

BEFORE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 102 OF 2023
(Under section 14 of the N.G. T. Act, 2010)

Shri. Ashish Prafull BhopatraoApplicant

Versus

The State of Maharashtra & Others.....Respondents.



AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT NUMBER 8

I, Shri.Bhikaji Dehu Gaikwad, Incharge Assistant Conservator of Forests, (Afforestation and Wildlife) Wada, Tal. Wada, Dist. Palghar, do hereby solemnly affirm on behalf of respondents Nos. 8 as under:

1. I say that, I have perused a copy of the Petition, as well as, other relevant records of the case. I crave leave of this Hon'ble Tribunal to further add or amend the affidavit and/or file additional affidavit, if necessary. I say that, I have been authorized to file this affidavit on behalf of the Respondents No.8.

At the outset, the introductory background of the present case is expounded upon in order to provide context and establish a foundational understanding of the matter at hand, as under;-

3. The Government of Maharashtra, in accordance with the provisions of the Wildlife Protection Act 1972, duly proclaimed the Tansa Wildlife Sanctuary as a protected area on September 11, 1985. Pursuant to the directives issued by the National Board of Wildlife, as articulated in a communication dated May 27, 2005, it was mandated that each protected area establish an Eco-sensitive Zone of approximately 10 kilometres around its perimeter to effectively regulate and promote activities in consonance with the unique requirements of the respective areas. In alignment with these imperatives, a preliminary notification pertaining

to the Eco-sensitive Zone of the Tansa Wildlife Sanctuary was drafted and subsequently received official endorsement from the Ministry of Environment, Forests and Climate Change (MoEFCC) through notification number 2566 (A), dated August 10, 2017. (Copy is annexed herewith and marked as **Annexure-A**) It is noteworthy that this notification pertains to 58 villages within Wada Taluka and 10 villages within Mokhada Taluka under the jurisdiction of the Jawhar Forest Division.

4. In accordance with a formal communication issued by the Ministry of Environment, Forests and Climate Change (MoEFCC), specifically the ESZ Department in New Delhi, as delineated in Letter No. 2-27/2017/ES dated February 17, 2022, (Copy is annexed herewith and marked as **Annexure - B**) it has come to light that the aforesaid MoEFCC notification number 2566 (A), dated August 10, 2017, has since lapsed. Consequently, the state government of Maharashtra has been mandated to issue a fresh notification regarding the Eco-sensitive zone.

5. In adherence to the aforementioned directive from the MoEFCC, the Principal Chief Conservator of Forest (Wildlife), Maharashtra, through a letter bearing reference no. Cell 23(2)/WL/Survey/P.K. 43(IV)/3141/2021-22, dated March 4, 2022, instructed the Chief Conservator of Forest (CCF), Thane, to formulate the requisite notification along with demarcation of the boundaries. Subsequently, the Chief Conservator of Forest, Thane, directed the Deputy Conservator of Forests, Shahapur, who also serves as the Member Secretary, to engage in comprehensive consultations with stakeholders and prepare a detailed notification for submission to the state government for requisite approvals. Following these consultations, the Deputy Conservator of Forests, Shahapur, has diligently crafted a notification, which has been submitted to the CCF, Thane, for further processing.

6. Furthermore, it is pertinent to note that in accordance with the ruling of the Honourable Supreme Court in Writ Petition 460/2004, dated December 4, 2006, it has been decreed that protected areas, including National Parks and Sanctuaries, for which an Eco-Sensitive area has not been officially designated, shall be regarded as possessing a default Eco Sensitive Zone (ESZ) with a radius of 10 kilometres. In light of the expiration of the 2017 draft notification for the Tansa Wildlife Sanctuary, until such time as the final notification for the

Sanctuary is issued, the area within a 10-kilometre radius from the sanctuary's boundary shall be deemed the Eco-sensitive Zone.

7. Furthermore, pursuant to the directives issued by the Honourable National Green Tribunal, New Delhi, in an order dated February 27, 2019, (Copy is annexed herewith and marked as **Annexure - C**) until the notification concerning the ESZ around the Tansa Wildlife Sanctuary is conclusively finalised, the area within a 10-kilometre radius from the sanctuary's boundary shall be duly recognized as the ESZ.

8. In this context, it is imperative to acknowledge that within the 10-kilometre radius surrounding the Tansa Wildlife Sanctuary's boundary, a total of 114 villages in Wada Taluka and 18 villages in Mokhada Taluka have been encompassed within the ambit of this Eco-Sensitive Zone.

9. In the correspondence, denominated by letter reference Home/K-1/T-3/Nilesh Chavan/M.R.H.L/Firecracker Complaint/OD - 1123/20, dated the 23rd day of November in the year 2020, the Collector of Palghar (hereinafter referred to as "the Collector") did communicate with the Office of the Deputy Conservator of Forests, Jawhar, (hereinafter referred to as "the Deputy Conservator") inquiring into the geographic inclusion of certain villages, namely, Harsole, Wada, Desai, and Parali, within the territorial confines of the Tansa Eco-Sensitive Zone (ESZ). Furthermore, an inquiry was made regarding the issuance or non-issuance of the final notification pertaining to the Tansa Wildlife Sanctuary.

10. It is noteworthy that, in response to the aforementioned communication, it was expounded that the villages under consideration do indeed fall within the 10-kilometre perimeter surrounding the sanctuary. Moreover, it was disclosed that the final notification pertaining to the sanctuary has not yet been promulgated, and the formulation of the final notification, which takes into account diverse stakeholder interests, is in a state of ongoing progression.

11. It is additionally observed that the Draft Notification for the Tansa Wildlife Sanctuary, dated August 10, 2017 (English Translation, Page no. 25), contains a discrete table enumerating proscribed activities that are categorically prohibited from being conducted within the boundaries of the ESZ. Specifically, item number 4, denominated as "Use or production or processing of any

hazardous substances," is conspicuously characterised in the remarks column as "Prohibited" (hereinafter referred to as "Exhibit"). In Section 2(1)(b) of the Explosives Act, 1884, the term "explosive substance" is expansively defined, encompassing a diverse array of substances, among which fireworks fall. Fireworks are specifically delineated as "articles crafted utilizing gunpowder or alternative explosive components." Consequently, any firework incorporating gunpowder or any other explosive constituent attains the classification of an explosive substance within the purview of the aforementioned Act.

12. The incorporation of such articles within the ambit of 'explosives' serves as a compelling basis for justifying the proscription of such perilous activities in ecologically sensitive regions.

13. It is herein reiterated that, in the judicial pronouncement rendered by the Supreme Court of India in the matter of T.N. Godavarman Thirumulpad v. Union of India, being Write Petition (Civil) No. 202 of 1995 IA No. 131377 of 2022, the Court elucidated that the declaration of Eco-Sensitive Zones surrounding National Parks and Wildlife Sanctuaries is motivated by the intent to create a protective buffer, akin to a 'Shock Absorber,' for these protected areas. These zones are also envisaged to function as transitional territories, bridging the gap between regions of heightened conservation protection and those involving reduced safeguards.

14. In consonance with the elucidation provided above, it is underscored that the storage of potentially inflammable and explosive materials within this locale, designed to function as a protective buffer, runs counter to the fundamental objective behind the establishment of the ESZ around Protected Areas. Furthermore, it is plausible that any unforeseen conflagration may engender catastrophic consequences for the forest ecosystem, serving as the catalyst for widespread forest fires. The grave concern expressed herein stems from the realisation that fires pose an existential threat to both wildlife and the overall ecological equilibrium, as they inflict not only irreparable harm but also necessitate protracted periods for the re-establishment of the natural balance.

15. The "precautionary principle," a fundamental tenet within the realm of environmental jurisprudence and policy, advocates the adoption of preventive measures in instances marked by uncertainty and the potential for risks to public health or the environment. Key principles underpinning this doctrine typically

encompass the concept of anticipatory action, which impels the implementation of preventive measures even in the absence of unequivocal scientific evidence when there exists reasonable grounds to suspect that an activity, product, or process may jeopardise human well-being or environmental integrity.

16. In the case at hand, it is manifestly evident that the storage of substantial quantities of hazardous materials within vulnerable transition zones poses an escalated risk of fire outbreaks and associated hazards, including noise pollution, which has the capacity to disrupt the indigenous wildlife in the vicinity. The overarching objective of the ESZ encircling protected areas is to forestall the establishment of industrial and other activities that might undermine the comprehensive preservation of these fragile ecosystems. Should potentially perilous activities, such as the storage of explosives in buffer zones, be sanctioned, the imminent fires and environmental pollution within the region will persist unabated.

17. To conclude, the letter from the Deputy Conservator of Forest, Jawhar Forest Division, dated 28/10/2021, (Copy is annexed herewith and marked as **Annexure - D**) to the District Collector Palghar, aligns with the earlier discussion and supports the management needs of the ecologically sensitive area around the Wildlife Sanctuary.

In the facts and circumstances mentioned here-in-above, I say and submit that the Hon'ble Tribunal may pass appropriate order.



**BEFORE ME
NOTARY**

[Signature]

PRASANVA V. BHOIR
ADVOCATE & NOTARY
Sawarkar Marg,
Palghar - 401603.

[Signature]

(Bhikaji Dehu Gaikwad)
Assistant Conservator of Forests,
(Afforestation and Wildlife) Wada, Tal.
Wada, Dist. Palghar

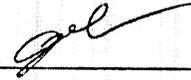
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Page No. 64 Sr. No. 2540
13/10/2023

VERIFICATION

I, Shri. Bhikaji Dehu Gaikwad, Incharge Assistant Conservator of Forests, (Afforestation and Wildlife) Wada, Tal. Wada, Dist. Palghar, do hereby state on solemn affirmation that whatever stated herein above is based upon the information derived from the official records, which I believe to be true and correct. The present affidavit-in-reply is drafted and settled as per instructions given by me. The contents of the present affidavit are true and correct.

Solemnly affirmed at _____)

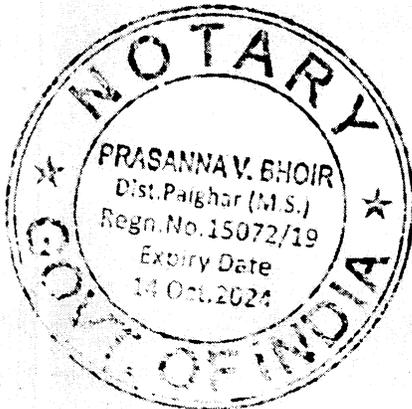
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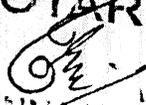


(Bhikaji Dehu Gaikwad)

Assistant Conservator of Forests,
(Afforestation and Wildlife) Wada, Tal.
Wada, Dist. Palghar,

I Identify the Respondent,
Clerk to the
National Green Tribunal (WZ) Pune.



BEFORE ME
NOTARY

PRASANNA V. BHOIR
ADVOCATE & NOTARY
Mavures Nilvas, Sawarkar Marg,
Tal. Jawhar, Dist. Palghar-401603.

(*Garuga pinnata*), Kondal (*Sterculia Urens*), Karambel (*Dillenia Pentagyna*), Karlilimb(Kadilimb) (*Murraya koenigill*) are also found in this Sanctuary;

AND WHEREAS, the area has found some avi-faunal Little Grebe, Cormorant, Indian Shag, Little Cormorant, Darter, Pond Heron, Cattle Egret, Large Egret, Little Egret, Night Heron, Chestout Bittern, Painted Stork, Openbill Stork, Whitencked Stork, Blacknecked Stork, Black Ibis, Glossy Ibis, Spoonbill, Lesser Flamingo, Lesser Whistling Teal, Pintail, Common Teal, Spotbill Duck, Mallared, Gadwal, Wigeon, Garganey, Shoveller, Common Pochard, White-Eyed Pochard, Cotton Teal, Comb Duck, Blackwinged Kite, Black Kite, Blackeared Kite, Brahminy Kite, Shikra, Sparrowhawk, White-eye buzzard Eagle, Bonelli's Eagle, Eastern Steppe Eagle, Tawny Eagle, Palla's Fishing Eagle, Indian Longbilled Vulture, Indian Whitebacked Vulture, Marsh Harrier, Montagu's Harrier, Pale Harrier, Crested Serpent Eagle, Peregrine Falcon, etc.

