

**Gaurav Agarwal**  
Advocate, Supreme Court

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**GRV LEGAL**

Advocates and Legal Consultants

To,

The Registrar,  
National Green Tribunal,  
Faridkot House, Copernicus Road,  
New Delhi.

Date :17.12.2025

**Re. :** Original Application No. 818 of 2024  
Dharmender Kumar Singh  
v.  
State of U. P. and Others

Sir,

On behalf of the Respondent no. 6 in the above referred matter, the undersigned has filed a reply on 15.12.2025. The registry has notified on 17.12.2025 a defect of photographs at annexure no. 9 not being in colour.

It is requested that the undersigned is not in possession of the colour photographs at annexure no. 9. However, the undersigned undertakes to file colour photographs of the sewage disposal plant of the R-8 in the event it is directed by Hon'ble Court to file colour photographs, on record.

Hence, it is requested that the defect as notified by the registry may kindly be ignored and reply may be processed for placing it before the Hon'ble Court.

  
**Gaurav Agarwal**  
Advocate for R-6.

N.D.H.: 18.12.2025

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH NEW DELHI  
ORIGINAL APPLICATION NO.818 OF 2024**

**IN THE MATTER OF :**

DHARMENDER KUMAR SINGH .....APPLICANT

VERSUS

STATE OF U. P. AND OTHERS ...RESPONDENTS

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**Place:** New Delhi  
**Date:** 15.12.2025

Filed by:-

  
**(GAURAV AGARWAL)**  
Advocate for Respondent No.06

GRV LEGAL  
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**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIAL BENCH NEW DELHI  
ORIGINAL APPLICATION NO.818 OF 2024**

**IN THE MATTER OF :**

DHARMENDER KUMAR SINGH .....APPLICANT  
VERSUS  
STATE OF U. P. AND OTHERS ....RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 6,  
JANANAYAK CHANDRASHEKHAR UNIVERSITY**

**Preliminary Submission :**

1. That the instant Original Application is registered on basis of the letter petition by Applicant alleging that the Respodent no. 6, Jananayak Chandrashekhar Vishwavidyalaya, Ballia is being constructed along with a Sewage Disposal Centre, Ballia on pond area, Surha Tal.
2. That it is further alleged by the applicant is that Jay Prakash Narayan Pakshi Vihar, Surha Tal, Vasantpur is in District Ballia which has been declared to be a Bird Sanctuary built by river Ganga and which is 4.5 Kms long and has a ground area of 34.32 sq. kms. which spreads into larger area during the rainy season. Sauha Tal is historically famous for the variety of birds and is a famous Bird Sanctuary of Uttar Pradesh. It is also the plea of the applicant that Sauha Tal is a wetland area and by constructing the University and Garbage Disposal Centre, the attempt is made to block the channels for rejuvenation

  
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of the pond, which will affect the inflow of water in the pond and will also effect the birds therein.

3. That by order dated 12.07.2024 this Hon'ble Tribunal issued notices to the State Respondents and directed them to file their response on the allegations made in the letter petition. The Respondent No. 2 and 3 had filed their reply pursuant to the order of this Tribunal, however, being not satisfied, this Court by order dated 04.02.2025 directed for filing of further fresh report.
4. That a perusal of both the replies of the Respondent no. 2 and 3 clearly states that the Sewage Disposal Center is of Nagar Palika & constructed on land in name of Nagar Palika Parishad not related to Resp. & far from the aquatic zone of the Jai Prakash Narayan (Surha Tal), Bird Sanctuary and there is no disturbance or obstruction to the flow of the water. Thus, from the report no violation of any environmental law by the Respondent herein is made out.
5. That similarly the affidavit of the Divisional Forest Officer has the University and Solid Waste Disposal Center is located well away from the water boundary of the Bird Sanctuary and the surrounding land of the university is being cultivated by the farmer. There is also no water logging found nor any migratory birds are found there. It is further stated in the said affidavit that khasras of the Solid Waste Disposal Center were exclude by the Settlement Officer (Forest) by order dated 22.12.2023 in exercise of his powers u/s 24(2)(a) of Wildlife Protection Act 1972.

  
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6. That it is now pertinent to mention here that the present proceedings are barred by principles of res judicata and is, therefore, not maintainable. The applicant is also guilty of concealing the earlier proceedings instituted on the very same cause of action against the University.
7. That the provision of section 11 of CPC provides the principle of res judicata bringing concept of finality to litigation. In a suit barred by res judicata, no further judicial action can be taken by the party litigating against the same person, same title or same cause of action.
8. That in pursuance of approval granted by Regional Directorate, Social Forestry Division, Ballia on 12.03.2021 to the University for construction of the hostel and other building and the Forest, Climate and Environment, U.P. granted approval on 30.03.2022 for the same the first phase of construction work of the University was commenced. A true copy of the approval granted by Regional Directorate, Social Forestry Division, Ballia dated 12.03.2021 is **ANNEXURE R-1** and A true copy of the approval granted by Forest, Climate and Environment, U.P. dated 30.03.2022 is **ANNEXURE R-2**.
9. That by a letter petition the applicant herein approached this Tribunal in OA No. 698 of 2022. The letter dated 09.09.2022 by the applicant was filed mentioning the very same facts and was made on same grievance as in the present OA. A true copy of the letter petition sent to the Hon'ble Tribunal by the Applicant dated 09.09.2022 is **ANNEXURE R-3**

  
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10. That by order dated 03.03.2023 the Tribunal directed for stoppage of the construction work of the University. Response from the University was also sought on the allegations. A true copy of the order passed by this Tribunal in OA No. 698 of 2022 dated 03.03.2023 is **ANNEXURE R-4.**
11. That by order dated 12.07.2023 the Tribunal considered the proceedings going before the Settlement Officer (Forest) and disposed of the OA by holding and passing the directions that :

“6. After hearing the parties and considering the application, the Settlement Officer (Forest) passed an order demarcating the land under Section 24/2/k of Wildlife Protection Act,1972. The report was called from the Forest Department and Regional Director, Forest Social Forestry Ramnagar and Ballia. They submitted a joint report with the facts that the Jai Prakash Narayan Bird Sanctuary, Surha Tal has a total area 34.329 sq.km which is situated in different 44 villages. Out of this area, 3300.15 hectare land is a land of private owners/agriculturists. Rest of the land i.e.132.78 hectare is a land of Gram Samaj. The settlement proceedings have been initiated and pending before Settlement Officer (Forest). It is contended by learned Counsel appearing for the respondent that a Settlement Officer (Forest) is a competent authority to decide the matter with regard to land within the area and any order passed by the Settlement Officer (Forest) is an appealable order and any person aggrieved can file appeal or revision before the competent authority. **The order passed by the Settlement Officer (Forest) cannot be challenged before this Tribunal. In view of the above proceeding before Settlement Officer Forest, para 10 and 11 of order dated 03.03.2023 is recalled.”**

A true copy of the order passed by this Tribunal in O.A. No. 698 of 2022 dated 12.07.2023 is **ANNEXURE R-5**

  
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A true copy of the order passed by the Settlement Officer, Forest dated 19.12.2022 is ANNEXURE R-6

12. That after the order of the Tribunal dated 12.07.2023 the pending work was restarted and the same has now been complete. Further, meanwhile in pursuance of the letter of the Higher Education Department, U.P. application was made for the Wildlife Clearance/ NOC from the permanent committee of the NBWL, on the parivesh portal on 27.04.2023.
13. That by order dated 19.12.2023 the Government of India, Environment, Forest and Climate Change granted approval on conditions to the construction of the building/ road in the premises of the University. A true copy of the approval granted by Government of India, Environment, Forest and Climate Change dated 19.12.2023 is ANNEXURE R-7
14. That, thereafter, on 10.01.2024 the Regional Forest Officer, Kashi Wildlife Department granted approval for construction in consideration of the approval fated 19.12.2023. A true copy of the approval granted by Regional Forest Officer, Kashi Wildlife Department dated 10.01.2024 is ANNEXURE R-8
15. That the University has its own Sewage Disposal Center on its land and the entire sewage from the University flows in that and no part of the sewage is discharged in the Surha Tal. A true copy of the Photographs of the Sewage Disposal Center with geo tagging is image is ANNEXURE R-9.

  
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जनसामक चन्द्रोदर विश्वविद्यालय,  
बाराबा

16. That in light of the facts abovementioned the present Original Application deserves to be dismissed with costs

Jananayak Chandrashekhar University  
Respondent no. 6

Through

  
**(GAURAV AGARWAL)**  
Advocate, Supreme Court  
GRV LEGAL  
Advocates and Legal Consultants  
O-703, Aditya Mega City,  
VaibhavKhand, Indirapuram,  
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वि. अ. बाँयो



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH NEW DELHI  
ORIGINAL APPLICATION NO. 818 OF 2024



**IN THE MATTER OF :**

DHARMENDER KUMAR SINGH .....APPLICANT

VERSUS

STATE OF U. P. AND OTHERS ....RESPONDENTS

**AFFIDAVIT**

I, Sant Lal Pal, aged about 58 years, S/o Shri Heera Lal Pal, R/o Village - Loundkala, P.O. - Tuttha (Jasra), Dist. - Prayagraj, do hereby state on solemn affirmation as under:

1. That the deponent is working as Registrar in the answering Respondent in the present Original Application as such I am well conversant with the facts and circumstances of the present case and hence, competent to swear this affidavit.
2. That I have gone through the accompanying Reply from para 1 to \_\_\_ and say that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.

Solemnly affirmed on this \_\_\_ day of December, 2025 at Ballia, U.P.

  
**DEPONENT**

**VERIFICATION**

Verified at Ballia, U.P. on this 12 day of December, 2025 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

  
**DEPONENT**

Registrar No. 01 Serial No. (77) Date 12-12-2025  
Solemnly Affirmed & Declared Befor Me  
by the Deponent who is Identified  
by Shri Self  
M. Pal  
Jagadish Singh Yadav  
NOTARY BALLIA  
Govt. Of. India



## ANNEXURE R-1

1 संलग्नक - 01

कार्यालय प्रभागीय निदेशक, सामाजिक यानिकी प्रभाग, बलिया  
पत्रांक-90(TC) 14-1 दिनांक, बलिया, मार्च, 12, 2021।

सेवा में,

कुलपति,  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

विषय :- जननायक चन्द्रशेखर विश्वविद्यालय, बलिया में 100 छात्राओं की क्षमता के छात्रावास के निर्माण में बाधक पेशों के पतन के सम्बन्ध में।

- सन्दर्भ :- 1- इस कार्यालय का पत्रांक- 2358/14-1 दिनांक 11.02.2021।  
2- आपका कार्यालय पत्रांक- जे0एन0सी0यू0/आर0 कैम्प (सा0प्र0)/4185/2021 दिनांक 12.02.2021।  
3- मुख्य वन संरक्षक, कार्ययोजना, उ0प्र0, लखनऊ के कार्यालय पत्रांक- 498/पातन (134) दिनांक 09.03.2021।  
4- प्रधान मुख्य वन संरक्षक, वन्यजीव, उ0प्र0, लखनऊ का कार्यालय पत्रांक- 2119/26-11 (जे0च0वि0वि0प0/सुरहाताल) दिनांक 03.03.2021।

नहोदया,

संदर्भित पत्र के माध्यम से जननायक चन्द्रशेखर विश्वविद्यालय, बलिया के अन्तर्गत छात्रावास निर्माण में बाधक वृक्षों के पतन हेतु सुसंगत शासनादेशों/आदेशों/कार्ययोजना के प्रावधानों के अनुरूप अग्रोत्तर कार्यवाही के निर्देश प्राप्त हुए हैं। उपरोक्त के क्रम में जननायक चन्द्रशेखर विश्वविद्यालय, बलिया अन्तर्गत छात्रावास निर्माण में बाधक 46 वृक्षों के पतन सम्बन्धी नोट संख्या- 61/2021 प्रभागीय लीगिंग प्रबन्धक, उ0प्र0, वन निगम, गोरखपुर को इस कार्यालय के पत्रांक- 97 टी0सी0/22-20, दिनांक 12.03.2021 द्वारा आवंटित की जा रही है। उपरोक्त बाधक वृक्षों के पतन की अनुमति जननायक चन्द्रशेखर विश्वविद्यालय के पत्रांक- जे0एन0सी0यू0/आर0 कैम्प (सा0प्र0)/4185/2021 दिनांक 12.02.2021 के क्रम में दी गयी सूचना कि "जननायक चन्द्रशेखर विश्वविद्यालय बलिया में प्रस्तावित 100 छात्राओं की क्षमता का छात्रावास एवं अन्य भवन जिनका ढी0पी0आर0 स्वीकृत हो चुका है, मिलाकर 20000 वर्ग मी0 से कम है," के आधार पर इस शर्त के साथ दी जा रही है कि-

- 1- जननायक चन्द्रशेखर विश्वविद्यालय, बलिया प्रशासन द्वारा निर्माण से सम्बन्धित सम्पूर्ण कार्य EIA Notification 2006, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार की अधिसूचना का.आ. 3252 (अ.) दिनांक 22 दिसम्बर, 2014, तथा MoEF के Office Memorandum F.No.19-2/2013-IA-III Date 09<sup>th</sup> June 2015 में दिये गये प्रावधानों के तहत कराया जायेगा।
- 2- प्रस्तावित सम्पूर्ण निर्माण का सभी तलों पर इकट्ठे आच्छादित क्षेत्रफल 20000 वर्गमी0 से कम होगा।
- 3- वन एवं वन्यजीव पारिस्थितिकी के दृष्टिगत पर्यावरण के संतुलन को बनाये रखने हेतु तथा जयप्रकाश नारायण पंक्षी विहार, सुरहाताल के पारिस्थितिकी तंत्र को बचाये रखने हेतु यह सब कार्य किया जायेगा जिससे जयप्रकाश नारायण पंक्षी विहार, सुरहाताल के पारिस्थितिकी पर किसी प्रकार का प्रतिकूल प्रभाव न पड़े, यथा जो भी भवन निर्माण किया जाये, उसकी संरचना ऐसी हो जिससे जयप्रकाश नारायण पंक्षी विहार, सुरहाताल की पारिस्थितिकी एवं यहां के वन्यजीवों पर उसका विपरीत प्रभाव न पड़े। जहां तक पर्यावरण, वायु, जल व उसकी गुणवत्ता,

