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STATE POLLUTION CONTROL BOARD, ODISHA

(DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA)
Paribesh Bhawan, A/118, Nilakanthanagar, Unit - VIII,
Bhubaneswar - 751 012, INDIA

No. 23627

VII - L - Misc - 962

Date: 20.12.2022

E-mail / Speed Post

To

The Registrar
National Green Tribunal
Principal Bench,
J69J+F7X, Faridkot House
Copernicus Marg
Near India Gate
New Delhi - 110001
E-mail: judicial-ngt@gov.in

Sub: OA No.553/2022/PB - Bira Kishore Das & Others v. State of Odisha & Others.

Ref: This Board letter No.23182 dtd.14.12.2022

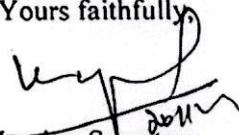
Sir,

The request made by this Board in the aforesaid letter for allowing two weeks more time for submission of the report in terms of direction dtd.06.09.2022 was allowed by the Hon'ble Tribunal in their order dtd.15.12.2022 and the Hon'ble Tribunal directed to submit the report of the joint committee within one month through e-mail while adjourning the case to 02.03.2023. In the meantime, we have received the joint enquiry report from the Collector & District Magistrate, Keonjhar in his memo No.2932 dtd.14.12.2022. The said report has also been forwarded by the Collector & DM, Keonjhar to you vide his letter No.2930 dtd.14.12.2022. Copy of the said letter along with the joint enquiry report is enclosed for reference.

It is requested to please place the matter before the Hon'ble Tribunal on dtd.02.03.2023 during hearing of this case..

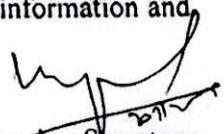
Encl: As above.

Yours faithfully,


Member Secretary

Memo No. 23628 / Date: 20.12.2022

Copy forwarded to the Regional Officer, SPC Board, Keonjhar for information and necessary action.

E-mail

Member Secretary



OFFICE OF THE COLLECTOR AND DISTRICT MAGISTRATE: KEONJHAR

No. 2930 / Judl. Dt. 14.12 /2022

To

The Registrar, National Green Tribunal,
Principal Bench
New Delhi.

Sub: - Submission of Joint enquiry report in connection with OA No. 553/2022 filed by Bira Kishore Das & Others-Vrs.- State of Odisha & Others before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Ref: Original Application No. 553/2022 and order Dtd. 06.09.2022 of Hon'ble Green Tribunal Principal Bench, New Delhi.

Sir,

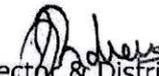
In inviting a reference to the subject cited above, I am to submit herewith the joint enquiry report in OA No.553/2022 filed by Bira Kishore Das & Others-Vrs.- State of Odisha & Others for favour of your kind information and necessary action.

Yours faithfully,

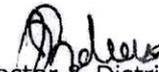
Encl: As above.


Collector & District Magistrate
Keonjhar.

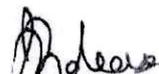
Memo 2931/Judl. Dt. 14.12.2022
Copy of Joint enquiry report forwarded to the Divisional Forest Officer,
Keonjhar for information.


Collector & District Magistrate
Keonjhar.

Memo 2932/Judl. Dt. 14.12.2022
Copy of Joint enquiry report forwarded to the Regional Officer, SPCB,
Keonjhar for information.


Collector & District Magistrate
Keonjhar.

Memo 2933 /Judl. Dt. 14.12.2022
Copy of Joint enquiry report forwarded to the Joint Director, Geology,
Keonjhar for information.


Collector & District Magistrate
Keonjhar.

Joint enquiry report in connection with OA No. 553/2022 filed by Bira Kishore Das & others - Vrs. - State of Odisha & others before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

In pursuance to order dated 06.09.2022 in connection with OA No. 553/2022 filed by Sri Bira Kishore Das & others - Vrs. - State of Odisha & others before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, a committee has been constituted with the following members;

1. The Collector & District Magistrate, Keonjhar.
2. The Divisional Forest Officer, Keonjhar Wildlife Division, Anandapur.
3. The Joint Director, Geology, Keonjhar.
4. The Regional Officer, State Pollution Control Board, Keonjhar.

Based on letter of the Collector & District Magistrate, Keonjhar vide No. 2305 dt. 01.10.2022 and subsequent Letter No. 1886 dt. 09.11.2022 of the Regional Officer, State Pollution Control Board, Keonjhar, a field visit to Kantipal Stone Quarry area was conducted on 14.11.2022 with the following officials. The applicant Sri Bira Kishore Das was present during the field visit.