AND WHEREAS, it is necessary to conserve and protect the area around the protected area of Tansa 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 and 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 extent ranging between 600m - 9.5 Km from the boundary of the protected area of the Tansa Wildlife Sanctuary in the State of Maharashtra as the Eco-sensitive Zone (herein after called as the Eco-sensitive Zone), namely:-

1.Extent and boundaries of Eco-sensitive Zone.- (1) The said Eco-sensitive Zone would cover an area of 625.30 Sq.Km. in Thane District of Maharashtra State consisting of Forest area of 303.25 sq km and non-forest area of 322.046 sq km including 145 villages. The Eco-sensitive zone extends from 600m to 9.5 km from the boundary of Tansa Wild life Sanctuary. The development blocks of District Thane which were included in ESZ around Tansa Wildlife Sanctuary are Shahapur, Bhiwandi, Wada and Mokhada.

(2) The list of geo co- ordinates of the Eco Sensitive Zone is appended as **Annexure-II**.

(3) Eco-sensitive Zone is bounded by the forests and private area of Shahapur Forest Division on Eastern side, by Thane Division on Southern side and Jawhar Division on Western and Northern sides. The map of the Sanctuary along with the proposed Eco-sensitive Zone is appended as **Annexure I-A and Annexure I-B**.

(4) the Tehsil wise area included in proposed Eco-sensitive Zone is as given under:

Name of Tahsil	Area of Eco-Sensitive Zone
Shahapur	328.775 sq.km.
Bhiwandi	36.953 sq.km.
Mokhada	53.407 sq.km.
Wada	206.165 sq.km
Total	625.300 Sq.km.

(5)The list of the villages falling within the Tansa Eco-sensitive Zone is appended as **Annexure-III**.

2. Zonal Master Plan for the Tansa 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 final notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for consideration and approval of the Competent Authority in the State Government.

(2) 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 guidelines issued by the Central Government if any.

3) The Zonal Master Plan shall be prepared in consultation with the following State Departments, for integrating the ecological and environmental considerations into the said plan namely:-

- (i) Environment;
- (ii) Forest and Wildlife;
- (iii) Agriculture;
- (iv) Revenue;
- (v) Urban Development;
- (vi) Tourism;
- (vii) Rural Development;
- (viii) Irrigation and Flood Control;
- (ix) Municipal;
- (x) Panchayati Raj;
- (xi) Maharashtra State Pollution Control Board; and.
- (xii) Public Works Department.

(4) The Zonal 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.

(5) 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.

(6) The Zonal Master Plan shall demarcate all the existing worshipping places, village and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies and also with supporting maps. The Plan shall be supported by Maps giving details of existing and proposed land use features.

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

(8) The Zonal Master Plan shall be a reference document for the Monitoring Committee for carrying out its functions of monitoring vide the provisions of this notification.

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

(1) **Land use.-** Forests, 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 major commercial or industrial activities. Such areas shall be clearly defined in the Zonal Master Plan along with maps.

Provided that the conversion of agricultural and other lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of Central/State Government as applicable, to meet the residential needs of the local residents, and for the activities listed 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) Commercial water resources including ground water harvesting;
- (iii) Fencing of existing premises of hotels and lodges;
- (iv) Widening and strengthening of existing roads and construction of new roads;
- (v) Small scale industries not causing pollution;

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the of the competent authority under Regional Town Planning Act and other rules and regulations of 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.

Efforts shall be made to reforest the unused or unproductive agricultural areas with afforestation and habitat restoration activities.

(2) **Natural water bodies.**- The catchment areas of all natural springs/rivers/ channels shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan.

(3) **Tourism/Eco-Tourism.**- (a) All new eco-tourism activities or expansion of existing tourism activities within the Eco-Sensitive Zone shall be as per the Tourism Master Plan for the Eco-sensitive Zone.

(b) The Eco-Tourism Master Plan shall be prepared by Department of Tourism in consultation with State Departments of Environment and Forests.

(c) The Tourism Master Plan shall form a component of the Zonal Master Plan.

(d) The activities of eco-tourism shall be regulated as under, namely:-

(i) no new construction of hotels and resorts shall be allowed within 1 kilometre from the boundary of the Wildlife Sanctuary or upto the extent of the ESZ whichever is nearer. However, beyond the distance of 1 kilometre from the boundary of the Wildlife Sanctuary till the extent of the Eco-sensitive Zone, the establishment of new hotels and resorts shall be allowed only in pre-defined and designated areas for Eco-tourism facilities as per Tourism Master Plan.

(ii) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone (beyond 1 kilometre) 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;

(iii) Until 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 and no new hotel /resort or commercial establishment construction is permitted within ESZ area.

(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, etc. shall be identified and a heritage conservation plan shall be drawn up for their preservation and conservation as a 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 heritage conservation plan for their conservation shall be prepared as part Zonal Master Plan.

(6) **Noise Pollution.**- Prevention and Control of noise pollution in the Eco-sensitive Zone shall be complied with in accordance with Noise Pollution (Regulation And Control) Rules, 2000 under the Environment (Protection) Act, 1986 and amendments thereto.

(7) **Air Pollution.**- Prevention and control of air pollution in the Eco-sensitive Zone shall be complied with in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and rules made thereunder and amendments thereto.

(8) **Discharge of Effluents.**- Discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the General Standards for Discharge of Environmental Pollutants covered under the

9) **Solid Wastes.-** Disposal and Management of solid wastes shall be as under:-

(a) The solid waste disposal and management in Eco-sensitive Zone shall be carried out in accordance with the Solid Waste Management Rules, 2016 and published by the Government of India in the Ministry of Environment, Forests and Climate Change vide notification number S.O. 1357 (E), dated 8th April, 2016 as amended from time to time;

(b) the inorganic material may be disposed in an environmental acceptable manner at site identified outside the Eco-sensitive Zone;

(c) no burning or incineration of solid wastes and establishment of landfills shall be permitted in the Eco-sensitive Zone.

(10) **Bio Medical Wastes.-** Bio medical waste management shall be as under:

(a) The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out in accordance with 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 GSR 343 (E), dated the 28th March, 2016 as amended from time to time.

(b) No common treatment facility or incineration shall be permitted within the Eco Sensitive Zone.

(11) **Plastic Waste Management.-** The Plastic Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the Plastic 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. 340(E), dated the 18th March, 2016, as amended from time to time.

(12) **Construction and Demolition Waste Management.-** The Construction and Demolition Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the Construction and Demolition 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. 317(E), dated the 29th March, 2016, as amended from time to time.

(13) **Electronic Waste.-** The Electronic Waste (E-Waste) Management in the Eco-sensitive Zone shall be carried out as per the provisions of the E-Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change and as amended from time to time.

(14) **Vehicular Traffic.-** The vehicular traffic 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, the Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

(15) **Vehicular Pollution.-** Prevention and control of Vehicular Pollution shall be complied with in accordance with applicable laws. Efforts to be made for use of cleaner fuel for example CNG, LPG, etc.

(16) **Industrial Units.-** (a) On or after the publication of this notification in the Official Gazette, no new polluting industries shall be allowed to be set up within the Eco-sensitive Zone.

(b) Only non-polluting industries shall be allowed within ESZ as per classification of Industries in the Guidelines issued by Central Pollution Control Board in February 2016, unless so specified in this notification.

(17) **Protection of Hill Slopes.-** The protection of hill slopes shall be as under:

(a) The Zonal Master Plan shall indicate areas on hill slopes where no construction shall be permitted.

(b) No construction on existing steep hill slopes or slopes with a high degree of erosion shall be permitted.

4. List of activities prohibited or to be regulated or promoted within the Eco-sensitive Zone.- All activities in the Tansa Wildlife Sanctuary, Maharashtra are being governed by the provisions of the Wildlife (Protection) Act, 1972 (Act 53 of 1972 and rules framed thereunder) and activities within the ESZ shall be governed under the provisions of 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

Sl. No.	Activities	Remarks
(1)	(2)	(3)
Prohibited Activities		
1.	Commercial Mining, Stone Quarrying and Crushing units.	(a) All new and existing (minor and major minerals), stone quarrying and crushing units are 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 and for manufacture of country tiles or bricks for housing and for other activities. (b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No.202 of 1995 and dated 21 st April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No.435 of 2012.
2.	Setting of industries causing pollution (Water, Air, Soil, Noise, etc.).	No new industries and expansion of existing polluting industries in the Eco-sensitive zone shall be permitted. Only non-polluting industries shall be allowed within ESZ as per classification of Industries in the Guidelines issued by Central Pollution Control Board in February 2016, unless so specified in this notification. In addition, non-polluting cottage industries shall be promoted.
3.	Establishment of major hydroelectric projects.	Prohibited (except as otherwise provided) as per applicable laws.
4.	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws
6.	Establishment of solid waste disposal site and common incineration facility for solid and bio medical waste	No new solid waste disposal site and waste treatment/processing facility of solid waste is permitted within Eco sensitive zone. Further installation of common or individual incineration facility for treatment of any form of solid waste generated from industrial process and health establishment/hospitals etc. is Prohibited.
7.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate, companies.	Prohibited (except as otherwise provided) as per applicable laws except for meeting local needs.
8.	Setting of new saw mills.	No new or expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
9.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws
10.	Use of polythene bags.	Prohibited under applicable laws.
Regulated Activities		
11.	Commercial establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted within one kilometre of the boundary of the

		<p>zone, whichever is nearer, except for small temporary structures for Eco-tourism activities:</p> <p>Provided that, beyond one kilometre from the boundary of the protected Area or upto the extent of Eco-sensitive zone whichever is nearer, all new tourist activities or expansion of existing activities shall be in conformity with the Tourism Master Plan and guidelines as applicable.</p>
12.	Construction activities	<p>No new commercial construction of any kind shall be permitted within one Kilometre from the boundary of the Protected Area or upto extent 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 use including the activities listed in sub paragraph (1) of paragraph 6 as per building byelaws to meet the residential needs of the local residents such as:</p> <p>(i) Widening and strengthening of existing roads and construction of new roads;</p> <p>(ii) Construction and renovation of infrastructure and civic amenities;</p> <p>(iii) Cottage industries including village industries; convenience stores & local amenities supporting eco-tourism including home stays; and</p> <p>(iv) Promoted activities listed in this Notification.</p> <p>(b) Provided further that the construction activity related to small scale industries termed as White Category, not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any.</p> <p>(c) Provided also that beyond one kilometre it shall be regulated as per the Zonal Master Plan.</p>
13.	Small scale non polluting industries.	<p>Non polluting industries termed as White Category as per classification of industries issued by the Central Pollution Control Board in February 2016 and non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous materials from the Eco-sensitive Zone shall be permitted by the competent Authority.</p>
14.	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>
15.	Collection of Forest produce or Non-Timber Forest Produce (NTFP).	Regulated under applicable laws.
16.	Erection of electrical and communication towers and laying of cables and other infrastructures	Regulated under applicable laws Underground cabling may be promoted.

17.	Infrastructure amenities including civic	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
18.	Widening and strengthening of existing roads and construction of new roads.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
19.	Protection of Hill Slopes and river banks	Regulated under applicable laws
20.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
21.	Under taking other activities related to tourism like over flying the ESZ area by hot air balloon, helicopter, drones, Microlites, etc.	Regulated under applicable laws
22.	Ongoing agriculture and horticulture practices by local communities along with dairy farming, aquaculture and fisheries.	Permitted under applicable laws for use of locals. Fishing practices may be permitted as recommended by committee headed by District Collector / District Level Biodiversity Management Committee. Priority may be given to local villages.
23.	Discharge of treated waste water/effluents in natural water bodies or land area.	The discharge of treated waste water/effluents shall be avoided to enter into the water bodies. Efforts to be made for recycle and reuse of treated waste water. Otherwise the discharge of treated waste water/effluent shall be regulated as per applicable laws.
24.	Commercial extraction of surface and ground water	a) The extraction of surface water and ground water shall be permitted only for bona fide agricultural use and domestic consumption of the occupier of the land. (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. (c) No sale of surface water or ground water shall be permitted.
25.	Open Well, Bore Well etc. for agriculture or other usage	Regulated and the activity should be strictly monitored by the appropriate authority.
26.	Solid Waste Management.	Regulated under applicable laws
27.	Introduction of Exotic species.	Regulated under applicable laws.
28.	Eco-tourism activities	Regulated under applicable laws.
29.	Vehicular Emissions	Regulated under applicable laws.
30.	Commercial use of firewood.	Regulated as per applicable laws.
Promoted Activities		
31.	Rain water harvesting.	Shall be actively promoted.
32.	Organic farming.	Shall be actively promoted.
33.	Adoption of green technology for all activities	Shall be actively promoted.
34.	Cottage industries including village artisans, etc.	Shall be actively promoted.
35.	Use of renewable energy and clean fuels.	Bio gas, solar light, CNG, LPG etc. to be actively promoted.
36.	Agro-Forestry.	Shall be actively promoted.