2/

Attested

12.12.2025



कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

- पक्षों पर नियंत्रण तथा जवाबदायिता का बर्नीय, रखने का ध्यान है, जो भी जस एवं अपशिष्ट इत्यादि परिसर में अध्यावास के कारण उत्पन्न हो, तत्का उपाचार किया जायेगा। परिसर में पक्षियों के प्रवास के अनुकूल भास, झाड़ी तथा वृक्षों का रोपण किया जायेगा। छात्रावास निर्माण के फलस्वरूप वृक्षों के पतन के उपरान्त जयप्रकाश मारवाण पक्षी विहार, सुरहाताल के आस पास की हरियाली व पक्षियों के प्रवास के सुगम के लिये जो आवश्यक है, सुधार किया जायेगा।
- 4- विश्वविद्यालय परासभ द्वारा छात्रावास निर्माण में बाधक 40 वृक्षों के पतन के फलस्वरूप आगामी वर्षाकाल में (दस गुना) पौध रोपण एत 06 वर्षों तक अनुरक्षण निगे जाने हेतु दी गयी बचनबद्धता का अनुपालन किया जायेगा।

भवदीया

(श्रद्धा यादव)

प्रभागीय निदेशक

सा0बा0प्रभाग, बलिया

पूर्व सं 98(र०)/दिनांकित।

प्रतिलिपि :-

- 1- प्रधान मुख्य वन संरक्षक और विभागाध्यक्ष, उ०प्र० लखनऊ को सूचनार्थ प्रेषित।
- 2- प्रधान मुख्य वन संरक्षक, वन्यजीव, उ०प्र० लखनऊ को उनके पत्रांक- 2110/28-11 (ज०च०वि०वि०प०)/सुरहाताल दिनांक 03.03.2021 के क्रम में सूचनार्थ प्रेषित।
- 3- प्रधान मुख्य वन संरक्षक, अनुश्रवण एवं कार्यक्रमोजना, उ०प्र० लखनऊ को अवगत होने हेतु प्रेषित।
- 4- मुख्य वन संरक्षक, कार्ययोजना, उ०प्र० लखनऊ को उनके संदर्भित पत्र के क्रम में अवगत होने हेतु।
- 5- मुख्य वन संरक्षक, पूर्वी क्षेत्र, उ०प्र० गोरखपुर को सूचनार्थ प्रेषित।
- 6- मुख्य वन संरक्षक, वन्यजीव, पश्चिमी क्षेत्र, कानपुर को सूचनार्थ प्रेषित।
- 7- आयुक्त, आजमगढ़ मण्डल, आजमगढ़ को सूचनार्थ प्रेषित।
- 8- क्षेत्रीय प्रबन्धक, उत्तर प्रदेश, वन निगम, आर० विकास भवन (वन) मेडिकल कालेज रोड, गोरखपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
- 9- वन संरक्षक, आजमगढ़ वृत्त, आजमगढ़ को सूचनार्थ प्रेषित।
- 10- जिलाधिकारी, बलिया को सूचनार्थ प्रेषित।
- 11- मुख्य विकास अधिकारी, बलिया को सूचनार्थ प्रेषित।
- 12- प्रभागीय वनाधिकारी, काशी वन्यजीव प्रभाग, रामनगर, वासपत्नी को सूचनार्थ प्रेषित।

(श्रद्धा यादव)

प्रभागीय निदेशक

सा०बा०प्रभाग, बलिया

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कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

(संलग्नक - 02)  
**ANNEXURE R-2**

प्रमाणिकता / प्रत्यक्षता / सत्यता  
तारीख - 12/11/2022

संख्या - 697 / सत्तर-4-2022

प्रेषक:  
मनोज सिंह,  
अपर मुख्य सचिव,  
वन, पर्यावरण एवं जलवायु परिवर्तन विभाग,  
उत्तर प्रदेश शासन।

प्रेष्ये:  
अपर मुख्य सचिव,  
उच्च शिक्षा विभाग,  
उज्जैन शासन, लखनऊ।

वन, पर्यावरण एवं जलवायु परिवर्तन अनुभाग-2

लखनऊ दिनांक 30 मार्च, 2022

विषय- जननायक चन्द्रशेखर विश्वविद्यालय बलिया के सम्बन्ध में।

महोदय,

उपरोक्त विषय के क्रम में सूचित करना है कि प्रमाणीय निदेशक, सामाजिक वानिकी प्रभाग, बलिया के अपने पत्रांक-98(टीओसी)/14-1 दिनांक 12.03.2021 (संलग्नक-1) द्वारा प्ररनगत विश्वविद्यालय में छात्रवास एवं अन्य भवनों के सम्बन्ध में कतिपय शर्तों के साथ अनुमति दी गई है। शर्त संख्या-02 के अनुसार प्रस्तावित सम्पूर्ण निर्माण का सभी तलों पर इकट्ठे आच्छादित क्षेत्रफल 20,000 वर्ग मी० से कम हो।

श्री चंतलाल पाल, कुलसचिव, जननायक चन्द्रशेखर विश्वविद्यालय बलिया द्वारा दिनांक 20.09.2021 (संलग्नक-2) द्वारा शपथ पूर्वक दी गई जानकारी के अनुसार शासन द्वारा अनुमोदित लेआउट प्लान के अनुसार 18752.64 वर्ग मीटर में भवनों का निर्माण किया जाना है।

उपरोक्त के क्रम में अनुरोध करना है कि जननायक चन्द्रशेखर विश्वविद्यालय बलिया हेतु अनुमोदित लेआउट प्लान के अनुसार भूखण्डों का क्षेत्रफल 20,000 वर्ग मी० से कम है, अतः सम्बन्धित को प्रमाणीय निदेशक, बलिया के पत्र दिनांक 12.03.2021 में उल्लिखित शर्तों का पालन करते हुए अग्रिम कार्यवाही करने हेतु सम्बन्धित को निर्देशित करने का कष्ट करें।

भवदीय,

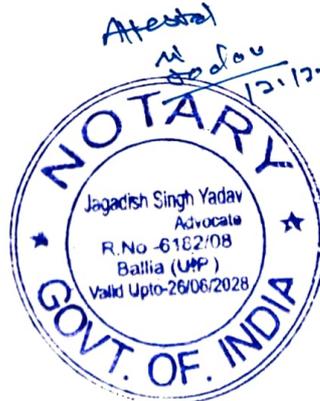
(मनोज सिंह)  
अपर मुख्य सचिव

प्रतिलिपि निम्नलिखित को प्रमाणीय निदेशक, बलिया के पत्र दिनांक 12.03.2021 के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. प्रधान मुख्य वन संरक्षक और विभागाध्यक्ष, उज्जैन, लखनऊ।
2. प्रधान मुख्य वन संरक्षक, वन्यजीव, उज्जैन, लखनऊ।
3. जिलाधिकारी, जनपद बलिया।
4. प्रमाणीय निदेशक, बलिया वन प्रभाग, बलिया।

(मनोज सिंह)  
अपर मुख्य सचिव

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कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

सेवा में

माननीय मायाप्रीत सुधीर अंतोपाल महोदय

- माघिक सदस्य

राष्ट्रीय हरित प्राधिकरण

करोटकोट हाउस नई दिल्ली

विषय :- जयप्रकाश नारायण पक्षी विहार सुरक्षात्मक वनस्पत बलिषा उपग्रह के पर्यावरण के प्रति संवेदनशील व वेटलैन्ड खारेया में जननाशक चन्द्रशेखर विश्वविद्यालय बलिषा का निर्माण कार्य व ताल क्षेत्र में आने वाले पालमार्गी व गानो को रोकने के सम्बन्ध में।

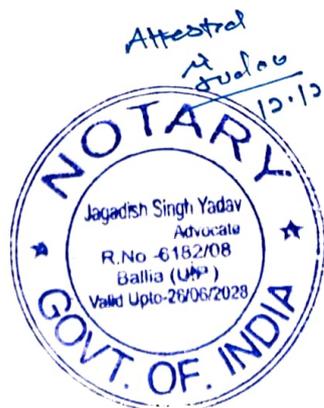
महोदय,

उपरोक्त के सम्बन्ध में निम्न निवेदन है कि -

- ① यह कि पक्षी धर्मेश कुमार सिंह पुल एवं हरदेव सिंह ग्राम - सरनी, पोस्ट - कोष, थाना + तहसिल - सिन्दूरपुर जिला - बलिषा उपग्रह का मूल निवासी है।
- ② यह कि जयप्रकाश नारायण पक्षी विहार सुरक्षात्मक ग्राम - वनस्पतपुर, जिला - बलिषा उपग्रह में स्थित है जो गंगा नदी द्वारा निर्मित पक्षी विहार घोषित क्षेत्र है जिसकी लम्बाई लगभग 4.5 किमी तथा मूत क्षेत्रफल लगभग 34.32 किमी<sup>2</sup> है। यह बरसात के मौसम में अधिकतम क्षेत्रफल में फैल जाता है। यह कारी वन्यजीव प्रभाग रामनगर वाराणसी के निपन्त्रण में है। सुरक्षात्मक ऐतिहासिक रूप से प्रवासी और देशी पक्षियों की विविधता के लिए प्रसिद्ध है। यह बलिषा उपग्रह का प्रसिद्ध प्राकृतिक पक्षी अभयारण्य है।

पेज - 1

P.7.0

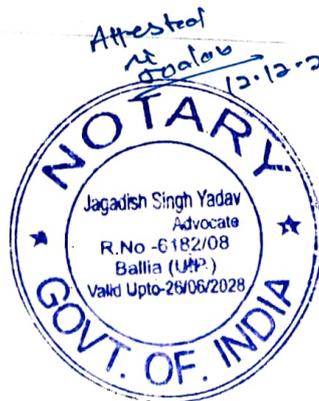


कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिषा

- (3) यह कि सुरक्षाताल के पर्यावरण के प्रति संवेदनशील एरिया में जननायक चन्द्रशेखर विश्वविद्यालय का निर्माण कार्य किया जा रहा है। जो निर्माण विरुद्ध है। जिस स्थान पर विश्वविद्यालय के शान्ति का निर्माण कार्य हो रहा है। वह स्थान बरसात के मौसम में लगातार गीन से पारग्राह जलभजन रहता है। जहाँ जाने के लिए गाँव का सहारा लेना पड़ता है।
- (4) यह कि सुरक्षाताल वेडलैन्ड एरिया है। विश्वविद्यालय का निर्माण कार्य करने के लिए ताल क्षेत्र में आने वाले जलमार्गों व तालों को रोकने का प्रयास किया जा रहा है। जिससे वेडलैन्ड एरिया पर प्रभाव पड़ेगा। गर्मी के मौसम में सुरक्षाताल में पानी की कमी हो सकती है। जिससे ताल में प्रवासी व स्थानीय पक्षियों व न्यपजीवों को आवश्यकतानुसार विभिन्न गहराइयों पर पानी नहीं मिल पायेगा। जिससे प्रवासी पक्षियों का आना बन्द हो सकता है। स्थानीय पक्षियों एवं न्यपजीवों का प्राण संकट में पड़ सकता है।
- (5) यह कि विश्वविद्यालय के निर्माण से सुरक्षाताल के पर्यावरण के प्रति संवेदनशील / संरक्षित एरिया में मानवीय कृत्यों में वृद्धि हो जायेगी। जिससे पर्यावरण के प्रति संवेदनशील / संरक्षित एरिया में शान्ति नहीं रहेगी। वाहन, भइकीले वस्तुओं का उपयोग, मद्यपान, न्यपजीवों एवं वनस्पतियों आदि को क्षति पहुँचाने जैसी कृत्यों में वृद्धि हो जायेगी। जिससे ताल के पर्यावरण के प्रति संवेदनशील / संरक्षित एरिया प्रदूषित हो सकता है। वाहनो तथा ध्वनि उपकरणों के प्रयोग से संरक्षित एरिया में ध्वनि प्रदूषण भी बढ़ जायेगा।

पेज- 2

P.T.O



कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

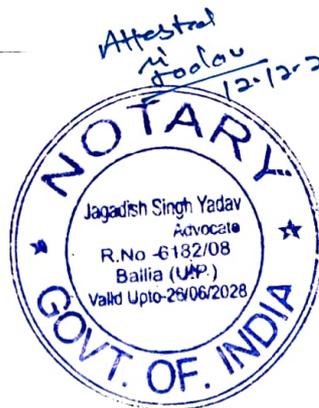
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- ⑥ यह कि सुरहाताल के पर्यावरण के प्रति संवेदनशील करिये में विश्वविद्यालय के बड़ी-बड़ी बिल्डिंगों के निर्माण से परिसरों के उड़ान भरने का भार, उतले का स्थान, देखने का पथ, प्राकृतिक विकास तथा रहन-सहन में व्यवधान उत्पन्न होगा। परिसरों का झाना बन्द हो सकता है जिससे सुरहाताल के प्राकृतिक सौन्दर्य पर बुरा असर पड़ेगा।
- ⑦ यह कि विश्वविद्यालय के आवासीय क्षेत्रों से रिजर्वेड फिनायल, खाद्य पदार्थों का अस्वशेष जैसे-दिलका फूल, प्लास्टिक से बनी वस्तुएँ आदि निकलेगा। जिससे सुरहाताल प्रदूषित हो सकता है ताल में रहने वाली मछलियों, कन्पनीवो पर बुरा प्रभाव पड़ेगा।
- ⑧ यह कि जयप्रकाश नारायण पक्षी विहार सुरहाताल वसन्तपुर बलिया जिला का प्राकृतिक धरोहर है जिसमें मानवीय कृत्यों की वृद्धि व प्रदूषण फैलने से इस बुरा प्रभाव पड़ेगा। जलमार्गों को रोकने से ताल सूख जायेगा। कन्पनीवो का जीवन संकट में पड़ जायेगा ताल का प्राकृतिक सुन्दरता खत्म हो जायेगी।
- ⑨ यह कि बलिया जिला में बहुत सरकारी जमीनें खाली पड़ी हैं जिस पर विश्वविद्यालय का निर्माण कार्य कराया जा सकता है।

अतः श्रीमान जी से प्रार्थना है कि जयप्रकाश नारायण पक्षी विहार सुरहाताल के पर्यावरण के प्रति संवेदनशील/संरक्षित करिया में हो रहे जननायक चन्द्रशेखर विश्वविद्यालय बलिया का निर्माण कार्य

पेज-3

P.T.O



कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

तत्काल रोकवाने की कृपा करे। तथा पहले की भांति पंचासित्ति कायम करवाने की कृपा करे। जिससे बलिया का प्राकृतिक धरोहर पर्यटन विहार सुरुमातान को प्रदूषित होने, प्रवासी तथा स्थानीय पर्यटकों व वन-प्राणीको का प्राकृतिक विकास, रहन-सहन में व्यवधान उत्पन्न होने तथा प्राण संकट में पड़ने से बचाया जा सके।

दिनांक :- 09/09/2022

धर्मेन्द्र कुमार सिंह  
शर्मा

प्रतिनिधि निम्न के सूचनाएँ :-

- ① माननीय सचिव, पर्यावरण एवं वन विभाग, भारत सरकार, इन्द्रा पर्यावरण भवन, जोरबाग रोड -ई दिल्ली
- ② माननीय अपर मुख्य सचिव, पर्यावरण एवं वन विभाग, उत्तर प्रदेश सरकार बापू भवन, सचिवालय लखनऊ

धर्मेन्द्र कुमार सिंह  
शर्मा  
शाम-सली. पो-ओथ  
थाना + तहसिल - सिकन्दरपुर  
जिला - बलिया (30900)  
पिन कोड - 221717  
mob - 8931959570

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पेज - 4

Scanned with CamScanner

Attested

12/12/2025



कुलसचिव

जननायक चन्द्रशेखर विश्वविद्यालय  
बलिया

Item No. 8

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 698/2022

Dharmender Kumar Singh ...Applicant

Versus

State of U.P. &amp; Ors. ...Respondents

Date of hearing: 03.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Gaurav Bansal, Advocate.

