

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

Original Application No. 304 of 2019

IN THE MATTER OF:

M. Haridasan & Ors.

...Applicants

VERSUS

State of Kerala & Ors.

...Respondents

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Submitted by:

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PLACE: NEW DELHI

DATED: 20.10.2024

NOTE OF THE AMICUS

AREA PROPOSED TO BE PROTECTED IN THE STATE OF KERALA

SL. NO.	REPORT/ NOTIFICATION DETAILS	DATE	AREA PROPOSED TO BE PROTECTED	
1	Madhav Gadgil Committee/ WGEEP Report	2011	28,008 sq. km. <i>(as estimated by Kerala)</i>	
2	Kasturirangan/ High level Working Group (HLWG) Report	2013	13,108 sq. km.	
3	Directions under Section 5, EP Act by MoEF	13.11.2013	13,108 sq. km. <i>(MoEF accepted the HLWG's recommendations 'in principle')</i>	
4	Oommen Committee Report	2014	9993.7 sq. km. <i>(9107 sq. km. forest area and the rest is 886.7 sq. km. of non-forest area)</i>	
W.G. OM dt. 20.12.2013 modified. Area u/s 5 EPA reduced by 9993.7 sq. km. as per Oommen Committee Report				
5	MoEF's Draft Notification declaring Western Ghats Ecologically Sensitive Area (WGESA) – I	10.03.2014	9993.7 sq. km.	
6	MoEF's Draft Notification declaring WGESA – II	04.09.2015	9993.7 sq. km.	

7	MoEFCC's Draft Notification declaring WGESA – III	27.02.2017	9993.7 sq. km.	
8	Final Map submitted by Kerala to MoEFCC	16.06.2018	8656.46 sq. km.	
9	MoEFCC's Draft Notification declaring WGESA – IV	03.10.2018	9993.7 sq. km.	
10	MoEFCC's Office Memorandum constituting a committee to re-examine suggestions by States	18.04.2022		
11	MoEFCC's Draft Notification declaring WGESA – V	06.07.2022	9993.7 sq. km.	
12	MoEFCC's Office Memorandum extending the term of the committee set-up to re-examine suggestions by States to 31.03.2024	30.06.2023		
11	MoEFCC's Draft Notification declaring WGESA – VI	31.07.2024	9993.7 sq. km.	

SUMMARY OF ACTIVITIES PROHIBITED IN THE WESTERN GHATS

– ACCORDING TO THE WGEEP, HLWG AND SECTION 5 DIRECTIONS ISSUED BY THE MOEFCC

ACTIVITY	WGEEP REPORT RECOMMENDATIONS Area of ESZ1 + ESZ2 = 96,778 km ² (includes PAs) <i>This is a deduced figure; WGEEP does not provide an exact area for ESZs</i>	HLWG REPORT RECOMMENDATIONS Area of ESA = 59,940 km ²	MOEFCC DIRECTIONS (13.11.2013) Area of ESA = 56,825 km ² (as amended in 03.12.2018)
Mining	No new licenses for mining, and illegal mining to be stopped immediately. Where mining exists in ESZ1, to be phased out in five years by 2016. In ESZ2, the moratorium can be reviewed on case by case basis Detailed plans for environmental and social rehabilitation of mines to be closed. Existing mining in ESZ2 should adopt good practice mining and be under strict regulation and social audit	Complete ban on mining in ESA. All current mining areas should be phased out within the next 5 years, or at the time of expiry of mining lease, whichever is earlier.	New mining projects or expansion projects prohibited in the ESA.
Sand mining and quarrying	In ESZ1, no new licenses to be given for quarry and sand mining, and where such projects exist should be controlled effectively for environmental and social impacts immediately. In ESZ2, Upgradation	Complete ban on quarrying and sand mining in the ESA. All current mining areas should be phased out within the next 5 years, or at the time of expiry	New quarrying and sand mining projects or expansion projects prohibited in the ESA.

	possible/permitted subject to strict regulation and social audit.	of mining lease, whichever is earlier.	
Industries	No new polluting (red and orange category) industries; for existing industries switch to zero pollution by 2016 and be subject to strict regulation and social audit	All 'Red' category industries should be strictly banned. As the list of industries categorized as 'orange' includes many activities like food and fruit processing, there will not be a complete prohibition on this category. But all efforts should be made to promote industries with low environmental impacts.	Red category of industries prohibited. CPCB categorization is the minimum. Any industry categorized as red category by the concerned SPCB will also be prohibited.
Buildings	A building code should be evolved by the WGEA which include inter-alia eco-friendly building material and construction methods, minimising the use of steel, cement and sand, providing water harvesting methods, non-conventional energy and waste treatment	Building and construction projects of 20,000 m ² and above should not be allowed. Townships and area development projects should be prohibited.	Building and construction projects of 20,000 sq. m. area and above prohibited. Township and area development projects with an area of 50 ha and above and/ or with built up area of 1,50,000 sq. m. and above prohibited