37.	Use of eco-friendly transport.	Shall be actively promoted.
38.	Skill Development.	Shall be actively promoted.
39.	Restoration of Degraded Land/ Forests/ Habitat.	Shall be actively promoted.
40.	Environmental Awareness.	Shall be actively promoted.

Implementation of prohibited activities shall come into effect from date of publication of Notification.

5. Monitoring Committee. The Central Government hereby constitutes a committee to be called the Monitoring Committee, monitoring of the Eco-sensitive Zone, which shall consist of the following members, namely:-

- (a) the Commissioner of Konkan Revenue Division – Chairman;
- (b) a representative of the Ministry of Environment and Forests, Government of India – Member;
- (c) a representative of the Central Pollution Control Board, Government of India – Member;
- (d) a representative of the Chief Wildlife Warden Government of Maharashtra – Member;
- (e) a representative of the Department of Mines, Government of Maharashtra – Member;
- (f) a representative of the Department of Industries, Government of Maharashtra – Member;
- (g) a representative of the Department of Revenue, Government of Maharashtra – Member;
- (h) a representative of the Department of Irrigation, Government of Maharashtra – Member;
- (i) a representative of the Department of Public Works, Government of Maharashtra – Member;
- (j) two representatives of Non-governmental Organizations working in the field of environment (including heritage conservation) to be nominated by the Government of India – Member;
- (k) the Regional Officer, Maharashtra State Pollution Control Board, Mumbai – Member;
- (l) the Senior Town Planner of the area – Member;
- (m) Representative of Biodiversity Board, - Member
- (n) The Deputy Conservator of Forest, Shahapur Division, Thane – Convener.

6. Terms and References:(1)The powers and functions of the Monitoring Committee shall be restricted to the compliance of the provisions of this notification.

(1) In case of activities requiring prior permission, under the provisions of the notification of the Government of India in the Ministry of Environment and Forests number S.O. 1533, dated the 14th September, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), the Monitoring Committee shall refer such matters to the State Level Environment Impact Assessment Authority constituted under that notification which shall grant the clearances in accordance with the provisions of the said notification.

(3) The Monitoring Committee may invite representatives or experts from concerned Departments or associations to assist in its deliberations depending on the requirements on issue to issue basis.

(4) The Chairman or the Conveyer of the Monitoring Committee shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 (29 of 1986) against any person who contravenes the provisions of this notification.

(5) The Monitoring Committee shall submit the annual action taken report of its activities by the 31st March of every year to the Central Government in the Ministry of Environment and Forests.

(6) The Central Government in the Ministry of Environment and Forests shall give directions, from time to time, to the Monitoring Committee for effective discharge of the functions of the Monitoring Committee.

Map of Tansa Wildlife Sanctuary, Maharashtra along with the Proposed Eco-Sensitive Zone

Annexure I-A

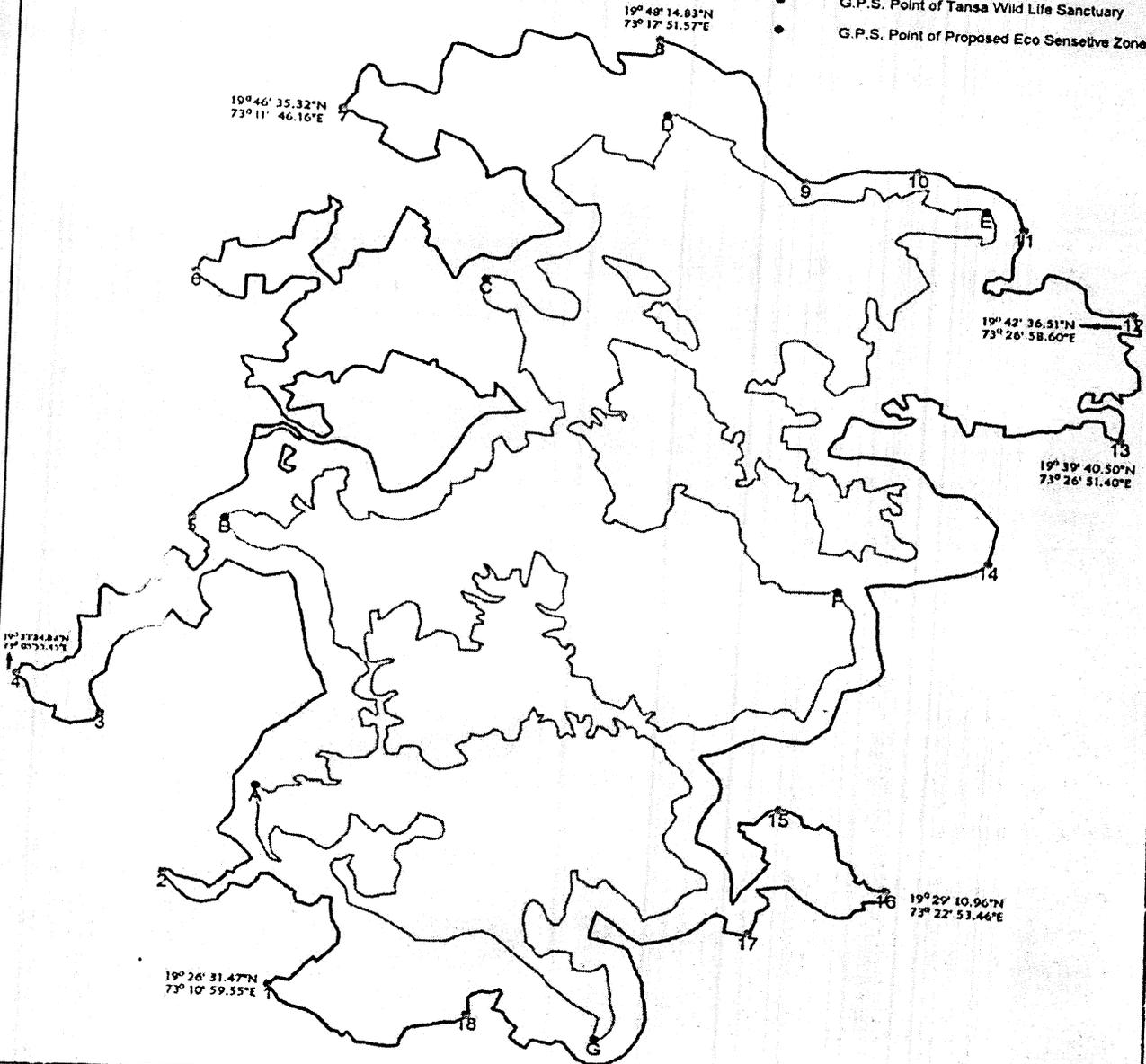
**ECO-SENSITIVE ZONE FOR
TANSA WILD LIFE SANCTUARY**



SCALE 1:2,00,000

LEGEND

-  Boundary of Tansa Wild Life Sanctuary
-  Proposal Boundary of Proposed Tansa ESZ
-  G.P.S. Point of Tansa Wild Life Sanctuary
-  G.P.S. Point of Proposed Eco Sensitive Zone



Annexure II

Geo Co-ordinates of Eco Sensitive Zone of Tansa Wildlife Sanctuary

S. N.	Co-ordinate of Proposed ESZ	
	Latitude	Longitude
1	19° 26' 31.47" N	73° 10' 59.55" E
2	19° 29' 07.17" N	73° 08' 46.00" E
3	19° 32' 23.51" N	73° 07' 20.65" E
4	19° 33' 24.88" N	73° 05' 55.45" E
5	19° 37' 27.85" N	73° 08' 58.51" E
6	19° 42' 58.47" N	73° 09' 04.80" E
7	19° 46' 35.32" N	73° 11' 46.16" E
8	19° 48' 14.83" N	73° 17' 51.57" E
9	19° 45' 27.02" N	73° 21' 14.29" E
10	19° 45' 36.23" N	73° 23' 24.83" E
11	19° 44' 14.04" N	73° 24' 56.56" E
12	19° 42' 36.51" N	73° 26' 58.60" E
13	19° 39' 40.50" N	73° 26' 51.40" E
14	19° 36' 42.30" N	73° 24' 27.20" E
15	19° 31' 05.67" N	73° 21' 05.77" E
16	19° 29' 10.96" N	73° 22' 53.46" E
17	19° 28' 07.06" N	73° 20' 10.80" E
18	19° 25' 59.30" N	73° 14' 48.90" E

S.N.	Co-ordinate of Tansa Wildlife Sanctuary	
	Latitude	Longitude
A	19° 31' 01.89" N	73° 10' 29.48" E
B	19° 37' 07.32" N	73° 09' 41.31" E
C	19° 37' 08.54" N	73° 09' 40.90" E
D	19° 47' 47.52" N	73° 18' 18.24" E
E	19° 44' 50.11" N	73° 24' 17.08" E
F	19° 35' 58.78" N	73° 21' 42.20" E
G	19° 25' 34.19" N	73° 17' 18.44" E

Annexure III

List of Revenue Village falling within Eco Sensitive Zone of Tansa WLS

Sr. No.	Division	Taluka	Village	GPS Reding	
				Latitude	Longitude
1	2	3	4	5	
1	Shahapur	Shahapur	Taharpur	19°32'49.89"N	73°13'41.16"E
2	--do--	--do--	Khoste	9°31'39.42"N	73°14'11.35"E
3	--do--	--do--	Vedavahal	19°31'59.33"N	73°12'19.98"E
4	--do--	--do--	Vehelonda	9°31'37.98"N	73°11'24.61"E
5	--do--	--do--	Savroli kh.	9°31'55.04"N	73°10'41.11"E
6	--do--	--do--	Dimbha	9°32'34.34"N	73°12'12.41"E
7	--do--	--do--	Aghai	19°33'53.65"N	3°14'17.51"E
8	--do--	--do--	Waveghar	9°32'55.78"N	73°15'33.38"E
9	--do--	--do--	Waghivali	19°34'09.42"N	73°12'49.23"E
10	--do--	--do--	Bhavase	19°32'28.47"N	73°14'46.65"E
11	--do--	--do--	Nevre	19°33'38.73"N	73°13'27.98"E
12	--do--	--do--	Khor.	9°30'17.87"N	73°14'05.77"E
13	--do--	Bhiwandi	Newade pt.	19°28'06.63"N	73°11'55.38"E
14	--do--	Shahapur	Koshimbade		

