical waste.**- The bio-medical waste in the Eco-sensitive Zone shall be disposed of in accordance with the provisions of the Bio-Medical Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R 343 (E), dated the 28th March, 2016, as amended from time to time.
- (11) **Vehicular traffic.** - The vehicular movement shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master Plan is prepared and approved by the competent authority in the State Government, Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

(12) Industrial Units.-

- (a) No establishment of new wood based Industries within the proposed Eco-sensitive zone shall be permitted except the existing wood based Industries set up as per the Law.
- (b) No establishment of any new Industry causing water, air, soil, noise pollution within the proposed Eco-sensitive zone shall be permitted;
- (c) No new explosive godown shall be established within the Eco-sensitive Zone.

4. List of activities prohibited or to be regulated within the Eco-sensitive Zone.- All activities in the Eco sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made thereunder, and be regulated in the manner specified in the Table below, namely:-

TABLE

S.No.	Activity	Remarks
(1)	(2)	(3)
Prohibited Activities		
1.	Commercial mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units shall be prohibited except for the domestic needs of <i>bona fide</i> local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing for personal consumption. (b) The mining operations shall strictly be in accordance with the interim order of the Hon'ble Supreme Court dated the 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. Union of India in Writ Petition (Civil) No.202 of 1995 and order of the Hon'ble Supreme Court dated the 21 st April, 2014 in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.435 of 2012.
2.	Setting up of saw mills.	No new or expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
3.	Setting up of industries causing water or air or soil or noise pollution.	No new or expansion of polluting industries in the Eco-sensitive Zone shall be permitted.
4.	Commercial use of firewood.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Establishment of new major hydroelectric projects and irrigation projects.	Prohibited (except as otherwise provided) as per applicable laws.
6.	Use or production of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
7.	Discharge of untreated effluents and solid waste in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Undertaking activities related to tourism like over-flying the National Park Area by aircraft, hot-air balloons.	Prohibited (except as otherwise provided) as per applicable laws.
9.	New wood based industry.	No establishment of new wood based industry shall be permitted within the limits of Eco-sensitive Zone: Provided the existing wood-based industry may continue as per law: Provided further that renewal of licenses of existing saw mills shall not be done on their expiry period.
10.	Goat Farming .	Prohibited (except as otherwise provided) as per applicable laws.
Regulated Activities		
11.	Establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted

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		<p>within one kilometer of the boundary of the protected area or up to the boundary of the Eco-sensitive Zone whichever is nearer except for accommodation for temporary occupation of tourists related to eco-friendly tourism activities.</p> <p>Provided that, beyond one kilometer or up to the extent of the Eco-sensitive Zone, all new tourism activities or expansion of existing activities shall be in conformity with the Tourism Master Plan.</p>
12.	Construction activities.	<p>(a) No new commercial construction of any kind shall be permitted within one kilometer from the boundary of protected area or up to the boundary of the Eco-sensitive Zone whichever is nearer.</p> <p>Provided that, local people shall be permitted to undertake construction in their land for their residential use including the activities listed in sub-paragraph (1) of paragraph 3:</p> <p>(b) Provided further that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per the applicable rules and regulations, if any.</p> <p>(c) Beyond one kilometer upto the extent of Eco-sensitive Zone, construction for <i>bona fide</i> local needs shall be allowed and other construction activities shall be regulated as per the Zonal Master Plan.</p>
13.	Felling of trees.	<p>(a) There shall be no felling of trees on the forest or Government or revenue or private lands without prior permission of the Competent Authority in the State Government;</p> <p>(b) the felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made thereunder.</p> <p>(c) in case of Reserve Forest and Protected Forest the Working Plan prescriptions shall be followed.</p>
14.	Commercial water resources including ground water harvesting.	<p>(a) The extraction of surface water and ground water shall be permitted only for <i>bona fide</i> agricultural use and domestic consumption of the occupier of the land;</p> <p>(b) extraction of surface water and ground water for industrial or commercial use including the amount that can be extracted, shall require prior written permission from the concerned Regulatory Authority;</p> <p>(c) no sale of surface water or ground water shall be permitted;</p> <p>(d) steps shall be taken to prevent contamination or pollution of water from any source including agriculture.</p>
15.	Erection of electrical cables and telecommunication towers.	(ii) Promote underground cabling
16.	Fencing of existing premises of hotels and lodges.	Regulated as per laws.
17.	Widening and strengthening of existing roads.	Shall be done with proper Environment Impact Assessment and mitigation measures, as applicable.
18.	Movement of vehicular traffic at night.	Regulated for commercial purpose, under applicable laws.
19.	Introduction of exotic species.	Regulated as per laws.
20.	Protection of hill slopes and river banks.	Regulated as per laws.
21.	Discharge of treated effluents in natural	Recycling of treated effluent shall be encouraged and for

	water bodies or land area.	disposal of sludge or solid wastes, the existing regulations shall be followed.
22.	Commercial Sign boards and hoardings.	Regulated under applicable laws.
23.	Small scale industries not causing pollution.	Non polluting, non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous goods from the Eco-sensitive Zone, and which do not cause any adverse impact on environment shall be permitted.
24.	Collection of Forest produce or Non-Timber Forest Produce (NTFP).	Regulated as per laws.
25.	Air and vehicular pollution	Regulated as per laws.
26.	Drastic Change of Agriculture systems	Regulated as per laws.
27.	Trenching ground.	No new trenching shall be established. However, existing trenching ground will be operated subject to the condition that no open burning will be allowed.
28.	Use of polythene bags by shopkeepers.	Regulated as per laws.
29.	Solid Waste management.	Regulated as per laws.
30.	Eco-tourism activities.	Regulated as per laws.
Promoted Activity		
31.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming.	Permitted as per laws.
32.	Rain water harvesting.	Shall be actively promoted.
33.	Organic farming.	Shall be actively promoted.
34.	Adoption of green technology for all activities.	Shall be actively promoted.
35.	Cottage industries including village artisans, etc.	Shall be actively promoted.
36.	Use of renewable energy sources	Bio gas, solar light etc to be promoted
37.	Agro forestry.	Shall be actively promoted.
38.	Skill development.	Shall be actively promoted.
39.	Environmental awareness.	Shall be actively promoted.

5. Monitoring Committee.- The Central Government hereby constitutes a Monitoring Committee, for effective monitoring of the Eco-sensitive Zone, which shall comprise of the following, namely:-

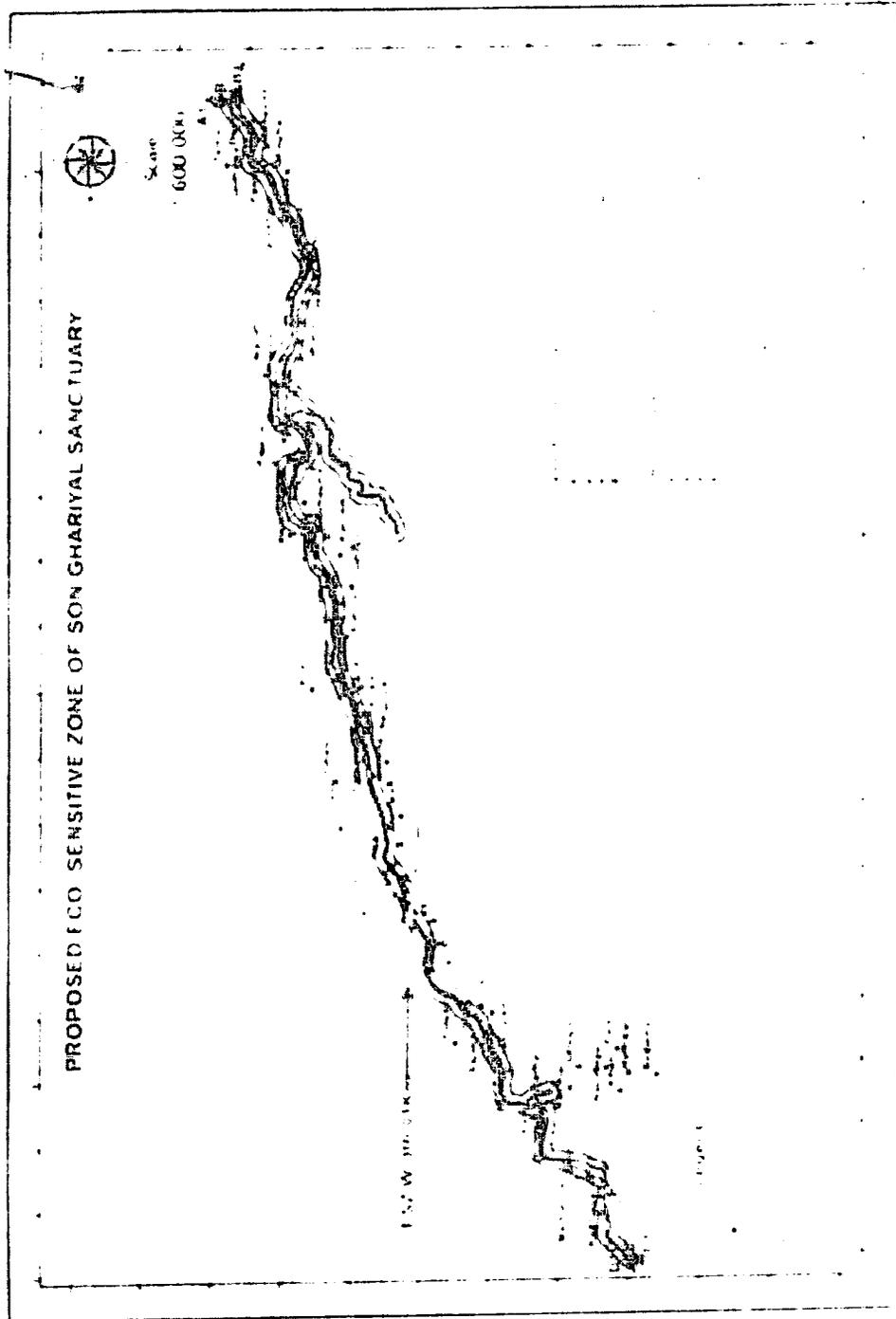
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|---|---|----------|
| (i) Divisional Commissioner, Rewa | - | Chairman |
| (ii) One representative of Non Governmental Organization working in the field of environment to be nominated by the Government of Madhya Pradesh for a term of three years in each case | - | Member |
| (iii) one expert in the area of ecology and environment to be nominated by the Government of Madhya Pradesh for a term of three years in each case | - | Member |
| (iv) District Collector, Sidhi | - | Member |
| (v) District Collector, Singrauli | - | Member |
| (vi) District Collector, Satna | - | Member |
| (vii) District Collector, Shahdol | - | Member |
| (viii) Superintending Engineer, Public Works Department, Singrauli | - | Member |
| (ix) Superintending Engineer, Public Health Engineering, Singrauli | - | Member |