Highways and Railways	No new railway lines and major roads, except where it is highly essential (as perhaps, in case of Goa), and subject to EIA, strict regulation and social audit. Avoidance of new highways, expressways in ESZ1.	No specific prohibition, but report states that infrastructure development activities, necessary for the region, will be carefully scrutinized and assessed for cumulative impact and development needs, before clearance. Also infrastructure projects to be treated as Category A project for clearance under EIA Notification.	No prohibition.
Thermal Power plants	No new thermal power plants. Strict environmental regulation of existing thermal power plants in ESZ1. Existing thermal plants to actively promote alternate use of fly ash - such as in road making in addition to the existing practices of manufacture of fly ash brick In ESZ2, zero pollution to be required of existing Thermal Power Plants. In thermal projects that have crossed their viable life span to be decommissioned in phased manner.	No new thermal power plants in ESA	New or expansion of thermal power plants prohibited in the ESA

<p>Hydro Power plants</p>	<p>No forest clearance or stream diversion for new projects in ESZ1. Run of the river schemes not allowed in first order or second order streams in ESZ1. In ESZ2, run off the river hydropower projects permitted but after cumulative impact study of the river basin is done. In ESZ1, New small hydropower projects (10 MW and below) are permissible. In ESZ2, New hydro projects between 10- 25 MW (up to 10 m ht) are permissible; no new dams above 15 m. Projects should be taken up only on the basis of a Cumulative Impact Assessment Promote small scale, micro and pico hydropower systems, that are people owned & managed and are off grid No diversion of streams/ rivers allowed for any power projects and if already existing, to be stopped immediately Dams that have crossed their viable life span (for dams the threshold is 30-50 years) to be decommissioned in phased manner</p>	<p>Hydropower projects may be allowed but subject to following conditions:</p> <ul style="list-style-type: none"> (a) Uninterrupted ecological flow at atleast 30 per cent level of the rivers flow in lean season till a comprehensive study establishes individual baselines. (b) After a cumulative study which assesses the impact of each project on the flow pattern of the rivers and forest and biodiversity loss. (c) Ensuring that the minimum distance between projects is maintained at 3 km and that not more than 50 per cent of the river basin is affected at any time. 	<p>No prohibition</p>
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Comparative table regarding area of Western Ghats in the two Reports

	WGEEP Report		HLWG Report	
Total area of Western Ghats	1,29,037 km ²		1,64,280 km ²	
Area of Western Ghats to be protected	Protected Areas	16,902 km ²	Protected Areas	16,902 km ²
	Area outside Protected Areas (ESZ1+ ESZ2)	79,876 km ²	Area outside Protected Areas	43,038 km ²
	Total	96,778 km²	Total	59,940 km²

F. No. 1-4/2012 – RE (Pt.)
Government of India
Ministry of Environment and Forests

Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi – 110003

Dated: 13.11.2013

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986

WHEREAS, Western Ghats is an important geological landform on the fringe of the west coast of India. It is the origin of Godavari, Krishna, Cauvery and a number of other rivers. It extends over a distance of approximately 1500 km and traverses through Six States viz. Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu;

2. And whereas, Western Ghats is a global biodiversity hotspot and a treasure trove of biological diversity. Western Ghats harbour many endemic species of flowering plants, endemic fishes, amphibians, reptiles, birds, mammals and invertebrates. It is also important center of evolution of economically important domesticated plant species such as pepper, cardamom, cinnamom, mango and jackfruit. Western Ghats has many unique habitats which are home to a variety of endemic species of flora and fauna such as Myristica swamps, the flat-topped lateritic plateaus, the Sholas and wetland and riverine ecosystems. UNESCO has included certain identified parts of Western Ghats in the UNESCO World Natural Heritage List because Western Ghats is a Centre of origin of many species as also home for rich endemic biodiversity and hence a cradle for biological evolution;

3. And whereas, the Ministry of Environment and Forests (MoEF) had constituted a High Level Working Group (HLWG) under the Chairmanship of Dr. K. Kasturirangan, Member (Science), Planning Commission vide office order dated 17.8.2012 to study the preservation of the ecology, environmental integrity and holistic development of the Western Ghats in view of their rich and unique biodiversity;