15	Shahapur	Shahapur			
16	--do--	--do--	Bhorande	19°29'38.50"N	73°13'40.41"E
17	--do--	--do--	Pivali	19°29'42.36"N	73°12'32.65"E
18	--do--	--do--	Vandra	19°28'57.77"N	73°12'53.58"E
19	--do--	--do--	Mahuli	19°28'18.30"N	73°16'07.27"E
20	--do--	--do--	Katbay pt.	19°26'11.82"N	73°14'49.97"E
21	--do--	--do--	Dahagaon pt.	19°25'22.98"N	73°15'29.67"E
22	--do--	--do--	Khativali pt.	19°24'49.00"N	73°16'36.83"E
23	--do--	--do--	Vcheloli trf Aghai pt.	19°24'49.83"N	73°17'43.75"E
24	--do--	--do--	Valshet pt.	19°25'24.98"N	73°18'24.07"E
25	--do--	--do--	Asangaon pt.	19°26'30.38"N	73°18'24.10"E
26	--do--	--do--	Savroli bk. Pt.	19°27'23.03"N	73°18'17.06"E
27	--do--	--do--	Shahapur pt.	19°27'08.23"N	73°14'34.31"E
28	--do--	--do--	Awale	19°27'38.00"N	73°17'00.03"E
29	--do--	--do--	Chandroti	19°28'39.53"N	73°17'12.76"E
30	--do--	--do--	Karade	19°28'26.16"N	73°17'34.30"E
31	Shahapur	Shahapur	Cherpoli pt.	19°27'51.27"N	73°20'06.76"E
32	--do--	--do--	Kambare pt.	19°34'19.30"N	73°11'10.09"E
33	--do--	--do--	Aware pt.	19°28'29.86"N	73°20'41.10"E
34	--do--	--do--	Kharivali trf Aghai pt.	19°27'33.03"N	73°21'58.73"E
35	--do--	--do--	Arjunali pt.	19°28'33.26"N	73°22'50.45"E
36	--do--	--do--	Saralambe pt.	19°28'35.58"N	73°23'07.42"E
37	--do--	--do--	Pendharghol pt.	19°29'45.48"N	73°20'07.82"E
38	--do--	--do--	Pundhe pt.	19°29'28.30"N	73°19'35.46"E
39	--do--	--do--	Atgaon pt.	19°30'14.88"N	73°19'28.02"E
40	--do--	--do--	Sakhroli pt.	19°31'13.71"N	73°19'13.71"E
41	--do--	--do--	Kanvinde pt.	19°31'47.30"N	73°19'49.46"E
42	--do--	--do--	Pendhari	19°32'27.50"N	73°19'29.56"E
43	--do--	--do--	Mamnoli	19°28'39.93"N	73°17'56.04"E
44	--do--	--do--	Mohili	19°33'12.34"N	73°14'29.38"E
45	--do--	--do--	Nandgaon trf Aghai	19°32'23.91"N	73°18'34.29"E
46	--do--	--do--	Kalamgaon pt.	19°32'08.66"N	73°20'20.13"E
47	--do--	--do--	Lahe pt.	19°33'21.39"N	73°21'35.51"E
48	--do--	--do--	Umberkhand	19°34'06.80"N	73°22'00.30"E
49	--do--	--do--	Khardi pt.	19°35'16.61"N	73°22'58.35"E
50	--do--	--do--	Ghanepada	19°35'31.55"N	73°22'20.25"E
51	--do--	--do--	Pimpalpada pt.	19°36'07.36"N	73°22'55.85"E
52	--do--	--do--	Ambivali trf Sakurli	19°38'44.73"N	73°19'12.27"E
53	--do--	--do--	Belwad	19°38'53.15"N	73°17'08.25"E
54	--do--	--do--	Bendekon	19°36'12.42"N	73°21'44.28"E
55	--do--	--do--	Palshin	19°36'17.76"N	73°21'13.03"E
56	--do--	--do--	Dudhar	19°35'48.17"N	73°22'20.04"E
57	--do--	--do--	Dahigaon	19°36'38.51"N	73°20'35.43"E
58	--do--	--do--	Tembhe	19°39'26.87"N	73°15'54.59"E
59	--do--	--do--	Varskol pt.	19°36'13.98"N	73°23'10.75"E
60	--do--	--do--	Shirol pt.	19°37'58.34"N	73°24'45.49"E
61	--do--	--do--	Dapur	19°40'12.04"N	73°23'22.52"E
62	--do--	--do--	Ajnup pt.	19°39'06.23"N	73°22'30.92"E
63	--do--	Mokhada	Mal pt.	19°41'32.20"N	73°27'33.03"E
64	--do--	--do--	Kashati	19°43'36.44"N	73°23'06.48"E
65	--do--	--do--	Kochale pt.	19°43'40.10"N	73°25'49.29"E
66	Shahapur	Mokhada	Kinista pt.	19°44'10.89"N	73°25'04.91"E
67	--do--	--do--	Udhale pt.	19°45'11.78"N	73°24'36.64"E
68	--do--	--do--	Sawarda	19°42'00.17"N	73°22'28.91"E
			Washind		

69	Shahapur	Mokhada	Gomghar pt.	19°46'00.99"N	73°21'56.61"E
70	--do--	--do--	Suryamal	19°45'28.27"N	73°20'48.68"E
71	Jawhar	Wada	Khupari	19°34'18.56"N	73°06'32.76"E
72	--do--	--do--	Lakhmapur	19°35'29.26"N	73°06'17.53"E
73	--do--	--do--	Nehroli	19°36'07.41"N	73°07'10.60"E
74	--do--	--do--	Usar	19°31'30.54"N	73°07'13.15"E
75	--do--	--do--	Kudus	19°32'07.09"N	73°05'59.07"E
76	--do--	--do--	Kuyalu	19°33'18.71"N	73°11'32.10"E
77	--do--	--do--	Chendavali	19°34'13.32"N	73°11'46.64"E
78	--do--	--do--	Abitghar	19°35'04.62"N	73°10'05.67"E
79	--do--	--do--	Kambare	19°34'19.02"N	73°11'09.84"E
80	--do--	--do--	Goleghar	19°36'06.45"N	73°08'54.13"E
81	--do--	--do--	Chikhale	19°36'11.26"N	73°07'45.81"E
82	--do--	--do--	Kone	19°37'08.33"N	73°08'08.12"E
83	--do--	--do--	Khariwali	19°33'24.80"N	73°05'24.70"E
84	--do--	--do--	Harosale	19°40'20.73"N	73°09'41.41"E
85	--do--	--do--	Tuse	19°37'43.86"N	73°09'45.38"E
86	--do--	--do--	Vilkos	19°38'33.70"N	73°10'53.78"E
87	--do--	--do--	Pimproli	19°38'15.34"N	73°10'53.78"E
88	--do--	--do--	Varai khu.	19°37'31.49"N	73°12'28.64"E
89	--do--	--do--	Varai Bu.	19°38'32.29"N	73°11'48.78"E
90	--do--	--do--	Bilghar	19°38'10.01"N	73°13'24.60"E
91	--do--	--do--	Devgaon	19°33'40.70"N	73°08'18.63"E
92	--do--	--do--	Kasghar	19°39'43.19"N	73°12'13.17"E
93	--do--	--do--	Sonshiv	19°40'06.46"N	73°11'15.33"E
94	--do--	--do--	Mandva	19°42'00.50"N	73°12'34.13"E
95	--do--	--do--	Moj	19°38'03.88"N	73°12'52.78"E
96	--do--	--do--	Savarkhand	19°36'15.38"N	73°09'03.31"E
97	--do--	--do--	Sapronde	19°31'43.04"N	73°06'36.17"E
98	--do--	--do--	Bavli	19°34'39.19"N	73°09'25.79"E
99	--do--	--do--	Shirsad	19°39'20.80"N	73°12'01.19"E
100	--do--	--do--	Dahe	19°41'05.11"N	73°10'32.79"E
101	Jawhar	Wada	Tilgaon	19°33'40.61"N	73°09'29.45"E
102	--do--	--do--	Gale	19°39'25.80"N	73°09'51.79"E
103	--do--	--do--	Sarshi	19°37'40.86"N	73°09'16.24"E
104	--do--	--do--	Tilse	19°39'04.60"N	73°12'36.48"E
105	--do--	--do--	Sonale Bk	19°38'33.13"N	73°13'54.66"E
106	--do--	--do--	Sonale kh	19°38'59.30"N	73°14'05.98"E
107	--do--	--do--	Ko.Sarovar	19°40'58.15"N	73°14'43.00"E
108	--do--	--do--	Shela	19°40'21.63"N	73°13'44.31"E
109	--do--	--do--	Dhapad	19°40'29.15"N	73°13'04.83"E
110	--do--	--do--	D.Kumbhiste	19°42'13.50"N	73°
111	--do--	--do--	Maniwali	19°42'23.52"N	10'53.93"E
112	--do--	--do--	Kalambhe	19°39'36.21"N	73° 9'7.02"E
113	--do--	--do--	Kevnale	19°47'58.32"N	73° 15'01.14"E
114	--do--	--do--	Akhada	19°47'58.32"N	73°16'57.48"E
115	--do--	--do--	Vadavali	19°48'30.02"N	73°16'57.48"E
116	--do--	--do--	Ujjaini	19°47'13.51"N	73°16'14.84"E
117	--do--	--do--	Virhe	19°40'29.15"N	73°15'02.17"E
118	--do--	--do--	Pinjal	19°46'12.90"N	73°13'04.83"E
119	--do--	--do--	Mangrol	19°45'23.19"N	73°11'38.43"E
120	--do--	--do--	Dhadhara	19°45'23.19"N	73°13'45.60"E

121	Jawhar	Wada			
122	--do--	--do--	Nishet	19°39'32.25"N	73°15'41.25"E
123	--do--	--do--	Gargaon	19°44'49.68"N	73°12'25.22"E
124	--do--	--do--	Pik	19°43'56.61"N	73°09'57.09"E
125	--do--	--do--	Parali	19°42'35.28"N	73°15'37.57"E
126	--do--	--do--	Shilottar	19°44'14.75"N	73°10'47.75"E
127	--do--	--do--	Varsale	19°45'38.33"N	73°14'6.10"E
128	--do--	--do--	Paste	19°43'30.13"N	73°09'01.20"E
129	--do--	Mokhada	Sasne	19°43'00.00"N	73°08'10.04"E
130	--do--	--do--	Botoshi	19°48'29.27"N	73°23'51.26"E
131	Thane	Bhiwandi	Kurlod	19°48'42.49"N	73°23'29.69"E
132	--do--	--do--	Vape	19° 29' 22.79"	73° 10' 26.52"
133	--do--	--do--	Ghotavade	19° 28' 51.59"	73° 10' 04.84"
134	--do--	--do--	Chichvali	19° 29' 13.30"	73° 08' 42.16"
135	--do--	--do--	Mainde	19° 28' 51.68"	73° 10' 05.17"
136	Thane	Bhiwandi	Kelhe	19° 27' 34.59"	73° 12' 15.40"
137	--do--	--do--	Khanivali	19° 25' 18.81"	73° 13' 17.40"
138	--do--	--do--	Sagaon	19° 30' 52.04"	73° 08' 59.21"
139	--do--	--do--	Eksal	19° 30' 27.46"	73° 08' 17.38"
140	--do--	--do--	Devchole	19° 30' 40.71"	73° 10' 01.78"
141	--do--	--do--	Kunde	19° 28' 49.28"	73° 07' 06.40"
142	--do--	--do--	Karmale	19° 27' 55.42"	73° 08' 01.05"
143	--do--	--do--	Base	19° 27' 51.23"	73° 09' 05.60"
144	--do--	--do--	Newade	19° 27' 22.08"	73° 12' 02.73"
145	--do--	--do--	Pachhapur	19° 27' 44.17"	73° 10' 26.20"
			Mohandule	19° 25' 15.75"	73° 11' 42.06"

Annexure-IV

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. Attached minutes of the meeting on separate Annexure.
3. Status of preparation of Zonal Master Plan including Eco-Tourism Master Plan
4. Summary of cases dealt for rectification of error apparent on face of land record. Details may be attached as Annexure.
5. Summary of cases scrutinised for activities covered under Environment Impact Assessment Notification, 2006 Details may be attached as separate Annexure.
6. Summary of case scrutinised for activities not covered under Environment Impact Assessment Notification, 2006 .Details may be attached as separate Annexure.
7. Summary of complaints ledged under section 19 of Environment (Protection) Act, 1986.
8. Any other matter of importance.

Aux-B

No. 2/27/2017-ESZ
 Government of India
 Ministry of Environment, Forest and Climate Change
 (ESZ Division)

Indira Paryavaran Bhawan,
 Jorbagh Road, Aliganj,
 New Delhi-110 003
 Dated: 17th February, 2022

Shri. Ravi Joshi
 Shahapur, Dist. Thane.
 Email id: raviveedara21@yahoo.com

27 FEB 2022

21988
 21123

Eco-sensitive Zone around Tansa Wildlife Sanctuary, in the State of Maharashtra - reg.

This has reference to your email dated 27.01.2022 regarding finalisation of Eco-sensitive Zone around Tansa Wildlife Sanctuary, in the State of Maharashtra.

In this regard, it is informed that the draft notification declaring Eco Sensitive Zone around Tansa Wildlife Sanctuary, Maharashtra issued by the Ministry vide S.O. 2566(E) dated 10.08.2017 expired for want of information from the State Government. The State Government has been requested to submit fresh (revised) proposal for its re-publication.