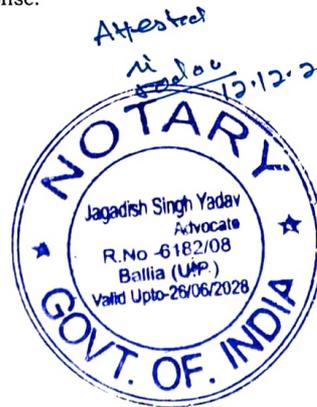
Respondents: Mr. Pradeep Misra, Advocate for respondent no. 6-  
UPPCB (through VC).  
Mr. Ravindra Kumar, District Magistrate, Ballia and  
Mr. Dinesh Singh, DFO, Kashi Wildlife Division,  
Ramnagar, Varanasi (through VC).

**Application is registered based on a letter petition received by Post.**

**ORDER**

1. The grievance in the present application is about illegal construction of buildings of Jannayak Chandrashekhar University in violation of environmental norms at village Vasantpur, District Ballia, Uttar Pradesh in the buffer zone of Surha Tal.

2. Vide order dated 01.11.2022, this Tribunal constituted a Joint Committee with direction to verify the factual position and submit its report within two months. Notices were also ordered to be issued to the Vice Chancellor and the Registrar, Jannayak Chandrashekhar University, Ballia, Uttar Pradesh requiring them to file their reply/response.



कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
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O.A No. 698/2022

Dharmender Kumar Singh Vs.  
State of U.P. & Ors.

3. In compliance of order dated 01.11.2022, report of the Joint Committee was submitted by Dr. S.C. Shukla, Regional Officer, UPPCB vide email dated 02.01.2023. Reply on behalf of Jannayak Chandrashekhar University, Ballia, Uttar Pradesh was filed vide email dated 03.01.2023.
4. Vide order dated 04.01.2023, Joint Committee was directed to clarify as to whether the buildings in question which are being constructed fall in the Eco Sensitive Zone (ESZ) notified vide notification dated 08.03.2019 and Divisional Forest Officer, Kashi Wildlife Division, Ramnagar, Varanasi and the District Magistrate, Ballia were directed to be present to appear before this Tribunal through VC.
5. In compliance of order dated 04.01.2023 report of the Joint Committee was submitted vide email dated 28.02.2023 and Mr. Ravindra Kumar, District Magistrate, Ballia and Mr. Dinesh Singh, DFO, Kashi Wildlife Division, Ramnagar, Varanasi have appeared through VC and we have interacted with them.
6. Reply was filed by respondent no. 8-Registrar, Jannayak Chandrashekhar University, Ballia, Uttar Pradesh vide email dated 03.01.2023 but none has appeared for respondent no.8 today.
7. It is established by the report of the Joint Committee that Administrative Building (built up area 4172 square meters), Academic Building (built up area 6689 square meters) Library Building (built up area 4106 square meters), (Commercial Building (built up area 645 square meters) and 100 Bedded SC/ST Hostel (built up area 1563 square meters) totaling 17175 square meters are being constructed by Jannayak Chandrashekhar University, Ballia, Uttar Pradesh within the ESZ area of



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जाननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

1.0 kilometer from the boundary of Jai Prakash Narayan (Surha Tal) Bird Sanctuary, Ballia.

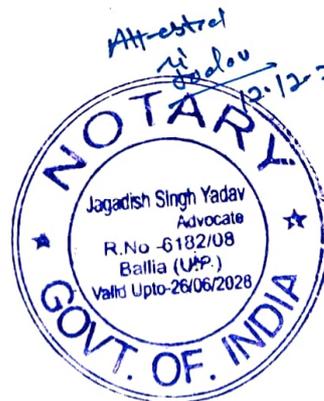
8. *Prima facie*, the construction undertaken in ESZ, apart from being impermissible on that count, is also violative of the provisions of the Wild Life (Protection) Act, 1972 and the National Wetlands (Conservation and Management) Rules, 2017.

9. Section 20 of the National Green Tribunal Act, 2010 *inter alia* requires this Tribunal to apply precautionary principle. Section 19 (4) (j) of the National Green Tribunal Act, 2010 empowers this Tribunal to pass an order requiring any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I.

10. In view thereof the Registrar, Jannayak Chandrashekhar University, Ballia, Uttar Pradesh is directed not to carry out any further construction on any part of land falling within ESZ area of 1.0 kilometer from the boundary of Jai Prakash Narayan (Surha Tal) Bird Sanctuary, Ballia.

11. The District Magistrate and the Superintendent of Police, Ballia and Divisional Forest Officer, Kashi Wildlife Division, Ramnagar, Varanasi are directed to take all requisite steps to ensure that no further construction takes place on the above said Eco Sensitive Zone.

12. The District Magistrate, Ballia and the Divisional Forest Officer, Kashi Wildlife Division, Ramnagar, Varanasi are also directed to get the Eco Sensitive Zone area demarcated, identify the encroachments, to take appropriate action for removal of encroachments and to get appropriate sign boards fixed at appropriate places that the same is no construction zone and no further construction be raised thereon and submit Action



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O.A No. 698/2022

Dharmender Kumar Singh Vs.  
State of U.P. & Ors.

Taken Report in this regard within one month by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

13. List for further consideration on 20.04.2023.

14. In the facts and circumstances of the case, we also consider presence of the Registrar, Jannayak Chandrashekhar University, Ballia, Uttar Pradesh and the Divisional Forest Officer, Kashi Wildlife Division, Ramnagar, Varanasi though VC to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and accordingly, they shall remain present before this Tribunal through VC on the date fixed.

15. A copy of this order be forwarded to the Registrar, Jannayak Chandrashekhar University, Ballia, Uttar Pradesh and Divisional Forest Officer, Kashi Wildlife Division, Ramnagar, Varanasi and the District Magistrate and Superintendent of Police, Ballia by email for requisite compliance.

Arun Kumar Tyagi, JM

March 03, 2023  
AG

Dr. Afroz Ahmad, EM

//TRUE COPY//



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जगदीश चन्द्रशेखर विश्वविद्यालय,  
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Item No. 06

Court No. 1

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

**(BY HYBRID MODE)**

Original Application No. 698/2022

Dharmender Kumar Singh

Applicant

Versus

State of U.P. &amp; Ors.

Respondent(s)

Date of hearing: 12.07.2023

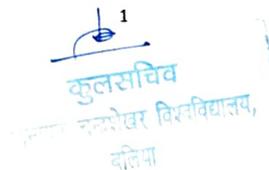
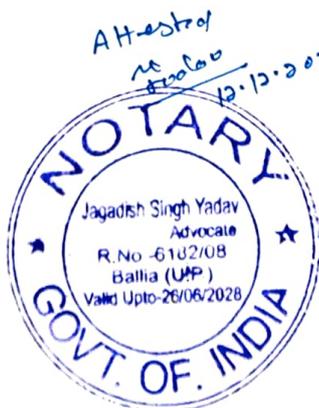
**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Gaurav Kumar Bansal, Advocate

Respondents: Mr. Pradeep Mishra & Mr. Daleep Dhyani, Advs. for UPPCB  
Mr. Dinesh Singh, DFO, Kashi  
Mr. S.L. Pal, Registrar, Jannayak Chandrashekhar University, Ballia

**ORDER**

1. A registered letter was received in the office of National Green Tribunal (NGT) and it was converted as a letter petition and registered as Original Application (being OA No. 698/2022).
2. Grievance of the application - petitioner is that there are illegal constructions of buildings of Jannayak Chandrashekhar University in violation of environmental norms at Village Vasantpur, District Ballia, Uttar Pradesh in the buffer zone of Surha Tal, which is a wetland of river Ganga and has been declared as a 'Bird Sanctuary'.
3. The above wetland is spread in the area of 34.3 km<sup>2</sup> having length of 4.5 kms. During monsoon, the water spread area of wetland gets increased



posing danger of inundation of any structure constructed within wetland area.

4. Vide order dated 01.11.2022, a joint Committee was constituted by this Tribunal with direction to submit a factual and action taken report. Notices were also issued to the respondents. In compliance thereof, the Committee consisting of Divisional Forest Officer, Ramnagar, Varansi, Member Secretary, Wetland Committee, Ballia, Regional Officer, UP State PCB, Superintendent of Police and District Magistrate visited the site and submitted the report on 31.12.2022 as follows:

### **"3. Observations**

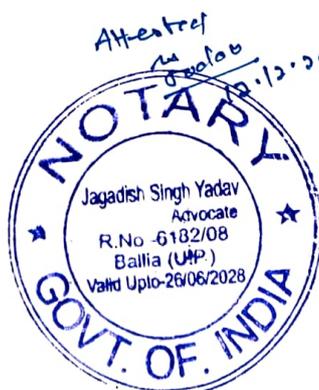
*Surha Taal is a natural lake located in District Ballia of Uttar Pradesh. Surha Tal is located in Middle Ganga Plains along the margins of Ganga. It owes its origin to the meandering of Ganga and now a narrow outlet of about 23km named Kathar Nala connects it with the river and is the main outflow channel. The area of the lake is subject to seasonal variation and the lake expands to its maximum during rainy season in the month of August to September. The lake discharges its waters into River Ganga through Kathar Nala. Sometimes the flow of Kathar Nala gets reversed during the high floods in River Ganga. Forest Department, Govt. of U.P. has notified Surha Tal as Surha Tal Bird Sanctuary under Wildlife (Protection) Act, 1972 vide notification no. 1088(1)/14.03.19/89, Lucknow on dated 27 March, 1991. Further Forest Department, Govt. of U.P. has changed name Surha Tal Bird Sanctuary as Jai Prakash Narayan Bird Sanctuary vide office order no. 2854/14-4-2002-874/2002 Lucknow on dated 10 December, 2002.*

*Divisional Forest Officer, Kashi Wildlife Division, Ramnagar, Varanasi incharge of Jai Prakash Narayan (Surha Tal) Bird Sanctuary, Ballia has given following information during visit are as follows :-*

3.1 *Forest Department, Forest Section-3 No. 1088 (1)/14-3-19/89 Lucknow on March 27, 1991 under sub-section (1) of Section-18 of the Wildlife Protection Act, 1972 by Hon'ble Governor, U.P. using this, about 34.329 sq. Km. area has been declared as Surha Tal Bird Sanctuary, Ballia (Annexed as Annexure-01).*

3.2 *Hon'ble Governor, U.P. has changed the name from Surha Tal Bird Sanctuary to Jai Prakash Narayan Bird Sanctuary vide notification U.P. Forest Section-4 No.- 2854 /14-4-2002-874/2002, Lucknow Dated 10.12.2002 (Annexed as Annexure-02).*

3.3 *District Magistrate, Ballia has invited/announced to general public under Section-21 of the Wildlife Protection Act, 1972, on 18.12.2006, objections/claims in the construction of bird sanctuary in the said area whose interests are being affected or vested may claim/*



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objections submit for hearing to the Settlement Officer (Sub Divisional Magistrate) Bansdih, Ballia which is continuing and under process.

3.4 In *Jai Prakash Narayan (Surha Tal) Bird Sanctuary, Ballia area*, out of total 3432.93 hectares of notified land, 132.78 hectares is village society (Gram Samaj) land and 3300.15 hectares is the land of private cultivators. No land of Forest Department is vested in it.

3.5 As per Additional Chief Secretary, Higher Education, Govt. of U.P. vide letter no. 462/Sattar-4-2018- 20(20)/2016, dated 09.03.2018 requested to District Magistrate Ballia that the Shaheed Smarak Trust Ballia land transfer its land 51.0 acre in favour to Higher Education Department, Govt. of U.P. for establishment of Jananayak Chandrashekhar University.(Annexed as Annexure-03). As per khatauni register of land Consolidation Department, Ballia the said land 51.0 acre transferred (Mutation) to Jananayak Chandrashekhar University, Ballia through Special Secretary, Govt. of U.P. (Annexed as Annexure-04).

3.6 The teaching work is going on continuously since the year 2017-18 in various faculties/courses of Jananayak Chandrashekhar University, Ballia. At present, apart from local students, students from nearby districts also come to get higher education.

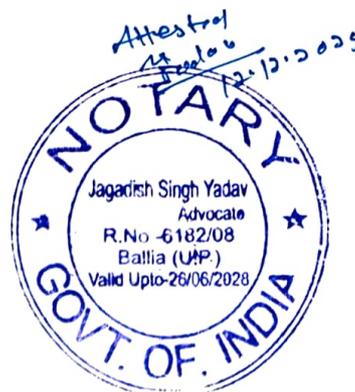
3.7 The University is situated in Village-Basantpur Ehatmali in a total area of 51.0 acres and the campus of the University is surrounded by boundary wall from all sides.

3.8 At the time of site visit various land gata's of JannayakChandrashekhar University found to be situated at a distance of about 300 meters to 600 meters from the water area of Surha Tal.

