



No. WII/DWII/JointCommittee_SoorSarovarWL/2020

27 January 2021

To,

The Chairperson
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi - 110 001
Email: judicial-ngt@gov.in

Sub.: Report of the Joint Committee to resolve the issue of area of Soor Sarovar Wildlife Sanctuary in compliance of order of the Hon'ble National Green Tribunal dated 18.09.2020 in O.A No. 41/2015 and OA No.189/2014 titled Umashankar Patwa & Ors vs. Union of India & Ors.

Ref.: Office Memorandum F.No. 1-5/2020 WL (Part) dated 6 October, 2020 regarding constitution of a Joint Committee

Sir,

With reference to the above cited subject, the report of the Joint Committee in the form of approved minutes of its 2nd and concluding meeting, to resolve the issue of area of Soor Sarovar Wildlife Sanctuary in compliance of order of the Hon'ble National Green Tribunal dated 18.09.2020 in O.A No. 41/2015 and OA No.189/2014 titled Umashankar Patwa & Ors vs. Union of India & Ors. is enclosed herewith for your kind perusal and further necessary action, please.

Thanking you.

Yours faithfully,

[Dr. Dhananjai Mohan]
Director, Wildlife Institute of India &
Member-Convener
Email: dwii@wii.gov.in
Tel.: 0135-2640910; Fax: 0135-2640117

Encl.: As above

Distribution:

1. Members of the Joint Committee to resolve the issue of area of Soor Sarovar WLS
2. PPS to DGF&SS, MoEFCC
3. Principal Secretary, Uttar Pradesh Forest Department, Lucknow
4. The Principal Chief Conservator of Forests & HoFF, Government of Uttar Pradesh, Lucknow
5. PPS to ADG (WL), MoEF&CC
6. PPS to ADG (FC), MoEF&CC
7. PPS to IGF (WL) / PS to JD(WL) / PA to Scientist -JD(WL)

Minutes of the 2nd Meeting of the Joint Committee to resolve the issue of area of Soor Sarovar Bird Sanctuary in compliance of order of the Hon'ble National Green Tribunal dated 18.09.2020 in O.A No. 41/2015 and OA No.189/2014 titled Umashankar Patwa & Ors vs. Union of India & Ors. held on 01 December, 2020 at Soor Sarovar Bird Sanctuary, Agra, Uttar Pradesh

The 2nd and concluding Meeting of the Joint Committee to resolve the issue of area of Soor Sarovar Bird Sanctuary in compliance of order of the Hon'ble National Green Tribunal dated 18.09.2020 in O.A No. 41/2015 and OA No.189/2014 titled Umashankar Patwa & Ors vs. Union of India & Others was held on 01.12.2020 at Agra, Uttar Pradesh. The following committee members were present in the meeting:

1. Shri Neeraj Kumar, *Member*
Chief Conservator of Forests,
Eco-development, Uttar Pradesh as representative of
Chief Wild Life Warden, Uttar Pradesh
2. Shri P.K. Kaul, *--do--*
Technical Officer,
Forest Conservation Division, MOEF&CC
3. Dr. Dhananjai Mohan, *Member-
Convener*
Director, Wildlife Institute of India Dehradun

The following points were discussed amongst the committee members:

1. Soor Sarovar Bird Sanctuary was declared on 27.03.1991 through a notification of Government of Uttar Pradesh (**Annexure-I**). As per the notification, the area included was mentioned as 403.09 ha. Also as per the notification, the bounded area of the Sanctuary was also described but the boundary was not described in detail. Three out of four directions just mentioned the limits of the boundary as the outer boundaries of three villages- Singna, Runakta and Nagla-Bhopla. On the southern side it mentioned National Highway (NH) No. 2 as boundary. Although the area was given precisely the boundaries were not given in detail which left a lot to interpretation and as a result confusion over the boundaries exists even today.

2. This notification was done a few months before the 1991 amendment to Wildlife (Protection) Act, 1972 came into existence. This notification under Section 18 was a proper notification and the settlement was to follow after this. After 1991 amendment, since the areas described in the notification were majorly non-forest areas, the notification was analogous to as intentional notification as per the act post 1991 amended which is the present form of the act. Therefore, the settlement process (section 19 to 25) was to be undertaken and finally notification under section 26 was required to be issued by the state Govt. So, as per this process two major steps were taken by the collector -
- a. The proclamation under Section 21 to invite claims was issued on 26.05.1997 (**Annexure-II**). Even in the proclamation the same boundary descriptions and same area was mentioned as the notification dated 27.03.1991.
 - b. Thereafter on 30.03.2008 a proclamation under Section 19 to 25 of the Act was made by the collector (**Annexure-III**) which again reiterated the same boundary and extent of area and also said that two months given in proclamation on 26.05.1997 had expired without any claim being preferred from anybody. Besides this, the proclamation gave a break-up of the area of the sanctuary as follows:

Land of the Keetham Forest Block: 92.49 ha

Govt. land/Lake and dam area :310.60 ha

Total 403.09 ha

The above break-up of the area clearly indicated that major part of the sanctuary was non-forest. The collector further proclaimed in the proclamation that the Soor Sarovar Bird sanctuary besides forest lands includes only submerged land and nearby *gram samaj*/Govt. land. It is therefore implied that the sanctuary excluded any private land.