Yours faithfully,

(Dr. Veenu Joon)

Joint Director/ Sc-'D'

Telefax: 011-24695315 (O)

e-mail: veenu.joon@nic.in

Copy to:

The PCCF(WL), Govt. of Maharashtra, Van Bhawan, Police Gym Khana, Ramgiri Road, Nagpur-440 001, Maharashtra, e-mail id: pccfwlmgp@mahaforest.gov.in - with a request to expedite submission of a revised proposal. (A)

(h. put up
 12.3

Aux-C

Item No.50

Court No. 2

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

Original Application No.105/2018

Indian Council for Enviro-Legal Action Applicant(s)

Versus

Ministry of Environment, Forest and
Climate Change & Ors. Respondent(s)

Date of hearing: 27.02.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) None present

For Respondent(s) Mr. Ardhendumauli Kr. Prasad,
Advocate for R-3, CGWA
Mr. Mukesh Verma, Advocate for
R-4
Ms. Sharmila Upadhyay and Mr.
Sarjit Pratap Singh, Advocates
for CPCB
Mr. Rajesh K. Singh and Mr.
Rovins Verma, Advocates for
MoEF & CC
Mr. Ranjesh K. Sinha, Advocate

ORDER

None for the Applicant.

1. In this Application the Applicant has contended that a large number of Brick kilns are operating in Tansa Valley in Thane and Palgarh, District of Maharashtra without any Environmental Clearance. He has, therefore, prayed for prohibiting the operation of Brick kilns and other polluting industries in eco-sensitive Tansa Valley and also prayed to pass order to prohibit earth mining.

Fertile Agriculture Land and ecologically fertile Tansa Valley.

2. In the reply affidavit filed on 04.04.2018 on behalf of the Respondent No. 1 it was submitted that Ministry of Environment & Forest had published draft Notification on Tansa Wildlife Sanctuary under Environment (Protection) Act, 1986 on 10th August, 2017. It has now been submitted today that the said notification has lapsed because of want of comments from the State Government of Maharashtra. It is noteworthy to mention that in the draft notification the eco-sensitive zone extends from 600 mt. to 9.5 km. from the boundary of Tansa Wildlife Sanctuary. Besides, in the list of activities which are prohibited in the eco-sensitive zone, following activities have been included:-

Sr. No.	Activities	Remarks
1.	Commercial Mining, Stone Quarrying and Crushing units	<p>(a) All new and existing (minor and major minerals), stone quarrying and crushing units are 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 and for manufacture of country tiles and bricks for housing and for other activities.</p> <p>(b) The mining operations shall be carried out in</p>

		accordance with the order of the Hon'ble Supreme Court dated 4 th August, 2006 in the matter of T.N. GodavaranThirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21st April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
2.	Setting of industries causing pollution (water, Air, Soil, Noise etc.)	No new industries and expansion of existing polluting industries in the Eco-sensitive zone shall be permitted. Only non-polluting industries shall be allowed within ESZ as per classification of Industries in the Guidelines issued by Central pollution Control Board in February, 2016, unless so specified in this notification. In addition, non-polluting cottage industries shall be promoted.
3.	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
4.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Establishment of Solid Waste disposal site and common incineration facility for solid and bio medical waste	No new solid waste disposal site and waste treatment/processing facility of solid waste is permitted within Eco-sensitive zone. Further installation of common or individual incineration facility for treatment of any form of solid waste generated from industrial process and health establishment/hospital

		prohibited.
6.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate, companies.	Prohibited (except as otherwise provided) as per applicable laws except for meeting local needs.
7.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Use of polythene bags.	Prohibited under applicable laws.

3. We are of the considered opinion that since the final notification for Eco-sensitive zone of Tansa Wildlife Sanctuary has not been notified till date, the Eco-sensitive zone will, therefore, extend to 10 km. distance from the boundary of Tansa Wildlife Sanctuary and therefore operation of all the brick kilns, Commercial Mining, Stone quarrying and Crushing units, setting of industries causing pollution, use of production or processing of any hazardous substances will be prohibited within 10 km Eco-sensitive zone of Tansa Wildlife Sanctuary. We, therefore, direct all the concerned Authorities to immediately take action to completely stop operation of all the brick kilns and polluting industries in Tansa Valley falling within 10 km distance from the boundary of the Tansa Wildlife Sanctuary forthwith. A compliance of these directions will be filed in the Tribunal within two weeks from today.

With these directions, this O.A. No. 105 of 2018 stand disposed of, with no order as to cost.

Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM

February 27, 2019
JK



DEPUTY CONSERVATOR OF FORESTS
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सत्यमेव जयते
महाराष्ट्र शासन

Anx-D

उप वनसंरक्षक

जव्हार वन विभाग, जव्हार

राजीव गांधी स्टेडीयम समोर, जव्हार जि.पालघर.

दुरध्वनी क्र.०२५२०-२२२२५२, फॅक्स-०२५२०-२२२१६६

ई-मेल:- dycfjawhar@gmail.com

पत्र (गोपनीय)

विषय- वाडा व मोखाडा तालुक्यातील परिसंवेदनशिल क्षेत्र (Eco Sensitive Zone) व वन्यजीव अभयारण्य अथवा लगतच्या १० कि.मी. परिसरामध्ये फटाका विक्री करण्यास मनाई करणे व सदर तालुक्यात देण्यात आलेले फटाका परवाने रद्द करणेकामी मा.राष्ट्रीय हरित लवाद यांचेकडे दाखल केलेल्या अर्ज क्रमांक २४९/२०२० च्या अनुषंगाने माहिती सादर करणेबाबत

जा. क्र. व-२०/जमीन/ 1549/२०२१-२२
जव्हार ४०१ ६०३ दिनांक -१४/१०/२०२१

प्रति,
मा.जिल्हाधिकारी,
पालघर

संदर्भ- आपलेकडील पत्र क्रमांक गृह/का-१/टे-१/ निलेश चव्हाण/म.रा.ह.ल/फटाका तक्रार/कावि-११२३ दि.२३/११/२०२०

श्री. निलेश सुरेश चव्हाण रा.पाटील आळी वाडा ता.वाडा जि.पालघर यांनी वाडा व मोखाडा तालुक्यातील परिसंवेदनशिल क्षेत्र व वन्यजीव अभयारण्य अथवा लगतच्या १० कि.मी. परिसरामध्ये फटाका विक्री करण्यास मनाई करणे व सदर तालुक्यात देण्यात आलेले फटाका परवाने रद्द करणेकामी मा राष्ट्रीय हरित लवाद यांचेकडील दिनांक ०६/११/२०२० रोजी घेण्यात आलेले ऑनलाईन सुनावणीमध्ये वाडा व मोखाडा तालुक हे परिसंवेदनशिल क्षेत्र व वन्यजीव अभयारण्य अथवा लगतच्या १० कि.मी. परिसरामध्ये येतात अगर कसे याबाबत विचारणा केलेबाबत वनविभागाचा खालील मुद्देबाबत अहवाल सादर करण्यात येत आहे.

❖ मुद्दा क्रमांक १-

वाडा व मोखाडा तालुका किंवा त्यातील कोणतीही गावे परिसंवेदनशिल क्षेत्र (Eco Sensitive Zone) मध्ये येतात का? येत असल्यास त्याबाबत शासनाने जाहिर केलेल्या क्षेत्राची प्रत या कार्यालयास सादर करावी व येत नसल्यास सद्यस्थिती बाबतचा अभिप्राय सादर करण्यात यावा.

➤ अभिप्राय -

वाडा व मोखाडा तालुक्यातील क्षेत्राचा समावेश जव्हार वनविभागाचे कार्यक्षेत्रात येत आहे. जव्हार वनविभागातील वाडा व मोखाडा तालुक्यातील पश्चिम घाट संवेदनशिल क्षेत्राबाबतचे केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक का.आ.५:१३: (अ) दिनांक ०३ ऑक्टोबर २०१८ अन्वये पर्यावरण (संरक्षण) नियम १९८६ चे नियम ३ अन्वये मधील तरतुदीचे अनुषंगाने अधिसूचना जारी करण्यात आलेली आहे. यामध्ये वाडा तालुक्यातील ६२ गावाचा समावेश आहे तर मोखाडा तालुक्यातील २१ गावाचा समावेश आहे. सदर अधिसूचनेत वाडा व मोखाडा तालुक्यातील समावेश केलेल्या गावाचा माहिती सोबतचे परिशिष्ट क्रमांक -०१ मध्ये नमूद आहे.

तानसा वन्यजीव संरक्षित क्षेत्रास दिनांक १९ सप्टेंबर १९८५ रोजी महाराष्ट्र शासनाकडून विधीवत या अभयारण्याचा दर्जा देण्यात आलेला आहे. राष्ट्रीय वन्यजीव मंडळ नवी दिल्ली यांचे दिनांक २७/०५/२००५ चे निर्णयानुसार प्रत्येक वन्यजीव अभयारण्याभोवती १० किलोमीटर च्या मर्यादीत क्षेत्रात राबविण्यात येणा-या विकास योजना व इतर कृती कार्यक्रम हे प्रतिबंधित करण्यासाठी आवश्यक बंधने घालुन नियमाकुल करता येतील अशा पध्दतीने परिसंवेदनशिल (Eco Sensitive Zone) क्षेत्राचे प्रस्ताव तयार करणेकामी वनविभागाना निर्देश देण्यात आलेले होते. या अनुषंगाने वनविभागाचे गठीत केलेले समितीने तानसा वन्यजीव अभयारण्याचे लगतचे क्षेत्रातील जैवविविधता व वन्यजीवदृष्ट्या संवेदनशिल वन्यप्राण्याची आश्रयस्थाने व हालचाली निरीक्षण करुन त्या अनुषंगाने परिसंवेदनशिल क्षेत्राचा (Eco Sensitive Zone) प्रस्ताव केंद्रशासनास विहित मार्गाने सादर केलेला होता. याअनुषंगाने केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसुचना क्रमांक का.आ.२५६६ (अ) दिनांक १० ऑगस्ट २०१७ अन्वये तानसा अभयारण्यालगतचे क्षेत्राचे परिसंवेदनशिल (Eco Sensitive Zone) क्षेत्राचे प्रारुप अधिसुचना जारी करण्यात आलेली आहे. यामध्ये वाडा तालुक्यातील ५८ गावाचा समावेश आहे तर मोखाडा तालुक्यातील १० गावाचा समावेश आहे. त्याबाबत वाडा व मोखाडा तालुक्यातील समावेश केलेल गावाची माहिती व प्रारुप अधिसुचना सोबतचे परिशिष्ट क्रमांक -०२ मध्ये नमूद करण्यात येत आहे.

तदनंतर प्रधान मुख्य वनसंरक्षक (वन्यजीव) म.रा.नागपूर यांनी त्यांचेकडील पत्र क्रमांक कक्ष २३(२)/सर्व्हे प्र.क्र.-४३/६९३ दिनांक २४/०५/२०१८ अन्वये तानसा अभयारण्य Eco Sensitive Zone निर्माण करण्याबाबतचे यापुर्वीचे प्रस्तावामध्ये दुरुस्ती करुन मुददयाची पुर्तता करुन परिपुर्ण प्रस्ताव सादर निर्देश सदस्य सचिव तथा उपवनसंरक्षक शहापूर यांना दिले होते. याबाबत उपवनसंरक्षक शहापूर यांनी सदस्य सचिव म्हणुन त्यांचेकडील पत्र क्रमांक वन्यजीव/५३९२ दिनांक २१/०३/२०१२ अन्वये गठीत समितीने दिनांक ०७/०६/२०१८ रोजी शहापूर विभागीय कार्यालयात घेण्यात आलेले बैठकीत निर्णय घेण्यात आलेप्रमाणे सुधारित प्रस्तावात Eco Sensitive Zone ची हदद तानसा अभयारण्याच्या हददीपासून कमीत कमी २५०मीटरचे अंतर निश्चित करण्यात आले तसेच ज्या ठिकाणी सलग वनक्षेत्र आहे अशा ठिकाणी जास्तीत जास्त ९.००किलोमीटर पर्यतचे अंतर तानसा अभयारण्यापासून निश्चित केले आहे. सदर Eco Sensitive Zone च्या क्षेत्रांत शहापूर, वाडा, मोखाडा, भिवडी तालुक्यातील एकुण १५६ गावातील वन/वनेत्तर क्षेत्राचा समावेश असून जेथे वन्यजीवाचा वावर आहे अशा सलग वनक्षेत्राचा समावेश प्रारुप प्रस्तावात केलेला आहे. याबाबत अधिसुचनेचा प्रारुप मसुदा व Eco Sensitive Zone चा नकाशा उपवनसंरक्षक शहापूर यांनी त्यांचे जा.क्र. ब-९/मोजणी/६७२ दिनांक ०७/०७/२०१८ अन्वये मुख्य वनसंरक्षक ठाणे यांना सादर करण्यात आलेला होता. प्रस्तूत प्रस्तावित इको सेन्सिटिव्ह झोनचे अभयारण्याचे हददीपासून कमीत कमी २५० मीटरचे अंतर आहे. तसेच ज्या ठिकाणी अलग वनक्षेत्र आहे अशा ठिकाणी जास्तीत जास्त ९.०० किलोमीटर पर्यतचे अंतर आहे.