3.9 Farming is being done by the local farmers on the surrounding land outside the University campus, in which crops like wheat, gram, peas and mustard etc. have been grown. There is no water logging anywhere in the university campus or its adjacent area, due to this there is no movement of migratory/ immigrant birds in this area, nor is there breeding/ breeding of birds in the university campus or its vicinity. Reflected somewhere.

3.10 The campus of the University level is higher than the present water level of Surha Tal. The Surha Tal is connected to the river Ganges through Kathar Nala. When the water level of the river Ganga rises during the rainy season, the water of the river Ganga comes to Surha Tal through Kathar Nala. This flood water goes back in 20-25 days with the decrease in the water level of river Ganga. About 1087.87 hectare of the Surha Tal is filled with water throughout the year. Most of the migratory/ immigrant birds travel in this area only in the winter season from the month of December to the month of February.

3.11 It was informed by the University Administration that according to the present layout of the university campus, proper arrangements for water drainage have been ensured. During the rainy season, there will be no obstruction in the way of rain water going to the Surha Tal area from the old buildings and new under construction buildings



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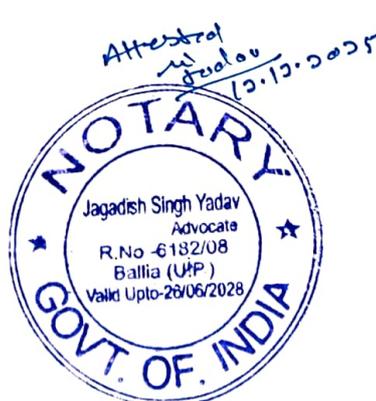
located in the university campus. Four drains located in the surrounding areas are connected to Surha Tal, through which all the water of the nearby catchment area goes to Surha Tal.

3.12 At the time of inspection Forest Settlement Officer, Ballia has submitted letter no. 1236/Aa.Li.-Van Bandobast, Dated 19.12.2022 regarding land of Jannayak Chandrashekhar University, Ballia (Annexed as Annexure-05). As per attached letter Jannayak Chandrashekhar University, Ballia has requested vide letter no. J.N.C.U./S.P./ 2790/2022, dated November 14, 2022 to the District Magistrate, Ballia through mentioning 09 points that all areas/land gata nos. of Jannayak Chandrashekhar University, Ballia to be excluded from the bird sanctuary. Considering the above request and claim of the University, under section 24 2(A) of the Wildlife (Protection) Act, 1972 (as amended) by Forest Settlement Officer, Ballia letter No. 1236/A.L.- Forest Settlement, dated 19.12.2022 in exercise of the rights conferred Jananayak Chandrashekhar University, Ballia, the mentioned land as requested has been separated from the notified area of the bird sanctuary.

3.13 At the time of site visit Registrar of Jananayak Chandrashekhar University has informed that it is a state University established in year 2016 by Government of Uttar Pradesh. About 122 colleges are affiliated to this University. These 122 colleges of Ballia district were formerly affiliated to Mahatma Gandhi Kashi Vidyapith, Varanasi. For academic year 2016-17 examinations were conducted by Mahatma Gandhi Kashi Vidyapith, Varanasi but students were awarded a degree from Jananayak Chandrashekhar University. At present about 138 Colleges are affiliated to this University as informed by Registrar."

5. In the order dated 19.12.2022 passed by the Forest Settlement Officer, Ballia, the land in question was found to be recorded as a trust property and it was being used for the purposes of University constituted by the State of UP and a case was registered before the Settlement Officer (Forest) under Section 22/24 of the Wildlife Protection Act, 1972.

6. After hearing the parties and considering the application, the Settlement Officer (Forest) passed an order demarcating the land under Section 24/2/k of Wildlife Protection Act, 1972. The report was called from the Forest Department and Regional Director, Forest Social Forestry Ramnagar and Ballia. They submitted a joint report with the facts that the Jai Prakash Narayan Bird Sanctuary, Surha Tal has a total area 34.329 sq.km which is situated in different 44 villages. Out of this area, 3300.15 hectare land is a land of private owners/agriculturists. Rest of the land i.e.



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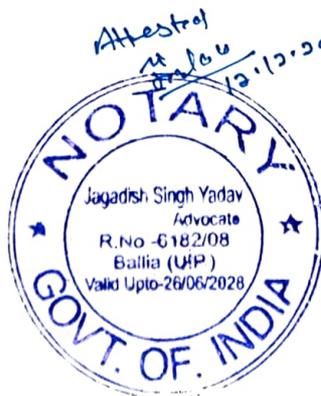
132.78 hectare is a land of Gram Samaj. The settlement proceedings have been initiated and pending before Settlement Officer (Forest). It is contended by learned Counsel appearing for the respondent that a Settlement Officer (Forest) is a competent authority to decide the matter with regard to land within the area and any order passed by the Settlement Officer (Forest) is an appealable order and any person aggrieved can file appeal or revision before the competent authority. The order passed by the Settlement Officer (Forest) cannot be challenged before this Tribunal. In view of the above proceeding before Settlement Officer Forest, para 10 and 11 of order dated 03.03.2023 is recalled.

7. The Regional Director, Ballia, vide its letter dated 27.03.2023, has communicated that no new constructions are being done in the eco-sensitive zone. It was contended by the respondents that the matter of eco-sensitive zone and forest area was considered in Writ Petition No. 202 of 1995, *In Re: T.N. Godavarman Thirumulpad vs Union of India and Ors.* and the Hon'ble Supreme Court passed an order as follows:

*“xxx .....xxx.....xxx*  
**2.** *The present set of applications arise out of a report of the CEC dated 20th November 2003. This report specifically pertains to Jamua Ramgarh wildlife sanctuary. This sanctuary covers an area of about 300 square kilometres. The said report gives a horrific picture of ravaging of a protected forest mainly by private miners mostly with temporary working permits obtained from the Governmental agencies. Following recommendations were made in this report:-*

**17.....** *(i) all mining leases which wholly or partly fall within the forest area inside the Jamua Ramgarh Sanctuary and also within the safety zone, should be immediately cancelled. The mining activity can be allowed to be resumed only after the new/amended mining leases, after excluding the forest area and the safety zone are sanctioned by the competent authority and the conditions mentioned herein under are fully complied with;*

*(ii) presently a safety zone of twenty five meter has been fixed for Jamua Ramgarh Sanctuary and other sanctuaries in Rajasthan as against 500 meter for Ranthambhore National Park in Rajasthan itself. In Madhya Pradesh safety zone of 250 meter for all the 20 forest area has been fixed. The CEC is of the view that*



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minimum 500 meter safety zone around National Parks and Sanctuaries is necessary where no mining, construction and other projects should be allowed. Without a reasonable safety zone the habitat and wild life in the National Parks and Sanctuaries are adversely affected. Although stringent conditions are imposed at the time of the sanction of the mining leases, none are practically complied with due to weak enforcement of the laws. The mining causes heavy disturbance in the area due to blasting, removal of over burden, chiseling, transportation, flying debris and movement of a large number of labourers and other persons. The safety zone of twenty five meter presently prescribed by the Rajasthan Forest Department is totally inadequate as the rocks torn apart during blasting can travel much beyond the present safety zone. However, increasing the safety zone to the desired level of 500 meter will result in closure of large number of mines. Taking a holistic overall view of the situation, the CEC recommends that for the Jamua Ramgarh wild life sanctuary, for the "existing" mines the safety zone may be fixed as 100 meter wherein no mining should be permitted. "For new" mining leases the safety zone may be fixed as 500 meter.

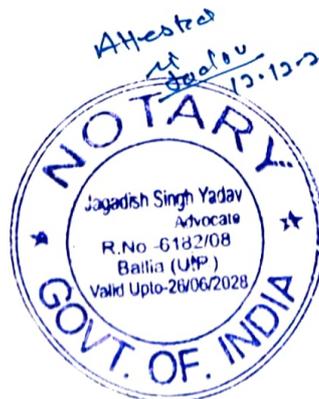
(iii) reclamation and rehabilitation of the area mined inside the sanctuary should be carried out in a time bound manner at the cost of the user agency for which a detailed reclamation and rehabilitation plan along with various items of work, cost involved and time frame should be prepared and implemented on priority basis. The plan presently prepared by the State Government is totally inadequate. It does not provide for reclamation and rehabilitation of the mining pits at all. No provision for removal of stones and rocks scattered in the sanctuary has been made. Intensive plantations and protection has not been provided. The revised plan should incorporate the above and other necessary measures to provide a congenial habitat for wild life. In the event adequate funds for this purpose cannot be recovered from the erstwhile mine lease owners, the same should be made available by the State Government;

(iv) mining around the sanctuary should be allowed to restart only after a fool proof mechanism is put in place to ensure recovery of funds for implementation of reclamation and rehabilitation plan by the State Government;

(v) exemplary compensation equivalent to the present market value of the entire mineral removed by the respective mine owners by mining inside the sanctuary in violation of the F.C. Act and/or the W. P. Act should be recovered from them on the basis of the recorded production or the estimated figures mentioned in the F.C. Act applications. The money so recovered should be used for protection and development of the sanctuary to its full potential;

(vi) the left over minerals scattered inside the sanctuary should be directed to be removed immediately.

(vii) the left over mining equipments such as cranes etc. should be confiscated and removed outside the sanctuary at the cost of the erstwhile mine lease holders;



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(viii) no mining should be permitted adjoining the sanctuary till the boundary of the sanctuary is demarcated on the ground and the boundary pillars are verified with the fixed reference points;

(ix) disciplinary action should be taken in a time bound manner against the erring officials in the Mines and the Forest Departments of the State of Rajasthan and the MoEF for allowing mining in violation of the F.C. Act, the W. P. Act and/or this Hon'ble Court's order;"

(quoted verbatim from paperbook)

XXX.....XXX.....XXX

6. A set of Guidelines for Declaration of Eco Sensitive Zones (ESZ) around National Park and Wildlife Sanctuaries had been formulated by the Ministry of Environment, Forest and Climate Change (MoEF&CC) of the Government of India on 9th February 2011 [F. No.19/2007 WL - 1 (pt)]. These Guidelines deal with the process and procedures to be adopted for declaring ESZ. In Clauses 3 and 4 of these Guidelines, it has been stipulated:-

**3. Purpose for declaring EcoSensitive Zones:**

The purpose of declaring Ecosensitive Zones around National Parks and Sanctuaries is to create some kind of "Shock Absorber" for the Protected Areas. They would also act as a transition zone from areas of high protection to areas involving lesser protection. As has been decided by the National Board for Wildlife, the activities in the Ecosensitive zones would be of a regulatory nature rather than prohibitive nature, unless and otherwise so required.

**4. Extent of Eco-Sensitive Zones:**

4.1 Many of the existing Protected Areas have already undergone tremendous development in close vicinity to their boundaries. Some of the Protected Areas actually lying in the urban setup (Eq. Guindy National Park, Tamil Nadu, Sanjay Gandhi National Park, Maharashtra, etc). Therefore, defining the extent of ecosensitive zones around Protected Areas will have to be kept flexible and Protected Area specific. The width of the Ecosensitive Zone and type of regulations will differ from Protected Area to Protected Area. However, as a general principle the width of the Ecosensitive Zone could go up to 10 Kms around a Protected Area as provided in the Wildlife Conservation Strategy 2002.

4.2 In case where sensitive corridors, connectivity and ecologically important patches, crucial for landscape linkage, are even beyond 10 kms width, these should be included in the Eco-sensitive Zone.

4.3 Further, even in context of a particular Protected Area, the distribution of an area of Eco-sensitive Zone and the extent of regulation may not be uniform all around and it could be of variable width and extent."



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(quoted verbatim from paperbook)

7. In Clauses 6 and 7 of the said Guidelines, it has been specified:

**“6. The procedure to be adopted:**

**6.1** As has been indicated in the forgoing paras, the basic aim is to regulate certain activities around National Park and Wildlife Sanctuary so as to minimize the negative impacts of such activities on the fragile ecosystem encompassing the Protected Area. As a first step towards achieving this goal, it is a prerequisite that an inventory of the different land use patterns and the different types of activities, types and number of industries operating around each of the Protected Area (National Parks, Sanctuaries) as well as important Corridors be made. The inventory could be done by the concerned Range Officers, who can take a stock of activities within 10 km of his range.

**6.2** For the above purpose, a small committee comprising the concerned Wildlife Warden, an Ecologist, an official from the Local Self Government and an official of the Revenue Department of the concerned area, could be formed. The said committee could suggest the:

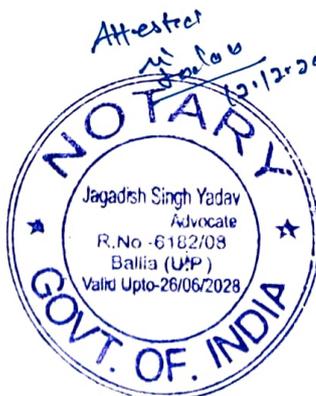
- (i) Extent of ecosensitive zones for the Protected Area being considered.
- (ii) The requirement of such a zone to act as a shock absorber.
- (iii) To suggest the best methods for management of the ecosensitive zones, so suggested.
- (iv) To suggest broad based thematic activities to be included in the Master Plan for the region.

**6.3** Based on the above, the Chief Wildlife Warden could group the activities under the following categories (an indicative list of such activities is attached as ANNEXURE 1):

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

**6.4** Once the proposal for Ecosensitive zones has been finalized, the same may be forwarded to the Ministry of Environment and Forests for further processing and notification. Here, it may be noted that, the State/ Union Territory Forest Department could forward the proposals to the respective authority in the State Government with copy to the Ministry of Environment and Forests, as and when the proposals (even if it is for single Protected Area) are complete. An indicative list of details that need to be submitted along with the proposals is at ANNEXURE 2.

**6.5** It is to mention here that in cases where the boundary of a Protected Area abuts the boundary of another State/ Union Territory where it does not form part of any Protected Area, it shall be the endeavour of both the State/ Union Territory Governments to have a mutual consultation and decide upon the width of the ecosensitive zone around the Protected Area in question.



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**6.6** The State Government should endeavour to convey a very strong message to the public that ESZ are not meant to hamper their day to day activities, but instead, is meant to protect the precious forests/Protected Areas in their locality from any negative impact, and also to refine the environment around the Protected Areas. A copy of the notification of the Sultanpur Ecosensitive Zone issued by the Ministry is attached herewith at ANNEXURE3 for reference and guidance.