4. And whereas, the HLWG submitted its report to the MoEF on 15th April 2013 and it was thereafter put in public domain by hosting on the website of the Ministry, and also disseminated to all stakeholders including the six State Governments of Western Ghat region for their feedback and comments. All stakeholders were also invited to offer their views on the HLWG report. Thereafter, on completion of a transparent process, the Ministry has accepted the HLWG report “in principle” with certain stipulations;

5. And whereas, HLWG noted that approximately 60 per cent of the Western Ghats region is under cultural landscape i.e. it has human dominated land use of settlements, agriculture and plantations (other than forest plantations) and around 40 per cent of the land area is under natural landscape. Of the natural landscape, the biologically rich areas, with some measure of contiguity are roughly 37 per cent of the Western Ghats which is 59,940 km². HLWG identified this 37% of natural landscape having high biological richness, low forest fragmentation, low population density and containing Protected Areas (PAs), World Heritage Sites (WHSs) and Tiger and Elephant corridors as an Ecologically Sensitive Area (ESA);

6. And whereas the list of State-wise, District-wise and Taluk-wise villages in ESA identified by the HLWG is at Annexure – A;

7. And whereas, because of unprecedented threats to natural landscape of Western Ghats region by development projects and urban growth, the Working Group has recommended a non-tolerance policy with respect to highly interventionist and environmentally damaging activities like mining or polluting industries. HLWG has highlighted the need for urgent action for protection of biologically rich, diverse and natural landscape of Western Ghats;

8. And whereas, keeping in view the above, immediate action is required to be taken by the Central Government in public interest in light of Rule 4(5) and Rule 5(4) of the Environment (Protection) Rules, 1986 as amended from time to time to preserve the environmental integrity of the Western Ghats;

9. Now therefore, in exercise of powers conferred under Section 5 of Environment (Protection) Act, 1986, the following directions are hereby issued:

The following category of new and/or expansion projects/activities shall be prohibited in ESA from date of issue of these directions except those cases which have been received by EACs/MoEF or SEACs/SEIAAs before the date of putting HLWG report on the website of the Ministry, i.e., 17.4.2013 and which are pending with EACs/MoEF or SEACs/SEIAAs. Such projects will be dealt under the guidelines and rules applicable at the time of application before the respective EACs/MoEF or SEACs/SEIAAs. Apart from such cases, no pending case or any fresh case shall be considered by the EACs/MoEF or SEACs/SEIAAs from the date of issue of these directions.

- (a) Mining, quarrying and sand mining
- (b) Thermal Power Plants
- (c) Building and construction projects of 20,000 sq. m. area and above
- (d) Township and area development projects with an area of 50 ha and above and /or with built up area of 1,50,000 sq.m. and above
- (e) Red category of industries*

(* The CPCB list of red category industries would be the minimum list. Industries not included in the CPCB list but mentioned in the Red Category list of the SPCB of the concerned Western Ghat State shall also be categorized as Red category for that State.)

10. These directions will come into force with immediate effect and remain in force till further orders. In case of any violation, appropriate legal action under the Environment (Protection) Act, 1986 shall be taken.

11. This issues with the approval of the Competent Authority.



Dr. Amit Love
Deputy Director

To

1. State Environment Impact Assessment Authority, Gujarat,
2. State Environment Impact Assessment Authority, Maharashtra,
3. State Environment Impact Assessment Authority, Goa,
4. State Environment Impact Assessment Authority, Karnataka,
5. State Environment Impact Assessment Authority, Kerala
6. State Environment Impact Assessment Authority, Tamil Nadu
7. State Expert Appraisal Committee, Gujarat,
8. State Expert Appraisal Committee, Maharashtra
9. State Expert Appraisal Committee, Goa
10. State Expert Appraisal Committee, Karnataka
11. State Expert Appraisal Committee, Kerala
12. State Expert Appraisal Committee, Tamil Nadu
13. All Sectoral Expert Appraisal Committees, Ministry of Environment and Forest
14. Member Secretary, Central Pollution Control Board
15. Member Secretary, State Pollution Control Board of Gujarat/Maharashtra/Goa/
Karnataka/Kerala/Tamil Nadu

Copy to:-

1. PS to MoS (I/C) E&F
2. PPS to Secretary (E&F)
3. PPS to AS (HP)
4. PS to JS (AT)/Adv (GVS)
5. Concerned Regional Offices of the Ministry dealing with the States of Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu

Karnataka	SHIMOGA	THIRTHAHALLI	BALEHALLI
Karnataka	UDUPI	KARKAL	BELENJE
Karnataka	UDUPI	KARKAL	NADPALU
Karnataka	UDUPI	KARKAL	KUCHCHUR
Karnataka	UDUPI	KARKAL	CHARA
Karnataka	UDUPI	KARKAL	HEBRI
Karnataka	UDUPI	KARKAL	KABBINALE
Karnataka	UDUPI	KARKAL	ANDARU
Karnataka	UDUPI	KARKAL	Shirlal
Karnataka	UDUPI	KARKAL	Kervashe
Karnataka	UDUPI	KARKAL	DURGA
Karnataka	UDUPI	KARKAL	Mala
Karnataka	UDUPI	KARKAL	Eedu
Karnataka	UDUPI	KARKAL	NOORALBETTU
Karnataka	UDUPI	KUNDAPURA	HOSOOR
Karnataka	UDUPI	KUNDAPURA	Byndoor
Karnataka	UDUPI	KUNDAPURA	KOLLUR
Karnataka	UDUPI	KUNDAPURA	Yeljith
Karnataka	UDUPI	KUNDAPURA	YELJITH
Karnataka	UDUPI	KUNDAPURA	Thagarasi
Karnataka	UDUPI	KUNDAPURA	MUDOOR
Karnataka	UDUPI	KUNDAPURA	GOLIHOLE
Karnataka	UDUPI	KUNDAPURA	JADKAL
Karnataka	UDUPI	KUNDAPURA	IDURKUNHADI
Karnataka	UDUPI	KUNDAPURA	KERADI
Karnataka	UDUPI	KUNDAPURA	HALLIHOLE
Karnataka	UDUPI	KUNDAPURA	ALLOOR
Karnataka	UDUPI	KUNDAPURA	CHITTOOR
Karnataka	UDUPI	KUNDAPURA	Edmoge
Karnataka	UDUPI	KUNDAPURA	BELLAL
Karnataka	UDUPI	KUNDAPURA	VANDSE
Karnataka	UDUPI	KUNDAPURA	HOSANGADI
Karnataka	UDUPI	KUNDAPURA	MACHATTU
Karnataka	UDUPI	KUNDAPURA	AMASEBAILU
Karnataka	UDUPI	KUNDAPURA	Amasebailu
Karnataka	UDUPI	KUNDAPURA	SHEDIMANE
Karnataka	UDUPI	KUNDAPURA	MADAMMAKKI
Karnataka	UDUPI	KUNDAPURA	Belve
Kerala	Idukki	Devikulam	Marayoor
Kerala	Idukki	Devikulam	Keezhanthoor
Kerala	Idukki	Devikulam	Kannan Devan Hills
Kerala	Idukki	Devikulam	Kuttampuzha
Kerala	Idukki	Devikulam	Kottakamboor
Kerala	Idukki	Devikulam	Kanthalloor
Kerala	Idukki	Devikulam	Vattavada
Kerala	Idukki	Devikulam	Mankulam
Kerala	Idukki	Devikulam	Mannamkandam
Kerala	Idukki	Devikulam	Pallivasal
Kerala	Idukki	Devikulam	Anaviratty
Kerala	Idukki	Devikulam	Kunjithanny
Kerala	Idukki	Devikulam	Vellathuval
Kerala	Idukki	Peerumade	Upputhara
Kerala	Idukki	Peerumade	Kumily
Kerala	Idukki	Peerumade	Manjumala
Kerala	Idukki	Peerumade	Periyar
Kerala	Idukki	Peerumade	Kokkayar
Kerala	Idukki	Peerumade	Peerumade
Kerala	Idukki	Peerumade	Mlappara
Kerala	Idukki	Peerumade	Peruvanthanam
Kerala	Idukki	Thodupuzha	Kanjikuzhi
Kerala	Idukki	Thodupuzha	Udumbannoor
Kerala	Idukki	Thodupuzha	Idukki (Part)
Kerala	Idukki	Thodupuzha	Arakkulam
Kerala	Idukki	Udumbanchola	Chinnakanal