3. In compliance of Hon'ble NGT order dated 18.09.2020, a committee was constituted by MoEFCC through an office memorandum no F.No.1-5/2020 WL

(Part) dated 06th October comprising the following to resolve the issue of area of Soor Sarovar Wildlife Sanctuary:

- a. Chief Wildlife Warden, Uttar Pradesh
 - b. Sh P K Kaul, Technical Officer, FC Division, MoEFCC
 - c. The Director Wildlife Institute of India, Dehradun, representative of National Board of Wildlife- Member Convener
4. The committee held first meeting on 16.10.2020 through virtual mode (minutes enclosed as **Annexure-IV**) and the second meeting physically held on 01.12.2020 at Agra. The committee also visited the site during the second meeting. After visiting the area and studying the maps and records, the committee members also had discussions with local officials of forest department. The committee realizes that this sanctuary is primarily known for the wetland popularly called Keetham reservoir or Keetham lake which is fed by Agra canal and has an outlet into the Yamuna river. The wetland is very rich in birdlife and attracts a large number of breeding as well as migratory water birds and one of the important species of conservation significance that occurs here in good numbers is the oriental darter.
5. In compliance of the Hon'ble NGT order dated 30.10.2018 in the Application No 14/2015 (MA No 100/2015) and Application No 189/2014 (MA no 654/2014 and MA No 356/2017) Uma Shankar Patwa Vs Union of India and others, another committee was constituted on 29.11.2018 by Chief Secretary, Govt. of Uttar Pradesh, comprising of Principal Secretary, Revenue, Government of Uttar Pradesh; Principal Secretary, Forest and Wildlife UP; PCCF (HoFF) UP with CWLW, UP as member secretary. The committee had to decide whether Anand Technology College, Agra and Hindustan Institute of Technology and Management, Agra are located within the Soor Sarovar Bird Sanctuary or not. The committee opined (**Annexure-V**) that these private engineering colleges are located outside the area of 403.09 ha of the sanctuary as given in the notification but is located within the '*chowhaddi*' of the sanctuary as given in the notification. It is clear from this decision of the committee that the area of the sanctuary and the *chowhaddi* did not match. Thus the shortcoming in the

notification of the sanctuary dated 27.03.1991 which was maintained in the subsequent proclamations under section 21 and section 19-25, could not be clearly resolved.

6. Looking at the area from ecological perspective it is clear that there are two major adjoining units comprising of a wetland and adjoining forest total landscape which totals to 799.063 ha., approximately half of which being wetland and the other half being dry thorny forest. Area of the sanctuary described in notification and the adjoining forest landscape as well as other government land is given below:

Area:

Notified Sanctuary Area	–	403.09 ha.
Soordas reserve forest block	–	380.558 ha.
Government land	–	15.415 ha
Total Area under control	–	799.063 ha.

This is one contiguous ecological unit beyond which the other land-uses exist (*viz.* agriculture, habitations etc. mostly under private ownership) which do not have biodiversity values commensurate with the purpose of a wildlife/bird sanctuary even though lying within the *chowhaddi* as mentioned in the report of the earlier committee in point no ‘5’ above. The areas beyond the above area of 799.063 ha., despite being within the *chowhaddi* as interpreted by the earlier committee was not brought under the sanctuary management. This leads us to the re-interpretation of the boundaries of the sanctuary area particularly in three sides: north, east and west where-in the notification says **outer boundary** of the respective villages i.e. Singna, Runakta and Nagla-Bhopla. The main interpretation lies in the word ‘**outer**’ whether it should be taken as the farther boundary of the villages, or the closer boundary adjoining to the above mentioned area of 799.063 ha. Ideally wildlife/bird sanctuaries should not include the village lands as these are private lands put under land-uses such as agriculture, inhabitation or some other man-modified land-uses and they do not serve the purpose of long term conservation of biodiversity. So it seems that in

the 1991 notification of the sanctuary when the word ‘outer boundary was used, it meant the boundary of the village adjoining the above mentioned area of 799.063 ha.

7. In case of the southern boundary of the sanctuary, the notification of the sanctuary clearly says that the boundary is that of National Highway-2 (NH-2). This definitely is an unambiguous boundary. However, on studying the map and the ground situation and further as informed by the DCF, National Chambal Project Sanctuary, Agra and his staff the area between the wetland along with the forest area controlled and managed by Forest Department and the NH-2 is not under the Forest Department’s ownership and possession. There is a substantial area which is under private ownership and belongs to the village *Arsena* which does not seem to have been addressed well, during the settlement process.
8. As a notification u/s 26 for the sanctuary is yet to be issued, the sanctuary is not a finally notified sanctuary.
9. The Gazette notification of Eco Sensitive Zone (ESZ) of Soor Sarovar Bird Sanctuary (SSBS) was issued on 10.10.2019 which mentions an area of 4.030 square kilometre for the bird sanctuary with a one kilometer uniform buffer around it as its ESZ in an area of 10.20 square kilometers. Owing to the inconsistency in the boundary description of the SSBS, the ESZ expert committee of MoEFCC in its meeting dated 16.03.2020 recommended to keep the final notification which was already issued, on hold and to de- notify it, as there was an ambiguity in the area of the SSBS.
10. It is therefore recommended that—
 - i) Since, in the notification of the sanctuary under section 18, the described area of the sanctuary and the boundary of the sanctuary do not match so it needs modification.
 - ii) Since the settlement process of the SSBS has not addressed the issue of boundary and rights properly, therefore the action under section 21 to 25 may be reconsidered and a clear Map indicating the proposed boundary pillars on the boundary of SSBS along with their forward and backward bearings may also be given.