**7.** These guidelines are indicative in nature and the State / Union Territory Governments may use these as basic framework to develop specific guidelines applicable in the context of their National Parks, Wildlife Sanctuaries, important corridors, etc. with a view to minimizing and preferably eliminating any negative impact on protected areas."

**(quoted verbatim from paperbook)**

xxx .....xxx.....xxx

**10.** The second report of the CEC dated 20th September 2012 makes the following recommendations as regards identification and declaration of ESZ. This report entitled "**Note regarding safety zones (Ecosensitive zones) around National Parks and Wildlife Sanctuaries**" makes the following recommendations:-

10. After considering that during the last ten years no significant progress has been made regarding identification and declaration of Safety Zones around protected areas and considering the matter in its totality, an implementable scheme has been prepared by the CEC and which has been dealt with in subsequent paragraphs.

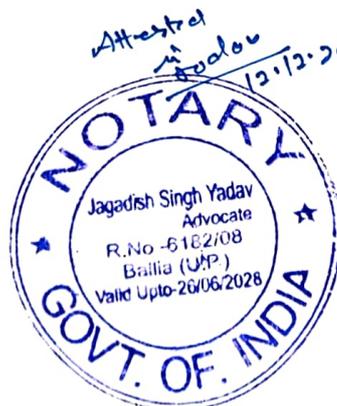
11. For the purpose of identification and declaration of the Safety Zones around National Parks/Wildlife Sanctuaries (hereinafter referred to as protected areas), the protected areas based on their areas, are classified into four categories:

**i) CATEGORY-A** – the protected areas having an area of 500 sq. km. or more. The total number of such protected areas is 73 and their total area is about 1,01,389 sq. km (63.44 % of total area of protected areas);

**ii) CATEGORY-B** - protected areas having an area between 200 sq. km. to 500 sq. km. The total number of such protected areas is 115 and their total area is about 38942 sq. km. (24.37 % of total area of protected areas);

**iii) CATEGORY-C** – the protected areas having an area between 100 sq. km. to 200 sq. km. The total number of such protected areas is 85 and their total area is about 12,066 sq. km (about 7.55 % of total area of protected areas); and

**iv) CATEGORY-D** – the protected areas having an area up to 100 sq. km. The total number of such protected areas is 344 and their total area is about 7,422 sq. km (about 4.65 % of total area of all protected areas).



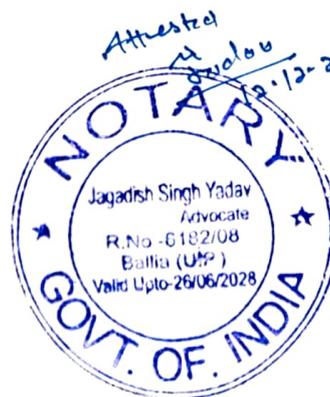
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12. Wherever two or more protected areas are contiguous to each other, such protected areas will be placed in the appropriate category based on the sum total of their areas (and not on the basis of area of individual protected area). The details of some of the contiguous protected areas are given below:

- i) Corbett National Park (520 sq. km.) and Sonanadi Sanctuary (301 sq. km.) total area is 821 sq. km and therefore both will fall in Category A;
- ii) Gir National Park (258 sq. km.) and Gir Sanctuary (1,153 sq. km.) total area is 1,411 sq. km. and therefore both will fall in Category A;
- iii) Periyar National Park (350 sq. km.) and Periyar Sanctuary (427 sq. km.) total area is 777 sq. km. and therefore both will fall in Category A;
- iv) Satpura National Park (585 sq. km.), Bori Sanctuary (485 sq. km.) and Pachmarhi Sanctuary (417 sq. km.) total area is 1488 sq. km. and therefore all three will fall in Category-A;
- v) Valmiki National Park (335 sq. km.) and Valmiki Sanctuary (545 sq. km.) total area is 880 sq. km. and therefore both will fall in Category A;
- vi) Tadoba National Park (116 sq. km.) and Andhari Wildlife Sanctuary (509 sq. km.) total area is 625 sq. km. and therefore both will fall in Category A; and
- vii) Sariska National Park (273 sq. km.) and Sariska Sanctuary (219 sq. km.) total area is 492 sq. km. and therefore both will fall in Category B;

13. The Safety Zone, in respect of protected areas falling in 'Category A and Category B, may comprise of all the areas including nonforest areas falling within a distance of two kilometers and one kilometer respectively from the boundaries of the protected area. Such distances, in respect of protected areas falling within Category C and Category D, may be kept at 500 meter and 100 meter respectively.

14. The grant/renewal of mining leases (excluding for collection of boulders, gravel and sand from river beds), setting up of hazardous industries, brick kilns, wood based industries (except MDF/ Particle Boards Plants) will be treated as prohibited activities within the Safety Zone (ecosensitive zones). The activities such as setting up of industries (other than those included in the list of prohibited activities), hotels and restaurants including resorts, commercial helicopter services, hydel projects, irrigations projects, canals, laying of transmission lines and distribution lines above 33 KV, roads of more than five meter width and collection of boulders, gravel and sand from the river beds will be treated as regulated activities and which will be permissible only after obtaining environment clearance and clearance of the Standing Committee, National Board for Wildlife. All other activities which are not prescribed as prohibited activities or regulated activities will be treated as permissible activities.



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15. The concerned State/UT will be at liberty to shift a protected area from a lower category to higher category (say from Category C to Category B) after considering the importance of the protected area on account of:

- i) presence of flagship species/endangered species such as Tiger, Lion, Elephant, Rhino, Snow Leopard, Red Panda, Hangul, Musk deer, Great Indian Bustard, Lion Tailed Macaque, floricans;
- ii) fragile ecosystem such as Western Ghats, North Eastern States, areas having high altitude flora and fauna, rain forest, mangroves, marine ecosystem;
- iii) World Heritage sites; and
- iv) Wetland ecosystems

16. The concerned State/UT Governments may after detailed examination of the status of habitation, existing industries and other activities and other relevant factors, and, if found desirable and in public interest forward the proposal(s) for shifting a protected area from a higher category to a lower category. They may also forward the proposal(s) for exclusion of the areas of cities falling within the Safety Zone. The MoEF thereafter will examine such proposals and place such proposals before the Standing Committee of the National Board for Wildlife for its consideration. The proposals cleared by the Standing Committee of the NBWL will be placed before this Hon'ble Court for seeking its permission. It is only after obtaining the permission of this Hon'ble Court that a protected area may be shifted from a higher category to a lower category.

17. The Safety Zones (ecosensitive zones) around National Parks and Wildlife Sanctuaries will be in addition to the following ecosensitive zones notified by the MoEF (and by other notifications, if any):

- i) S.O. 20(E), (6/1/1989) Prohibiting industries on MurudJanjira, District Raigadh, Maharashtra;
- ii) S.O. 102(E), (1/2/1989) Restricting location of industries, mining & other activities in Doon Valley (UP);
- iii) S.O. 416(E), (20/6/1991) Dahanu Taluka, District Thane (Maharashtra) to declare as Ecologically Fragile Area, amended 1999;
- iv) S.O.319(E), (7/5/1992) Restricting certain activities causing environmental degradation at Aravalli Range;
- v) S.O. 481 (E), (5/7/1996) No Development Zone at Numaligarh, East of Kaziranga;
- vi) S.O. 884(E), (19/12/1996) Dahanu Taluka Environment Protection Authority, 1996, amended 2001 ;
- vii) S.O. 350(E), (13/5/1998) Order constituting the Taj Trapezium Zone Pollution (Prevent and Control) Authority;
- viii) S.O. 825(E), (17.9.1998) Pachmarhi Region as an EcoSensitive Zone;



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- ix) S.O. 52(E), (17/1/2001) Mahabaleswar Panchgani Region as an EcoSensitive Zone;
- x) S.O. 133 (E), (4/2/2003) Matheran and surrounding region as an EcoSensitive Zone 1. S.O. 83 (E), (16/01/2004) Amendments to S.O. 133(E) dated 4/2/2003;
- xi) S.O. 1545(E), (25/06/2009), Mount Abu as EcoSensitive Zone.
- xii) S.O. 1260(E), (31/05/2012) Girnar Reserve Forest as EcoSensitive Zone.

18. It is respectfully submitted that the above proposals are submitted in the backdrop of inordinate delay that has taken place in the identification and declaration of Safety Zones around National Parks/ Wildlife Sanctuaries and so as to ensure that the process of such declarations do not remain pending indefinitely."

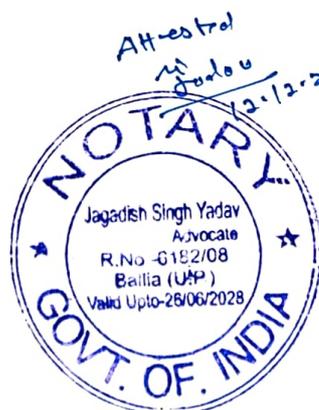
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27. It has also been highlighted by the State that 25 sanctuaries, 2 national parks have been declared by the State comprising of a total area of 9,07,070 hectares and an area of 23,29,659 hectares of area as forest area or deemed forest is already existing as eco-sensitive/eco fragile/buffer/safety zones in that State within which no non-forest activities is allowed without proper permission under the Forest (Conservation) Act, 1980. The State of Rajasthan has opposed the proposal for declaring 10 kilometres beyond the boundary of sanctuaries and national parks being declared as ESZ.

28. The role of the State cannot be confined to that of a facilitator or generator of economic activities for immediate upliftment of the fortunes of the State. The State also has to act as a trustee for the benefit of the general public in relation to the natural resources so that sustainable development can be achieved in the long term. Such role of the State is more relevant today, than, possibly, at any point of time in history with the threat of climate catastrophe resulting from global warming looming large. This Court has highlighted the Public Trust Doctrine in the case of M.C. Mehta v. Kamal Nath and Others [(1997) 1 SCC 388] and opined that the Public Trust Doctrine is part of the law of land. In Paragraph 25 of the said judgment, as reported, this doctrine has been explained with reference to writings of Joseph L. Sax, Professor of Law, University of Michigan, the proponent of Modern Public Trust Doctrine:-

"25. The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. According to Professor Sax the Public Trust Doctrine imposes the following restrictions on governmental authority:



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"Three types of restrictions on governmental authority are often thought to be imposed by the public trust: first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third the property must be maintained for particular types of uses."

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**32.** The MoEF&CC essentially has argued in favour of having ESZ to be site specific and for that purpose they have invited proposals from individual State Government in the aforesaid Guidelines. In cases where such proposals have not come, they want 10 kilometres periphery of protected forests to be preserved as ESZ. As regards activities permissible within the buffer zone, certain works have been proposed to be regulated and certain activities to be permitted within the ESZ. This has been stipulated in Annexure I to the Guidelines. We have already referred to the prohibited activities. Among the regulated activities, as per these Guidelines are:-

- (i) Felling of trees with permission from appropriate authority.
- (ii) Establishment of hotels and resort as per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.
- (iii) Drastic change in agricultural systems.
- (iv) Commercial use of natural water resources including ground water harvesting as per approved master plan, which takes care of habitats allowing no restriction on movement of wild animals.
- (v) Erection of electrical cables with stress on promoting underground cabling.
- (vi) Fencing of premises of hotels and lodges.
- (vii) Use of polythene bags by shopkeepers.
- (viii) Widening of roads with proper environmental impact assessment.
- (ix) Movement of vehicular traffic at night for commercial purposes.
- (x) Introduction of exotic species.
- (xi) Protection of hill slopes and river banks.
- (xii) Regulation of any form of air and vehicular pollution.
- (xiii) Putting up of sign boards and hoardings.

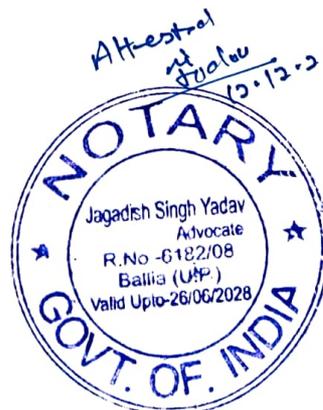
Within permissible activities fall:

- (i) Ongoing agricultural and horticulture practices by local communities.
- (ii) Rain water harvesting
- (iii) Organic farming
- (iv) Use of renewable energy sources
- (v) Adoption of green technology for all activities.

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**35.** The approach of the Court in dealing with complaints of environmental degradation has been laid down by this very Bench in this Writ Petition itself in an order passed on 9th May 2022 in

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connection with another set of applications. In this Order, it has been observed and held:-

**15.** Adherence to the principle of sustainable development is a constitutional requirement. While applying the principle of sustainable development one must bear in mind that development which meets the needs of the present without compromising the ability of the future generations to meet their own needs. Therefore, Courts are required to balance development needs with the protection of the environment and ecology. It is the duty of the State under our Constitution to devise and implement a coherent and coordinated programme to meet its obligation of sustainable development based on intergenerational equity. While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment.

**16.** In *Vellore Citizens' Welfare Forum v. Union of India*, this Court held that the 'Precautionary Principle' is an essential feature of the principle of 'Sustainable Development'. It went on to explain the precautionary principle in the following terms: (i) Environmental measures — by the State Government and the statutory authorities — must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(iii) The "onus of proof" is on the actor or the developer/industrialist to show that his action is environmentally benign.

**17.** The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake. Precautionary duties must not only be triggered by the suspicion of concrete danger but also by justified concern or risk potential.

**18.** A situation may arise where there may be irreparable damage to the environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest. This Court held that in case of a doubt, protection of environment would have precedence over the economic interest. It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on a reasonable suspicion. Further, this Court emphasises in the said judgment that it is not always necessary that there should be direct evidence of harm to the environment."



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While dealing with the applications in the present set of proceedings, we shall follow the same principles.