1. Shri Abhay Kumar Dalai, OFS-Gr.A (SB), Divisional Forest Officer, Keonjhar Wildlife Division, Anandapur.
2. Shri Anil Kumar Sethy, OAS, Sub-Collector, Anandapur.
3. Shri Prasanta Kar, Regional Officer, State Pollution Control Board, Keonjhar.
4. Shri Rajat Kumar Kar, Joint Director Geology, Keonjhar.
5. Shri Sumit Mohanty, Forest Range Officer, Hadagarh Wildlife Range.

Observations

1. Location

- (i) The major quarry pits of affected area are located over Plot No. 2524 under Khata No. 863 of Kantipal Mouza under Anandapur Tahasil having a total area of 41.45 acre.
- (ii) Three major mining pits along with several manual quarry pits were noticed in the said site. The total area of the three major mining pits was approximately 0.93 ha. (photograph of quarry pit location enclosed)
- (iii) The manual quarry pits are spread over the adjacent hillock existing in South & South-West direction of the Plot No. 2524 under Khata No. 863 of Kantipal Mouza.
- (iv) The major mining pits are about 1.26 km. away from the boundary of Hadagarh Wildlife Sanctuary, about 0.76 km. away from the boundary of proposed Eco-sensitive Zone and 1.18 km. away from the proposed Tiger Corridor as intimated by Addl. Director General of Forests (Project Direct) & Member Secretary (NTCA) vide his Letter No. 1-8/2012 - NTCA dated 29.04.2012 (photograph showing distance of quarry pits from boundary of Hadagarh Wildlife Sanctuary, proposed Eco-sensitive Zone & Tiger Corridor enclosed).

2. Mining activities

- (i) As per the available records of the Tahasildar, Anandapur Tahasil, the Kantipal Stone Quarry was the permanent Sairat source for quarrying stone which was being given to the lease holders from 1990 to 2014-15.
- (ii) The details of auction & lease of Kantipal Stone Quarry to various lessee as communicated vide Letter No. 5213 dt. 09.12.2022 of the Tahasildar, Anandapur Tahasil which is enclosed as **ANNEXURE-I**.

- (iii) Apart from above three major quarry pits several nos. of manual quarry pits are existing and operated for production of hand broken chips/metals by the local villagers for their livelihood.
- (iv) The SEIAA, Odisha vide Letter No. 2457/SEIAA dt. 27.01.2017 has rejected the environmental clearance on the ground that, the mine is located within the Eco-sensitive Zone (default-10 km.) of Hadagarh Wildlife Sanctuary and subsequently the Sairat sources got closed permanently.
- (v) No mining activities was observed during the field visit but it seems that, there was some illegal extraction of stones from those quarry pits in past and it was confirmed by the Tahasildar, Anandapur Tahasil and the Inspector-in-Charge, Anandapur Police Station that, they used to collect penalty from the illegal miners as and when caught during enforcement.

3. Clearance status

- (i) The Tahasildar, Anandapur Tahasil auctioned those quarry pits to different lease holders from time to time which was continued upto 2014-15.
- (ii) No Consent to Establish and Consent to Operate has been granted to said Kantipal Stone Quarry by the State Pollution Control Board, Odisha.

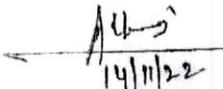
4. Eco-sensitive Zone details

- (i) In obedience to the judgement passed by the Hon'ble Supreme Court of India, a Draft Notification has been issued by the Ministry of Environment, Forests & Climate Change, Govt. of India vide S.O. No. 505(E) dated 29.01.2019 (copy enclosed as **ANNEXURE-II**).

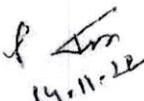
5. Recommendations

In view of the facts narrated above, the Committee recommends the followings to avoid any illegal mining activities in the area;

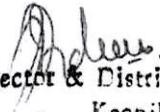
- (i) Till final Notification of Eco-sensitive Zone by the Ministry of Environment, Forests & Climate Change, Govt. of India, no mining activities shall be permitted in the said area of Kantipal.
- (ii) The Tahasildar, Anandapur shall ensure that, there should not be any illegal mining activities in the locality by isolating the site.
- (iii) The Forest Department may take up Soil & Moisture Conservation Work as a remedial measure for rejuvenating the area by recharging the ground water.