या अनुषंगाने मुख्य वनसंरक्षक ठाणे यांनी त्यांचेकडील जा.क्र. कक्ष-८/दक्षता/वप्रार/जा.१३५ दिनांक ०९/०७/२०१८ अन्वये तो प्रधान मुख्य वनसंरक्षक (वन्यजीव) म.रा.नागपूर यांना सादर करण्यात आलेला आहे. सदर प्रारुप मसुदयात मोखाडा तालुक्यातील १२ व वाडा तालुक्यातील ६७ गावाचा समावेश होत आहे. त्याबाबत वाडा व मोखाडा तालुक्यातील समावेश केलेल्या गावाची माहिती सोबतचे परिशिष्ट क्रमांक - ०३ मध्ये नमूद करण्यात येत आहे. सदर सादर केलेल्या प्रस्तावाची प्रारुप अधिसुचना अद्यापपर्यत केंद्रशासनाकडून प्रसिध्द झाली नाही.

❖ मुदंदा क्रमांक २ -

वाडा व मोखाडा तालुका किंवा त्यातील कोणत्याही गावे परिसंवेदनशिल (Eco Sensitive Zone) क्षेत्रात येत असल्यास सदर तालुका किंवा त्यातील गावामध्ये फटाका साठवणुक करण्यास मनाई आहे अगर कसे?

सदर मुददयानुसार पश्चिम घाट संवेदनशिल क्षेत्रांतर्गत मोखाडा तालुक्यातील २१ गावाचा व वाडा तालुक्यातील ६२ गावाचा समावेश करण्यात आलेला आहे. तसेच दिनांक १० ऑगस्ट २०१७ रोजीचे तानसा अभयारण्यालगतचे परिसंवेदनशिल (Eco Sensitive Zone) क्षेत्रात मोखाडा तालुक्यातील १० गावाचा व वाडा तालुक्यातील ५८ गावाचा समावेश करण्यात आलेला आहे.

पर्यावरण (संरक्षण) अधिनियम १९८६ चे मधील तरतुदीनुसार परिसंवेदनशिल क्षेत्रात (Eco Sensitive zone) विकासात्मक योजना, उपक्रम किंवा इतर कोणकोणत्या विकासात्मक बाबी करता येतील किंवा कोणत्या बाबींना प्रतिबंध असेल अथवा नियमानुकूल करता येतील अशा सर्व बाबींचे नियमन तसेच नियंत्रण व प्रतिबंधात्मक कार्यवाही पार पाडण्याचे प्रयोजन केलेले आहे. याबाबतची माहिती सुलभ संदर्भाकरीता परिशिष्ट क्रमांक -०४ सोबत जोडले आहे.

परिसंवेदनशिल क्षेत्रात (Eco Sensitive zone) पर्यावरण (संरक्षण) अधिनियम १९८६ चे प्रकरण १ मधील कलम २ (ई) मधील व्याख्येत नमुद केल्याप्रमाणे 'फटाके' हा जोखमीचा पदार्थ असून, त्याचे रासायनिक गुणधर्मांमुळे किंवा हाताळल्यामुळे माणसांना व इतर पर्यावरणातील बाबींस अपाय होवू शकतो. असा पदार्थ असून कलम (ड) मध्ये नमुद केल्याप्रमाणे सदर पदार्थाच्या 'हाताळणे' या बाबीचा अर्थ पदार्थाची निर्मिती करणे, त्यावर प्रक्रिया करणे, त्यांचे संस्करण करणे, त्यांची पुडकी बांधणे, साठा करणे, परिवहन करणे, वापर करणे तसेच तो गोळा करून त्याचा नाश करणे तसेच तो विक्री करिता किंवा हस्तांतरण करणे किंवा तत्सम उपयोगाकरिता देणे असा आहे. त्यामुळे 'फटाका' साठवणूक व विक्री करणे या बाबी उक्त नमुद केलेल्या कलम (ड) मध्ये अंतर्भूत आहेत. परिणामी पर्यावरण (संरक्षण) अधिनियम १९८६ अन्वये परिसंवेदनशिल क्षेत्रामध्ये फटाके साठवणूक करणे व त्याची विक्री करणे या बाबींसाठी मनाई/प्रतिबंध करण्यात आलेले आहेत. याबाबत अधिसूचनेमधील प्रतिबंधित उपक्रम (Prohibited Activities), नियमन केलेले उपक्रम (Regulated Activities), प्रोत्साहनात्मक उपक्रम (Promoted Activities) बाबींची माहिती परिशिष्ट - ०४ मध्ये सोबत जोडली आहेत.

❖ मुददा क्रमांक ३ -

वाडा व मोखाडा तालुक्यातील वन्यजीव अभयारण्याच्या हद्दीत अथवा हद्दी लगतच्या १० कि.मी. क्षेत्रामध्ये कोणती गावे येतात व सदर गावामध्ये 'फटाका' साठवणूक व विक्री करण्यास मनाई आहे? अगर कसे. तसेच वन्यजीव अभयारण्याच्या हद्दीत व हद्दी लगत असलेल्या वाडा व मोखाडा तालुक्यातील शासनाने जाहिर केलेल्या क्षेत्राची प्रत या कार्यालयास सादर करावी व सदरचे तालुके व गावे वन्यजीव व अभयारण्यात येत नसल्यास त्याबाबतचा अभिप्राय या कार्यालयास सादर करावा.

➤ अभिप्राय-

तानसा वन्यजीव अभयारण्याच्या हद्दीत येणाऱ्या मोखाडा तालुक्यातील १० गावाचा व वाडा तालुक्यातील ५८ गावाचा समावेश करण्यात आलेला आहे. त्याबाबत वाडा व मोखाडा तालुक्यातील समावेश केलेल्या गावाची माहिती सोबतचे परिशिष्ट क्रमांक -०५ मध्ये नमूद करण्यात येत आहे.

तानसा वन्यजीव अभयारण्याच्या हद्दी लगत वाहेरील १० कि.मी. क्षेत्रामध्ये वाडा व मोखाडा तालुक्यातील समाविष्ट होणारी गावे येतात. यामध्ये वाडा तालुक्यातील १२ गावाचा समावेश आहे तर मोखाडा तालुक्यातील ६७ गावाचा समावेश आहे. त्याबाबत वाडा व मोखाडा तालुक्यातील समावेश केलेले गावाची माहिती सोबतचे परिशिष्ट क्रमांक -०६ मध्ये नमूद करण्यात येत आहे.

तानसा अभयारण्याचे संदर्भात व त्यांचे परिसंवेदनशील क्षेत्रात कोणकोणत्या बाबींना प्रतिबंध करण्यात आलेला आहे. केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक का.आ.२५६६ (अ) दिनांक १० ऑगस्ट २०१७ मध्ये प्रतिबंधित उपक्रमा संदर्भात परिशिष्ट क्रमांक -६ मध्ये नमूद केलेले आहे. संदर्भात 'फटाका' साठवणूक व त्याची विक्री करणे याबाबतची

(इ) व प्रकरण क्र. ३ मधील कलम (७) व (८) अन्वये उक्त क्षेत्रात पुर्णतः बंदी घातलेली आहे. त्यामुळे बाबींना पुर्णतः बंदी असल्यामुळे सदर बाबींचे उल्लंघन केल्यास पर्यावरण (संरक्षण) अधिनियम १९८६ मधील प्रकरण क्र. ३ कलम (७) व (८) चे उल्लंघन ठरेल व अशा बाबींना उक्त अधिनियमांचे प्रकरण ३ मधील (१५), (१६), (१७) मध्ये शिक्षेची तरतुद करण्यांत आलेली आहे.

वन्यजीव विभागाच्या हददीत व हददीलगत असलेल्या मोखाडा व वाडा तालुक्यातील शासनाने जाहीर केलेल्या क्षेत्राची प्रत अनुक्रमे परिशिष्ट- क्रमांक ७ सोबत सादर करण्यात येत आहे.

❖ मुददा क्रमांक ४ -

उपरोक्त मुद्दा क्र.३ मध्ये नमूद वन्यजीव अभयारण्य अथवा हद्दी लगतच्या १० कि.मी. क्षेत्रामध्ये फटाका साठवणूक व विक्री करणे कामी वन विभागाची पुर्व परवानगी आवश्यक आहे? अगर कसे?

➤ अभिप्राय

वन्यजीव अभयारण्यात समाविष्ट असलेल्या प्रतिबंधित क्षेत्रात प्रामुख्याने वन्यजीव (संरक्षण) अधिनियम १९७२ अन्वये वन्य पशुपक्षी यांची शिकार करणे तसेच कोणत्याही कारणासाठी वृक्षतोड करणे प्रतिबंधित केलेले आहे. तसेच सदर क्षेत्रात मर्यादित स्वरूपात गौण वनोपज गोळा करणे व इतर बाबी राष्ट्रीय वन्यजीव मंडळ, नवी दिल्ली यांनी ठरवून दिलेल्या नियमानुसार करण्यात येत असतात. तसेच परिसंवेदनशिल क्षेत्रात (Eco Sensitive zone) केंद्र सरकारने प्रसिद्ध केलेल्या अधिसूचनेद्वारे कोणकोणते विकासात्मक उपक्रम, योजना करता येतील तसेच कोणकोणत्या बाबींवर पुर्णतः प्रतिबंध लावण्यात आलेले आहेत. तसेच कोणकोणत्या बाबी अटी व शर्तीचे पालन करून करता येतील अशा सर्व बाबींचे विवरण सदर वन्यजीव अभयारण्याचे व त्यांचे लगतचे परिसंवेदन क्षेत्राचे (Eco Sensitive zone) अधिसूचनेत नमूद करण्यात आलेले आहे.

यासाठी जव्हार वनविभागातील वाडा व मोखाडा तालुक्यातील पश्चिम घाट संवेदनशिल क्षेत्राबाबतचे केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक का.आ.५१३५ (अ) दिनांक ०३ ऑक्टोबर २०१८ अन्वये जारी करण्यात आलेली अधिसूचना तसेच केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक का.आ.२५६६ (अ) दिनांक १० ऑगस्ट २०१७ मधील जारी केलेले अधिसूचनेत कोणत्या विकासात्मक उपक्रम/योजना राबवता येतील तसेच तसेच कोणकोणत्या बाबींवर पुर्णतः प्रतिबंध लावण्यात आलेले आहेत. हे नमूद करण्यात आलेले आहे. सदर अधिसूचनेची प्रत सुलभ संदर्भाकरीता परिशिष्ट क्रमांक -०८ सोबत जोडली आहे.

तसेच केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक का.आ.२५६६ (अ) दिनांक १० ऑगस्ट २०१७ अन्वये तानसा अभयारण्यालगतचे क्षेत्राचे परिसंवेदनशिल (Eco Sensitive Zone) क्षेत्राचे प्रारूप अधिसूचनेमध्ये व याशिवाय उपवनसंरक्षक शहापुर यांनी त्यांचे जा.क्र. ब-९/मोजणी/६७२ दिनांक ०७/०७/२०१८ अन्वये मुख्य वनसंरक्षक ठाणे यांना सादर करण्यात आलेला होता.या अनुषंगाने मुख्य वनसंरक्षक ठाणे यांनी त्यांचेकडील जा.क्र. कक्ष-८/दक्षता/वप्रार/जा.१३५ दिनांक ०९/०७/२०१८ अन्वये प्रधान मुख्य वनसंरक्षक (वन्यजीव) म.रा.नागपूर यांना सादर सुधारित प्रारूप मसुदा मधील Eco Sensitive Zone क्षेत्रात प्रतिबंधित बाबी नमूद करण्यात आलेल्या आहेत.