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44. We accordingly direct:

- a) Each protected forest, that is national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9th February 2011 shall be strictly adhered to. For Jamua Ramgarh wildlife sanctuary, it shall be 500 metres so far as subsisting activities are concerned.
- b) In the event, however, the ESZ is already prescribed as per law that goes beyond one kilometre buffer zone, the wider margin as ESZ shall prevail. If such wider buffer zone beyond one kilometre is proposed under any statutory instrument for a particular national park or wildlife sanctuary awaiting final decision in that regard, then till such final decision is taken, the ESZ covering the area beyond one kilometre as proposed shall be maintained.
- c) The Principal Chief Conservator of Forests as also the Home Secretary of each State and Union Territory shall remain responsible for proper compliance of the said Guidelines as regards nature of use within the ESZ of all national parks and sanctuaries within a particular State or Union Territory. The Principal Chief Conservator of Forests for each State and Union Territory shall also arrange to make a list of subsisting structures and other relevant details within the respective ESZs forthwith and a report shall be furnished before this Court by the Principal Chief Conservator of Forests of each State and Union Territory within a period of three months. For this purpose, such authority shall be entitled to take assistance of any governmental agency for satellite imaging or photography using drones.
- d) Mining within the national parks and wildlife sanctuaries shall not be permitted.
- e) In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9th February 2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ.
- f) The minimum width of the ESZ may be diluted in overwhelming public interest but for that purpose the State or Union Territory concerned shall approach the CEC and MoEF&CC and both these bodies shall give their respective opinions/recommendations before this Court. On that basis, this Court shall pass appropriate order.

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- g) *In the event the CEC, MoEF&CC, the Standing Committee of National Board of Wildlife or any other body of persons or individual having special interest in environmental issues consider it necessary for maintaining a wider or larger ESZ in respect of any national park or wildlife sanctuary, such body or individual shall approach the CEC. In such a situation the CEC shall be at liberty to examine the need of a wider ESZ in respect of any national park or wildlife sanctuary in consultation with all the stakeholders including the State or Union Territory concerned, MoEF&CC as also the Standing Committee of National Board of Wildlife and then approach this Court with its recommendations. ....”*

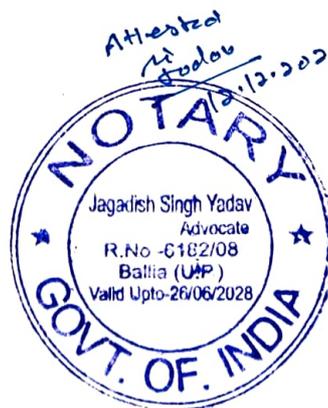
8. I.A. No. 131377/2022 in Writ Petition No. 202 of 1995, *In Re: T.N. Godavarman Thirumulpad vs Union of India and Ors.* was filed before the Hon'ble Supreme Court for modification/clarification of the orders passed by the Hon'ble Supreme Court in W.P. (C) No. 202/1995. The relevant portions of the order are quoted below:

“xxx .....xxx.....xxx

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

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

*56.5. In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9-2-2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ.”*



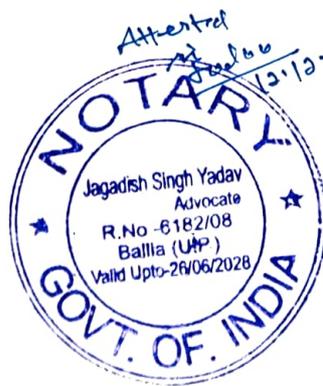
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3. The clarification/modification of paragraph 56.1 of the order dated 3rd June 2022 (supra) is sought to the extent that the Eco-Sensitive Zones (for short, "ESZs") which have already been notified (final and draft) by the Ministry of Environment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

9. The guidelines have been issued with regard to prohibited, regulated and permitted areas and a list of the activities which are prohibited, regulated and permitted is contained in Annexure-I of the said Guidelines.
10. In above petition, Hon'ble Supreme Court in para 48 and other paragraphs observed as follows:

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

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



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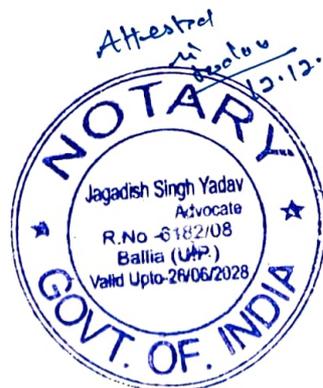
- i. The construction of community halls, bridges, threshing floors, fish-drying platforms, drinking water storage, etc., for the benefit of local communities/villages;
- ii. The construction of forest chowkies, watch towers, and other structures for protection of wildlife and forests;
- iii. The construction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

**50.** It is further to be noted that there are various regulated and permissible activities. There are also certain projects of national and strategic importance such as construction of National Highways, Railways, Defence related infrastructure etc. The effect of the direction in 56.5 of the order dated 3<sup>rd</sup> June 2022 (supra) is that all such activities will be permanently prohibited. In this respect, it is to be noted that MoEF & CC has issued an Office Memorandum dated 17<sup>th</sup> May 2022 which required that any activity listed in Schedule of the EIA Notification 2006, when conducted in a notified ESZs, or in the case of National Parks and Sanctuaries for which no ESZ has been finally notified, when conducted within 10 kilometres of such National Park or Sanctuary, requires the consideration and recommendation of the NBWL or its Standing Committee in addition to the Environment Clearance under the 1986 Act. Additionally, activities which are regulated as per the specific ESZ notification, require approval as per that notification. As such, we find that there are inbuilt safeguards for preventing rampant construction and abuse of process which may be detrimental to the development and maintenance of wildlife habitats. It is further to be noted that if the direction as contained in paragraph 56.5 of the order dated 3<sup>rd</sup> June 2022 (supra) that even for continuation of existing activities, the permission of the PCCF of each State or Union Territory would be necessary, remains unmodified, taking into consideration that in each State or Union Territory there will be hundreds of villages wherein millions of people would be residing, the PCCF would be left with no other job except to consider such applications for permission to continue such activities. Even a farmer desirous to continue farming activities would be required to seek such permission. We find that such a direction is impossible to be implemented.

**51.** We are of the view that if such a direction is continued, rather than avoiding man-animal conflict, it will intensify the same. As observed in the said Guidelines, the requirement of declaring ESZs is not to hamper day to day activities of the citizens but is meant to protect the precious forests/Protected Areas from any negative impact, and to refine the environment around the Protected Areas.

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**55.** Insofar as direction in paragraph 56.1 of the order dated 3<sup>rd</sup> June 2022 (supra) is concerned, a perusal of various orders would reveal that this Court has not directed any minimum area from the demarcated boundary of such Protected Areas. The area to be declared as ESZ cannot be uniform and will be Protected Area specific. In some cases, it may be 10 kilometres on one side and 500 meters on the other side. In certain cases, it may not be possible to have a uniform minimum area by virtue of inter-state boundaries or a sea or a river beyond one side of the Protected Area. In any case, a detailed



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procedure is required to be followed as prescribed under Rule 5 of the 1986 Rules which we have already referred hereinabove. We find that once such a notification is issued after following the procedure prescribed under the 1986 Rules, the ESZs will have to be as per the said notification.

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

**64.** We further clarify that the direction contained in paragraph 56.1 of the order dated 3rd June 2022 (supra) would not be applicable where the National Parks and Sanctuaries are located on inter-State borders and/or share common boundaries.

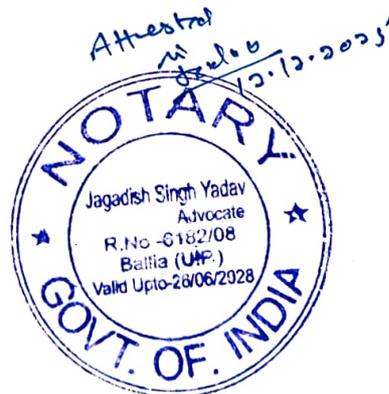
**65.** We also modify the direction contained in paragraph 56.4 of the order dated 3rd June 2022 (supra) and direct that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary shall not be permissible.

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

- (i) The MoEF & CC and all the State/ Union Territory Governments shall strictly follow the provisions in the said Guidelines dated 9th February 2011 and so also the provisions contained in the ESZs notifications pertaining to the respective Protected Areas with regard to prohibited activities, regulated activities and permissible activities;
- (ii) We further direct that while granting Environmental and Forest Clearances for project activities in ESZ and other areas outside the Protected Areas, the Union of India as well as various State/ Union Territory Governments shall strictly follow the provisions contained in the Office Memorandum dated 17th May 2022 issued by MoEF & CC."

11. By filing an additional affidavit, the applicant has stated that in the reply filed under section 6 of the Right to Information Act, 2005, the Divisional Forest Officer, Ballia has responded that the construction of the building was within the eco-sensitive zone and that it falls within the flood plains of the lake.

12. Vide Notification dated 08.03.2019 issued by the MoEF&CC, the area of the Jai Prakash Narayan Bird Sanctuary is recorded as 34.392 sq. kms and in para 3 (1) the State Government was directed to take certain



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measures for giving effect to the provisions of the Notification with regard to forest, horticulture, agriculture, parks and open spaces earmarked for recreation purposes in the eco-sensitive zone.

13. It is further provided that conversion of land may be permitted on the recommendations of the Monitoring Committee and with the prior approval of the competent authority under Regional Town Planning Act and under Rules and Regulation of Central Government or State Government as applicable and the Monitoring Committee has been notified as follows:

**"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	District Magistrate, Ballia	Chairman, ex-officio
2	Superintendent of Police/Senior Superintendent of Police, Ballia	Member
3	A representative of Non-governmental Organization working in the field of wildlife conservation to be nominated by the State Government	Member
4	Executive Engineer of PWD, Ballia	Member
5	One expert in Ecology from reputed institution or university of the State	Member
6	Executive Engineer of Irrigation Department, Ballia	Member
7	District Agriculture Officer, Ballia	Member
8	Wildlife Warden, Kashi Wildlife Division, Ramnagar, Varanasi	Member
9	Regional Officer, Uttar Pradesh State Pollution Control Board, District Ballia	Member
10	Divisional Director, Social Forestry Division, Ballia	Member Secretary

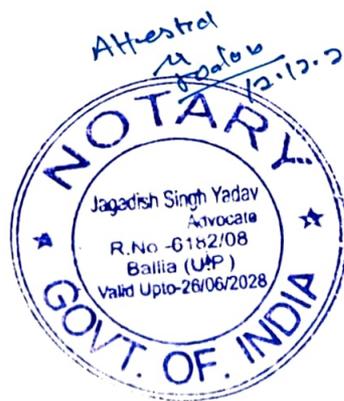
14. Accordingly, in light of the provisions contained in Section 5 of the Gazette notified on 08.03.2019, the matter of consideration within Rule 3(1) must be considered by the competent Committee as notified and quoted above in Rule 5.



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15. In view of the above provisions, we direct as follows:

- i. The matter referred in the letter petition may be placed before the competent committee called Monitoring Committee for monitoring the eco-sensitive zone as notified in Section 5 of the Notification dated 8.3.2019 issued by MoEF&CC and the Committee shall strictly comply with the provisions contained in the notification.
- ii. MoEF&CC and State of UP shall strictly follow the provisions in the guidelines dated 9.2.2011 and provisions contained in the ESZ Notification pertaining to respective protected areas with regard to prohibited, regulated and permissible activities.
- iii. The Monitoring Committee quoted above is directed to strictly follow the guidelines and take necessary action according to Rules and to ensure that there should not be violation of environmental laws.
- iv. Activities within the area should be regulated in accordance with guidelines issued and we further direct that while granting Environmental Clearances/Forest Clearances for project activities in eco-sensitive zone, the District Administration and State of UP shall strictly follow provisions contained in the Office Memorandum dated 17.05.2022 issued by the MoEF&CC. The matter of dispute coming within the provisions of Forest Act and other Acts shall be placed before Settlement Officer (Forest) for demarcation and identification of land and the Settlement Officer (Forest) shall decide the matter in accordance with the rules and anyone aggrieved by the order of Settlement Officer (Forest), has a right to appeal or revision according to law.



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16. The letter petition/Original Application stands disposed of in light of above observations.

17. A copy of this order be forwarded to District Magistrate, Ballia, Chairman, ex-officio of the Monitoring Committee as provided under Section 5 of the Gazette Notification dated 08.03.2019 for information and necessary action.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 12, 2023  
Original Application No. 698/2022  
DV

//TRUE COPY//



**ANNEXURE R-6**

वन जीव (संरक्षण) अधिनियम 1972(यथा संशोधित) की धारा  
(22/24) के अन्तर्गत कार्यवाही।

दावा सं० -1

जननायक चन्द्रशेखर विश्वविद्यालय, बलिया के पत्रांक संख्या जे०एन०सी०यू०/सा०प्र०/2790/2022 दिनांक 14 नवम्बर 2022 द्वारा 09 बिन्दुओं पर उल्लेख करते हुए जिलाधिकारी महोदय बलिया को सम्बोधित कर जननायक चन्द्रशेखर विश्वविद्यालय बलिया के समस्त क्षेत्रों को पक्षी विहार से बाहर करने का अनुरोध किया गया है-

1. मौजा बसन्तपुर एहतमाली में गाटा संख्या/रकबा कमशः 677/0.02, 679/0.05, 680/0.05, 681/0.07, 682/0.07, 686/0.18, 687/0.13, 688/1.60, 688/0.30, 689/1.60, 690/0.25, 691/0.22, 692/0.65, 693/0.53, 694/0.59, 695/0.55, 696/1.04, 696/0.60, 750/0.60, 751/0.58, 752/0.62, 753/0.05, 754/0.07, 755/0.28, 756/0.42, 757/1.58, 758/0.61, 759/0.06, 760/0.51, 761/0.43, 762/0.10, 763/0.72, 810/0.20, 812/0.32, 813/0.80, 814/0.72, 815/0.33, 816/0.40, 817/0.25, 818/0.19, 819/0.93, 820/1.85, 821/4.92, 822/0.25, 825/0.22, 826/0.32, 840/0.16, 841/0.13, 842/0.80, 843/0.65, 844/0.78, 845/0.33, 846/0.54, 847/1.08, 847/0.41, 848/0.02, 848/0.96, 849/0.69, -1/2, 854/0.10, 857/0.34, 858/0.84, 859/0.66, 860/1.05, 865/1.10 -5/6, 866/1.30, 867/1.24, 868/1.19, 869/1.024, 870/0.80871/0.41, 872/0.69, 873/1.19, 874/0.72, 875/0.80, 876/0.62, 877/0.56, 878/0.49, 879/1.08, 879/0.40, 905/0.52, 906/0.04, 1603/0.06, 1604/0.18 कुल गाटा 78 रकबा 51.00 एकड़ (29.642 हे०) जननायक चन्द्रशेखर विश्वविद्यालय के नाम से दर्ज है।