(x) CEO of District Panchayat Singrauli	—	Member
(xi) Representative of the Town and Country Planning Department	—	Member
(xii) Representative of Madhya Pradesh Pollution Control Board	—	Member
(xiv) Member of State Bio Diversity Board	—	Member
(xv) Field Director, Sanjay Tiger Reserve, Sidhi	—	Member-Secretary

Terms of Reference.-

- (1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.
 - (2) The tenure of the Committee shall be three years.
 - (3) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinized by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
 - (4) The activities that are not covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned Regulatory Authorities.
 - (5) The Member-Secretary of the Monitoring Committee or the concerned Collector(s) or the concerned park Deputy Conservator of Forest shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 against any person who contravenes the provisions of this notification.
 - (6) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from industry associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
 - (7) The Monitoring Committee shall submit the annual action taken report of its activities as on 31st March of every year by 30th June of that year to the Chief Wildlife Warden of the State as per pro- forma appended at Annexure III.
 - (8) The Central Government in the Ministry of Environment, Forest and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.
6. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.
 7. The provisions of this notification shall be subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court or National Green Tribunal.

Map of the Eco-sensitive Zone



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Coordinates of Son Ghariyal Wildlife Sanctuary		
	Longitude	Latitude
A	82 ^o 44'47.131"E	24 ^o 36'46.069"N
B	82 ^o 44'50.876"E	24 ^o 36'7.438"N
C	81 ^o 14'59.978"E	24 ^o 9'45.640"N
D	81 ^o 14'59.978"E	24 ^o 9'56.385"N

Coordinates of Eco Sensitive Zone of Son Ghariyal Wildlife Sanctuary		
	Longitude	Latitude
A1	82 ^o 44'51.175"E	24 ^o 37'19.269"N
B1	82 ^o 45'34.613"E	24 ^o 36'2.146"N
C1	81 ^o 14'55.232"E	24 ^o 9'13.446"N
D1	81 ^o 14'24.569"E	24 ^o 9'48.529"N

Annexure II

List of villages with Co-ordinates falling within the Eco-sensitive zone

S.N.	Name of Place	Late_D	Late_M	Late_S	Long_D	Long_M	Long_S	Late_DD	Long_DD
1	Parsili	24	10	21.73	81	31	26.94	24.1727	81.52415
2	Chamaradol	24	8	19.2	81	31	12	24.13867	81.52
3	Khari	24	10	10.76	81	28	8.7	24.16966	81.46908
4	Naudhiya	24	11	10.76	81	29	57.6	24.18632	81.49933
5	Ghoghi	24	13	8.8	81	30	7.52	24.21911	81.50209
6	Sajaha	24	19	58.04	81	32	6.04	24.33279	81.53501
7	Khatai	24	31	30.47	82	33	23.11	24.52513	82.55642
8	Gangi	24	31	9.71	82	29	58.46	24.51936	82.49957
9	Khaira	24	31	55.52	82	27	32.58	24.53209	82.45905
10	Fariha	24	28	51.93	81	59	20.2	24.48109	81.98894
11	Sarra	24	28	24.021	81	42	31.623	24.47334	81.70878
12	Duara	24	26	9.768	81	43	51.2	24.43605	81.73089
13	Pawa	24	27	0.764	81	45	35.107	24.45021	81.75975
14	Dharauli Khurd	24	32	3.22	82	26	4.72	24.53423	82.43464
15	Lilhara	24	31	59.45	82	24	45.67	24.53318	82.41269
16	Parsauna	24	33	76	82	23	47.79	24.57111	82.39661
17	Shikarganj	24	17	8.207	81	26	36.579	24.28561	81.44349
18	Jhala	24	20	32.169	81	32	46.16	24.34227	81.54616

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S.N.	Name of Place	Late_D	Late_M	Late_S	Long_D	Long_M	Long_S	Late_DD	Long_DD
19	Rajghat	24	34	34.58	82	23	38.43	24.57627	82.39401
20	Khairpur	24	33	54.549	82	22	13.857	24.56515	82.37052
21	Kunjhun Khurd	24	30	27.53	82	11	11.16	24.50765	82.18643
22	Kunjhun Kala	24	30	36.175	82	11	13.074	24.51005	82.18697
23	Atraila	24	30	37.13	82	7	25.53	24.51031	82.12376
24	Jokaha	24	30	54.109	82	7	12.94	24.51503	82.12026
25	Tilai	24	29	30.134	82	6	5.686	24.4917	82.10158
26	Panwar	24	34	13.355	82	39	37.466	24.57038	82.66041
27	Gadhawa	24	35	33.63	82	40	41.54	24.59268	82.67821
28	Baghor	24	33	20.74	82	18	40.56	24.55576	82.31127
29	Madariya	24	32	8.94	82	17	46.06	24.53582	82.29613
30	Kubari	24	31	50.47	81	59	44.52	24.53069	81.9957
31	Bhitari	24	26	31.11	81	49	10.51	24.44198	81.81959
32	Dithaura	24	20	26.36	81	34	24	24.34066	81.57333
33	Ghughata	24	19	13.35	81	31	26.38	24.32038	81.52399
34	Chandrch	24	18	1.11	81	30	0	24.30031	81.5
35	Durgapur	24	15	23.99	81	27	26.46	24.25666	81.45735
36	Kuan	24	13	20.61	81	21	33.17	24.22239	81.35921
37	Majhatolwa	24	13	49.21	81	21	57.7	24.23034	81.36603
38	Baghard Dhabaiya	24	16	26.6	81	26	9.41	24.27406	81.43595
39	Gujred	24	18	23.52	81	31	56.93	24.30653	81.53248
40	Chandaini	24	29	56.85	81	49	2.2	24.49913	81.81728
41	Deoghata	24	26	29.45	81	54	5.05	24.44151	81.9014
42	Tariha	24	28	54.13	81	59	21.27	24.4817	81.98924
43	Hanumangarh	24	22	16.81	81	38	30.62	24.37134	81.64184
44	Khairi	24	18	49.81	81	30	26.65	24.31384	81.5074
45	Sajaha	24	19	59.58	81	32	5.22	24.33322	81.53478
46	Akauri	24	23	15.47	81	41	46.2	24.38763	81.69617
47	Nakjharkhurd	24	32	2.91	82	13	52.14	24.53414	82.23115
48	Kekrai	24	34	31.88	82	40	1.42	24.57552	82.66706
49	Ghoghara	24	32	33.22	82	39	12.75	24.54256	82.65354
50	Bardi	24	32	28.95	82	22	14.55	24.54138	82.37071
51	Lauar Paipkhar	24	31	41.68	82	19	33.95	24.52824	82.3261
52	Lauar Nankar	24	32	25.18	82	19	53.88	24.54033	82.33163
53	Khuteli	24	31	21.93	82	16	28.45	24.52276	82.27457
54	Nakjhar kalan	24	30	58.11	82	12	3.69	24.51614	82.20103
55	Lilwar	24	33	5.16	82	11	24.29	24.55143	82.19008
56	Rampur	24	33	8.7	82	12	43.38	24.55242	82.21205
57	Amadei	24	31	24.44	82	8	53.57	24.52346	82.14821
58	Ramnagar Khurd	24	31	13.8	82	10	26.43	24.5205	82.17401
59	Baliyar	24	29	11.16	82	3	30.48	24.48643	82.05847
60	Ramdih	24	28	37.69	82	10	18.36	24.47714	82.17177
61	Khetauhi	24	28	16.32	81	59	44.91	24.4712	81.99581
62	Chamrauha	24	31	7.5	82	8	9.6	24.51875	82.136