- iii) The committee feels that the outer boundary of the three villages on east (Runakta), west (Nagla-Bhopla) and north (Singna) should be considered as the boundary abutting the composite of wetland (403.09 ha), Soordas Reserve Forest Block (380.558 ha) and Government land (15.415 ha) totaling to 799.063 ha.
- iv) As recommended by the ESZ expert committee, the ESZ notification of the areas around SSBS should be kept on hold and de-notified and fresh notification may be brought out only after the finalization of the sanctuary boundaries after final notification of the sanctuary under section 26, Wildlife (Protection) Act 1972.

संख्या: 764/14-3-49/90
लखनऊ: दिनांक: 27 मार्च, 1991

Annexure-I

अधिसूचना

चूंकि राज्य सरकार के विचार में वह क्षेत्र जिसकी स्थिति और सीमाएं नीचे दी गई अनुसूची में विनिर्दिष्ट हैं, वन्य जीवों और उनके पर्यावरण के संरक्षण, सम्बर्द्धन और विकास के प्रयोजन के लिए पर्याप्त पारिस्थितिक, प्राणिजात, वनस्पतीय, भूआकृतिक, प्राकृतिक और प्राणि तत्त्वों का महत्व का है,

अतएव, अब, वन्य जीव संरक्षण अधिनियम, 1972 अधिनियम संख्या 53 सन् 1972 की धारा 18 के अधीन शक्ति का प्रयोग करके राज्यपाल उक्त क्षेत्र को वन्य जीव विहार के रूप में घोषित करते हैं जेसे जिला आगरा में "सुर सरोवर पक्षी विहार" के नाम से जाना जायेगा।

अनुसूची

सुर सरोवर पक्षी विहार का निम्न प्रकार सीमाबद्ध क्षेत्र:-
उत्तर- ग्राम सींगना की बाहरी सीमा।
पूर्व - ग्राम लकता की बाहरी सीमा।
दक्षिण- राष्ट्रीय राजमार्ग संख्या 2 की सीमा।
पश्चिम- ग्राम नगला भीपला की सीमाएं।

क्षेत्र

इस पक्षी बिहार में नीचे दिये गये क्षेत्र समाविष्ट हैं :-

वन्य प्राणी 92.49 हेक्टेयर — वन्य प्राणी
राष्ट्रीय पक्षी 310.60 हेक्टेयर
योग: 403.09 हेक्टेयर

या 4.030 वर्ग कि।मी०

आज्ञा से,

राजीव रत्न शाह
सचिव।

.....2



संख्या: 764/11/14-3-49/90 तदुद्दिनांक।

प्रतिलिपि अधिसूचना के अंग्रेजी अनुवाद की प्रतिलिपि सहित अधीक्षक, मुद्रण एवं लेखन सामग्री, शेषबाग, लखनऊ को इस आशय से प्रेषित कि वे कृपया अधिसूचना को विधायी परिशिष्ट भाग-4 बण्ड "ख" में असाधारण बजट के दिनांक 3.4.1991 के अंक में प्रकाशित कर दे तथा उसकी 50 प्रतियां इस अनुभाग को भेजने का कस्ट करें।

आज्ञा से,
[Signature]
27.3.91

गोपी मोहन श्रीवास्तव
विशेष सचिव।

संख्या: 764/11/14-3-49/90 तदुद्दिनांक।

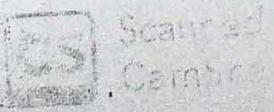
प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु

प्रेषित:-

- 1- विशेष सचिव, पशुधन एवं मत्स्य, 30 प्र० शासन को इस आशय से प्रेषित कि प्रायोगिक रूप से इस वर्ष जलाशय से मछलियों के निष्कासन का कार्य अप्रैल से जून की अवधि में किया जाय किन्तु मत्स्याखेट से पक्षियों के आवागमन में किसी प्रकार का व्यवधान न हो।
- 2- प्रमुख वन संरक्षक, उत्तर प्रदेश, लखनऊ।
- 3- समस्त मुख्या वन संरक्षक, उत्तर प्रदेश
- 4- मुख्य वन्य जीव प्रतिपालक, उत्तर प्रदेश, लखनऊ।
- 5- आयुक्त, आगरा मण्डल, आगरा।
- 6- जिलाधिकारी, आगरा।
- 7- वन संरक्षक, बृज भूमि क्षेत्र, आगरा।
- 8- विधायी अनुभाग।
- 9- पर्यटन अनुभाग-।

आज्ञा से,
[Signature]
27.3.91

गोपी मोहन श्रीवास्तव
विशेष सचिव।



5

18

15/11

का यां अ य जि ला षि का री वा ग रा ।

पत्रांक: 349 / 281 दिनांक, आगरा 26/5-1997

प्रतिलिपि निम्नलिखित की सूचनाएं एवं वृद्ध प्रसार एवं
नोटित शीर्षक पर चरणा करके हेतु प्रेषित:

वन सहायक, साठवाठ, बुजभूमि क्षेत्र, आगरा ।

उप वन सहायक, राष्ट्रीय चमक वन्य जीव विहार, आगरा

उप जिलाधिकारी, फिरोजपुरी, आगरा ।

उप विकास अधिकारी (अभियंता), आगरा ।

1. सिमान्त
2. जमान्त

26-5-97 प्रतिलिपि सहायक निदेशक, सूचना एवं जन सम्पर्क की वृत्त

निदेश के साथ प्रेषित कि उपरोक्त सांख्यिक सूचना का ही का दो

समय स्थानीय क्षेत्रों में प्रकाशित करावे ।



Office 264510
Resd 360662

जिलाधिकारी
आगरा ।

26/5/97

वन्य प्राणि (संरक्षण) अधिनियम 1972 (यथा संशोधित 2002) की धारा-19-25 के अन्तर्गत ग्राम-कीठम, तहसील-किरावली, जनपद-आगरा में सूरसरोवर पक्षी विहार की स्थापना सम्बन्धी उद्घोषणा।

सर्व साधारण को एतद्वारा सूचित किया जाता है कि वन्य प्राणि (संरक्षण) अधिनियम 1972 की धारा-18 के अन्तर्गत एवं धारा-1 के अधीन शक्तियों का प्रयोग करते हुये महामहिम राज्यपाल, उत्तर प्रदेश द्वारा विज्ञप्ति संख्या-764/14-3-49/90 दिनांक 27-03-1991 द्वारा वन्य जीव और उनके पर्यावरणीय संरक्षण सम्बर्द्धन और विकास करने के प्रयोजन के लिए पर्याप्त पारिस्थितिक, प्राणिजातीय, वानस्पतिक, भू-आकृति तत्वीय प्राकृतिक और प्राणि तत्वीय महत्व के कुल 2.03 वर्ग कि०मी० क्षेत्र को पक्षी विहार घोषित किया गया था जिसका नाम सूर-सरोवर पक्षी विहार रखा गया है।

आगरा जनपद में स्थिति सूर-सरोवर पक्षी विहार में पडने वाली सीमायें निम्न प्रकार हैं:-

उत्तर	-	ग्राम सींगना की बाहरी सीमा।
पूर्व	-	ग्राम रुनकता की बाहरी सीमा।
दक्षिण	-	राष्ट्रीय राजमार्ग संख्या- 2 की सीमा।
पश्चिमी	-	ग्राम नगला भोपला की सीमायें।

उत्तर प्रदेश सरकार के शासनादेश 3734/चौदह-4-96-878/98 दिनांक 27-11-96 में निहित प्राविधानों के अनुसार प्रदत्त अधिकारों का प्रयोग करते हुये अधोहस्ताक्षरी द्वारा पत्रांक 349/2ए दिनांक 26-05-1997 द्वारा सूर-सरोवर पक्षी विहार, कीठम (आगरा) की वन्य प्राणि (संरक्षण) अधिनियम 1972 की धारा-21 की उद्घोषणा प्रकाशित करते हुये सर्व साधारण से दावे प्रस्तुत करने हेतु दो माह का समय दिया गया था। यह अवधि दिनांक 26-07-97 को समाप्त हो चुकी थी। इस अवधि में कोई भी दावे प्रस्तुत नहीं किये गये।

(2)

अतः सूर-सरोवर पक्षी विहार की सीमायें वन्य प्राणि (संरक्षण) अधिनियम 1972 की धारा-18 से 25 तक की कार्यवाही पूर्ण करने के पश्चात निम्न प्रकार है:-

उत्तर	-	ग्राम सींगना की बाहरी सीमा
पूर्व	-	ग्राम रुनकता की बाहरी सीमा
दक्षिण	-	राष्ट्रीय राजमार्ग-2 की सीमा
पश्चिमी	-	ग्राम नगला भोपला की सीमा।

सूर-सरोवर पक्षी विहार के अन्तर्गत सूरसरोवर पक्षी विहार के विकास हेतु जल मग्न भूमि, पक्षी विहार की सीमाओं में पड़ने वाली ग्राम समाज एवं अन्य सरकारी भूमि को सम्मिलित किया गया है।

अतः अधोहस्ताक्षरी घोषणा करते हैं कि सूरसरोवर पक्षी विहार की सीमा के अन्तर्गत वर्तमान में वन भूमि के साथ केवल जल मग्न भूमि, आस-पास की ग्राम समाज/सरकारी भूमि पक्षी विहार में सम्मिलित है। इस पक्षी विहार की वन भूमि एवं अन्य राजकीय भूमि के अन्तर्गत जनपद आगरा में आने वाली भूमि का विवरण निम्न प्रकार है-

कीथम वन ब्लाक की भूमि	-	92.49 हैक्टेयर
राजकीय भूमि/झील एवं बंधा क्षेत्र	-	310.60 हैक्टेयर
योग	-	403.09 हैक्टेयर

सूरसरोवर/DM/जाई फाई ल
 30/03/08
 30/03/08

30/03/08
 जिलाधिकारी
 आगरा।
 (वन बन्दोवस्ती अधिकारी)



No. WII/DWII/JointCommittee_SoorSarovarWL/2020

27 October, 2020

To,

1. The Chief Wild Life Warden, Uttar Pradesh
2. Shri P.K. Kaul, Technical Officer, Forest Conservation Division, MOEF&CC

Sub.: Minutes of the 1st Meeting of the Joint Committee to resolve the issue of area of Soor Sarovar Wildlife Sanctuary in compliance of order of the Hon'ble National Green Tribunal dated 18.09.2020 in O.A No. 41/2015 and OA No.189/2014 titled Umashankar Patwa & Ors vs. Union of India & Ors.