2. उक्त क्षेत्र में स्थित जननायक चन्द्रशेखर विश्वविद्यालय बलिया के विभिन्न संकायों/पाठयक्रमों पठन/पाठन का कार्य सुचारु रूप से वर्ष 2017-18 से अनवरत चल रहा है। वर्तमान समय में काफी संख्या में विद्यार्थी विश्वविद्यालय में अध्ययनरत हैं।

3. जनपद बलिया में अवस्थित इस विद्यालय में विभिन्न जनपदों के सुदूर क्षेत्रों से विद्यार्थी उच्च शिक्षा ग्रहण करने हेतु यहां आते हैं।

4. बिन्दु संख्या 01 में वर्णित भूमि जलीय क्षेत्र से दूर स्थित है तथा यहाँ पर कभी भी प्रवासी/स्थानीय जलीय पक्षी नहीं आते हैं।

5. इस विश्वविद्यालय का सम्पूर्ण क्षेत्र चहारदीवारी से घिरा हुआ है तथा वर्तमान में ले-आउट के अनुसार पानी निकासी की समुचित व्यवस्था सुनिश्चित की गयी है।

वन बन्दावस्तु  
आपका करे।

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काशी वन्य जीव प्रभाग  
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6. जय प्रकाश नारायण (सुरहाताल) पक्षी विहार में मौजा ताल सुरहां का सम्पूर्ण क्षेत्र लगभग 1088.00 हे० है, में पानी भरा रहता है। यह क्षेत्र प्रचारी एवं स्थानीय पक्षियों के विचरण एवं निवास हेतु पर्याप्त है। प्रचारी पक्षी ग्राह दिसम्बर से फरवरी तक लगभग 03 गाह का प्रवास कर वापस चले जाते हैं।

7. जननायक चन्द्रशेखर विश्वविद्यालय बलिया के संचालन से पक्षी विहार क्षेत्र पर कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

8. नैसर्गिक दृष्टिकोण से मानव जीवन का उत्थान एवं विकास सर्वोपरि है। विश्वविद्यालय के संचालन से आस पास के जनपदों के छात्र- छात्राओं को उच्च शिक्षा प्राप्त करने का अवसर प्राप्त होगा। जिससे नौकरी /रोजगार प्राप्त कर अपने जीविकोपार्जन एवं आर्थिक स्थिति में सुधार कर सकेंगे।

9. उपरोक्त वर्णित तथ्यों के आलोक में अनुरोध किया गया है कि जननायक चन्द्रशेखर विश्वविद्यालय बलिया के समस्त क्षेत्रों को पक्षी विहार से बाहर करने का कष्ट करें।

उक्त दावा/आपत्ति प्राप्त होने के उपरान्त अधोहस्ताक्षरी द्वारा दिनांक 05 दिसम्बर 2022 को उपरोक्त गाटों एवं बिन्दुओं के सम्बन्ध में कार्यालय के पत्रांक संख्या 1203/आ०ले०-३०जि० तहसील बॉसडीह द्वारा बन्दोबस्त अधिकारी बलिया एवं प्रभागीय वन अधिकारी, काशी वन्य जीव प्रभाग रामनगर को निर्धारित प्रारूप पर प्रपत्र (क) दिनांक 10.12.2022 के पूर्व उपलब्ध कराने हेतु अनुरोध किया गया।

दिनांक 17.12.2022 को कार्यालय प्रभागीय वनाधिकारी, काशी वन्य जीव प्रभाग रामनगर वाराणसी के पत्रांक 2117/31/2022-23 दिनांक 17 दिसम्बर 2022 के द्वारा अवगत कराया गया है कि मौजा बसन्तपुर एहतमाली के अन्तर्गत कुल 78 गाटे रकबा 51.00 एकड. भूमि जननायक चन्द्रशेखर विश्वविद्यालय बलिया के नाम दर्ज है। विश्वविद्यालय परिसर में वर्ष 2017-18 से पठन पाठन का कार्य अनवरत चल रहा है, जिसमें पठन-पाठन हेतु सुदूर क्षेत्र से विद्यार्थी उच्च शिक्षा प्राप्त करने हेतु आते हैं। विश्वविद्यालय का सम्पूर्ण क्षेत्र चहारदीवारी से घिरा हुआ है।

वन विभाग एवं चकबन्दी विभाग के अधिकारियों/कर्मचारियों द्वारा मौके का स्थलीय संयुक्त निरीक्षण किया गया तथा संयुक्त आख्या प्रपत्र-क पर निम्नवत है-

1. जननायक चन्द्रशेखर विश्वविद्यालय बलिया के समस्त गाटों/भूमि में कहीं पर भी वर्तमान समय में पानी नहीं भरा है।
2. वर्तमान समय में जय प्रकाश नारायण (सुरहाताल) पक्षी विहार के जलीय क्षेत्र से जननायक चन्द्रशेखर विश्वविद्यालय के विभिन्न गाटों/भूमि की दूरी लगभग 250.00 मी० से 600.00 मीटर तक है।

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3 विश्वविद्यालय परिसर एवं उससे राटे क्षेत्र में कहीं पर भी जल भराय नहीं होने के कारण देशी/विदेशी पक्षी विश्वविद्यालय परिसर अथवा उसके आरा-पास के क्षेत्रों में नहीं आते हैं।

4 विश्वविद्यालय के भू-खण्डों/स्थान जय प्रकाश नारायण (सुरहौताल) पक्षी विहार के वर्तमान जल स्तर के सापेक्ष लगभग 02.50मी० से 03.00 मी० ऊँचा है।

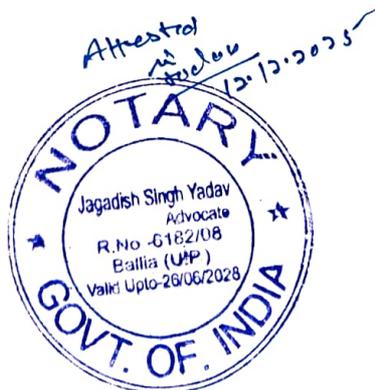
संयुक्त टीम द्वारा जननायक चन्द्रशेखर विश्वविद्यालय बलिया के सम्पूर्ण परिसर को जय प्रकाश नारायण (सुरहौताल) पक्षी विहार की अधिसूचित सीमा से बाहर किये जाने हेतु रिपोर्ट प्रस्तुत किया गया है। अतः सर्वे टीम द्वारा स्थलीय निरीक्षण के उपरान्त प्रस्तुत संयुक्त आख्या के आधार पर जननायक चन्द्रशेखर विश्वविद्यालय बलिया के सम्पूर्ण परिसर को जय प्रकाश नारायण (सुरहौताल) पक्षी विहार की अधिसूचित सीमा से बाहर किये जाने की संस्तुति की गयी है।

वन अनुभाग-3 संख्या 1088(1)/14-3:19/बी०९ लखनऊ दिनांक 27 मार्च 1991 के द्वारा वन जीव (संरक्षण अधिनियम 1972 (अधिनियम संख्या 53 सन् 1972 की धारा 18 की उप धारा (1) के अधीन शक्ति का प्रयोग करके कुल क्षेत्र 3,432.93 हे० यानि 34.329 वर्ग कि०मी० सीमा वर्णित की गयी है। वनजीव संरक्षण अधिनियम -1972 की धारा-21 के अन्तर्गत उद्घोषणा वर्ष 2006 में की गयी है तथा सर्व साधारण जिस किसी के भी हित प्रभावित हो रहे हैं अथवा निहित हैं से उक्त क्षेत्र को पक्षी विहार बनाने में आपत्तियाँ/दावे आमंत्रित किये गये। जननायक चन्द्रशेखर विश्वविद्यालय को दिनांक 22.12.2016 में मान्यता प्राप्त हुयी है। इस के पूर्व यह भूमि शहीद स्मारक ट्रस्ट के पास रही है।

अधिनियम की धारा 20 के अनुसार 'अधिकारों के प्रोद्भवन का वर्जन'- धारा 18 के अधीन अधिसूचना निकाले जाने के पश्चात् ऐसी अधिसूचना में विनिर्दिष्ट क्षेत्र की सीमाओं में आने वाली भूमि में, उस पर या उसके सम्बन्ध में कोई अधिकार, वसीयती या निर्वसीयती, उत्तराधिकारी के सिवाय अर्जित नहीं किया जायेगा।' वन्य जीव संरक्षण अधिनियम-1972 की धारा 21 के अन्तर्गत उद्घोषणा वर्ष 2006 में हुयी। जन सामान्य को अभ्यारण्य के भूमि सम्बंधी नियमों की जानकारी न हो पाने के कारण शहीद ट्रस्ट को भौतिक अधिकार प्राप्त हो गये। शहीद स्मारक ट्रस्ट को भूमि अन्तर्गत होने से पूर्व भी यह भूमि निजी कार्तकारों की ही थी।

प्रमाणीय वनाधिकारी इस क्षेत्र के प्रभारी है। इनकी आख्या से स्पष्ट होता है कि जननायक चन्द्रशेखर विश्वविद्यालय द्वारा किये गये दावे से सम्बन्धित भूमि पक्षी अभ्यारण्य के अस्तित्व के लिए अपरिहार्य नहीं है। जननायक चन्द्रशेखर विश्वविद्यालय की भूमि काफी ऊँची है। जलीय क्षेत्र जहाँ वर्ष भर पानी रहता है, से चन्द्रशेखर विश्वविद्यालय परिसर काफी दूर है और यह क्षेत्र में पक्षियों की Nesting/प्रजनन हेतु उपयोग में नहीं लिया जाता है। पक्षी अभ्यारण्य के लिए अधिसूचित भूमि का क्षेत्रफल 3432.93 हे० है। इसमें वन विभाग की भूमि शून्य है तथा ग्राम समाज की भूमि का क्षेत्रफल मात्र 132.78 हे० है। पक्षी विहार की अधिसूचित क्षेत्र में लगभग 1088.00 हे० क्षेत्रफल में वर्ष भर पानी रहता है, जिसमें प्रवासी/अप्रवासी पक्षी

प्रमाणीय वनाधिकारी  
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आते हैं तथा पक्षियों के लिए पर्याप्त है। अधिकांश भूमि स्थानीय किसानों की है जिसे पर उनके द्वारा सामान्य रूप से खेती की जाती है।

इस प्रकरण में भौके के सर्वेक्षण के अनुसार इस क्षेत्र में वर्ष 2000 से 2004 तक के बीच इमारतें बनी हुई हैं, जिसमें जननायक चन्द्रशेखर विश्वविद्यालय के पठन पाठन का कार्य वर्ष 2017-18 से चल रहा है।

प्रकरण के परीक्षण से इस भूमि पर शहीद स्मारक ट्रस्ट का अधिकार स्पष्ट होता है। विश्वविद्यालय के प्रयोजन में इस भूमि का प्रयोग हो रहा है। यह भूमि पक्षी विहार के अस्तित्व के लिए अनिवार्य/अपरिहार्य नहीं है तथा सरकारी या सामुदायिक भूमि नहीं है।

अतः अधिनियम 1972 की धारा 24 2(क) के अनुसार प्रदत्त अधिकारों का प्रयोग करते हुए दावा सं० - 1 में वर्णित भूमि को प्रस्तावित पक्षी अभ्यारण्य के अधिसूचित क्षेत्र से पृथक किया जाता है।

(राजेश कुमार गुप्ता)

वन बन्दोबस्त अधिकारी  
बलिया।

सं० 1236(2) /आ0लि0-वनबन्दोबस्त दिनांक-19 दिसम्बर 2022

- प्रतिलिपि- 1. जिलाधिकारी महोदय बलिया को सूचनाथ प्रेषित।  
2. मा० कुलपति जी (जननायक चन्द्रशेखर विश्वविद्यालय बलिया)  
3. प्रभागीय वनाधिकारी काशी वन्य जीव प्रभाग, रामनगर वाराणसी।  
4. शहीद स्मारक ट्रस्ट बलिया

RN 19.12.22

वन बन्दोबस्त अधिकारी  
बलिया।

प्रभागीय वनाधिकारी  
काशी वन्य जीव प्रभाग  
रामनगर, वाराणसी।

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बलिया

ANNEXURE R-7

निम्नलिखित - 07

**F.No. WL-6/166/2023 WL**  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Wildlife Division)

2<sup>nd</sup> Floor, Vayu Wing,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi 110003.

To,

Date: 19<sup>th</sup> December, 2023

**The Additional Chief Secretary,**  
Environment, Forest and Climate Change Department,  
Government of Uttar Pradesh,  
Bapu Bhawan, Sachivalaya,  
Lucknow-226001

**Sub:** Proposal for use of 3.5 ha of Non-forest land from Jai Prakash Narayan (Surhatal) Bird Sanctuary for construction of building/road in the premises of Jannayak Chandrashekhar University in Village-Basantpur Ehatmali located in Tehsil and District Ballia, Uttar Pradesh-WL/UP/SCH/427887/2023.

Sir,

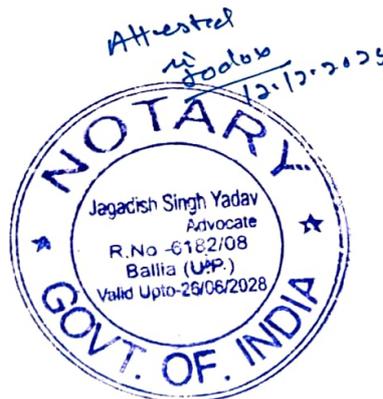
Reference is invited to the subject mentioned above. The above proposal was discussed in the 75<sup>th</sup> meeting of Standing Committee of National Board for Wild Life held on 17<sup>th</sup> November, 2023 under the Chairmanship of Hon'ble Minister for Environment, Forest & Climate Change.

2. After discussions, the Standing Committee decided to recommend the proposal subject to the following conditions:

- I. The legal status of the land shall remain unchanged. The User Agency will have right only for construction, maintenance and use of different Buildings & Approach road for the use of Jannayak Chandrashekhar University, Ballia at Village-Basantpur Ehatmali in Tehsil & District-Ballia. The land shall not be used for any purpose other than that specified in the proposal.
- II. The instructions/orders passed by the State or Central Government and the directions issued by Hon'ble High Court/Hon'ble Supreme Court from time to time, regarding such project shall be complied with.
- III. Since this project is sub judice before Hon'ble NGT, any order passed by Hon'ble NGT shall be complied with.