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S.N.	Name of Place	Late_D	Late_M	Late_S	Long_D	Long_M	Long_S	Late_DD	Long_DD
63	Chhitawalkhurd	24	32	58.74	82	36	13.41	24.54965	82.60373
64	Patpara	24	28	9.03	81	54	15.99	24.46918	81.90444
65	Salaiya	24	28	3.18	81	56	22.79	24.46755	81.93966
66	Tamai	24	36	50.23	82	39	52.54	24.61395	82.66459
67	Kajardah	24	33	10.65	82	20	32.73	24.55296	82.34243
68	Dhobauhi	24	33	0.17	82	17	18	24.55005	82.28833
69	Sattiha	24	33	50.66	82	14	26.22	24.56407	82.24062
70	Sihawal	24	33	26.73	82	13	46.51	24.55743	82.22959
71	Dheku	24	33	34.09	82	19	59.48	24.55947	82.33319
72	Chikni	24	30	51.61	82	30	57.49	24.51434	82.51597
73	Rehada	24	32	6.53	82	34	51.05	24.53515	82.58085
74	Hatwa	24	30	15.61	81	52	40.24	24.50434	81.87784
75	Demha	24	26	23.02	81	52	27.72	24.43973	81.87437
76	Rojhauha	24	30	59.052	82	11	42.643	24.5164	82.19518
77	Kukaraon	24	30	44.919	24	30	44.919	24.51248	24.51248
78	Piprohar	24	26	48.77	81	56	52.88	24.44688	81.94802
79	Koldaha	24	24	53.433	81	41	15.972	24.41484	81.68777
80	Mohaniya	24	27	31.846	81	55	50.29	24.45885	81.93064
81	Jhagari	24	19	19.401	81	32	21.389	24.32206	81.53927
82	Umariya	24	29	31.02	82	9	43	24.49195	82.16194
83	Dawa	24	30	5.811	82	0	25.257	24.50161	82.00702
84	Bahera	24	29	42.563	82	1	32.218	24.49516	82.02562
85	Barigawan	24	25	10.955	81	45	6.631	24.41971	81.75184
86	Kurrwah	24	25	33.46	81	49	50.16	24.42596	81.8306
87	Bhelki Khurd	24	25	37.2	81	47	42.22	24.427	81.79506
88	Bholgarh	24	22	52.65	81	39	59.32	24.38129	81.66648
89	Titali	24	30	35.8	82	4	53.69	24.50994	82.08158
90	Thatara	24	35	27.71	82	47	34.65	24.59103	82.79296
91	Chhiwalhawa	24	35	35.41	82	47	16.95	24.59317	82.78804
92	Godgawan	24	37	32.59	82	44	33.58	24.62572	82.74266
93	Kankati	24	19	14.29	81	34	34.27	24.32064	81.57619
94	Bairihai	24	13	47.27	81	28	31.68	24.2298	81.47547
95	Patchra	24	21	55.03	81	32	15.09	24.36529	81.53753
96	Shuda Viran	24	29	54.27	82	5	32.32	24.49841	82.09231
97	Duraon Viran	24	29	54.83	82	7	25.35	24.49856	82.12371
98	Sarseda	24	33	11.49	82	22	54.45	24.55319	82.38179
99	Dadhiya	24	28	45.85	82	7	20.71	24.4794	82.12242
100	Sariya	24	11	50.6	81	19	54.02	24.19739	81.33167
101	Kaithaha	24	11	45.6	81	18	34.82	24.196	81.30967
102	Hathwar	24	9	34.1	81	29	27.72	24.15947	81.49103
103	Boddiha	24	7	36.33	81	29	17.77	24.12676	81.48827
104	Paipkhara	24	12	38.18	81	21	33.64	24.21061	81.35934
105	Barhai	24	15	34.17	81	28	3.66	24.25949	81.46768
106	Bayriya	24	37	9.854	82	45	47.821	24.6194	82.76328

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S.N.	Name of Place	Late_D	Late_M	Late_S	Long_D	Long_M	Long_S	Late_DD	Long_DD
107	Kcsauli	24	33	58.973	82	19	39.34	24.56638	82.32759
108	Tarakhiya	24	33	18.24	82	37	25.65	24.55507	82.62379
109	Fulkesh	24	31	28.72	82	28	59.9	24.52464	82.48331
110	Deeghar	24	35	36.8	82	43	2.08	24.59356	82.71724
111	Badgada	24	33	55.62	82	41	14.95	24.56545	82.68749
112	Damgadi	24	33	40.84	82	14	15.62	24.56134	82.23767
113	Khadbada	24	30	9.65	82	3	34.68	24.50268	82.05963
114	Kesauli	24	34	3.82	82	16	57.89	24.56773	82.28275
115	Kotdar Kala	24	28	7.27	81	56	47.7	24.46869	81.94658
116	Kotdar Khurd	24	28	4.9	81	57	42.08	24.46803	81.96169
117	Kathautaha	24	24	35.73	81	42	28.91	24.40993	81.70803
118	Bhelaki kala	24	25	56.504	81	46	23.811	24.43236	81.77328
119	Garhara	24	16	25.45	81	22	59.818	24.27374	81.38328
120	Hariari	24	11	45.316	81	20	37.057	24.19592	81.34363
121	Marsarha	24	29	40.488	82	3	17.583	24.49458	82.05488
122	Rajabar	24	34	15.889	82	20	9.808	24.57108	82.33606

Annexure III

Proforma of Action Taken Report: - Eco-sensitive Zone Monitoring Committee.-

1. Number and date of meetings.
2. Minutes of the meetings: mention main noteworthy points. Attach minutes of the meeting as separate Annexure.
3. Status of preparation of Zonal Master Plan including Tourism Master Plan
4. Summary of cases dealt for rectification of error apparent on face of land record (Eco-sensitive Zone wise).
Details may be attached as Annexure.
5. Summary of cases scrutinised for activities covered under the Environment Impact Assessment Notification, 2006.
Details may be attached as separate Annexure.
6. Summary of cases scrutinised for activities not covered under the Environment Impact Assessment Notification, 2006.
Details may be attached as separate Annexure.
7. Summary of complaints lodged under section 19 of the Environment (Protection) Act, 1986.
8. Any other matter of importance.

[F.No.25/62/2015-ESZ-RE]

Dr. T. CHANDINI, Scientist 'G'

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REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. NOS. 131377, 147102, 195467, 195468,
205092 OF 2022,

I.A. NOS. 162283 AND 162284 OF 2022

IN

I.A. D. NO. 125746 OF 2022

WITH

I.A. NOS. 118604, 118606, 119400, 119401, 119404,
137132, 137138, 137140 AND 137143 OF 2022

I.A. NOS. 5764, 6804 AND 10911 OF 2023

IN THE MATTER OF:

WRIT PETITION (CIVIL) NO. 202 OF 1995

IN RE: T.N. GODAVARMAN THIRUMULPAD

...PETITIONER(S)

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENT(S)

J U D G M E N T

B.R. GAVAI, J.

I.A. NO. 131377 OF 2022:

Validity unknown
Digitally signed by
Nataraj Prasad
Date: 2023.04.25
12:44:10 IST
Reason

1. The present I.A. is filed by the Union of India praying for modification/clarification of the order passed by this Court

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dated 3rd June 2022¹ in I.A. No. 1000 of 2003 in WP(C) No. 202 of 1995.

2. The applicant specifically seeks modification of the directions contained in paragraphs 56.1 and 56.5 of the order dated 3rd June 2022 (supra). The said paragraphs are reproduced hereinbelow:

“56.1. Each protected forest, that is, national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9-2-2011 shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500 m so far as subsisting activities are concerned.

.....

56.5. In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9-2-2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were

¹ (2022) 10 SCC 544

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continuing prior to passing of this order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ."

3. The clarification/modification of paragraph 56.1 of the order dated 3rd June 2022 (supra) is sought to the extent that the Eco-Sensitive Zones (for short, "ESZs") which have already been notified (final and draft) by the Ministry of Environment Forests and Climate Change (for short, "MoEF & CC") or the proposals for which have been received in the Ministry be exempted from the directions therein. The applicant also sought modification to the extent that paragraph 56.1 of the order dated 3rd June 2022 (supra) may not be made applicable where National Parks and Wildlife Sanctuaries are located along inter-State boundaries and/or common boundaries. Modification/clarification of the directions in paragraph 56.5 of the order dated 3rd June 2022 (supra) in its entirety is additionally sought.

4. We have heard Ms. Aishwarya Bhati, learned Additional Solicitor General (for short, "ASG") appearing on behalf of the applicant, Shri K. Parameshwar, learned *amicus curiae* as

well as Senior Counsel appearing on behalf of various State Governments.

5. It is submitted that the Government of India has already issued Guidelines on 9th February 2011 (hereinafter referred to as the "said Guidelines") for declaration of ESZs around National Parks and Wildlife Sanctuaries. The said Guidelines were framed after consulting the National Board for Wildlife (hereinafter referred to as "NBWL"), and all the State and Union Territory Governments. The said Guidelines provide a detailed procedure for submitting a proposal for declaration of the areas around National Parks and Wildlife Sanctuaries as ESZs. It is further submitted that the said Guidelines itself contain various activities which have been categorized as prohibited, regulated and permitted.