- Ref.:** (1) Office Memorandum F.No. 1-5/2020 WL (Part) dated 6 October, 2020 regarding constitution of a Joint Committee
(2) Our letter of even number dated 7 October, 2020

Sir,

With reference to the above cited subject, the 1st Meeting of the Joint Committee to resolve the issue of area of Soor Sarovar Wildlife Sanctuary was held on 16 October, 2020 (Friday) at 1100 hrs. through Video Conferencing.

The minutes of the said meeting approved by the Joint Committee are enclosed herewith for your kind perusal and further necessary action, please.

Thanking you.

Yours faithfully,

[Dr. Dhananjai Mohan]

Director, Wildlife Institute of India &
Member-Convener

Email: dwii@wii.gov.in

Tel.: 0135-2640910; Fax: 0135-2640117

Encl.: As above

Distribution:

1. PPS to DGF&SS, MoEFCC
2. Principal Secretary, Uttar Pradesh Forest Department, Lucknow
3. The Principal Chief Conservator of Forests & HoFF, Government of Uttar Pradesh, Lucknow
4. PPS to ADG (WL), MoEF&CC
5. PPS to ADG (FC), MoEF&CC
6. PPS to IGF (WL) / PS to JD(WL) / PA to Scientist -JD(WL)

निदेशक / Director
भारतीय वन्यजीव संस्थान
Wildlife Institute of India
देहरादून / Dehradun

Minutes of the 1st Meeting of the Joint Committee to resolve the issue of area of Soor Sarovar Wildlife Sanctuary in compliance of order of the Hon'ble National Green Tribunal dated 18.09.2020 in O.A No. 41/2015 and OA No.189/2014 titled Umashankar Patwa & Ors vs. Union of India & Ors. held on 16 October, 2020 through Video Conferencing

The 1st Meeting of the Joint Committee to resolve the issue of area of Soor Sarovar Wildlife Sanctuary in compliance of order of the Hon'ble National Green Tribunal dated 18.09.2020 in O.A No. 41/2015 and OA No.189/2014 titled Umashankar Patwa & Ors vs. Union of India & Ors. held on 16 October, 2020 through Video Conferencing. The following committee members participated in the meeting:

1.	Shri Sunil Pandey, Chief Wild Life Warden, Uttar Pradesh	Member
2.	Shri P.K. Kaul, Technical Officer, Forest Conservation Division, MOEF&CC	--do--
3.	Dr. Dhananjai Mohan, IFS Director, Wildlife Institute of India Dehradun	Member-Convener

The following officers from the office of CWLW, UP were also participated in the meeting

- 1- Shri Sunil Choudhary, CCF Wildlife Western Kanpur.
- 2- Shri Sanjay Srivastav, APCCF/ Eco development, UP.
- 3- Shri Manish Mittal, DCF, National Chambal Project Sanctuary Agra.
- 4- Shri Anand Kumar Srivastav, Dy.CWLW, UP, Lucknow.
- 5- Shri Diwakar, Srivastav, Wild Life Warden, Etawah Safari Park, Etawah.

The meeting began with introduction of committee members. Thereafter, Dr. Dhananjai Mohan, Director, WII & Member-Convener explained the purpose and mandate of the committee as directed through Hon'ble National Green Tribunal dated 18.09.2020 in O.A No. 41/2015 and OA No.189/2014 titled Umashankar Patwa & Ors vs. Union of India & Ors. On the basis of the same, MoEFCC issued OM No. 1-5/2020 WL (Part) dated 6.10.2020 constituting the above committee. He further requested the Chief Wildlife Warden, Uttar Pradesh to explain the various facts related to the matter. The CWLW, UP directed CCF Wildlife (west), Kanpur to explain the details of the matter to give a brief of sequences of events related to Soor Sarovar Wildlife Sanctuary situated in Agra, UP.

Based on the facts and documents, the following points were discussed and deliberated amongst the committee members:

10/08/2020 का दिनांक
भारतीय वन्यजीव संस्थान
अभियंता/सहायक अभियंता
संस्था/देहरादून


निदेशक / Director
भारतीय वन्यजीव संस्थान
Wildlife Institute of India
देहरादून / Dehradun