Page 1 of 3

Dy. Secy  
Asst. Secy  
Peer CWL  
24/12/2023



कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

- IV. Amount of Net Present Value (N.P.V.) shall be paid by the User Agency as per directions issued by Ministry of Environment of Forest (FC Division); New Delhi vide Letter No. F.No. 5-3/2011-FC (Vol-I) dated 06.01.2022 and Letter No. F.No. 5-3/2011-FC (Vol-I) dated 19.01.2022 for proposed land 3.5 ha. falling within the Jai Prakash Narayan (Surhatal) Bird Sanctuary.
- V. The User Agency shall deposit of Rs 243.49 lakhs (Rs Two Crore Forty Three Lakhs and Forty Nine Thousand only) for mitigation measures to minimize the negative impact of the project and for ecological development of wildlife habitat in the Jai Prakash Narayan (Surhatal) Bird Sanctuary.
- VI. The personnel of User Agency working on the site should be well aware and shall be bound to follow of provision of Wild Life (Protection) Act, 1972.
- VII. For the violation of undertaking construction without having permission of NBWL under the provisions of Wild Life (Protection) Act, 1972 suitable penal provisions as per law imposed by SBWL/NBWL shall be complied with by user agency.
- VIII. The User Agency will ensure that no labour camp shall be established inside the sanctuary or any other sensitive area in eco-sensitive zone. Neither firewood nor any other forest produce from the forest will be used.
- IX. The User Agency will keep firefighting equipments as well as equipments for minimizing air & noise pollution. High mast lights/intense lights will not be used at the site.
- X. During the construction period, the user agency will establish one temporary forest check post along with the required manpower at its own cost.
- XI. User Agency will fix sign board at appropriate point of the project.
- XII. Construction waste materials shall not be thrown inside the protected forest area or eco-sensitive zone area or on the movement corridor of Wildlife.
- XIII. No work shall be allowed from sunset to sunrise.
- XIV. User Agency will take all precautions including technical measures to contain the noise and air pollution, protection from fire due to during construction activities and shall also obtain consent to operate the project work from U.P. Pollution Control Board and effectively implement all the conditions stipulated therein.
- XV. During the rainy season proper arrangements for drainage of water will be ensured so that the University does not obstruct the flow of water of the surrounding areas to reach in the aquatic area of the bird sanctuary.
- XVI. An annual compliance certificate on the stipulated conditions shall be submitted by the User Agency to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

Page 2 of 3



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बालिया

The Regional Office, Ministry of Environment, Forest and Climate Change, Lucknow shall monitor the action taken for violation of the provisions of the Wild Life (Protection) Act, 1972 by the User Agency and disciplinary action initiated against the staff responsible for the violation and submit quarterly report to the Ministry.

3. The minutes of the meeting have been posted online in the "PARIVESH" portal of this Ministry.

Yours faithfully,

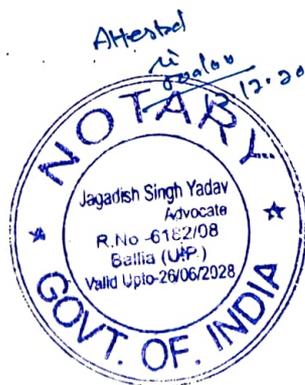
*Sudheer*  
(Dr. Sudheer Chintalapati)  
Scientist E  
Email: sudheer.ch@gov.in

Copy to:

1. Chief Wild Life Warden, Department of Environment & Forests, 17, Rana Pratap Marg, Lucknow-226001.
2. Deputy Director General of Forests (C), Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow-226020 for monitoring the action taken for violation of the provisions of the Wild Life (Protection) Act, 1972 by the User Agency and disciplinary action initiated against the staff responsible for the violation and submit quarterly report to the Ministry.
3. Inspector General of Forests, FC Division, MoEF&CC.
4. Joint Secretary, IA Division, MoEF&CC.

*Sudheer*  
(Dr. Sudheer Chintalapati)  
Scientist E  
Email: sudheer.ch@gov.in

//TRUE COPY//



कुलसचिव  
जननयक चन्द्रशेखर विश्वविद्यालय,  
बलिया

(अलग नकल) 7  
ANNEXURE R-8

कार्यालय प्रभागीय वनाधिकारी, काशी वन्य जीव प्रभाग, रामनगर, वाराणसी  
पत्रांक 3295  
दिनांक 10/01/2024

कुल सचिव,  
जननायक चन्द्रशेखर विश्वविद्यालय,  
जनपद-बलिया-277001

विषय : Proposal for use of 3.5 ha of Non-forest land from Jai Prakash Narayan (Surhatal), Bird Sanctuary for construction of building/road in the premises of Jannayak Chandrashekhar University in Village-Basantpur Ehatmali located in Tahsil and District Ballia, Uttar Pradesh- WL/UP/SCH/427387/2023

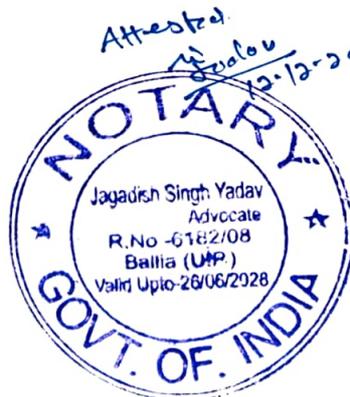
सन्दर्भ : प्रधान मुख्य वन संरक्षक, वन्य जीव, उ०प्र० लखनऊ का पत्र संख्या-1804/26-11, दिनांक 03.01.2024

महोदय,

उक्त विषयक सन्दर्भित पत्र जो अधोहस्ताक्षरी को सम्बोधित एवं आपको पृष्ठांकित है, के क्रम में अवगत कराना है कि जनपद-बलिया के अन्तर्गत जननायक चन्द्रशेखर विश्वविद्यालय के भवनों के निर्माणार्थ भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मन्त्रालय (वन्य जीव डिवीजन), इन्दिरा पर्यावरण भवन, जोरबाग रोड, नई दिल्ली के पत्रांक F.No.WL-6/166/2023WL, दिनांक 19.12.2023 द्वारा निम्न शर्तों के अधीन अनुमोदन प्रदान किया गया है -

"After discussions, the Standing Committee decided to recommend the proposal subject to the following conditions:

- I. The legal status of the land shall remain unchanged- The User Agency will have right only for construction] maintenance and use of different Buildings - Approach road for the use of Jannayak Chandrashekhar University, Ballia at Village&Basantpur Ehatmali in Tehsil & District-Ballia- The land shall not be used for any purpose other than that specified in the proposal.
- II. The instructions/orders passed by the State or Central Government and the directions issued by Hon'ble High Court/Hon'ble Supreme Court from time to time] regarding such project shall be complied with.
- III. Since this project is sub judice before Hon'ble NGT, any order passed by Hon'ble NGT shall be complied with.
- IV. Amount of Net Present Value (N.P.V.) shall be paid by the User Agency as per directions issued by Ministry of Environment of Forest (FC Division)] New Delhi vide Letter No- F.No. 5-3/2011-FC (Vol-I) dated 06-01-2022 and Letter No. F.No. 5&3/2011-FC (Vol-I) dated 19.01.2022 for proposed land 3.5 ha. falling within the Jai Prakash Narayan (Surhatal) Bird Sanctuary.
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- VI. The personnel of User Agency working on the site should be well aware and shall be bound to follow of provision of Wild Life (Protection) Act, 1972.



कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

(2)

- VII. For the violation of undertaking construction without having permission of NBWL under the provisions of Wild Life (Protection) Act, 1972 suitable penal provisions as per law imposed by SBWL/NBWL shall be complied with by user agency.
- VIII. The User Agency will ensure that no labour camp shall be established inside the sanctuary or any other sensitive area in eco-sensitive zone- Neither firewood nor any other forest produce from the forest will be used.
- IX. The User Agency will keep firefighting equipments as well as equipments for minimizing air & noise pollution- High mast lights/intense lights will not be used at the site.
- X. During the construction period] the user agency will establish one temporary forest check post along with the required manpower at its own cost.
- XI. User Agency will fix sign board at appropriate point of the project.
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- XVI. An annual compliance certificate on the stipulated conditions shall be submitted by the User Agency to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

The Regional Office, Ministry of Environment, Forest and Climate Change, Lucknow shall monitor the action taken for violation of the provisions of the Wild Life (Protection) Act, 1972 by the User Agency and disciplinary action initiated against the staff responsible for the violation and submit quarterly report to the Ministry."

SC NBWL द्वारा उपरोक्तानुसार अधिरोपित विभिन्न शर्तों के अनुपालन में बिन्दुवार निम्न प्रकार कार्यवाही अपेक्षित है -

1. शर्त संख्या-(I), (II), (III), (VI), (VIII), (IX), (X), (XI), (XII), (XIII), (XIV) & (XV) के अनुपालन हेतु वचनबद्धता प्रमाण पत्र प्रस्तुत करना सुनिश्चित करें।
2. शर्त संख्या-(IV) के अनुपालन में प्रयोक्ता एजेन्सी द्वारा भारत सरकार की गाइड लाइन एवं नवीनतम निर्गत दिशा-निर्देशों के अनुसार शुद्ध वर्तमान मूल्य (एन0पी0वी0) काशी वन्य जीव प्रभाग, रामनगर, वाराणसी के अन्तर्गत जय प्रकाश नारायण (सुरहाताल), पक्षी विहार, बलिया की सीमा के अन्तर्गत प्रस्तावित भूमि 3.5 हे0 हेतु आंकलित देय समतुल्य धनराशि कैम्पा फण्ड के मद संख्या-7 (एन0पी0वी0) के अन्तर्गत आन लाइन जमा करना सुनिश्चित करें।

क्रमशः.....3



कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

(3)

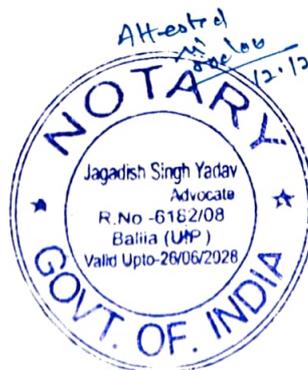
3. शर्त संख्या (V) के अनुपालन में प्रोजेक्ट के ऋणात्मक प्रभावों को न्यूनीकृत करने एवं वन्य जीवों के प्राकृतिक वास के संवर्धन हेतु रु० 243.49 लाख (रु० दो करोड़ तिरालिस लाख. उन्चास हजार) मात्र की धनराशि मिटिगेशन मेजर्स के लिए कैम्पा फण्ड के मद संख्या-6 (एडिशनल चार्ज फार प्रोटेक्टेट एरिया) के अन्तर्गत आन लाइन जमा करना सुनिश्चित करें।
4. शर्त संख्या-(XVI) के अनुपालन में उपरोक्तानुसार अधिरोपित समस्त शर्तों के अनुपालन में प्रमाण पत्र उपलब्ध कराना सुनिश्चित करें, ताकि उच्च स्तर को सूचित किया जा सके।

भवदीय,

(दिलीप कुमार),  
प्रभागीय वनाधिकारी,  
काशी वन्य जीव प्रभाग, रामनगर,  
प्रमराणसी।

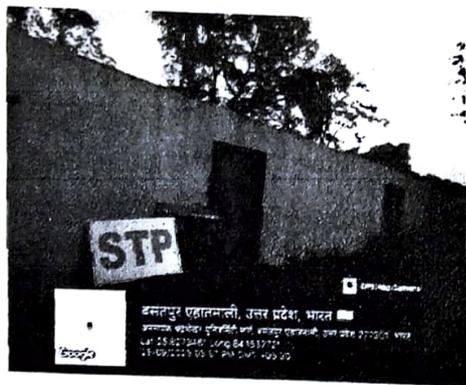
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कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया

**ANNEXURE R-9**



//TRUE COPY//

Attested  
 12.12.2025

**NOTARY**  
 Jagadish Singh Yadav  
 Advocate  
 R.No -6162/08  
 Ballia (U.P.)  
 Valid Upto-26/06/2028  
**GOVT. OF. INDIA**

*[Signature]*  
 कुलसचिव  
 बन्नायक बनभोखर विश्वविद्यालय,  
 दलिया

  
भारत सरकार  
GOVERNMENT OF INDIA

मन लाल पाल  
Sant Lal Pal  
जन्म तिथि/ DOB: 01/01/1967  
पुरुष / MALE

XXXX XXXX XXXX

आधार-आम आदमी का अधिकार

  
भारतीय विशिष्ट पहचान प्राधिकरण  
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

पता:  
आत्मज: हीरा लाल पाल,  
लीडकला, दुबहा,  
इम्हाहाबाद,  
उत्तर प्रदेश - 212107

Address:  
S/O. Hira Lal Pal, Iouadkala, Duth  
Allahabad,  
Uttar Pradesh - 212107

XXXX XXXX XXXX

Aadhaar-Aam Admi ka Adhikar

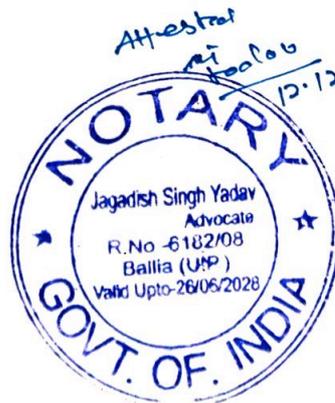


कुलसचिव  
मयक चन्द्रशेखर विश्वविद्यालय,  
लखनऊ

स्थायी लेखा संख्या /PERMANENT ACCOUNT NUMBER	<b>AECPP2446R</b>	
नाम /NAME	<b>SANT LAL PAL</b>	
पिता का नाम /FATHER'S NAME	<b>HIRA LAL PAL</b>	
जन्म तिथि /DATE OF BIRTH	<b>01-01-1967</b>	<i>Rajendra</i>
हस्ताक्षर /SIGNATURE		<b>आयकर आयुक्त, इलाहाबाद</b> COMMISSIONER OF INCOME-TAX, ALLAHABAD

इस कार्ड के खो / मिल जाने पर कृपया जारी करने वाले प्राधिकारी को सूचित / वापस कर दें -  
आयकर आयुक्त,  
आयकर भवन,  
38, महात्मा गांधी मार्ग,  
इलाहाबाद - 211001.

In case this card is lost/found, kindly inform/return to the issuing authority :  
Commissioner of Income-tax,  
Aayakar Bhawan,  
38, Mahatma Gandhi Marg,  
Allahabad - 211 001.



*Pal*

कुलसचिव  
जननायक चन्द्रशेखर विश्वविद्यालय,  
बलिया