Kerala	Idukki	Udumbanchola	Baisonvally
Kerala	Idukki	Udumbanchola	Rajakumari
Kerala	Idukki	Udumbanchola	Poopara
Kerala	Idukki	Udumbanchola	Rajakkad
Kerala	Idukki	Udumbanchola	Konnathady
Kerala	Idukki	Udumbanchola	Santhanpara
Kerala	Idukki	Udumbanchola	Kanhippara
Kerala	Idukki	Udumbanchola	Vathikudy
Kerala	Idukki	Udumbanchola	Chathurangapara
Kerala	Idukki	Udumbanchola	Udumbanchola
Kerala	Idukki	Udumbanchola	Upputhode
Kerala	Idukki	Udumbanchola	Parathodu
Kerala	Idukki	Udumbanchola	Kalkoonthal
Kerala	Idukki	Udumbanchola	Thankamony (Part)
Kerala	Idukki	Udumbanchola	Ayyappancoil
Kerala	Idukki	Udumbanchola	Pampadumpara
Kerala	Idukki	Udumbanchola	Kattappana
Kerala	Idukki	Udumbanchola	Karunapuram
Kerala	Idukki	Udumbanchola	Vandanmedu
Kerala	Idukki	Udumbanchola	Anakkara
Kerala	Idukki	Udumbanchola	Anavilasam
Kerala	Idukki	Udumbanchola	Chakkupallam
Kerala	Kannur	Thalassery	Aralam
Kerala	Kannur	Thalassery	Kottiyoor
Kerala	Kannur	Thalassery	Cheruvanchery
Kerala	Kollam	Pathanapuram	Punnala
Kerala	Kollam	Pathanapuram	Piravanthur
Kerala	Kollam	Pathanapuram	Edamon
Kerala	Kollam	Pathanapuram	Thenmala
Kerala	Kollam	Pathanapuram	Arienkavu
Kerala	Kollam	Pathanapuram	Thinkalkarikkakom
Kerala	Kollam	Pathanapuram	Kulathupuzha
Kerala	Kollam	Pathanapuram	Channappetta
Kerala	Kottayam	Kanjirappally	Koottickal
Kerala	Kottayam	Meenachil	Melukavu
Kerala	Kottayam	Meenachil	Teekoy
Kerala	Kottayam	Meenachil	Poonjar Thekkekara
Kerala	Kozhikode	Kozhikode	Kedavur
Kerala	Kozhikode	Kozhikode	Puthuppadi
Kerala	Kozhikode	Kozhikode	Nellipoyil
Kerala	Kozhikode	Kozhikode	Kodencheri
Kerala	Kozhikode	Kozhikode	Thiruvambadi
Kerala	Kozhikode	Quilandy	Chempandoda
Kerala	Kozhikode	Quilandy	Rikkattapatta
Kerala	Kozhikode	Vadakara	Thinoor
Kerala	Kozhikode	Vadakara	Kavilumpara
Kerala	Malappuram	Nilambur	Chungathara
Kerala	Malappuram	Nilambur	Kurumbilangode
Kerala	Malappuram	Nilambur	Vazhikkadavu
Kerala	Malappuram	Nilambur	Akampadam
Kerala	Malappuram	Nilambur	Karulai
Kerala	Malappuram	Nilambur	Amarambalam
Kerala	Malappuram	Nilambur	Chekkode
Kerala	Malappuram	Nilambur	Kalikavu
Kerala	Malappuram	Nilambur	Kerala Estate
Kerala	Malappuram	Nilambur	Karuvarakundu
Kerala	Palakkad	Alathur	Kizhakkencheri-I
Kerala	Palakkad	Chittur	Muthalamada-I
Kerala	Palakkad	Chittur	Muthalamada-II
Kerala	Palakkad	Chittur	Nelliyampathy
Kerala	Palakkad	Mannarkad	Pudur
Kerala	Palakkad	Mannarkad	Padavayal
Kerala	Palakkad	Mannarkad	Agali
Kerala	Palakkad	Mannarkad	Kottathara