या संदर्भात 'फटाका' साठवणूक व त्याची विक्री करणे बाबींंना अभयारण्य क्षेत्रात व परिसंवेदनशिल क्षेत्रात पर्यावरण (संरक्षण) अधिनियम १९८६ चे प्रकरण क्र. २ कलम (ड), (इ) व प्रकरण क्र. ३ मधील कलम (७) व (८) अन्वये उक्त क्षेत्रात पुर्णतः बंदी घातलेली आहे. त्यामुळे अशा बाबींना पुर्णतः बंदी असल्यामुळे सदर बाबींचे उल्लंघन केल्यास पर्यावरण (संरक्षण) अधिनियम १९८६ मधील प्रकरण क्र. ३ कलम (७) व (८) चे उल्लंघन ठरेल व अशा बाबींना उक्त अधिनियमांचे प्रकरण ३ मधील (१५), (१६), (१७) मध्ये शिक्षेची तरतुद करण्यांत आलेली आहे. त्यामुळे वन्यजीव अभयारण्यातील प्रतिबंधित क्षेत्रात व परिसंवेदनशिल क्षेत्रात फटाके साठवणूक करणे व त्याची विक्री करणे कामी वन विभागाची पुर्व परवानगी आवश्यक आहे? अगर कसे?

याय यंत्रणेचा प्रस्ताव असेल तर त्यासाठी पर्यावरण (संरक्षण) अधिनियम १९८६ अन्वये अशी प्रकरणे पर्याय वन्यजीव मंडळ भारत सरकार नवी दिल्ली यांचे कार्यकारी समितीपुढे निर्णयासाठी सादर करावी लागतील.

❖ मुददा क्रमांक ५ -

तसेच वाडा तालुक्यातील नमुद हरसोळे, शिरसाट रोड वाडा, वाडा, देसई, बालीवली, देसईनाका, मोहड्याचापाडा, परळी नाका वाडा हे परिसंवेदनशिल व वन्यजी अभयारण्य अथवा हद्दीच्या १० कि.मी. क्षेत्रामध्ये येतात? अगर कसे.

➤ आभिप्राय

देशातील अभयारण्ये व राष्ट्रीय उद्याने यांचे प्रतिबंधित क्षेत्राभोवती परिसंवेदनशिल क्षेत्राची निर्मिती करण्याबाबत केंद्र सरकारकडील वने, पर्यावरण व हवामान बदल मंत्रालयाकडील वन्यजीव विभागाने त्यांचे परिपत्रक क्र. Issued vide F.No.१-९/२००७WL-I(p) Date ०९/०२/२०११ अन्वये मार्गदर्शक सुचना जारी केलेल्या आहेत. त्यातील ठळक बाबी पुढीलप्रमाणे आहेत.

१. भारतीय वन्यजीव मंडळाने २१ जानेवारी २००२ मध्ये 'वन्यजीव संवर्धन धोरण २००२' निश्चित केलेले होते. त्यामध्ये राष्ट्रीय उद्याने व अभयारण्याभोवती हद्दीच्या १० कि.मी. अंतरापर्यंतचे क्षेत्र पर्यावरण (संरक्षण) अधिनियम १९८६ चे कलम ३ (ड) व उपनियम (८) व (१०) अन्वये पर्यावरण संवेदनशिल क्षेत्र (Eco Sensitive zone) म्हणून विचारात घेण्यात यावे अशी सुचना केलेली होती. त्यानुसार अतिरिक्त वनमहा निरीक्षक (वन्यजीव) नवी दिल्ली यांनी देशातील सर्व राज्यातील राष्ट्रीय उद्याने व अभयारण्ये यांचे हद्दीपासून १० कि.मी. पर्यंतचे क्षेत्र पर्यावरण (संरक्षण) अधिनियम १९८६ अन्वये निश्चित करण्यासाठी त्याचे प्रस्ताव व अधिसूचना त्यांचे प्रारूप तयार करणेबाबत निर्देशित केलेले होते. परंतू काही राज्य सरकारांनी अभयारण्य व राष्ट्रीय उद्याने यामधील प्रतिबंधित क्षेत्रापासून १० कि.मी. हद्दीपर्यंतचे क्षेत्र पर्यावरण संवेदन क्षेत्रात समाविष्ट केल्यास त्यामध्ये मानवी वस्ती व शहरांच्या भागांचा समावेश असल्यामुळे सदर क्षेत्रात नागरीकरणाच्या योजना व विकासाच्या योजना यावर प्रतिकूल परिणाम होतील असे अभिमत दिले आहे.
२. राष्ट्रीय वन्यजीव कृती कार्यक्रम २००२ ते २०१६ मध्ये निर्देशित केलेनुसार प्रतिबंधित क्षेत्रांवरील जैवविविधता तसेच वन्यजीव यांच्या हालचालींचे मार्ग (Corridors) यांचे संरक्षण करणेसाठी प्रतिबंध करणे आवश्यक असून, आवश्यक त्या ठिकाणी काही बाबी नियमानुकूल करून परिसंवेदनशिल क्षेत्र (Eco Sensitive zone) निश्चित करण्याचे ठरविण्यांत आले. तसेच उपरोक्त कृती कार्यक्रमांतर्गत वन्यजीवांचे प्रतिबंधित क्षेत्र व त्याचे हालचालींच्या मार्गिका (Corridors) या बाबी पर्यावरण (संरक्षण) अधिनियम १९८६ च्या अंतर्गत निश्चित करून सदर क्षेत्रास परिसंवेदनशिल क्षेत्र (Eco Sensitive zone) निश्चित करण्याचे धोरण आखण्यात आले.

सदर बाबींच्या अनुषंगाने राष्ट्रीय वन्यजीव मंडळाने दिनांक २७ मे २००५ अन्वये राज्य सरकारांना अभयारण्याचे व राष्ट्रीय उद्याने यांचे लगतचे क्षेत्र स्थळसापेक्ष निश्चिती करून सदर क्षेत्रातील विशिष्ट विकासात्मक उपक्रमांना बाधा न आणता तसेच प्रतिबंध न घालता नियमानुकूल करता येतील अशा प्रकारचे क्षेत्र विचारात घेऊन परिसंवेदनशिल क्षेत्र निश्चित करणेबाबत निर्देशित केले. या प्रकरणी मा. सर्वोच्च न्यायालय, नवी दिल्ली यांनी गोवा फाऊंडेशन विरुद्ध भारत सरकार याचिका क्र. ४६०/२००४ पर्यावरण संवेदनशिल क्षेत्र (Eco Sensitive zone) यांनी उक्त याचिका प्रकरणात दिनांक ४ डिसेंबर २००६ रोजी वने व पर्यावरण मंत्रालयास निर्देशित केल्यानुसार सर्व घटकराज्ये व केंद्र शासित प्रदेश यांना दिनांक २७/०७/२००५ चे पत्रात सुचित केल्यानुसार अभयारण्ये व राष्ट्रीय उद्याने यांचे प्रतिबंधित क्षेत्राचे १० कि.मी. परिसर अंमलात आणण्यापूर्वी त्याबाबतची सर्व प्रकरणे पूर्ण करावीत.

वन्यजीव (संरक्षण) अधिनियम १९७२ मधील कलम ५ (१) अन्वये वन्यजीवांचे संवर्धन तसेच वन्यजीव अधिवास यासाठी आवश्यक उपाययोजना करणेची जबाबदारी राष्ट्रीय वन्यजीव मंडळाची असल्याचे नमूद केले आहे. तसेच पर्यावरण (संरक्षण) अधिनियम १९८६ अन्वये पर्यावरणीय प्रदुषणास प्रतिबंध करणे, पर्यावरणाच्या दर्जामध्ये सुधारण करणे यासाठी केंद्र सरकारने वन व पर्यावरण मंत्रालय यांना आवश्यक त्या उपाययोजना करणेबाबत निर्देशित केलेले आहे. तसेच अशा पर्यावरण संवेदनशिल क्षेत्रात पर्यावरण दुषित करणाऱ्या उद्योगांना प्रतिबंध घालणे व पर्यावरण संरक्षित ठेवणेसाठी सुरक्षांची उपाययोजना करणे इत्यादी बाबींचे अधिकार केंद्र शासनास देण्यात आलेले आहेत. राष्ट्रीय उद्याने व अभयारण्ये यांचे प्रतिबंधित क्षेत्रालगतचे पर्यावरण संवेदनशिल क्षेत्र हे एक प्रकारे प्रतिबंधित क्षेत्रासाठी जैविक व मानवी हस्तक्षेप सहन करणारे क्षेत्र (Shock absorber) आहे. त्यामुळे परिसंवेदनशिल क्षेत्रात (Eco Sensitive zone) राबविण्यात येणारे उपक्रम व विकासात्मक योजना यांस सरसकट प्रतिबंध न घालता काही ठराविक बंधने घालून नियमानुकूल करणेसाठी प्राधान्य देण्यात आलेले आहे.

पश्चिम घाट संवेदनशिल क्षेत्राबाबतचे केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक का.आ.५१३५ (अ) दिनांक ०३ ऑक्टोबर २०१८ अन्वये जारी करण्यात आलेली आहे. यामध्ये वाडा तालुक्यातील ६२ गावाचा समावेश आहे तर मोखाडा तालुक्यातील २१ गावाचा समावेश आहे. हया यादीत मुददा क्रमांक ५ मधील नमूद केलेल्या यादीमधील सदर अधिसूचनेत वाडा तालुक्यातील मौज हरसोळे परळी या गावाचा समावेश होत आहे मात्र शिरसाटरोड, वाडा, देसई, देसईनाका, मोहडयाचापाडा या गावाचा अधिसूचनेत समावेश होत नाही. सदर अधिसूचना यात वाडा व मोखाडा तालुक्यातील समावेश केलेल्या गावाचा माहिती सोबतचे परिशिष्ट क्रमांक -९ मध्ये नमूद करण्यात येत आहे.

सन्माननीय सर्वोच्च न्यायालय नवी दिल्ली यांनी रिट याचिका क्रमांक ४६०/२००४ मध्ये दिनांक ०४/१२/२००६ रोजी दिलेल्या निर्णयानुसार ज्या संरक्षित क्षेत्र/ अभयारण्य /राष्ट्रीय उद्यान सभोवताली विशिष्ट Eco Sensitive zone घोषित करण्यात आलेला नसेल अशा संरक्षित क्षेत्र/अभयारण्य/ /राष्ट्रीय उद्यान सभोवतालचा १०.०० किलोमीटर परिघातील क्षेत्र Eco Sensitive zone समजण्यात येते. म्हणजेच तानसा अभयारण्य सभोवताली प्रस्तावित करणेत आलेला विशिष्ट Eco Sensitive zone जो पर्यंत अंतिमतः अधिसूचित होत नाही. तोपर्यंत १०.०० किलोमीटर परिघातील क्षेत्र Eco Sensitive zone समजण्यात येत आहे.

राष्ट्रीय हरित न्यायालय नवी दिल्ली यांचेकडील दिनांक २७ फेब्रुवारी २०१९ चे आदेशानुसार तानसा Eco Sensitive zone अंतिम अधिसूचित होत नाही. तोपर्यंत १०.०० किलोमीटर परिघातील क्षेत्र Eco Sensitive zone समजण्यात येऊ न १०.०० किलोमीटर परिघातील क्षेत्रा मध्ये polluting Industries यांना प्रतिबंधित करण्यात आलेले आहे. Eco Sensitive zone मध्ये विकास कामाना प्रतिबंध केलेला नाही. केवळ वाणिज्यक उत्खनन, खाणकाम, जल, वायु, मृद, ध्वनी इत्यादी प्रदुषण निर्माण करणारे उद्योग नवीन आरागिरणी, वीटभट्टी, मोठे जलविद्युत प्रकल्पाना प्रतिबंधित केलेले आहे. सदरचे प्रस्तावानुसार केंद्रीय प्रदुषण नियंत्रण मंडळ, राज्य प्रदुषण नियंत्रण मंडळ यांनी विनिर्दिष्ट केलेल्या सर्व Red Category मध्ये मोडत असलेल्या उद्योगाना प्रतिबंधित केलेले आहे. Non Polluting Industries, Godawoon, Offices, Parking उभारण्यास मुभा देण्यात आलेली आहे.

तानसा अभयारण्यालगतचे क्षेत्राचे परिसंवेदनशिल (Eco Sensitive Zone) क्षेत्राचे १० किमी अंतराचे क्षेत्रात येणा-या वाडा तालुक्यातील ११४ गावाचा समावेश आहे तर मोखाडा तालुक्यातील १८ गावाचा समावेश आहे. हया यादीत मुददा क्रमांक ५ मधील नमूद केलेल्या यादीमधील सदर अधिसूचनेत वाडा तालुक्यातील मौज हरसोळे, वाडा, देसई, परळी या गावाचा समावेश होत आहे सदर वाडा व मोखाडा तालुक्यातील समावेश केलेल्या गावाचा माहिती सोबतचे परिशिष्ट क्रमांक - १० मध्ये नमूद करण्यात येत आहे.