6. It is further submitted that the direction as contained in paragraph 56.5 of the order dated 3rd June 2022 (supra) is likely to cause great hardship to the citizens residing in the ESZs. It is further submitted that the said directions provide that if any activity is already being undertaken within one kilometre or extended buffer zone (ESZ), and which does not

come within the ambit of prohibited activities as per the said Guidelines, such activities may continue with the permission of the Principal Chief Conservator of Forests (for short, "PCCF") of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. The said Guidelines further provide that such permission shall be given once the PCCF is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this Court's order dated 3rd June 2022 (supra) in a legitimate manner. It is further submitted that the direction that no new permanent structure shall be permitted to come up for whatsoever purpose within the ESZs would also cause great hardship.

7. It is further submitted that insofar as the direction in paragraph 56.1 of the order dated 3rd June 2022 (supra) is concerned, it mandates that each protected forest, that is, National Park or Wildlife Sanctuary, must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities

proscribed and prescribed in the said Guidelines shall be strictly adhered to. Insofar as Jamua Ramgarh Wildlife Sanctuary is concerned, it is directed that the ESZ shall be 500 meters so far as subsisting activities are concerned.

8. The learned ASG, *amicus curiae* and Senior Counsel appearing on behalf of various States submitted that in respect of various National Parks and Wildlife Sanctuaries, already final notifications had been issued, prescribing the boundaries for the ESZs. In some cases, the draft notifications are pending and in some other cases, the proposals for issuance of draft and final notifications are pending with the Government of India.

9. It is submitted that there cannot be a uniform boundary for all the National Parks and Wildlife Sanctuaries. It is further submitted that there cannot also be a uniform boundary for a particular National Park or Wildlife Sanctuary. At times, it may be longer on one side and shorter on the other side depending on various circumstances.

10. It is submitted that the rights of the citizens who are residing in the Protected Areas are settled under the

provisions of Sections 18 to 25A of the Wild Life (Protection) Act, 1972 (hereinafter referred to as "1972 Act") whereas there is no settlement of rights of citizens residing in ESZs. The citizens therein continue to reside and are also continuing with their daily avocation like farming etc. It is submitted that various developmental activities like construction of schools, dispensaries, anganwadis, public health centres etc. are required to be undertaken in such areas. Not only that, but if the direction not to make any construction is continued, the persons residing therein would not be in a position to construct or reconstruct houses on their own land. It is submitted that the procedure prescribed for obtaining the permission of the PCCF is very tedious. If such a direction is issued, the PCCF would be left with no other work but to consider the applications for continuation of such activities.

11. It is further submitted that though this Court has observed in paragraph 54 of the order dated 3rd June 2022 (supra) that the said Guidelines are reasonable, it has

nevertheless issued directions which are in conflict with the said Guidelines.

12. It is further contended that the issue in I.A. No. 1000 of 2003 was restricted to prohibition of mining activities in and around Jamua Ramgarh Wildlife Sanctuary and prescribing ESZs for the said Wildlife Sanctuary only. As such, various State Governments did not have an opportunity to address this Court.

13. Having considered the rival submissions, we find it appropriate to refer to various orders passed by this Court on the issue of ESZs/Buffer Zones.

14. The first of such orders was passed by this Court on 16th September 2005². It will be relevant to refer to paragraph 13 of the said order, which reads thus:

“13. We have perused the affidavit dated 14-9-2005 filed by Mr Anurag Bajpai on behalf of MoEF and the statement showing the grant of temporary working permit in the last two years i.e. from 1-1-2003 to 31-12-2004 in the national parks, sanctuaries and forest area. This is despite the order passed by this Court restraining the mining activities in these areas. Learned amicus curiae submits that the inspection of the government record shows a

² (2006) 5 SCC 25

dismal picture and he would shortly file an application for taking appropriate action against the persons concerned. Pending filing of the said application and further orders, we again reiterate that without compliance with the environmental laws, in particular the permission under the Forest (Conservation) Act, 1980, no temporary working permission or temporary permit or any other permission by whatever name called shall be granted for mining activities in the aforesaid areas. ***We further direct that no mining activity would continue under any temporary working permit or permission which may have been granted. It appears from the chart filed with the affidavit of Mr Anurag Bajpai that no temporary working permission is in operation as of today. If it is otherwise, an affidavit to that effect shall be filed within two weeks giving the particulars of such permission.***

[emphasis supplied]

15. It can thus clearly be seen that this Court directed that no mining activity would be permitted to continue under any temporary working permit or permission which may have been granted.

16. It will further be relevant to refer paragraph 15 of the said order, which reads thus:

“15. MoEF is directed to place on record within three weeks its viewpoint on the question of area of buffer zone and other related matters such as should it be universal or place specific.

This should be done after also obtaining the viewpoint of the National Board of Wildlife.”

17. It can thus be seen from the said paragraph that this Court directed MoEF to place on record within three weeks its viewpoint on the question of area of buffer zone and other related matters such as should it be universal or place specific. The Court further directed that this should be done after obtaining the viewpoint of the NBWL.

18. The second of such orders is passed on 4th August 2006³. The said order basically pertains to banning the mining activities in the National Parks, Sanctuaries and forest areas. The Court laid down various pre-conditions wherein temporary working permits could be granted.

19. The next order is passed on 4th December 2006⁴. In the said order, the Court expressed its anguish towards the various State Governments for not responding to the letter issued by MoEF dated 27th May 2005 requiring them to initiate measures for identification of suitable areas and submit detailed proposals at the earliest. It will be relevant

3 (2010) 13 SCC 740

4 (2011) 15 SCC 791

to refer to paragraphs 3 and 4 of the said order, which read thus:

“3. The order earlier passed on 30-1-2006 [*Goa Foundation v. Union of India*, (2011) 15 SCC 793] refers to the decision which was taken on 21-1-2002 to notify the areas within 10 km of the boundaries of national parks and sanctuaries as eco-sensitive areas. The Letter dated 27-5-2005 is a departure from the decision of 21-1-2002. 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, 1992.

4. The Ministry is directed to give a final opportunity to all States/Union Territories to respond to its Letter dated 27-5-2005. 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 21-1-2002, 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

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regard to the precautionary principles. If the States/Union Territories now fail to respond, they would do so at their own risk and peril.”

20. It can be seen that this Court refers to its earlier order dated 30th January 2006 wherein a reference is made to the decision dated 21st January 2002 to notify the areas within 10 kilometres of the boundaries of National Parks and Sanctuaries as ESZs. Though the order records that the letter dated 27th May 2005 is a departure from the decision taken on 21st January 2002, the Court observes that, in the said case, the Court was not considering the correctness of the said departure. The Court therefore directed the Ministry to give a final opportunity to all States/Union Territories to respond to its Letter dated 27th May 2005. The said order states that the communication should mention that if the proposals were not sent within a period of four weeks from the 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, i.e., notification of the areas within 10

kilometres of the boundaries of the sanctuaries and National Parks as ESZs.

21. The next order of this Court is dated 21st April 2014 in the case of ***Goa Foundation v. Union of India and Others***⁵.

It will be relevant to refer to the following observations of this Court in the said order:

“49.The result is that the order passed by this Court saying that there will be no mining activity within one kilometre safety zone around national park or wildlife sanctuary has to be enforced and there can be no mining activities within this area of one kilometre from the boundaries of national parks and wildlife sanctuaries in the State of Goa.”

22. The Court has clarified that there shall be no mining activity within one kilometre of the safety zone around National Park or Wildlife Sanctuary and that this has to be enforced. It is also reiterated that there can be no mining activities within this area of one kilometre from the boundaries of National Parks and Wildlife Sanctuaries in the State of Goa.

23. The Court thereafter refers to the earlier order dated 4th December 2006 (supra) in the said case and observed thus:

⁵ (2014) 6 SCC 590

“50.It will be clear from the order dated 4-12-2006 [*Goa Foundation v. Union of India*, (2011) 15 SCC 791] of this Court that this Court has not passed any orders for implementation of the decision taken on 21-1-2002 to notify areas within 10 km of the boundaries of national parks or wildlife sanctuaries as eco-sensitive areas with a view to conserve the forest, wildlife and environment. By the order dated 4-12-2006 [*Goa Foundation v. Union of India*, (2011) 15 SCC 791] of this Court, however, the Ministry of Environment and Forests, Government of India, was directed to give a final opportunity to all States/Union Territories to respond to the proposal and also to refer to the Standing Committee of the National Board for Wildlife the cases in which environment clearance has already been granted in respect of activities within the 10 km zone from the boundaries of the wildlife sanctuaries and national parks. There is, therefore, no direction, interim or final, of this Court prohibiting mining activities within 10 km of the boundaries of national parks or wildlife sanctuaries.”

24. It could thus be seen that the Court has specifically observed that this Court had not passed any orders for implementation of the decision taken on 21st January 2002 to notify areas within 10 kilometres of the boundaries of National Parks or Wildlife Sanctuaries as ESZs with a view to conserve the forest, wildlife and environment. The Court therefore clarified that there is no direction, interim or final,

prohibiting mining activities within 10 kilometres of the boundaries of National Parks or Wildlife Sanctuaries.