Kerala	Palakkad	Mannarkad	Kallamala
Kerala	Palakkad	Mannarkad	Sholayur
Kerala	Palakkad	Mannarkad	Palakkayam
Kerala	Palakkad	Palakkad	Puthuppariyaram-I
Kerala	Palakkad	Palakkad	Malampuzha-I
Kerala	Palakkad	Palakkad	Pudussery East
Kerala	Pathanamthitta	Kozhenchery	Thannithode
Kerala	Pathanamthitta	Kozhenchery	Aruvappulam
Kerala	Pathanamthitta	Ranni	Chittar-Seethathodu
Kerala	Pathanamthitta	Ranni	Kollamula
Kerala	Pathanamthitta	Ranni	Perunad
Kerala	Pathanamthitta	Ranni	Vadasserikkara
Kerala	Thiruvananthap*	Nedumangad	Peringamala
Kerala	Thiruvananthap*	Nedumangad	Thennoor
Kerala	Thiruvananthap*	Nedumangad	Vithura
Kerala	Thiruvananthap*	Nedumangad	Mannoorkara
Kerala	Thiruvananthap*	Neyyattinkara	Vazhichal
Kerala	Thiruvananthap*	Neyyattinkara	Kallikkad
Kerala	Thiruvananthap*	Neyyattinkara	Amboory
Kerala	Thrissur	Mukundapuram	Pariyaram
Kerala	Wayanad	Mananthavady	Thirunelly
Kerala	Wayanad	Mananthavady	Thrissilery
Kerala	Wayanad	Mananthavady	Periya
Kerala	Wayanad	Mananthavady	Thondernad
Kerala	Wayanad	Sulthanbathery	Kidanganad
Kerala	Wayanad	Sulthanbathery	Noolpuzha
Kerala	Wayanad	Vythiri	Thariyode
Kerala	Wayanad	Vythiri	Achooranam
Kerala	Wayanad	Vythiri	Pozhuthana
Kerala	Wayanad	Vythiri	Kottappadi (Part)
Kerala	Wayanad	Vythiri	Chundale
Kerala	Wayanad	Vythiri	Kunnathidavaka
Kerala	Wayanad	Vythiri	Vellarimala
Maharashtra	AHMADNAGAR	AKOLA	Bitaka
Maharashtra	AHMADNAGAR	AKOLA	Shenit
Maharashtra	AHMADNAGAR	AKOLA	Waranghushi
Maharashtra	AHMADNAGAR	AKOLA	Jahagirdarwadi
Maharashtra	AHMADNAGAR	AKOLA	Ambevangan
Maharashtra	AHMADNAGAR	AKOLA	Panjare
Maharashtra	AHMADNAGAR	AKOLA	Ghatghar
Maharashtra	AHMADNAGAR	AKOLA	Udadawane
Maharashtra	AHMADNAGAR	AKOLA	Murshet
Maharashtra	AHMADNAGAR	AKOLA	Brmhanwada
Maharashtra	AHMADNAGAR	AKOLA	Shinganwadi
Maharashtra	AHMADNAGAR	AKOLA	Samrad
Maharashtra	AHMADNAGAR	AKOLA	Ratanwadi
Maharashtra	AHMADNAGAR	AKOLA	Shirpunje Bk.
Maharashtra	AHMADNAGAR	AKOLA	Koltembhe
Maharashtra	AHMADNAGAR	AKOLA	Dhamanvan
Maharashtra	AHMADNAGAR	AKOLA	Kumshet
Maharashtra	AHMADNAGAR	AKOLA	Shirpunje Kh.
Maharashtra	AHMADNAGAR	AKOLA	Shelad
Maharashtra	AHMADNAGAR	AKOLA	Shiswad
Maharashtra	AHMADNAGAR	AKOLA	Ambit
Maharashtra	AHMADNAGAR	AKOLA	Shilvandi
Maharashtra	AHMADNAGAR	AKOLA	Lavhali Otur
Maharashtra	AHMADNAGAR	AKOLA	Paithan
Maharashtra	AHMADNAGAR	AKOLA	Pachanai
Maharashtra	AHMADNAGAR	AKOLA	Kotul
Maharashtra	AHMADNAGAR	AKOLA	Lavhali Kotul
Maharashtra	AHMADNAGAR	AKOLA	Ambhol
Maharashtra	AHMADNAGAR	AKOLA	Shinde
Maharashtra	AHMADNAGAR	AKOLA	Somalwadi
Maharashtra	AHMADNAGAR	AKOLA	Tale

**F. No. 1/9/2018-ESZ
Government of India
Ministry of Environment, Forest and Climate Change
(ESZ-Division)**

Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi- 110 003

Dated: 3rd December, 2018

Subject:- Amendment to the Direction issued under Section 5 of the Environment (Protection) Act, 1986 w.r.t Western Ghats on 13.11.2013.

In continuation to the Direction under Section 5 of the Environment (Protection) Act, 1986 w.r.t. Western Ghats on 13.11.2013, the paragraph 5 of the directions replaced as follows:

“And whereas, HLWG noted that approximately 60 per cent of the Western Ghats region is under cultural landscape i.e. it has human dominated land use of settlements, agriculture and plantations (other than forest plantations) and around 40 per cent of the land area is under natural landscape. Of the natural landscape, the biologically rich areas, with some measure of contiguity are roughly 37 per cent of the Western Ghats which is 59,940 km². HLWG identified this 37% of natural landscape having high biological richness, low forest fragmentation, low population density and containing Protected Areas (PAs), World Heritage Sites (WHSs) and Tiger and Elephant corridors as an Ecologically Sensitive Area (ESA);

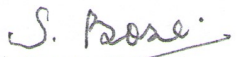
Whereas, the State Government of Kerala had undertaken the exercise to fine tune ESA in the State by physical verification and as per this exercise, ESA recommended by the State Government of Kerala is spread over an area of 9993.7 square kilometre, which includes 9107 square kilometre of forest area and 886.7 square kilometre of non-forest area.