तसेच केंद्रशासनाचे वन पर्यावरण व जलवायु परिवर्तन मंत्रालय

परिसंवेदनशिल (Eco Sensitive Zone) क्षेत्राचे प्रारूप अधिसूचना जारी करण्यात आलेली आहे. मध्ये वाडा तालुक्यातील ६२ गावाचा समावेश आहे तर मोखाडा तालुक्यातील २१ गावाचा समावेश आहे. त्या यादीत मुददा क्रमांक ५ मधील नमूद केलेल्या यादीमधील सदर अधिसूचनेत वाडा तालुक्यातील मौजे हरसोळे, परळी या गावाचा समावेश होत आहे मात्र वाडा तालुक्यातील मौजे वाडा, देसई गावाचा अधिसूचनेत समावेश होत नाही. यात वाडा व मोखाडा तालुक्यातील समावेश केलेल्या गावाचा माहिती सोबतचे परिशिष्ट क्रमांक - ११ मध्ये नमूद करण्यात येत आहे.

तानसा वन्यजीव अभयारण्याचे (Eco Sensitive zone) क्षेत्र व त्यांच्या हद्दी या स्थळसापेक्ष वेगवेगळ्या असून, त्यांची अंतरे अभयारण्यापासून वेगवेगळी आहेत. परिणामी, 'फटाक्यांची' विक्री करणे अथवा 'साठवणूक' करणे या बाबी पर्यावरण (संरक्षण) अधिनियम १९८६ अन्वये (Eco Sensitive zone) प्रतिबंधित केलेल्या आहेत. त्यामुळे तानसा वन्यजीव अभयारण्याचे (Eco Sensitive zone) हे क्षेत्र निश्चित झाल्यामुळे त्या क्षेत्रास व अभयारण्याच्या प्रतिबंधित क्षेत्रात 'फटाक्यांची' विक्री करणे अथवा 'साठवणूक' करणे या बाबीस पर्यावरण (संरक्षण) अधिनियम १९८६ व वन्यजीव संरक्षण अधिनियम १९७२ मधील तरतुदी विचारात घेता अशा विविध बाबीस पुर्णपणे प्रतिबंध केलेला आहे.

वाडा तालुक्यात मौजे वाडा, मौजे हरसोळे, मौजे देसई, मौजे बालिवली या गावात आजमितीस चालू असलेले फटाका विक्रते यांचे दुकाने व फटाका साठवणूक करणेचे ठिकाणाचे क्षेत्र हे परिसंवेदनशिल क्षेत्रात (Eco Sensitive zone) मध्ये येत आहे. अशा ठिकाणी फटाके विक्री करणे त्याची साठवणूक करणे या बाबी पर्यावरण (संरक्षण) अधिनियम १९८६ अन्वये प्रतिबंध केलेला असून अशा बाबीस मनाई केलेली आहे. त्यामुळे श्री. निलेश सुरेश चव्हाण, रा. वाडा यांनी मा. राष्ट्रीय हरित लवाद, नवी दिल्ली यांचेकडील दाखल केलेल्या अर्ज क्रमांक २४९/२०२० मध्ये नमूद केल्याप्रमाणे मौजे बालिवली येथील फटाका विक्री दुकाने व साठवणूक-वगळता इतर ठिकाणी म्हणजेच देसईनाका, हरसोळे येथील फटाका विक्री दुकाने यांचे परवाने रद्द करणेबाबत घेतलेले आक्षेप योग्य असून, उक्त अधिनियमांच्या सुसंगत ठरत आहे.

पश्चिम घाट संवेदनशिल क्षेत्राबाबतचे केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक का.आ.५१३५ (अ) दिनांक ०३ ऑक्टोबर २०१८ अन्वये जारी करण्यात आलेली अधिसूचना तसेच केंद्रशासनाचे वन, पर्यावरण व जलवायु परिवर्तन मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक का.आ.२५६६ (अ) दिनांक १० ऑगस्ट २०१७ मधील जारी केलेले अधिसूचनेत तसेच सदस्य सचिव, तथा उपवनसंरक्षक शहापूर यांनी विहित मार्गाने तानसा अभयारण्यालगतचे संवेदनशिल क्षेत्राचे प्रारूप अधिसूचनाचे प्रस्तावात नमूद करण्यात आलेले गावे व त्यातील क्षेत्र हे परिसंवेदनशिल क्षेत्र (Eco Sensitive zone) असणार आहे. त्यानुसार प्रस्तूत नमूद अधिसूचनेत नमूद करण्यात आलेल्या प्रतिबंधित उपक्रम प्रतिबंधित उपक्रम (Prohibited Activities), पर्यावरण (संरक्षण) अधिनियम १९८६ मधील तरतुदी नुसार प्रतिबंधित बाबी व परिसंवेदनशिल क्षेत्राचे (Eco Sensitive zone) ठिकाणी फटाके विक्री व साठवणूक करणे यास उक्त अधिनियमान्वये निर्बंध राहणार आहेत.

सदरच्या संपूर्ण प्रकरणात पश्चिमघाट मधील व तानसा अभयारण्यालगतचे परिसंवेदनशिल क्षेत्र तसेच पर्यावरण (संरक्षण) अधिनियम १९८६ च्या तरतुदी विचारात घेण्यात आलेल्या आहेत. तथापि या प्रकरणी केंद्रशासनाचे उद्योग व व्यापार मंत्रालय नवी दिल्ली यांचेकडील अधिसूचना क्रमांक GSR -९०७ (ई) दिनांक २९/१२/२००८ अन्वये जारी करण्यात आलेले स्फोटक नियम २००८ मधील तरतुदी सुद्धा विचारात घेणे आवश्यक आहेत.

प्रस्तूत प्रकरणाचे राष्ट्रीय हरित लवाद पुणे यांचे कडील न्यायालयीन प्रकरणातील उपस्थित केलेल्या मुद्यांवर वरीलप्रमाणे अभिप्राय देण्यात येत आहे. तरी सदर प्रकरणात पर्यावरण (संरक्षण) अधिनियम १९८६, भारतीय वन अधिनियम १९२७ व वन्यजीव (संरक्षण) अधिनियम १९७२ तसेच इतर लागू असलेल्या अधिनियम, नियमावली व उप नियम मधील तरतुदी विचारात घेऊन आपले स्तरावरून जरूरी कार्यवाही होणेस विनंती आहे. सोबत उपरोक्त विषयाचे अनुषंगाने परिशिष्टाचे पान क्रमांक १ ते ३० एकूण ३० अद्यत्कोनार्थ जोडण्यात आलेली आहेत.

TRANSLATION MARATHI INTO ENGLISH ANNEXURE "D"

DEPUTY CONSERVATOR OF FORESTS

JAWHAR FOREST DIVISION, JAWHAR

Opp. Rajiv Gandhi Stadium, Jawhar Dist. Palghar

Tel. 02520-222252 Fax-02520-222166

Email-dycfjawhar@gmail.com subject:

Maharashtra State

Letter (Confidential)

Subject: Submit Report in the matter of
O.A.No.78/2020 with I.A.No.123/2020(WZ)
before Hon. National Green Tribunal
Prohibition to sale crackers & cancel license
to the sale crackers within Eco Sensitive
Zone & Wildlife Forest of Wada &
Mokhada Taluka @10 K.M. area from it.

To,

The Collector

Palghar

Reference: 1 Your letter No.Home/Ka-1/te-1/Nilesh Chavan/
M.Ra.H.L./Cracker Complaint/Kavi-1123 dated 23/11/2020

2 Our office letter No.Outward No.B-20/Land/1549 dated 28/10/2022

3 Your letter No.Home/Ka-1/Te-3/ Wada.ka.Cracker
permit/cancel/Kavi-1443/22 dated 01/12/2022

4 Our office letter outward No.B-20,Land/1566 dated 01/12/2022

5. Your semi Government letter No. Home/Ka-1/Te-1, Nilesh Chavan, M.Ra.H.L./Cracker Complaint/SR No.02/23 dated 14/02/2022

1. In the online hearing dated 06/11/2020 before the Hon'ble National Green Tribunal in case filed by Shri. Nilesh Suresh Chavan R/at: Patil AAli, Wada, Tal. Wada District-Palghar in respect of whether there shall be prohibition to sale crackers & cancel the crackers licenses within Eco sensitive zone & Wild life forest & 10 K.M. area in subject No.1 of our office & detail study of report in subject No.2 is requested .

2. In reference to subject no.3 of your letter, Hon'ble National Tribunal, Pune has given decision in O.A.No.78/202(WZ) with I.A.No.123/2020(WZ) dated 03/11/2022. In reference to letter dated 02/12/2022 from Collector , Palghar following report is submitted as per online hearing by Hon''ble National Green Tribunal, Pune

On 19/09/1985 Tanasa Wildlife protected area has been given legal sated of Wildlife. Under the decision of the National wildlife Board, New Delhi dated 27/05/2205 , all development activities & other program within 10 K.M. surrounding area of every wildlife every wildlife requires restrictions & it was directed to the Forest Department to proposed such restriction within Eco Sensitive Zone .Accordingly the Committee formed by Forest Department to inspect the habitation & movement of wildlife & biological & forest life within the said Eco Sensitive Zone & submitted proposal to the Central Government. The Ministry of Environment, Forests and Climate Change ,ESZ inform that the Notification No.2566(A) dated 10 August,2017 by which Tanasa Forest area was declared Eco Sensitive Zone



has expired & State Government was directed to issue fresh proposal in said respect.

With the said reference the Chief Conservator of Forest Nagpur, Maharashtra State by its outward No.Desk-23(2)Forest/P.K.43/IV/3141/2021-22dated 04/03/2022& Chief Conservator of Forest, Thane by Letter No. Desk-8/Forest/KV-514/2021-22 dated 11/03/2022 directed the Member Secretary @ Divisional Conservator of Forest, Shahapur to submit fresh proposal with map for the Eco Sensitive Zone of Tanasa Wildlife Sanctuary forest & surrounding area.

The Member Secretary @ Deputy Conservator of Forest ,Shahapur is assisted by Jawhar Forest Division to the said fresh proposal with map for Tanasa Forest & surrounding area ,the said work is under progress.

The Hon'ble Supreme Court, New Delhi has given Judgment in Writ Petition No.460/2004 dated 04/12/2006 wherein it is held that the area surrounding the protected /Forest/National Park which is not declared as Eco Sensitive Zone 10 K.M. radius shall be understood as Eco Sensitive area till the proposed area is not finally declared as Eco Sensitive Zone. In other words till the area surrounding Tanasa Forest is not finally declared as Eco Sensitive area within radius of 10 K.M. shall be understood as Eco Sensitive Zone.

By the order of the Hon'ble National Green Tribunal, New Delhi dated 27 February,2019 till Tanasa Eco sensitive zone is not declared finally till then area within 10 K.M.s of radius shall be understood as Eco Sensitive Zone & Polluting Industries are prohibited within said area. In the Eco

Sensitive Zone development activities are not protected. Only Commercial. In the said proposal in view of as directed by Central Pollution Board, State Pollution Board all Industries falling within Red Category are prohibited. on Polluting Industries, Godown, Offices, construction for parking are permitted.

4. 114 villages within Wada Taluka & 18 villages within Mokhada Taluka are included within Tanasa wildlife sanctuary Eco Sensitive Zone (The list if included villages is annexed) . 114 Villages within Wada Taluka & 18 Villages within Mokhada Taluka listed in said annexure fall within 10 Kms. Of Tanasa wild life Sanctuary. In which the Villages of Harsole, Wada, Desai, Parali as inquired in reference No.3 are included. As a result Selling of crackers & storage are prohibited under Environment (Protection Act, 1986, falling within Eco Sensitive zone. As the Tanasa Wildlife Sanctuary is determine as Eco Sensitive Zone of said area & Forest are completely prohibited for selling crackers & storage in view of the Environment Protection Act, 1986 & Wild life protection Act,1972.

5. The said issue shall be considered in view of issues raised before Hon'ble National Green Tribunal & accordingly report is submitted. The said matter shall be decided at your level by considering provisions of the Environment Protection Act,1986, Indian Forest Act,1927 & Wildlife protection act,1972 & other related Acts, Rules & Sub rules.

(N.S.Diwar)

Deputy Conservator Jawhar
Jawhar Forest, Jawhar