25. It will be relevant to refer to paragraphs 87.3 and 88.1 of the said order, which read thus:

“87.3. Until the order dated 4-8-2006 [*T.N. Godavarman Thirumulpad v. Union of India*, (2010) 13 SCC 740] of this Court is modified by this Court in IA No. 1000 in *T.N. Godavarman Thirumulpad v. Union of India*, there can be no mining activities within one kilometre from the boundaries of national parks and sanctuaries in Goa.

88.1. MoEF will issue the notification of eco-sensitive zones around the national park and wildlife sanctuaries of Goa after following the procedure discussed in this judgment within a period of six months from today.”

26. It can thus be seen that this Court has held that until the order dated 4th August 2006 (*supra*) is modified by this Court in IA No. 1000 of 2003 in the case of ***T.N. Godavarman Thirumulpad v. Union of India***, there can be no mining activities within one kilometre from the boundaries of National Parks and Sanctuaries in Goa. The Court further directed MoEF to issue the notification of ESZs around the National Park and Wildlife Sanctuaries of Goa after following the procedure discussed in the said judgment.

The same was directed to be done within a period of six months from the date of the said order.

27. The next relevant order would be dated 11th December 2018. It will be relevant to refer to the following part of the said order:

“The learned ASG has informed us that there are 104 National Parks and 558 Wildlife Sanctuaries making a total of 662 National Parks and Wildlife Sanctuaries in the country.

The proposals for declaring areas around these National Parks and Wildlife Sanctuaries as Eco Sensitive Zone have been received from State Governments / UT Administrations for 641 National Parks and Wildlife Sanctuaries. No proposals have been received in respect of 21 National Parks and Wildlife Sanctuaries.

The proposals have been accepted and Notification has been issued in respect of 289 National Parks and Wildlife Sanctuaries as on 26.11.2018 and draft Notification has been prepared in respect of 206 National Parks and Wildlife Sanctuaries.

The declaration with regard to Eco Sensitive Zone is under process with the Ministry of Environment, Forests and Climate Change (MoEF) as well as with the State Governments in respect of 4 146 National Parks and Wildlife Sanctuaries.

We expect the Ministry of Environment, Forests and Climate Change to actively pursue the preparation of the draft Notification and to issue a final Notification at the earliest.

The proposals for 21 National Parks and Wildlife Sanctuaries in respect of which proposals have not yet been received by the MOEF are as follows:-

.....

It is submitted by the learned Amicus that this issue has been pending since sometime in December, 2006. 12 years have gone-by but no effective steps have been taken by the State Governments in respect of the National Parks and Wildlife Sanctuaries mentioned above.

Under the circumstances, we direct that an area of 10 Kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF. The declaration be made by the MoEF at the earliest.

Liberty is granted to the State Governments to move an application for modification of this order along with proposal only two weeks after submission of the proposals to the MoEF.”

28. It can be seen that this Court has recorded the submissions of the learned ASG that there were 104 National Parks and 558 Wildlife Sanctuaries making a total of 662 National Parks and Wildlife Sanctuaries in the country. It was further recorded that the proposals for declaring areas around these National Parks and Wildlife Sanctuaries as ESZs had been received from the State Governments/Union

Territories. It can further be seen that no proposals have been received in respect of 21 National Parks and Wildlife Sanctuaries. It further recorded that the proposals had been accepted and notification had been issued in respect of 289 National Parks and Wildlife Sanctuaries as on 26th November 2018 and draft notification had been prepared in respect of 206 National Parks and Wildlife Sanctuaries. The Court therefore expected the MoEF & CC to actively pursue the preparation of the draft Notification and to issue a final Notification at the earliest. The Court then recorded 21 National Parks and Wildlife Sanctuaries in respect of which proposals have not yet been received by the MoEF & CC alongside its anguish that though 12 years had been passed, no effective steps have been taken by the State Governments in respect of the National Parks and Wildlife Sanctuaries named in the said order. Therefore, the Court directed that an area of 10 kilometres around these 21 National Parks and Wildlife Sanctuaries be declared as ESZs by the MoEF & CC. Liberty was granted to the State Governments to move an application for modification of the said order. However, it

further directed that the application should be along with the proposal for declaration of ESZs.

29. It is to be noted that the learned Judges of this Court, in the case of **Goa Foundation**⁶, had directed that the MoEF & CC shall follow the procedure and issue notification of ESZs under Rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as "1986 Rules"). The relevant provisions of the 1986 Rules are reproduced hereinbelow:

"5. Prohibition and restriction on the location of industries and the carrying on of processes and operations in different areas.—(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.

⁶(2014) 6 SCC 590

(iv) The topographic and climatic features of an area.

(v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

(viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.

(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication in the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may [within [seven hundred and twenty-five days [, and in respect of the States of Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland,

Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days,] from such date of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area:

[Provided that on account of COVID-19 pandemic, for the purpose of this clause, the period of validity of the notification expiring in the financial year 2020-2021 and 2021-2022 shall be extended up to [30th June, 2022] or six months from the end of the month when the relevant notification would have expired without any extension, whichever is later.]

[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]"

30. It is to be noted that Rule 5 of the 1986 Rules prescribes a detailed procedure for issuing notification prohibiting or restricting various activities in the specified areas. The said power flows from Sections 3(v) of the Environment (Protection) Act, 1986 (hereinafter referred to as "1986 Act").

31. A perusal of clause (viii) of sub-rule (1) of Rule 5 of the 1986 Rules would reveal that one of the factors that has to be taken into consideration for declaring ESZ is the proximity to a sanctuary, National Park, game reserve or closed area notified, as such under the 1972 Act. Sub-rule 3(a) of Rule 5 of the 1986 Rules requires that whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions, it is required to give notice of its intention to do so by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time. As per sub-rule 3(b) of Rule 5, every such notification is required to give a brief description of the area, the industries, operations processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries on carrying out of the processes or operations in that area. Accordingly, as per sub-rule 3(c) of Rule 5, any person interested in filing an objection is entitled to file an objection to the Central Government within sixty days from the date of publication in the notification in the Official

Gazette. The Central Government thereafter within the prescribed period provided under clause (d) of sub-rule (3) of Rule 5 of the 1986 Rules is required to issue a notification in the Official Gazette imposing such prohibition or restrictions in an area. This is required to be done only after considering all the objections received under clause (c) of sub-rule (3) of Rule 5 of the 1986 Rules. It can thus be seen that a detailed procedure is prescribed under the 1986 Rules for notifying ESZs.

32. It is to be noted that MoEF & CC has issued the said Guidelines for declaration of ESZs around the National Parks and Wildlife Sanctuaries.

33. The said Guidelines refer to a meeting of the Indian Board for Wildlife held on 21st January 2002, in which "Wildlife Conservation Strategy-2002" was adopted. Point No. 9 of the said Strategy envisaged that lands falling within 10 kilometres of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under Section 3(v) of the 1972 Act and clause (viii) of sub-rule (1) of Rule 5 of the 1986 Rules. It further states that when the

views were obtained from all the State Governments, some of the State Governments had raised concern over applicability of 10 kilometres range from the Protected Area boundary and informed that most of the human habitation and other areas including important cities in these States would come under the purview of ESZs and will adversely affect the development. The said Guidelines also refer to the National Wildlife Action Plan (2002-2016). The NBWL, in its meeting held on 17th March 2005, decided that the delineation of ESZs would have to be site specific and relate to regulation rather than prohibition of specific activities. The said decision was communicated to all the State Governments for compliance vide letter dated 27th May 2005.

34. The said Guidelines thereafter refer to the directions of this Court dated 4th December 2006. It also refers to the statutory provisions as contained in Section 5C (1) of the 1972 Act, Section 3 of the 1986 Act and Rule 5 of the 1986 Rules. The said Guidelines state that the purpose of declaring ESZs around National Parks and Sanctuaries is to create some kind of Shock Absorber for the Protected Areas.

They would also act as a transition zone from areas of high protection to areas involving lesser protection. It also reiterates the decision of the NBWL that the activities in the ESZs would be of a regulatory nature rather than prohibitive nature unless and otherwise so required. Paragraph 4 of the said Guidelines notes that many of the existing Protected Areas have already undergone tremendous development in close vicinity to their boundaries. It refers to the Guindy National Park, Tamil Nadu, Sanjay Gandhi National Park, Maharashtra, etc. and notes that the Protected Areas are lying in the urban set up. It therefore observes that defining the extent of ESZs around Protected Areas will have to be kept flexible and Protected Area specific. It notes that the width of ESZs and type of regulations will differ from one Protected Area to another Protected Area. It however notes that, as a general principle, the width of the ESZs could go up to 10 kilometres around a Protected Area as provided in the Wildlife Conservation Strategy-2002. It further notes that in case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10 kilometres width, these should be

included in the ESZs. It further notes that even in context of a particular Protected Area, the distribution of an area of the ESZ and the extent of regulation may not be uniform all around and it could be of variable width and extent. The said Guidelines notes that though the directions were issued by this Court to all the States/Union Territories, except a few States, several other States/Union Territories have not come forward with the proposals for declaration of ESZs. It was observed that this could be perhaps for want of guidelines in this regard. It further notes that this Court in its judgment and order dated 3rd December 2010 in a case relating to construction of park at Noida near Okhla Bird Sanctuary, observed that the ESZs around the Protected Areas had not been notified as the Government of India had not issued any guidelines in this regard.