14/11/22
**Divisional Forest Officer,
Keonjhar Wildlife Division,
Anandapur.**


14/11/22
**Sub-Collector & Sub-Divisional Magistrate,
Anandapur.**


14.11.22
**Regional Officer,
State Pollution Control Board,
Keonjhar.**


14.11.22
**Joint Director, Geology,
Keonjhar.**


**Collector & District Magistrate,
Keonjhar**

MAP SHOWING KANTIPAL STONE QUARRY



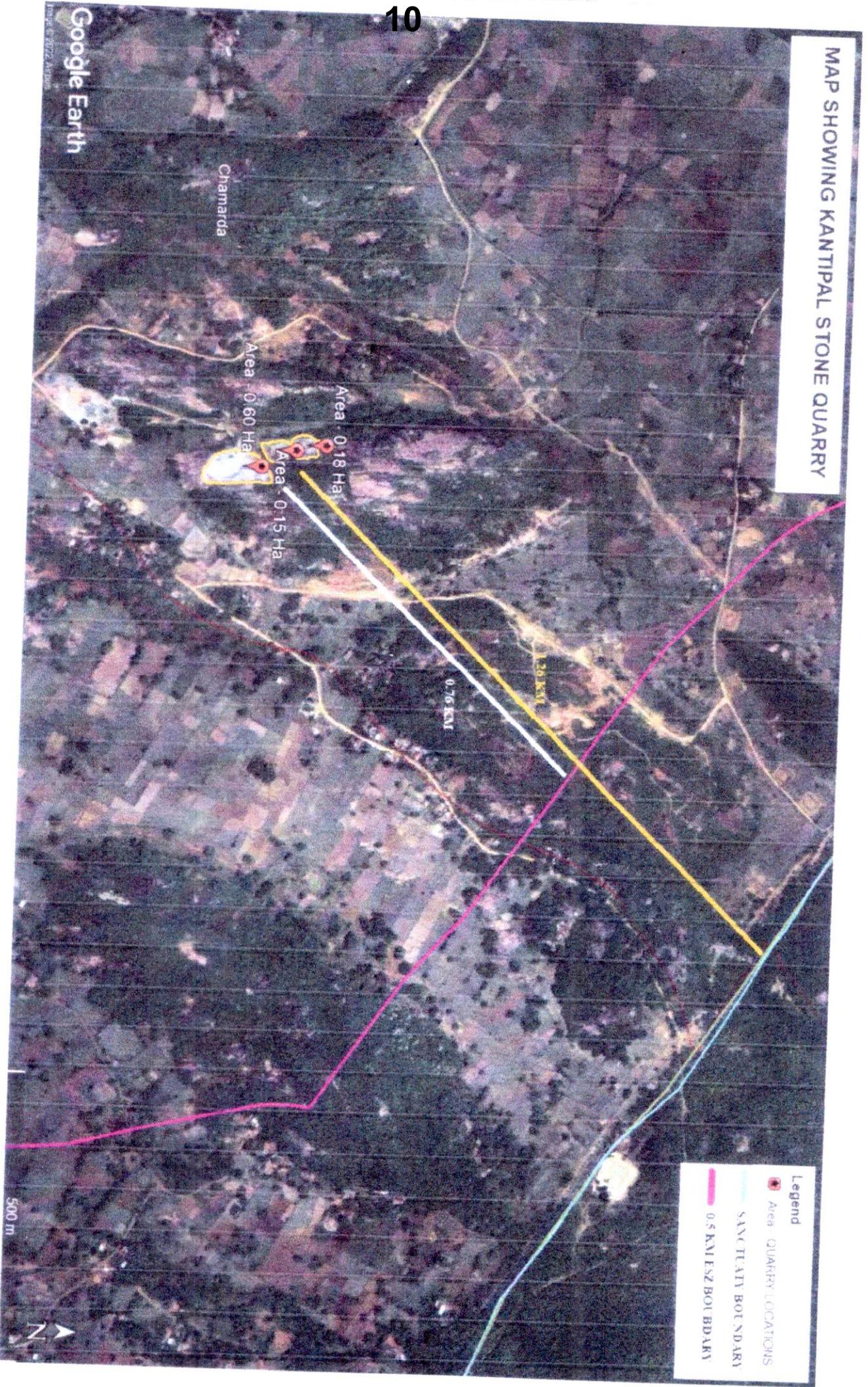
Legend
Area - QUARRY LOCATIONS

100 m



Google Earth

MAP SHOWING KANTIPAL STONE QUARRY



MAP SHOWING KANTIPAL STONE QUARRY

Kantipal Stone Quarry to Tiger Corridor Distance - 1.18 Km



Google Earth

Kathakata Beat House

700 m



Legend

- Area - Quarry Location
- Tiger Corridor

OFFICE OF THE TAHASILDAR, ANANDAPUR.

E-mail ID – tah.anan-od@nlc.in / Phone No. : 06731-240388

Letter No. 5213 /Touzi/Dt. 09.12.22

To

The Divisional Forest Officer, Keonjhar
Wild Life Division, Anandapur.