Accordingly, in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 the Ministry of Environment, Forest and Climate Change issued the draft Notification dated 10.03.2014 with subsequent notifications on 04.09.2015, 27.02.2017 and 03.10.2018, thereby demarcating an area of 56,825 square kilometre spread across six States namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamilnadu, as the Western Ghats Ecologically Sensitive Area”.

2. Now for the purpose of Directions of date 13.11.2013 issued under Section 5 of the Environment (Protection) Act, 1986 it is clarified that the Ecologically Sensitive

Areas of Western Ghats would be 56825 sq. km. as mentioned in the draft Notification.

4. List of Villages would also be as per the draft Notification dated 03.10.2018.
5. The other paras of the Directions dated 13.11. 2013 remains the same.
6. This issues with the approval of the Competent Authority.


(Dr. Subrata Bose)
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To,

1. State Environment Impact Assessment Authority, Gujarat,
2. State Environment Impact Assessment Authority, Maharashtra.
3. State Environment Impact Assessment Authority, Goa,
4. State Environment Impact Assessment Authority, Karnataka.
5. State Environment Impact Assessment Authority, Kerala
6. State Environment Impact Assessment Authority, Tamil Nadu
7. State Expert Appraisal Committee, Gujarat,
8. State Expert Appraisal Committee, Maharashtra
9. State Expert Appraisal Committee, Goa
10. State Expert Appraisal Committee, Karnataka
11. State Expert Appraisal Committee, Kerala
12. State Expert Appraisal Committee, Tamil Nadu
13. All Sectoral Expert Appraisal Committees, Ministry of Environment, Forest and Climate Change
14. Member Secretary, Central Pollution Control Board
15. Member Secretary, State Pollution Control Board of Gujarat/Maharashtra/Goa/ Karnataka/Kerala/Tamil Nadu

Copy To:-

1. PS to MEFCC
2. PS to MoS, E,F& CC
3. PPS to Secretary (E,F& CC)
4. PPS to AS (AKM)
5. PS to ADV(SCG)/JS(IA)
6. Concerned Regional Offices of the Ministry dealing with the States of Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 31st July, 2024

S.O. 3060(E).—The following draft notification, which the Central Government proposes to issue in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published as required by sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration for publishing final notification of Western Ghats Ecologically Sensitive Area in a phased manner either state-wise or through a combined single notification on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to the public;

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

Draft notification

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

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

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

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

AND WHEREAS, the Western Ghats not only harbour rich biodiversity, but also support a population of approximately fifty million people and include areas of high human population density and therefore, there is a need to conserve and protect the unique biodiversity of Western Ghats while allowing for sustainable and inclusive development of the region. Some parts of the Western Ghats are prone to or highly susceptible to landslide hazards thus requiring special measures of protection and mitigation;

AND WHEREAS, the Ministry constituted a High-Level Working Group to study the ecology, environmental integrity and holistic development of the Western Ghats, given their rich and unique biodiversity. The group was tasked with taking a comprehensive view of the issues involved, aiming to harmonize environmental and biodiversity protection with the needs and aspirations of local and indigenous people. Additionally, the High Level Working Group was to focus on sustainable development and the environmental integrity of the region, suggesting steps and a way forward to prevent further degradation of the fragile ecology of the Western Ghats;

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

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

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

AND WHEREAS, the State Government of Kerala had earlier undertaken the exercise of demarcating Ecologically Sensitive Areas in the state by physical verification. The Ecologically Sensitive Area recommended by the Kerala State Government is spread over an area of 9,993.7 square kilometers, which includes 9,107 square kilometers of forest area and 886.7 square kilometers of non-forest area, and thus the Ecologically Sensitive Area in the Kerala State is 9,993.7 square kilometers, compared to the 13,108 square kilometers recommended by the High-Level Working Group;

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

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

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

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

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

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

AND WHEREAS, the Central Government convened a meeting with concerned State Govt. representatives in the Ministry on 11th April, 2018 and decided that the Draft Notification dated 27th February, 2017 would be the basis for further discussion and accordingly the draft Notification No. S.O. 5135(E) dated 3rd October, 2018 was issued for stakeholder consultation;

AND WHEREAS, the Central Government convened meetings with concerned State Govt. representatives to discuss the draft at various forum including the highest level on 15th February, 2019; 21st May, 2020; 23rd November, 2021; and 3rd-4th December, 2021; wherein various objections, comments and suggestions were received from the State Government on the draft notification no. S.O. 5135(E) dated 3rd October, 2018;

AND WHEREAS, in order to address the issues raised by the State Governments, the Ministry of Environment, Forest and Climate Change constituted a Committee vide O.M. dated the 18th April, 2022 to re-examine the suggestions of the six State Governments in a holistic manner, keeping in view the conservation aspects of the disaster prone pristine ecosystem, and the rights, privileges, needs and developmental aspirations of the region;