35. It thereafter refers to the Committee under the Chairmanship of Shri Pronab Sen for identifying parameters for designating Ecologically Sensitive Areas in India.

36. The said Guidelines thereafter state in paragraph 6 that the basic aim of notifying ESZs is to regulate certain

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activities around National Park and Wildlife Sanctuary so as to minimize the negative impact of such activities on the fragile ecosystem encompassing the Protected Area. It states that the first step towards it is to 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 as well as important Corridors. It states that the inventory could be done by the concerned Range Officers, who can take a stock of activities within 10 kilometres of the range. It further notes that a Committee comprising of the concerned Wildlife Warden, an Ecologist, an official from the Local Self Government and an official of the Revenue Department of the concerned area, could be formed to suggest the following:

- (i) Extent of eco-sensitive zones for the Protected Area being considered.
- (ii) The requirement of such a zone to act as a shock absorber
- (iii) To suggest the best methods for management of the eco-sensitive zones, so suggested.

- (iv) To suggest broad based thematic activities to be included in the Master Plan for the region.

37. It further notes that based on the above, the Chief Wildlife Warden could group the activities under the following categories:-

- (i) Prohibited
- (ii) Restricted with safeguards.
- (iii) Permissible

38. The said Guidelines thereafter note that once the proposal for ESZs has been finalized, the same should be forwarded to the MoEF & CC for further processing and notification. An indicative list of details that need to be submitted along with the proposals is also appended to the said Guidelines.

39. The said Guidelines further note that 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 should be the endeavour of both the State/Union Territory Governments to have a mutual

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consultation and decide upon the width of the ESZs around the Protected Area in question. The said Guidelines emphasize that the State Government should endeavour to convey a very strong message to the public that ESZs are not meant to hamper their day to day activities, but instead, are 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. It further notes that 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.

40. A list of the activities which are prohibited, regulated and permitted is contained in Annexure-I of the said Guidelines, which reads thus:

Sl. No.	Activity	Prohibited	Regulated	Permitted	Remarks
1.	Commercial mining	Y			Regulation sill not

					prohibit the digging of earth for construction or repair of houses for manufacture of country tiles or bricks for housing for personal
2.	Felling of trees		Y		With permission from appropriate authority
3.	Setting of saw mills	Y			
4.	Setting of industries causing pollution (Water, Air, Soil., Noise, etc.)	Y			
5.	Establishment of hotels and resorts		Y		As per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals
6.	Commercial use of firewood	Y			For hotels and other business related establishment

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7.	Drastic change of agriculture systems		Y		
8.	Commercial use of natural water resources including ground water harvesting		Y		As per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.
9.	Establishment of major hydroelectric projects	Y			
10.	Erection of electrical cable		Y		Promote underground cabling
11.	Ongoing agriculture and horticulture practices local communities			Y	However, excessive expansion of some of these activities should be regulated as per the master plan
12.	Rain Water harvesting			Y	Should be actively promoted
13.	Fencing of premises of hotels and lodges		Y		
14.	Organic farming			Y	Should be actively promoted

15.	Use of polythene bags by shopkeepers		Y		
16.	Use of renewable energy sources			Y	Should be actively promoted
17.	Widening of roads		Y		This should be done with proper EIA and mitigation measures
18.	Movement of vehicular traffic at night		Y		For commercial purpose
19.	Introduction of exotic species		Y		
20.	Use of production of any hazardous substances	Y			
21.	Undertaking activities related to tourism like over-flying the National Park are by any aircraft, hot-air balloons				
22.	Protection of hill slopes and river banks		Y		As per the master plan

23.	Discharge of effluents and solid waste in natural water bodies or terrestrial are	Y			
24.	Air and vehicular pollution		Y		
25.	Sign board & hoardings		Y		As per the master plan
26.	Adoption of green technology for all activities			Y	Should be actively promoted.

41. It is to be noted that this Court in paragraph 54 of the order dated 3rd June 2022 (supra) has, in fact, held the said Guidelines to be reasonable and also accepted the view of the Standing Committee of the NBWL that uniform guidelines may not be possible in respect of each sanctuary or National Park for maintaining the ESZs. It is also observed that the sanctuaries like Sanjay Gandhi National Park and Guindy National Park in Mumbai shall form special cases. The said paragraph 54 is reproduced hereinunder:

“54. In our opinion, the Guidelines framed on 9-2-2011 appear to be reasonable and we accept the view of the Standing Committee that uniform guidelines may not be possible in respect of each sanctuary or national park for maintaining ESZ. We are of the opinion, however, that a minimum width of 1 km ESZ ought to be maintained in respect of the protected forests, which forms part of the recommendations of CEC in relation to Category B protected forests. This would be the standard formula, subject to changes in special circumstances. We have considered CEC's recommendation that the ESZ should be relatable to the area covered by a protected forest but the Standing Committee's view that the area of a protected forest may not always be a reasonable criteria also merits consideration. It was argued before us that the 1 km wide “no-development-zone” may not be feasible in all cases and specific instances were given for Sanjay Gandhi National Park and Guindy National Park in Mumbai and Chennai metropolis respectively which have urban activities in very close proximity. These sanctuaries shall form special cases.”

42. It is to be noted that an elaborate and exhaustive list has been prepared by MoEF & CC of the activities which shall be prohibited, the activities which shall be regulated and the activities which shall be permitted.

43. In the application, it is stated that after the proposals are received from the State Governments/Union Territory

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Administrations, they are scrutinized in consultation with the Wildlife Institute of India, Dehradun, and in case of tiger reserves, with the National Tiger Conservation Authority. They are thereafter published in the Official Gazette of the Central Government in both Hindi and English. They are also placed in the public domain for 60 days for seeking comments of concerned stakeholders. The comments so received are compiled and scrutinized and observation of the concerned State Government/Union Territory Administration is sought on the same. The aforesaid requirements are in tune with the provisions of Rule 5 of 1986 Rules.

44. The application further states that the proposal is thereafter placed before an Expert Committee constituted for ESZ within the MoEF & CC. The said Committee comprises of the following:

- (i) Indian Institute of Remote Sensing/Indian Space Research Organization,
- (ii) Ministry of Jal Shakti,
- (iii) Ministry of Rural Development,

- (iv) Forest Survey of India,
- (v) Town & Country Planning Organization,
Government of India,
- (vi) National Tiger Conservation Authority,
- (vii) Wildlife Institute of India,
- (viii) GB Pant Institute of Himalayan
Environment & Development,
- (ix) Indian Council of Forestry Research and
Education,
- (x) World Wildlife Fund,
- (xi) Zoological Survey of India,
- (xii) Botanical Survey of India,
- (xiii) Salim Ali Centre for Ornithology and
Natural History (SACON).

45. It is further stated in the application that based on the recommendation of the Expert Committee (ESZ), the Ministry finalizes the notification of ESZs and after due legal vetting by the Ministry of Law & Justice, final notifications specifying the ESZs around the Protected Areas are notified. It could thus be seen that an elaborate procedure including

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consideration by a Committee of Experts coming from 13 organizations having expertise in wildlife ecology, forest etc. is followed before a final notification prescribing ESZs is notified.

46. In the application filed by the Union of India, various illustrations have been given to point out as to how if the directions issued in paragraph 56.5 of the order dated 3rd June 2022 (supra) are not modified, a severe hardship would be caused to the millions of people. We refer to the same hereunder:

- (i) “The ESZ around Nagarjunasagar Srisailem Tiger Reserve in Andhra Pradesh extends from 0 to 26 kilometres and 100 villages are situated within it (*Zero extent of ESZ is due to Krishna River and interstate boundary with Telangana*);
- (ii) The ESZ around Valmiki Wildlife Sanctuary, Valmiki National Park and Valmiki Tiger Reserve in Bihar extends from 0 to 9 kilometres and 323 villages are situated within it (*zero extent of ESZ is towards Western side sharing inter-state boundaries with Uttar Pradesh and*

towards Northern side sharing international boundary with Nepal);

- (iii) The ESZ around Betla National Park, Palamau Wildlife Sanctuary, and Mahuadanr Wolf Sanctuary in Jharkhand extends from 0 to 9 kilometres and 382 villages are situated within it (*Zero extent of ESZ is due to Inter-State boundary*);
- (iv) The ESZ around Cauvery Wildlife Sanctuary in Karnataka extends from 1 to 14.5 kilometres and 107 villages are situated within it;
- (v) The ESZ around Kanha National Park and Phen Wildlife Sanctuary in Madhya Pradesh extends from 0 to 30 kilometres and 168 villages are situated within it (*Zero extent of Eco-sensitive Zone is towards the eastern side having interstate boundary with Chhattisgarh*);
- (vi) The ESZ around Tadoba-Andhari Tiger Reserve in Maharashtra extends from 3 to 6 kilometres and 150 villages are situated within it;
- (vii) The ESZ around Jaisamand Wildlife Sanctuary in Rajasthan extends from 1.6

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to 8.9 kilometres and 83 villages are situated in it;

- (viii) Even a small ESZ such as the one around Keoladeo National Park in Rajasthan which extends from 0.5 to 1.5 kilometres has 22 villages situated in it.”