Sub:- Submission of factual report on Kantipal Stone Quarry in connection with original Application No.553/2022 filed before the Hon'ble Court of National Green Tribunal, Principal Bench, New Delhi.

Ref:- Your Letter No.4625/3WL (Lease) dated 02.12.2022.

Sir,

In inviting a reference to the letter on the subject cited above, I am to submit herewith the factual report (at annexure-A) and details of auction/ lease of Kantipal stone quarry (at annexure-B) as per the discussion made on dtd.06.12.2022 in connection with original Application No.553/2022 filed before the Hon'ble Court of National Green Tribunal, Principal Bench, New Delhi .

This is for your kind information and necessary action.

Encl(S):- As above.

Yours faithfully,


Tahasildar, Anandapur.

Memo No. 5214 /Touzi/ Dated 09.12.22

Copy submitted to the Additional District Magistrate, Keonjhar/ Sub-Collector, Anandapur for favour of kind information.


Tahasildar, Anandapur

HLL

**FACTUAL REPORT ON THE ORIGINAL APPLICATION NO.553/2022 FILED BEFORE THE
HON'BLE GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.**

ORDER DATED 06.09.2022

1. That, two stone quarries in the name of Kantipal Stone Quarry were under the jurisdiction of Anandapur Tahasil which were situated nearer to Hadgarh Sanctuary area.
2. That, one quarry measuring area Ac.10.00 out of Ac.80.30 pertaining to Plot No.2524 under holding No.863 of village Kantipal has since been extinct vide Dist Office Order No.427 dated 28.03.1982.
3. That, the second stone quarry namely Kantipal Stone Quarry measuring area Ac.13.00 pertaining to Plot No,2004 having kissam Patharabani under holding No.863 of village Kantipal had been running as source upto 2014-15 and put to yearly auction.
4. That, the said source was suggested and processed for long term lease vide OMMC Rules(Amendment), 2014 and as per notification vide SR No.443/Dt.16.09.2014 as per the provision laid down in Sub-rule (5) of Rule-8 of the Rule.
5. That, the highest bidder quoting rate of Rs.171.90 per Cu.m. was selected and asked to deposit the earnest money of Rs.3,68,139.00 as per OMMC Rules (Amendment) , 2014, who deposited the same vide MR No.0296562 dated 02.01.2016.
6. That, as Mining Plan is mandatory for quarry lease, the Joint Director, Geology was requested to make field visit to ascertain the feasibility and reserve of minor minerals.
7. That, SEIAA was moved for issue of clearance which is mandatory for long term lease as per Rule- 27 B of OMMC Rules, 2014 vide Letter No.1290 dt03.03.2016
8. That, SEIAA vide his letter No.2457 dated 27.01.2017 rejected the E.C. proposal for Kantipal Stone Quarry on the ground that the location of the leasehold area is coming within the Eco Sensitive zone of Hadgarh wild life sanctuary.

9. That, the Additional District magistrate, vide his letter No.675 dated 20.12.2019 clarified that when the SEIAA did not entertain the proposed E.C. on the ground that the proposed quarrying area of Kantipal Stone Quarry is coming within 10 K.M. radius of Hadgarh Sanctuary area, question for submitting fresh proposal for E.C. does not arise.
10. That, in view of the above facts, the case was dropped accordingly on 05.01.2020 in Sairat Case No.08/2015-16.
11. That, the case was submitted through proper channel for extinction of the source and the controlling authority & Collector approved the close proposal of the sairat permanently and intimated vide his letter No.413 dated 21.06.2021.
12. Accordingly, the concerned sairat source i.e. Kantipal Stone Quarry area was extinct from the sairat list of Anandapur Tahasil and the D.F.O. Keonjhar Wildlife Division, Anandapur was moved to take the same to his custody vide this office Letter No.7760 dated 05.08.2021.