1. Notification dated 27.03.1991 for the establishment of Soor Sarovar Wildlife Sanctuary was issued before 1991 amendment act of Wildlife Protection Act (1972), and so was not an intentional notification which is the case of sanctuary outside reserve forest declared after the implementation of 1991 amendment of wildlife act. While the area provided in the notification was unambiguous and was given as 403.09 ha., the boundary description was not detailed and appeared indicative.
2. The settlement process under the Section 19-25 was carried out by the Collector, Agra and Forest Settlement Officer; and his report indicated that no claims were referred during the stipulated period of two months. As far as the boundary and the area of the sanctuary was concerned, the report re-iterates the same details as indicated in the notification dated 27.03.1991.
3. In compliance to Hon'ble National Green Tribunal Order dated 30.10.2018, a survey was done by joint committee consisting of the revenue officials and forest officials for the said area. The team studied the boundary description given in the notification dated 27.03.1991, and found that the said area of 403.09 ha was actually 415.019 ha which was in possession of sanctuary management. However, from the boundary description the area within the described boundary based on the land record was found to be 1865.8908 ha. This included 996.4091 ha of government land and 869.4817 ha of private land. The private land included commercial/ industrial/ township/ educational institutional areas. Thus, it is clear that only area of 415.019 ha which comprises of 7 gatas (which was incorrectly calculated as 403.09 ha) was under the possession of sanctuary management and was managed as the sanctuary while the remaining area was under various types of land uses. When the revenue records (Khatauni) as provided by the joint committee of revenue officers of above 7 gatas were tallied, the actual area comes out to be 418.5050 ha. as per detail given below:-

S. No	Gata No.	Area in ha.
1	613	200.8140
2	614	1.1520
3	101	92.2770
4	99	0.6910
5	04	121.9920
6	01	0.5990
7	18	0.9800
	Total-	418.5050

Thus, it appears that there was a mismatch between the area from boundary description and the actual area given in the 1991 notification of the sanctuary. The CWLW, UP was requested to provide a copy of the land records concerned with the above along with the relevant maps particularly the map with blue-line referred in the judgement of the Hon'ble NGT. The CWLW, UP was also requested to provide the detailed time-line of all the events pertaining to the matter. The information expected from CWLW UP may be provided as soon as possible but not later than a week from the date of issue of these minutes.

4. The Eco-Sensitive Zone (ESZ) notification of the areas around Soor Sarovar Wildlife Sanctuary was also discussed. The final gazette notification for this ESZ was issued on 10.10.2019 with sanctuary area indicated as 4.030 sq. km. The CWLW informed that in the meeting of ESZ Expert Committee held in March, 2020, the committee recommended that the final gazette notification as ESZ should be kept on hold and de-notified. Shri P.K. Kaul, Technical Officer, Forest Conservation Division, MOEF&CC was requested to check up with ESZ division of the Ministry regarding the follow-up action in this matter and update the committee members.

The meeting ended with a vote of thanks to the members of the committee.


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Annexure-V

समक्ष माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ.ए. संख्या-41/2015 (एम.ए. संख्या-100/2015) एवं ओ.ए. संख्या-189/2014 (एम.ए. संख्या-654/2014 एवं 356/2017) उमाशंकर पटवा एवं अन्य बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 30.10.2018 के अनुपालन के सम्बन्ध में कृत कार्यवाही का विवरण

1. विषयक वाद में मा0 अधिकरण द्वारा दिनांक 30.10.2018 को आदेश पारित किया गया है। आदेश का प्रभावी अंश निम्नानुसार है-

“.....18. Accordingly, we direct constitution of a Committee comprising of (i) the Principal Secretary (Revenue), Uttar Pradesh, (ii) Principal Secretary, Forest, Uttar Pradesh (iii) Principal Chief Conservator of Forest (Head of the Forest Force), Uttar Pradesh and (iv) Chief Wild Life Warden, Uttar Pradesh. The Nodal Officer will be the Chief Wild Life Warden, UP who will co-ordinate the proceedings and take initiative for carrying out these directions. The Chief Secretary, Uttar Pradesh will facilitate this exercise as per the timelines fixed by this Tribunal.

19. The meeting for the purpose may be held within one month from today and decision on the question whether the Anand Engineering College, Agra and HIT are within the area of Wild Life Sanctuary notified on 27.03.1991 may be taken within two months thereafter. The concerned statutory authorities will thereafter enforce the said order. The Committee is free to take assistance of any concerned officer of the State.

20. It will be open to the parties to put forward their view point before the Committee through the Chief Wild Life Warden in writing with relevant records with an appropriate index.

21. It is made clear that we have not recorded any final finding in the matter and it will be open to the Committee to take a final view.

22. A report of the Committee may be forwarded to this Tribunal by the Chief Wild Life Warden, Uttar Pradesh by e-mail at ngt.filing@gmail.com on or before 28.02.2019 and put up for consideration on 12th March, 2019.

23. The applications stand disposed of except for consideration of the report.”

Ami

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2. उक्त आदेश के बिन्दु संख्या-18 के अनुपालन में उ0प्र शासन, वन एवं वन्य जीव अनुभाग-4 के कार्यालय झाप संख्या-2499/14-4-2018-800(60)/2014 दिनांक 29.11.2018 द्वारा मा0 अधिकरण के उपरोक्त आदेश के क्रम में समिति का निम्नवत गठन किया गया-

1. प्रमुख सचिव, राजस्व विभाग, उ0प्र0 शासन।
2. प्रमुख सचिव, वन एवं वन्य जीव विभाग, उ0प्र0 शासन।
3. प्रधान मुख्य वन संरक्षक (हेड ऑफ फारेस्ट फोर्स), उ0प्र0, लखनऊ।
4. मुख्य वन्य जीव प्रतिपालक, उ0प्र0, लखनऊ।