47. It would thus reveal that in the ESZ around Nagarjunasagar Srisaillam Tiger Reserve in Andhra Pradesh, 100 villages are situated within it. In the ESZ around Valmiki Wildlife Sanctuary, Valmiki National Park and Valmiki Tiger Reserve in Bihar, 323 villages are situated within it. In the ESZ around Betla National Park, Palamau Wildlife Sanctuary, and Mahuadanr Wolf Sanctuary in Jharkhand, 382 villages are situated within it. In the ESZ around Cauvery Wildlife Sanctuary in Karnataka, 107 villages are situated within it. In the ESZ around Kanha National Park and Phen Wildlife Sanctuary in Madhya Pradesh, 168 villages are situated within it. In the ESZ around Tadoba-Andhari Tiger Reserve in Maharashtra, 150 villages are situated within it. In the ESZ around Jaisamand Wildlife Sanctuary in Rajasthan, 83 villages are situated in it.

Even in a small ESZ around Keoladeo National Park in Rajasthan, 22 villages situated in it.

48. If the direction as issued by this Court in paragraph 56.5 of the order dated 3rd June 2022 (supra) is continued, then no permanent structure would be permitted to come up for whatsoever purpose in the aforesaid ESZs. As already pointed out from the aforesaid examples, hundreds of villages are situated within the ESZs in the country. If no permanent construction is to be permitted for any purpose, a villager who is desirous to reconstruct his house would not be permitted. Similarly, if there is an extension in their family and some additional construction is required for accommodating the enlarged family, the same would also not be permitted. Similarly, if the Government decides to construct schools, dispensaries, anganwadis, village stores, water tanks and other basic structures for improvement of the life of the villagers, the same would also not be permitted. The effect of the order will be to prevent the State or the Central Government from constructing roads and provide other facilities to the villagers.

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49. If the order dated 3rd June 2022 (supra) is not modified, it will also be impossible for the Forest Departments to conduct eco-development activities around National Parks and Sanctuaries. The said activities are required with the dual objectives of protection of wildlife and provision of benefits for the local communities. MoEF & CC provides financial assistance to the States under the Centrally Sponsored Scheme-Integrated Development of Wildlife Habitats, which includes assistance for eco-development activities. These activities often involve construction of small structures which are permanent in nature in areas including ESZs. For example, the said activities which are likely to be prohibited are thus:

- (i) The construction of community halls, bridges, threshing floors, fish-drying platforms, drinking water storage, etc., for the benefit of local communities/villages;
- (ii) The construction of forest chowkies, watch towers, and other structures for protection of wildlife and forests;
- (iii) The construction of interpretation centres, toilets and other basic structures

for the environmental education of visitors to National Parks and sanctuaries.

50. It is further to be noted that there are various regulated and permissible activities. There are also certain projects of national and strategic importance such as construction of National Highways, Railways, Defence related infrastructure etc. The effect of the direction in 56.5 of the order dated 3rd June 2022 (supra) is that all such activities will be permanently prohibited. In this respect, it is to be noted that MoEF & CC has issued an Office Memorandum dated 17th May 2022 which required that any activity listed in Schedule of the EIA Notification 2006, when conducted in a notified ESZs, or in the case of National Parks and Sanctuaries for which no ESZ has been finally notified, when conducted within 10 kilometres of such National Park or Sanctuary, requires the consideration and recommendation of the NBWL or its Standing Committee in addition to the Environment Clearance under the 1986 Act. Additionally, activities which are regulated as per the specific ESZ notification, require

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approval as per that notification. As such, we find that there are inbuilt safeguards for preventing rampant construction and abuse of process which may be detrimental to the development and maintenance of wildlife habitats. It is further to be noted that if the direction as contained in paragraph 56.5 of the order dated 3rd June 2022 (supra) that even for continuation of existing activities, the permission of the PCCF of each State or Union Territory would be necessary, remains unmodified, taking into consideration that in each State or Union Territory there will be hundreds of villages wherein millions of people would be residing, the PCCF would be left with no other job except to consider such applications for permission to continue such activities. Even a farmer desirous to continue farming activities would be required to seek such permission. We find that such a direction is impossible to be implemented.

51. We are of the view that if such a direction is continued, rather than avoiding man-animal conflict, it will intensify the same. As observed in the said Guidelines, the requirement of declaring ESZs is not to hamper day to day activities of the

citizens but is meant to protect the precious forests/Protected Areas from any negative impact, and to refine the environment around the Protected Areas.

52. As already discussed hereinabove, the necessity to have ESZs is to provide a buffer zone around the Protected Areas. The rights of the villagers residing in the Protected Areas are required to be settled in accordance with the provisions contained in the 1972 Act and such villagers are rehabilitated outside the Protected Areas. However, no such settlement of rights is available to the villagers residing in the ESZs areas. As stated in the said Guidelines, the purpose of declaring ESZs is not to hamper the day to day activities of the citizens. If the direction as issued is continued, it would certainly hamper the day to day activities of the citizens residing in ESZs. As such, we find that the said direction needs to be modified.

53. It is further to be noted that the NBWL, in its meeting dated 17th March 2005, has also recommended that the delineation of ESZs should project as regulation rather than prohibition of activities.

54. As was pointed out by the counsel for one of the States, the entire municipal area of the Sulthan Bathery Block Panchayat is situated within the ESZ area.

55. Insofar as direction in paragraph 56.1 of the order dated 3rd June 2022 (supra) is concerned, a perusal of various orders would reveal that this Court has not directed any minimum area from the demarcated boundary of such Protected Areas. The area to be declared as ESZ cannot be uniform and will be Protected Area specific. In some cases, it may be 10 kilometres on one side and 500 meters on the other side. In certain cases, it may not be possible to have a uniform minimum area by virtue of inter-state boundaries or a sea or a river beyond one side of the Protected Area. In any case, a detailed procedure is required to be followed as prescribed under Rule 5 of the 1986 Rules which we have already referred hereinabove. We find that once such a notification is issued after following the procedure prescribed under the 1986 Rules, the ESZs will have to be as per the said notification.

56. It is further to be noted that, as required under sub-rule (3) of Rule 5 of the 1986 Rules, before any final notification is issued, a draft notification is required to be published in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time. Any person interested in filing any objection to such a draft notification is entitled to file objection within a period of 60 days from the date of publication of the draft notification in the Official Gazette. We find that the Central Government can be directed to give a wide publicity to the draft notification so that all persons interested have knowledge about issuance of such draft notification.

57. It is pertinent to note that after following the aforesaid procedure, the matter is placed before the Expert Committee consisting of 13 organizations having expertise in the relative field. As such, before an ESZ area is specified, various factors are taken into consideration. There are various factors which will determine the ESZs for a particular Protected Area. The circumstances may differ from one Protected Area to another Protected Area. As such, we find that the direction which

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prescribes a uniform one kilometre ESZ requires to be modified.

58. It is further to be noted that on the date of filing of the present application, final notifications have been issued in respect of 474 Protected Areas whereas draft notifications have been issued in respect of 102 Protected Areas. 73 proposals are pending. As already discussed hereinabove, this Court has already found the said Guidelines to be reasonable and has accepted the same. The Court has also accepted the view of the Standing Committee of the NBWL that uniform guidelines may not be possible in respect of each Sanctuary or National Park for maintaining ESZs. Though the Court has observed that a minimum width of one kilometre in ESZ ought to be maintained, in paragraph 56.6 of the order dated 3rd June 2022 (supra) itself, it has observed that minimum width of the ESZ may be diluted in overwhelming public interest but for that purpose the State or Union Territory concerned is required to approach Central Empowered Committee (CEC) and MoEF & CC. It has further observed that both these bodies shall give their respective

recommendations before this Court and on that basis, the Court should pass appropriate order.

59. As already discussed hereinabove, the ESZs are required to be notified after following the procedure as prescribed under the 1986 Rules and the said Guidelines. Such notifications cannot be issued unless a close scrutiny at various levels including the scrutiny by Expert Committee consisting of experts from 13 organizations. As such, we find that the direction as contained in paragraph 56.6 of the order dated 3rd June 2022 (supra) also needs to be modified.

60. Insofar as the restriction on mining is concerned, we are of the considered view that it has been the consistent view of this Court that the mining activities within an area of one kilometre of the boundary of the Protected Areas will be hazardous for the wildlife. Though in the case of **Goa Foundation** (supra), the said directions were issued in respect of State of Goa, we find that such directions need to be issued on Pan-India basis.

61. We are therefore inclined to allow the present I.A. The direction in paragraph 56.1 of the order dated 3rd June 2022

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(supra) is modified and clarified that the directions contained therein would not be applicable to the ESZs in respect of which a draft and final notification has been issued by the MoEF & CC and in respect of the proposals which have been received by the Ministry.

62. We, however, direct the Central Government that wide publicity should be given to the draft notification which is required to be published under the provisions of clause (a) of sub-rule (3) of Rule 5 of the 1986 Rules. We further direct that the final notification to be published under clause (d) of sub-rule (3) of Rule 5 of the 1986 Rules shall not be given effect for a period of 30 days from the date of issuance thereof.