AND WHEREAS, the Committee observed that the time given for submission of the report of the Committee is inadequate in view of the complexity of the task and consequently the draft notification no. S.O. 5135(E) dated 3rd October, 2018 on 30th June 2022 could not attain finality;

AND WHEREAS, the Central Government and Expert Committee held meetings with Western Ghats States to discuss the 5th draft notification at various forum including the highest level on 11th July, 2022; 30th August, 2022; 17th-19th January, 2023; 17th-19th May, 2023; 1st- 6th June, 2023; 18th - 19th July, 2023; 16th-20th

August, 2023; 14th-17th October, 2023 and 26th- 28th March, 2024; wherein various objections, comments and suggestions were received from the States on this draft notification;

AND WHEREAS, the said Committee is addressing the issues raised by the States in the Western Ghats region on discrepancies or information gaps in the draft notification published vide S.O. 3072(E) dated the 6th July, 2022, on the correct names and area of villages to be included in the Ecologically Sensitive Area. The Committee is also examining the suggestions received from the State Governments;

NOW, THEREFORE, in exercise of the powers conferred by section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies the Western Ghats Ecologically Sensitive Area spread across six States namely, Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu. The state wise details of identified areas are appended in **Annexure-A** of this notification.

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

(a) The State wise map of the portion of the Eco-sensitive Area in each State excluding Kerala is appended as **Annexure – B1 to B5**;

(b) The State wise list of villages falling within the Eco-sensitive Area along with respective Districts and Talukas is appended as **Annexure-C**.

(2) The Eco-sensitive Area in the State of Kerala covers an area of 9,993.7 square kilometer, including 9,107 square kilometers of forest area and 886.7 square kilometers of non-forest area. The detailed village-wise boundary descriptions of the Eco-sensitive Area, along with its cadastral map proposed by the State Government is available on the website of the Kerala State Biodiversity Board.

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

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

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

(c) **Industry.**- All new 'Red' category of industries as specified by the Central Pollution Control Board or State Pollution Control Board and the expansion of such existing industries shall be banned and the list of 'Red' category of industries shall be as specified by the Central Pollution Control Board; provided that all existing 'Red' category of industries including health care establishments shall continue in Ecologically Sensitive Area under the applicable rules and regulations.

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

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

(2) **The following categories of projects and activities shall be regulated as given below:** - (a) Hydropower projects- New Hydropower projects shall be allowed as per the Environment Impact Assessment notification, published *vide* number S.O. 1533 (E), dated the 14th September, 2006, subject to the following conditions, namely: -

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

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

- (iii) the minimum distance between one project and the other is maintained at three kilometre and not more than fifty percent of the river basin is affected at any time,
- (b) The “Orange/White” category of Industries as specified by the Central Pollution Control Board or State Pollution Control Board shall be allowed with strict compliance of environmental regulations but all efforts shall be made to promote industries with low environmental impacts.
- (c) In the case of activities that are covered in the schedule to the Environment Impact Assessment notification number S.O. 1533 (E), dated 14th September, 2006, published by the erstwhile Ministry of Environment and Forests and are falling in the Eco-sensitive Area, except the projects and activities which are specifically prohibited under sub-para (1) shall be scrutinised and assessed for cumulative impacts and development needs before considering for prior environmental clearance by the Ministry under the provisions of the said notification.
- (d) In particular and without prejudice to the provisions of the relevant Acts, in cases of diversion of forest land for non-forestry purposes in the Eco-sensitive Area, all information of the project, from application stage to approval shall be placed in the public domain on the website of the Ministry of Environment, Forest and Climate Change and of the Forest Department of the respective States.
- (e) The requirements of prior informed consent under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) shall be complied with and the consent of Gram Sabha for undertaking projects and activities shall be mandatory.

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

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

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

(4) All projects in the Eco-sensitive Area which have been given consent to establish or Operate under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) shall be monitored at least once a year by the concerned State Pollution Control Board and the concerned State Governments shall prepare ‘State of Health Report’ in respect of Western Ghats region falling within their jurisdiction on an annual basis giving inter-alia the details of steps taken in monitoring and enforcement of provisions of this notification and make the same available in public domain.

5. Action for contravention.- In case of any contravention of the provisions of this notification, action under the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and other relevant statutes shall be taken accordingly.

6. The provisions in this notification shall be subject to the final orders of the court in pending litigation.

7. The provisions of this notification shall not affect the ownership of the property in the Ecologically Sensitive Area.

[F .No.1/04/2012-ESZ-RE]

Dr. S. KERKETTA, Scientist 'G'