Tahasildar, Anandapur

DETAILS OF AUCTION AND LEASE OF KANTIPAL STONE QUARRY

Sl. No.	Year	Details of lease hold area				Name of the lessee	Amount Collected	Quantity extracted (in Cu.M.)	Remarks
		Mouza	Khata	Plot	Area				
1	2022-23	Kantipal	863	2004	Ac.5.00	Patharabani	Nil	Nil	Source was extinct
2	2021-22	Kantipal	863	2004	Ac.5.00	Patharabani	Nil	Nil	Source was extinct
3	2020-21	Kantipal	863	2004	Ac.5.00	Patharabani	Nil	Nil	Extinction proposal under process
4	2019-20	Kantipal	863	2004	Ac.5.00	Patharabani	Nil	Nil	Not auctioned due to non approval of E.C. by SEIAA.
5	2018-19	Kantipal	863	2004	Ac.5.00	Patharabani	Nil	Nil	Not auctioned due to non approval of E.C. by SEIAA.
6	2017-18	Kantipal	863	2004	Ac.5.00	Patharabani	Nil	Nil	Not auctioned due to non approval of E.C. by SEIAA.
7	2016-17	Kantipal	863	2004	Ac.5.00	Patharabani	Nil	Nil	Long term lease for five years was under process.
8	2015-16	Kantipal	863	2004	Ac.5.00	Patharabani	Nil	Nil	Process for long term lease for five years was initiated. M/S Maccons Infrastructure was selected as highest bidder and deposited Rs.3,68,139.00 towards earnest money.

[Signature]
20/11/2023

9	2014-15	Kantipal	863	2004	Ac.5.00	Patharabani	Basudev Acharya, C/O. Sodbhav Engineering, Padmapur	Royalty- 5,90,000.00 TCS 2% - 15,800.00 Scrutiny Fee - 5000.00 EC 25% - 1,97,500.00 Total - 7,90,000.00	5960.00
10	2013-14	Kantipal	863	2004	Ac.5.00	Patharabani	Basudev Acharya, C/O. Sodbhav Engineering, Padmapur	Royalty- 5,32,875.00 EC 25% - 1,77,625.00 Total - 7,90,000.00	5382.00
11	2012-13	Kantipal	863	2004	Ac.5.00	Patharabani	No bidder turned up		
12	2011-12	Kantipal	863	2004	Ac.5.00	Patharabani	No bidder turned up		
13	2010-11	Kantipal	863	2004	Ac.5.00	Patharabani	No bidder turned up		
14	2009-10	Kantipal	863	2004	Ac.5.00	Patharabani	Akshaya Behera, S/O Prananatha Behera	6,21,000.00	12177.00
15	2008-09	Kantipal	863	2004	Ac.5.00	Patharabani		89000.00	1745.00
16	2007-08	Kantipal	863	2004	Ac.5.00	Patharabani	Kamal Lochan Ojha, S/O Shyama Ojha	80000.00	1568.00
									C/R not available

(Signature)
Tahasildar, Anandapur

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th January, 2019

S.O. 505(E).—The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by sub-section (1), read with clause (v) and clause (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi-110 003, or send it to the e-mail address of the Ministry at esz-mef@nic.in

Draft Notification

WHEREAS, the Similipal-Hadagarh Wildlife Sanctuaries and buffer part of Similipal Tiger reserve located in Mayurbhanj and Keonjhar districts in the State of Odisha is spread over an area of 5246.6 square kilometres. The Similipal Wildlife Sanctuary has an area of 2305 square kilometres, Similipal Tiger Reserve is spread over 2750 square kilometres and Hadagarh Wildlife Sanctuary covered an area of 191.60 square kilometres;

AND WHEREAS, the flora and fauna represent rich biological significance of these protected areas. As regards Similipal Wildlife Sanctuary, one of the largest tracts of contiguous forest with immeasurable ecosystem value and the largest watershed of northern Odisha, the rich diversity of habitats and mosaic of landscape supports a fascinating floral and faunal composition with 1253 flowering plant species, 99 non-flowering plant species, including 94 species of orchids, 55 species of mammals, 362 species of birds, 62 species of reptiles, 21 species of amphibians and many species of insects and micro flora; Similipal Wildlife Sanctuary supports the largest population of elephants as well as tigers in Odisha including the home for the unique melanistic tiger; As regards biodiversity of Hadagarh Wildlife sanctuary, it is habitat for 30 species of mammals, 37 species of birds, 15 species of reptiles and amphibians with a wetland named Hadagarh Dam and the forest type is of Northern Tropical Dry Deciduous forest dominated by Sal and its associates and the forest type belongs to (a) Dry Peninsular Sal Forest (5B/C 1C) (b) Northern dry mixed deciduous Forests (5B/C2);

AND WHEREAS, the mammals are represented by Asiatic elephant (*Elephas maximus*), gaur (*Bos gaurus*), sloth bear (*Melursus ursinus*), wild pig (*Sus scrofa*), chital (*Axis axis*), sambar (*Rusa unicolor*), Hanuman langur (*Semnopithecus entellus*), Rhesus macaque (*Macaca mulatta*), Indian porcupine (*Hystrix indica*), Indian giant squirrel (*Ratufa indica*), Indian pangolin (*Manis crassicaudata*), etc. The carnivores are represented by tiger (*Panthera tigris*), leopard (*Panthera pardus*), jungle cat (*Felis chaus*), Indian wolf (*Canis lupus*), jackal (*Canis aureus*), bengal fox (*Vulpes bengalensis*), leopardcat (*Felis bengalensis*) etc.;