63. It is further directed that any person who is aggrieved with such a final notification would be entitled to approach this Court directly by filing an application in the present proceedings.

64. We further clarify that the direction contained in paragraph 56.1 of the order dated 3rd June 2022 (supra) would not be applicable where the National Parks and

Sanctuaries are located on inter-State borders and/or share common boundaries.

65. We also modify the direction contained in paragraph 56.4 of the order dated 3rd June 2022 (supra) and direct that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary shall not be permissible.

66. We also modify the directions contained in paragraph 56.5 of the order dated 3rd June 2022 (supra) and replace the same as under:

- (i) The MoEF & CC and all the State/Union Territory Governments shall strictly follow the provisions in the said Guidelines dated 9th February 2011 and so also the provisions contained in the ESZs notifications pertaining to the respective Protected Areas with regard to prohibited activities, regulated activities and permissible activities;

(ii) We further direct that while granting Environmental and Forest Clearances for project activities in ESZ and other areas outside the Protected Areas, the Union of India as well as various State/Union Territory Governments shall strictly follow the provisions contained in the Office Memorandum dated 17th May 2022 issued by MoEF & CC.

67. All the other present I.As shall stand disposed of in terms of the above. No costs.

.....J.
[B.R. GAVAI]

.....J.
[VIKRAM NATH]

.....J.
[SANJAY KAROL]

**NEW DELHI;
APRIL 26, 2023**

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IA NO. 3949 OF 2016

IN

WRIT PETITION (C) NO. 202 OF 1995

IN RE :

T.N. GODAVARMAN THIRUMULPADPetitioner(s)

VERSUS

UNION OF INDIA & ORS.Respondent(s)

AND

IN THE MATTER OF:

M/S. PUNTAMBEKAR MINERALS
(THROUGH ITS PROPRIETOR
SHRI DILIP BHAUSAHEB MADAKE) ...Applicant(s)

J U D G M E N T

B.R. GAVAI, J.

1. When we pronounced our judgment in I.A. No. 131377 of 2022 along with connected applications in Writ Petition (Civil) No. 202 of 1995 on 26th April 2023, we did not anticipate that within a few days, we would be called upon to clarify the position as to whether mining activities would

be permissible beyond the distance of one kilometer from the boundary of the Protected Area, irrespective of the fact that such an area falls under the Eco-Sensitive Zone (in short "ESZ") notified by the Ministry of Environment, Forest and Climate Change ("MoEF" for short).

2. We are grateful to the applicant in the present application for giving us this opportunity to clarify this position so that further environmental damage is avoided.

3. The case of the applicant, in brief, is that the applicant was granted permission to execute a mining lease as early as in 2005, subject to clearance from MoEF as well as the National Board for Wild Life.

4. Shri Ranjit Kumar, learned senior counsel appearing for the applicant, submits that the area where the applicant proposes to carry out the activity is beyond 2.26 kilometer from the nearest boundary of the Radhanagari Wildlife Sanctuary. It is, therefore, submitted that it

falls beyond a distance of one kilometer from the boundary of the Protected Area.

5. Mr. Ranjit Kumar, learned senior counsel, therefore, relying on our judgment dated 26th April 2023 passed in in I.A. No. 131377 of 2022 along with connected applications in Writ Petition (Civil) No. 202 of 1995, the ink of which is yet to dry, submits that, since mining is proposed to be carried out beyond a distance of one kilometer from the boundary of Protected Area, it would very much be permitted.

6. Learned senior counsel submits that this Court has clearly held that mining within a distance of one kilometer from the boundary of the Protected Area is banned. He submits that, however, the judgment does not prohibit mining activities even in ESZ, which is a buffer area, if it extends beyond a distance of one kilometer from the boundary of the Protected Area.

7. He, however, submits that this would be subject to permission from the Standing

Committee of National Board for Wild Life (in short "SCNBWL"), which admittedly, has granted permission.

8. Mr. Balbir Singh, learned Additional Solicitor General appearing for the Union of India as well as Mr. A.D.N. Rao, learned Amicus Curiae have vehemently opposed this prayer and they submit that the contention of the applicant is based on a misreading of the directions issued by this Court.

9. We find that the directions issued in paragraph 65 of the judgment of this Court delivered on 26th April 2023 are very much clear.

It reads thus:

"65. We also modify the direction contained in paragraph 56.4 of the order dated 3rd June, 2022 (Supra) and direct that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wild Life Sanctuary shall not be permissible."

10. The perusal of the above para would reveal that the directions, which were issued by this

Court earlier for prohibiting mining activities within a distance of one kilometer from the boundary of such National Parks and Wildlife Sanctuaries only insofar as the State of Goa was concerned, has been made applicable pan-India.

11. The aforesaid question arose since in case of some of the National Parks and Wildlife Sanctuaries, the ESZ areas are less than one kilometer. In some, it is as less as 500 meters and in some others, it is even less than 500 meters.

12. We, therefore, clarified that even in case where the ESZ boundaries are less than one kilometer from the Protected Area, the ban on mining shall extend upto a distance of one kilometer from the boundary of such areas.

13. It will further be relevant to refer to paragraph 66.1 of our judgment dated 26th April, 2023, which reads thus:

"66(i) The MoEF & CC and all the State/Union Territory Governments shall strictly follow the provisions in the said Guidelines

dated 9th February 2011 and so also the provisions contained in the ESZs notifications pertaining to the respective Protected Areas with regard to prohibited activities, regulated activities and permissible activities;"

14. It could thus clearly be seen that we have directed that MoEF as well as all the State Governments/Union Territories shall strictly follow the provisions in the Guidelines dated 9th February, 2011, as also the provisions contained in the ESZs notifications pertaining to the respective Protected Areas with regard to prohibited activities, regulated activities and permissible activities.

15. As such, our directions are very much clear. Whatever is prohibited under the 2011 guidelines and whatever is additionally prohibited under the specific ESZ notifications of the particular Protected Areas have to be strictly followed.

16. The perusal of paragraph 40 of the judgment dated 26th April 2023 would reveal that the very first activity, which is contained in Annexure-

I of the Guidelines, is commercial mining and the same is prohibited.

17. Apart from that, it will also be relevant to refer to paragraph 4 of the Notification dated 15th October, 2020 vide which a final notification had been notified in so far as the ESZ for Radhanagari Sanctuary is concerned, which reads thus:

"4. List of activities prohibited or to be regulated within Eco-sensitive Zone.- All activities in the Eco-sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 and the rules made there under including the Coastal Regulation Zone, 2011 and the Environmental Impact Assessment Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified in the Table below, namely:-

S.No. (1)	Activity (2)	Description (3)
A. Prohibited Activities.		

1.	Commercial mining, stone quarrying and crushing units	<p>(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units shall be prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses within Eco Sensitive Zone;</p> <p>(b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated the 4th August, 2006 in the matter of T.N. Godaverman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated the 21st April, 2014 in the matter of Goa Foundation Vs. UOI in W.P(C) No. 435</p>
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		of 2012.
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18. It could thus clearly be seen that Clause (a) of the Notification of the MoEF also clearly mentions that all the new and existing minor and major minerals, stone quarrying and crushing units shall be prohibited with immediate effect, except for meeting the domestic needs of bona fide local residents, including digging of earth for construction or repair of houses within ESZ.

19. No doubt that Clause (b) of the Notification of the MoEF mentions that the mining operation shall be carried out in accordance with the order of this Court dated 04th August 2006 in the matter of T.N. Godavarman Thirumulpad Vs. Union of India reported in (2010) 13 SCC 740 and order dated 21st April 2014 in the case of Goa Foundation v. Union of India and Others reported in (2014) 6 SCC 590.

20. However, the last word on the issue is the judgment dated 26th April 2023. The notification

is dated 15th October 2020, i.e. prior to the pronouncement of our judgment.

21. As such, the provisions made in clause 1(b) of paragraph 4 of the Notification dated 15th October 2020 would now become redundant in view of our judgment and order dated 26th April 2023.

22. As such, any activity, which is prohibited by both the guidelines as well as the ESZ notification shall strictly be prohibited. Since the mining activity in ESZ area is a prohibited activity, there is no question of such an activity being permitted in an ESZ area even if it falls beyond the distance of one kilometer from the boundary of the protected area.

23. We clarify that even if in a particular case, the ESZ is more than one kilometer, still, if the concerned area where mining is proposed falls within the ESZ, the mining activity will not be permitted, even if it falls in an area which is beyond one kilometer from the boundary

of the Protected Area.

24. The prohibition of one kilometer from the boundary of Protected Area is only with regard to the cases where the boundary of ESZ is less than one kilometer from the boundary of the sanctuary. Only in such cases, the ban on mining will travel beyond the ESZ area and cover an area upto a distance of one kilometer.

25. The aforesaid directions were issued in order to protect the National Parks and Wildlife Sanctuaries so that the mines would not become a death trap for the flora and fauna within them.

26. Apart from that, the judgment dated 26th April 2023 is delivered by a Bench of three Judges of this Court, which is binding on us.

27. As such the application is rejected.

.....J
(B.R. GAVAI)

.....J
(VIKRAM NATH)

New Delhi
April 28, 2023