3. आदेश बिन्दु संख्या-19 के निर्देश के अनपालन में उक्त समिति की प्रथम बैठक दिनांक 29.11.2018 को सम्पन्न हुयी। बैठक में समिति द्वारा निम्नानुसार मत स्थिर किये गये-

- i. उ0प्र0 राज्य प्रदूषण नियंत्रण बोर्ड तथा राज्य पर्यावरण प्रभाव मूल्यांकन प्राधिकरण (SEIAA) द्वारा आनन्द प्रौद्योगिकी कालेज, आगरा एवं हिन्दुस्तान इन्स्टीट्यूट ऑफ टेक्नोलाजी एवं मैनेजमेन्ट, आगरा के सम्बन्ध में, जो अनापत्ति प्रमाण पत्र जारी किया गया है, उसकी प्रति प्राप्त कर ली जाए।
 - ii. प्रश्नगत संस्थाएं सूरसरोवर वन्य जीव विहार के सीमा के अन्तर्गत अवस्थित है अथवा नहीं, इस सम्बन्ध में जिलाधिकारी आगरा की सहायता लेने का निर्णय लिया गया।
 - iii. जिलाधिकारी आगरा द्वारा प्रश्नगत वन्य जीव विहार के अधिसूचना के अनुसार वन विभाग एवं राजस्व के अधिकारियों के संयुक्त तत्वाधान में नक्शा तथा खतौनी के आधार पर सम्पूर्ण क्षेत्र की पैमाइश कराकर एक नजरी नक्शा तथा पैमाइश का विस्तृत रिपोर्ट दिनांक 15.12.2018 तक तैयार कर, जिसमें यह स्पष्ट रूप से इंगित किया जाए कि प्रश्नगत संस्थाएं सूरसरोवर वन्य जीव विहार के अधिसूचित सीमा के अन्तर्गत अवस्थित है अथवा नहीं, प्रेषित किया जाय।
 - iv. जिलाधिकारी आगरा द्वारा समिति की अगली बैठक में उपस्थित होकर वस्तुस्थिति से अवगत कराया जाए।
- मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली के निर्णय के अनुपालन के क्रम में कमेटी ने यह अपेक्षा की कि प्रश्नगत संस्थाएं यदि अपना पक्ष रखना चाहती है, तो उनसे उनका पक्ष एवं लिखित अभिलेख मुख्य वन्य जीव प्रतिपालक, उ0प्र0 के माध्यम से प्राप्त कर लिया जाए।

(am)

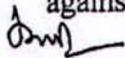
4. समिति की प्रथम बैठक के निर्णय बिन्दु-1 के अनुसार उ0प्र0 राज्य प्रदूषण नियंत्रण बोर्ड तथा राज्य पर्यावरण प्रभाव मूल्यांकन प्राधिकरण (SEIAA) द्वारा आनन्द प्रौद्योगिकी कालेज, आगरा एवं हिन्दुस्तान इंस्टीट्यूट ऑफ टेक्नोलाजी एवं मैनेजमेन्ट, आगरा के सम्बन्ध में जारी अनापत्ति प्रमाण पत्र उ0प्र0 प्रदूषण नियंत्रण बोर्ड द्वारा अपने पत्र संख्या-जी 29098/सी-4/एनजीटी-4/ओए नं041/15/2018 दिनांक 19.12.2018 तथा निदेशक, पर्यावरण निदेशालय, उ0प्र0, लखनऊ द्वारा अपने पत्र संख्या-1144/पर्या/SEIAAUP-IV/2019 दिनांक 13.03.2019 द्वारा प्रेषित किया गया।
5. समिति की बैठक में उक्त बिन्दु संख्या-2 के क्रम में जिलाधिकारी, आगरा द्वारा प्रश्नगत सूर सरोवर पक्षी विहार के अधिसूचना के अनुसार वन विभाग एवं राजस्व के अधिकारियों के संयुक्त तत्वाधान में नक्शा तथा खतौनी के आधार पर सम्पूर्ण क्षेत्र की पैमाइश कराकर एक नजरी नक्शा तथा पैमाइश का विस्तृत रिपोर्ट दिनांक 12.03.2019 को प्रेषित की गयी। उक्त रिपोर्ट के अनुसार जिलाधिकारी, आगरा द्वारा पैमाइश हेतु गठित संयुक्त टीम द्वारा की गयी पैमाइश से यह स्पष्ट हुआ कि आनन्द इंजीनियरिंग कालेज व हिन्दुस्तान इंस्टीट्यूट आफ टेक्नोलाजी एवं मैनेजमेंट, अधिसूचना दिनांक 27.03.1991 में उल्लिखित सूर सरोवर पक्षी विहार के क्षेत्रफल 403.09 हे0 से बाहर है किन्तु अधिसूचना में उल्लिखित चौहददी के अंतर्गत है।
6. प्रश्नगत प्रकरण में प्रभावित संस्थाओं के प्रतिनिधियों को जिलाधिकारी, आगरा के माध्यम से जिलाधिकारी द्वारा सूर सरोवर पक्षी विहार की अधिसूचना दिनांक 27.03.1991 के क्रम में की जा रही पैमाइश में सम्मिलित होने का अनुरोध किया गया। जिलाधिकारी, आगरा की उक्त रिपोर्ट के अनुसार संबंधित संस्थाओं के प्रतिनिधि पैमाइश के दौरान उपस्थित रहे।
7. समिति की प्रथम बैठक दिनांक 29.11.2018 में स्थिर किये गये मत के क्रम में उपरोक्त बिन्दु-4 एवं 5 में उल्लिखित विवरणानुसार वांछित सूचनाएं प्राप्त होने के पश्चात दिनांक 14.03.2019 को समिति की बैठक सम्पन्न हुयी। उक्त बैठक में प्रभावी संस्थाओं ने प्रतिनिधियों द्वारा भी अपना पक्ष प्रस्तुत किया गया। समस्त पहलुओं पर विचारोपरान्त समिति द्वारा निम्नानुसार निर्णय लिया गया-