AND WHEREAS, Similipal Wildlife Sanctuary is having important connectivity with Kuldiha Wildlife Sanctuary in Balasore district and Hadagarh Wildlife Sanctuary in Keonjhar district for movement of elephants, tigers and other animals;

AND WHEREAS, minerals of strategic national importance like Iron, Platinum, Paladium etc. are available in close vicinity of the Similipal Tiger Reserve and Hadagarh Sanctuary; the people of the locality depend on the existing mines for their livelihood;

AND WHEREAS, the Eco-sensitive Zone of Kuldiha sanctuary is already separately notified;

AND WHEREAS, it is necessary to conserve and protect the area, the extent and boundaries of Similipal-Hadagarh Wildlife Sanctuaries and buffer part of Similipal Tiger reserve which are specified in paragraph 1 as Eco-sensitive Zone from ecological, environmental and biodiversity 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) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of Section 3 of the Environment (Protection) Act 1986 (29 of 1986) (hereafter in this notification referred to as the Environment Act) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area to an extent around the boundary of Similipal-Hadagarh Wildlife Sanctuaries and buffer part of Similipal Tiger reserve, in Mayurbhanj and Keonjhar districts in the State of Odisha as Eco-sensitive Zone (here after in this notification referred to as the Eco-sensitive Zone) details of which are as under, namely: -

1. **Extent and boundaries of Eco-sensitive Zone.** - (1) The Eco-sensitive Zone shall be of 1765.29 square kilometers with an extent varying from 0 (zero) kilometer along the important habitation adjoining the boundary on Eastern and South-eastern side of Hadagarh Sanctuary, 500 meters on South and South-western side, 2.0 kilometers around Northern Boundary of the Hadagarh Wildlife Sanctuary boundary and five kilometers from the boundary of the protected area of Similipal Wildlife Sanctuary and rest buffer including corridors of Similipal Tiger Reserve in the State of Odisha. The Eco-sensitive Zone area statement is:
- | | |
|--|-------------------|
| (a) Around Similipal WL including STR buffer beyond 5 kilometres | : 1686.20 sq. km. |
| (b) Around Hadagard Wildlife Sanctuary | : 79.09 sq. km. |
| Total | : 1765.29 sq. km. |
- (2) The maps of the protected areas demarcating Eco-sensitive Zone along with boundary details and latitudes and longitudes are appended as **Annexure-IIA, Annexure-IIB, and Annexure-IIC.**
- (3) List of geo-coordinates of the boundary of Similipal-Hadagarh Wildlife Sanctuary and Eco-sensitive Zone are given in table A and B of **Annexure-III.**
- (4) The list of villages falling in the proposed Eco-sensitive Zone along with their geo co-ordinates at prominent points is appended as **Annexure-IV.**
2. **Zonal Master Plan for Eco-sensitive Zone.**-(1) The State Government shall, for the purposes 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 for approval of the Competent authority of State.
- (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 the guidelines issued by the Central Government, if any.
- (3) The Zonal Master Plan shall be prepared in consultation with the following Departments of the State Government, for integrating the ecological and environmental considerations into the said plan:-
- (i) Environment and Forest,
 - (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) Public Works Department,
 - (xii) Mines Department,
 - (xiii) ST & SC Development Department, and
 - (xiv) Odisha State Pollution Control Board
- (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, villages 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 with supporting maps giving details of existing and proposed land use features.
- (7) The Zonal Master Plan shall regulate development in Eco-sensitive Zone and adhere to prohibited and regulated activities listed in the Table in paragraph 4 and also ensure and promote eco-friendly development for security of local communities' livelihood.
- (8) The Zonal Master Plan shall be co-terminus with the Regional Development Plan.
- (9) The Zonal Master Plan so approved shall be the reference document for the Monitoring Committee for carrying out its functions of monitoring in accordance with the provisions of this notification.
- 3. Measures to be taken by the State Government.**—The State Government shall take the following measures for giving effect to the provisions of this notification, namely:—
- (1) **Land use.** — (a) 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 commercial or residential or industrial activities:
- Provided that the conversion of agricultural and other lands, for the purpose other than that specified at part (a) above, 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 Government or State Government as applicable and vide provisions of this Notification, to meet the residential needs of the local residents and for activities such as:—
- (i) widening and strengthening of existing roads and construction of new roads;
 - (ii) construction and renovation of infrastructure and civic amenities;
 - (iii) small scale industries not causing pollution;
 - (iv) cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stay; and
 - (v) promoted activities given under paragraph 4:
- Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations 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 correction of error shall not include change of land use in any case except as provided under this sub-paragraph:
- (b) 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 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 or 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 the State 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) new construction of hotels and resorts shall not be allowed within one kilometre from the boundary of the Wildlife Sanctuary or upto the extent of the Eco-sensitive Zone whichever is nearer:

- Provided that beyond the distance of one 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 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 shall be permitted within Eco-sensitive Zone 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 identified in the Eco-sensitive Zone and heritage conservation plan for their conservation shall be prepared as part of the Zonal Master Plan.
- (6) **Noise pollution.**- Prevention and control of noise pollution in the Eco-sensitive Zone shall be complied with the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 under the Environment Act.
- (7) **Air pollution.**- Prevention and control of air pollution in the Eco-sensitive Zone shall be carried out in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.
- (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 Environment Act and the rules made thereunder or standards stipulated by State Government whichever is more stringent.
- (9) **Solid wastes.**- Disposal and Management of solid wastes shall be as under:-
- (a) the solid waste disposal and management in the Eco-sensitive Zone shall be carried out in accordance with 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; the inorganic material may be disposed in an environmental acceptable manner at site identified outside the Eco-sensitive Zone.
- (b) Safe and Environmentally Sound Management (ESM) of Solid wastes in conformity with the existing rules and regulations using identified technologies may be allowed within Eco-sensitive Zone.
- (10) **Bio-Medical Waste.**- 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.
- (b) Safe and Environmentally Sound Management of Bio-Medical Wastes in conformity with the existing rules and regulations using identified technologies may be allowed 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) **E-waste.**- The 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, as amended from time to time.

- (14) **Vehicular traffic.**— The vehicular movement of traffic 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 in accordance with applicable laws and efforts shall be made for use of cleaner fuels.
- (16) **Industrial units.**— (i) On or after the publication of this notification in the Official Gazette, no new polluting industries shall be permitted to be set up within the Eco-sensitive Zone.
(ii) Only non-polluting industries shall be allowed within Eco-sensitive Zone as per the classification of Industries in the guidelines issued by the Central Pollution Control Board in February, 2016, unless so specified in this notification, and in addition, the non-polluting cottage industries shall be promoted.
- (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) Construction on existing steep hill slopes or slopes with a high degree of erosion shall not be permitted.
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 Act 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:-

TABLE

S. No.	Activity	Description
(1)	(2)	(3)
A. 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 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 the 4 th August 2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No.202 of 1995 and dated the 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.).	New industries and expansion of existing polluting industries in the Eco-sensitive Zone shall not be permitted: Provided that non-polluting industries shall be allowed within Eco-sensitive Zone as per classification of Industries in the guidelines issued by the Central Pollution Control Board in February, 2016, unless otherwise specified in this notification and in addition the non-polluting cottage industries shall be promoted.
3.	Establishment of major hydro-electric project.	Prohibited (except as otherwise provided) as per the applicable laws.
4.	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per the applicable laws.
5.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per the applicable laws.
6.	Setting up of new saw mills.	New or expansion of existing saw mills shall not be permitted within the Eco-sensitive Zone.
7.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per the applicable laws.

8.	Use of plastic bags.	Prohibited (except as otherwise provided) as per applicable laws.
9.	Commercial use of firewood.	Prohibited (except as otherwise provided) as per applicable laws.
B. Regulated Activities		
10.	Commercial establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted within one kilometer of the boundary of the protected area or upto the extent of Eco-sensitive Zone, whichever is nearer, except for small temporary structures for eco-tourism activities: Provided that, beyond one kilometer 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.
11.	Construction activities.	(a) New commercial construction of any kind shall not be permitted within one kilometer from the boundary of the protected area or upto extent of the Eco-sensitive Zone, whichever is nearer: Provided that, local people shall be permitted to undertake construction in their land for their use including the activities mentioned in sub-paragraph (1) of paragraph 3 as per building bye-laws to meet the residential needs of the local residents. 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 applicable rules and regulations, if any. (b) Beyond one kilometer it shall be regulated as per the Zonal Master Plan.
12.	Small scale non polluting industries.	Non polluting industries 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.
13.	Felling of trees.	(a) There shall be no felling of trees in the forest or Government or revenue or private lands without prior permission of the Competent Authority in the State Government. (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.
14.	Collection of Forest produce or Non-Timber Forest produce.	Regulated as per the applicable laws.
15.	Erection of electrical and communication towers and laying of cables and other infrastructures.	Regulated under applicable laws (underground cabling may be promoted).
16.	Infrastructure including civic amenities.	Taking measures of mitigation as per the applicable laws, rules and regulations available guidelines.
17.	Widening and strengthening of existing roads and construction of new roads.	Taking measures of mitigation as per the applicable laws, rules and regulation and available guidelines.
18.	Undertaking other activities related to tourism like over flying the Eco-sensitive Zone area by hot air balloon, helicopter, drones, Microlites, etc.	Regulated as per the applicable laws.
19.	Protection of hill slopes and river banks.	Regulated as per the applicable laws.
20.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
21.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.	Permitted as per the applicable laws for use of locals.

22.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate and companies.	Regulated (except otherwise provided) as per the applicable laws except for meeting local needs.
23.	Discharge of treated waste water or effluents in natural water bodies or land area.	The discharge of treated waste water or effluents shall be avoided to enter into the water bodies and efforts shall be made for recycle and reuse of treated waste water. Otherwise the discharge of treated waste water or effluent shall be regulated as per the applicable laws.
24.	Commercial extraction of surface and ground water.	Regulated as per the applicable laws.
25.	Solid waste management.	Regulated as per the applicable laws.
26.	Introduction of exotic species.	Regulated as per the applicable laws.
27.	Eco-tourism.	Regulated as per the applicable laws.
28.	Commercial sign boards and hoardings.	Regulated as per the applicable laws.
29.	Open Well, Bore Well etc. for agriculture or other usage	Regulated and the activity should be strictly monitored by the appropriate authority.
30.	Migratory grazers.	Regulated under applicable laws and as per Zonal Master Plan.
31.	Public rights.	Regulated under applicable laws.
32.	Collection of small fodder.	Regulated under applicable laws.
C. Promoted Activities		
33.	Rain water harvesting.	Shall be actively promoted.
34.	Organic farming.	Shall be actively promoted.
35.	Adoption of green technology for all activities.	Shall be actively promoted.
36.	Cottage industries including village artisans, etc.	Shall be actively promoted.
37.	Use of renewable energy and fuels.	Bio-gas, solar light etc. shall be actively promoted.
38.	Agro-Forestry.	Shall be actively promoted.
39.	Plantation of Horticulture and Herbs.	Shall be actively promoted.
40.	Use of eco-friendly transport.	Shall be actively promoted.
41.	Skill Development.	Shall be actively promoted.
42.	Restoration of degraded land/ forests/ habitat.	Shall be actively promoted.
43.	Environmental awareness.	Shall be actively promoted.

5. Monitoring Committee for Monitoring the Eco-sensitive Zone Notification.- For effective monitoring of the provisions of this notification under sub-section (3) of section 3 of the Environment (Protection) Act, 1986, the Central Government hereby constitutes a Monitoring Committee, comprising of the following, namely:-

S. N.	Constituent of the Monitoring Committee	Designation
1.	Collector, Mayurbhanj	Chairman, ex officio
2.	Collector, Keonjhar/Representative of collector Keonjhar	Member;
3.	DFO cum Wildlife Warden- Baripada, Karanjia & Rairangpur & Keonjhar (WL) Division, Anandapur	Member;
4.	Superintendent of Police, Mayurbhanj	Member;
5.	Superintendent of Police, Keonjhar/Representative of Superintendent of Police, Keonjhar	Member;
6.	A representative of Non-governmental Organisation worked in the field of environment (To be to be nominated by PCCF (Wildlife), Odisha for three years).	Member;

7.	Representative of Member Secretary, Odisha State Pollution Control Board	Member;
8.	One representative from local Gram Panchayat body of Mayurbanj District	Member;
9.	One representative from local Gram Panchayat body of Keonjhar District, Anandapur Sub-Division	Member;
10.	One expert in the area of ecology and environment (To be nominated by the Government of Odisha for a period of three Years)	
11.	Deputy Director, Similipal Tiger Reserve	Member-Secretary.

6. Terms of reference. - (1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.

- (2) The tenure of the Monitoring committee shall be for three years or till the re-constitution of the new Committee by the State Government and subsequently the Monitoring Committee shall be constituted by the State Government.
- (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 scrutinised 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 Deputy Commissioner(s) shall be competent to file complaints under section 19 of the Environment Act, 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 the 31st March of every year by the 30th June of that year to the Chief Wildlife Warden in the State as per proforma appended at Annexure V.
- (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.

7. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.

8. 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 High Court or the National Green Tribunal.

[F. No. 25-21-2018-ESZ]

Dr. SATISH C. GARKOTI, Scientist 'G'