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- (i) मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली के आदेश दिनांक 30.10.2018 के अनुपालन के क्रम में उपरोक्तानुसार की गयी कार्यवाही के आधार पर प्रश्नगत आनन्द इंजीनियरिंग कालेज व हिन्दुस्तान इंस्टीट्यूट आफ टेक्नोलाजी एवं मैनेजमेंट परिसर वन्य जीव (संरक्षण) अधिनियम, 1972 यथा संशोधित की धारा-18 के अंतर्गत शासनादेश संख्या-764/14-3-49/90 दिनांक 27.03.1991 द्वारा अधिसूचित सूर सरोवर पक्षी विहार की सीमा अधिसूचना दिनांक 27.03.1991 में उल्लिखित सूर सरोवर पक्षी विहार के क्षेत्रफल 403.09 हे० से बाहर है किन्तु अधिसूचना में उल्लिखित चौहद्दी के अंतर्गत है, परन्तु वन्य जीव (संरक्षण) अधिनियम, 1972 की धारा-18ए के अन्तर्गत सेन्चुरी के प्राविधान धारा-27 से धारा-33ए लागू होंगे, जिसका उद्धरण निम्नवत है-

18-A. Protection to sanctuaries.- (1) When the State Government declares its intention under sub-section (1) of section 18 to constitute any area, not comprised within any reserve forest or territorial waters under that sub-section, as a sanctuary, the provisions of sections 27 to 33-A (both inclusive) shall come into effect forthwith.

- 27- Restriction on entry in sanctuary. - (1) No person other than,
- (a) a public servant on duty;
 - (b) a person who has been permitted by the Chief Wildlife Warden or the authorised officer to reside within the limits of the sanctuary;
 - (c) a person who has any right over immovable property within the limits of the sanctuary;
 - (d) a person passing through the sanctuary along a public highway, and
 - (e) the dependents of the person referred to in Cl. (a), (b) or (c).
- shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.
- (2) Every person shall, so long as he resides in the sanctuary, be bound-
- (a) to prevent the commission, in the sanctuary, or an offence against this Act;



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(b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;

(c) to report the death of any wild animal and to safeguard its remains until the Chief Wildlife Warden or the authorised officer takes charge thereof;

(d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and

(e) to assist any forest officer, Chief Wildlife Warden, Wildlife Warden or police officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.

(3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause any wrongful gain as defined in the Indian Penal Code (45 of 1860), alter, destroy, move, or deface such boundary-mark.

(4) No person shall tease or molest any wild animal or litter the grounds or sanctuary.

28. Grant of permit. –

29. Destruction, etc., in a sanctuary prohibited without a permit. – No person shall destroy, exploit or remove any wildlife from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal or its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government being satisfied that such destruction, exploitation or removal of wildlife from the sanctuary is necessary for the improvement and better management of wildlife therein authorizes the issue of such permit:

Provided that where the forest produce is removed from a sanctuary the same may be used for meeting the personal bona fide needs of the people living in and around the sanctuary and shall not be used for any commercial purpose.

Amal

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30. Causing fire prohibited.

31. Prohibition of entry into sanctuary with weapon.

32. Ban on use of injurious substances.

33. Control of sanctuaries.

33A. Immunisation of livestock.

(ii) आनन्द इंजीनियरिंग कालेज व हिन्दुस्तान इंस्टीट्यूट आफ टेक्नोलाजी के परिसरों सूर सरोवर पक्षी विहार की अधिसूचित सीमा के अन्दर अवस्थित होने के कारण इनकी स्थापना के संबंध में वन्य जीव (संरक्षण) अधिनियम 1972 की धारा 5ए के तहत भारत सरकार द्वारा गठित National Board of Wildlife द्वारा निर्धारित प्रक्रियाओं का पालन करते हुए Wildlife clearance प्राप्त करना आवश्यक एवं अपरिहार्य है।

8. प्रश्नगत प्रकरण के संबंध में मा0 अधिकरण के आदेश दिनांक 30.10.2018 के अनुपालन में की गयी कार्यवाही का कालक्रम (Chronological) विवरण मा0 न्यायालय के आदेश के प्रभावी अंश बिन्दु-22 के अनुपालन में संलग्न कर सादर प्रस्तुत है।

(सुनील पाण्डेय)

प्रधान मुख्य वन संरक्षक, वन्य जीव /

मुख्य वन्य जीव प्रतिपालक,

उत्तर प्रदेश, लखनऊ