

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

## EASTERN BENCH AT KOLKATA

OA No. 313 of 2013

**IN THE MATTER OF:**

Akhil Gogoi

...Applicant

Versus

Union of India &amp; Ors.

...Respondents

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NDoH: 11.07.2022

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Date: 09.07.2022

Place: Kolkata

**DRAWN & FILED BY:**


Sanjay Upadhyay, Eisha Krishn &amp; Sonali Sengupta

Advocates for the Original Applicant

29, LGF, Presidential Estate, Nizamuddin East

New Delhi –110013

Email: [eisha@eldfindia.com](mailto:eisha@eldfindia.com) +91-9717725306

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OA No. 313 of 2013

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**WRITTEN SUBMISSIONS ON BEHALF OF THE ORIGINAL  
APPLICANT IN COMPLIANCE OF ORDER DATED 30.05.2022 OF  
THIS HON'BLE TRIBUNAL IN OA NO. 313/2013**

**MOST RESPECTFULLY SHEWETH:**

1. That this Hon'ble Tribunal is presently seized of the above-mentioned OA No. 313/2013 which pertains to the larger public interest issue of environment protection arising out of the illegal operation of Respondent cement factories within 10 kms of the Eco-Sensitive Zone surrounding Amchang Wildlife Sanctuary, Assam, without obtaining the mandatory permission of the Standing Committee of the National Board for Wildlife. Further, these cement factories are also operating in violation of the Order of the Hon'ble Supreme Court, thereby causing irreversible damage to the ecological balance in and around the said protected area. This Hon'ble Tribunal was pleased to issue Notice on 28.10.2013. Thereafter, one of the Respondents also approached the Hon'ble High Court against the closure Order dated 26.09.2013 that had been imposed on them by the State of Assam through the Additional Principal S. In view of the above, This Hon'ble Tribunal was pleased to adjourn the case *sine die* on 12.01.2017.

2. That the Hon'ble High Court was pleased to pass a final Judgment in the Writ Petition No. 6179/2013, 6180/2013 and 6320/2013 and observed that the impugned Closure Notice dated 26.09.2013 cannot be sustained in law as the grounds on which the impleaded Respondents (the Original Applicant herein) have justified the closure Notices are not the grounds on which the closure Notices have been issued. The Hon'ble High Court, vide the said Judgment dated 27.09.2019 was of the view that the grounds on which the closure Notices have been issued, are non-existent, and owing to which set aside the impugned Closure Notices, while disposing the Appeals. True copy of the Judgment dated 27.09.2019 passed by the Hon'ble High Court of Gauhati is marked and annexed herewith as **ANNEXURE A/1**.
3. That thereafter, this matter which had been adjourned sine die by this Hon'ble Tribunal was listed again on 30.05.2022 before this Hon'ble Tribunal, wherein, after being apprised of the Judgment passed by the Hon'ble High Court, the Original Applicants herein were directed to file Written Submissions particularly with regard to the controversy involved in the present case in context of the Judgment of the Hon'ble High Court of Gauhati dated 27.09.2019. This Hon'ble High Court was also pleased to issue Notice to the Respondents Hence these Written Submissions.
4. That without delving into the merits of the Judgment of the Hon'ble High Court, and without prejudice to the rights of parties to appeal the said judgement, it is prudent to note two important aspects, firstly, this Hon'ble Tribunal has been, *ab initio*, satisfied that the subject matter of the present *lis* is covered under Section 14 of the National Green Tribunal Act, 2010 and secondly, the Hon'ble High Court has not adjudicated on whether the Respondent Cement Industries required the recommendation of the Standing Committee of the National Board for Wildlife and have been operating in

utter derogation of the law of the land since 2009. That at this point, therefore, it is important to ascertain that at the time when the Respondent Cement Factories obtained their Environmental Clearances (in 2009), the Ecologically Sensitive Zone of the Amchang Wildlife Sanctuary was the default 10 km, as directed by the Order dated 04.12.2006 of the Hon'ble Supreme Court in the matter titled Goa Foundation vs Union of India & Ors. (W.P.C No. 460/2004) (See Annexure A/2 @ pg 22-23 of the OA) along with the Office Memorandum dated 31.07.2013 issued by the MoEF&CC among others (See Annexure A/7 @ pg 75 of the OA). It is also important to mention here that the State of Assam had not submitted the proposal for the demarcation of the ESZ of the Amchang Sanctuary till 21.03.2016, and till which point, the default ESZ of the said Sanctuary was 10 km, which required all activities within its ambit to obtain approval from the Standing Committee of the National Board for Wildlife. It is an admitted fact that none of the three industries had obtained NBWL clearance and therefore, the establishment of the unit itself was *void ab initio*. This is further fortified by the fact that in the Environmental Clearance dated 02.01.2009 for Respondent No. 3, CMCL, a wrong information was furnished about the distance of the Project from Amchang Wildlife Sanctuary (10.8 kms) (See Annexure A/4 @ pg 47). It further noted that no Wildlife Sanctuary or National Park was located within 10 km radius of the Wildlife Sanctuary. As far as Respondent No. 5, AG Cement is concerned, here again, a blatant lie was furnished stating that no National Park/Wildlife Sanctuary are located within 10 kms. It is also pertinent to mention that in the Specific Conditions of the Environment Clearance, it categorically states that necessary other statutory clearances from other concerned departments shall be obtained prior to commencement of construction or operation. This is in addition to the permission of the

Central Ground Water Authority that is also required among other things. Similar conditions were also put for Respondent No. 5, AG Cements. It is further important to allude to the Guidance Document for taking up non-forestry activities in wildlife habitats dated 19.12.2012, the relevant portion of which has been reproduced as follows:

“....

*2. It is clarified that while project proponents may simultaneously apply for Environment, Forest and NBWL clearances, order to complete the formalities without undue delay, no rights will vest in or accrue to them unless all clearances are obtained. In other words, project proponents cannot rely upon the concept of fait accompli, if they have already received any of the clearances. The Environment, Forest and NBWL clearances will all be processed on their respective merits, and the clearance of the one aspect will not confer any right upon the project proponent. Complete clearance is obtained only when all the requisite clearances have been obtained by the project proponent. This approach would protect the integrity of the flora and fauna of the country, as well as bring in clarity and transparency in the issue of Environmental, Forest and NBWL clearance.”*

(Kindly Refer pg 58 @ Annexure A/5 of OA for the complete Guidelines).

5. That subsequently, the final ESZ Notification of the Amchang Wildlife Sanctuary was published on 07.05.2017, which laid down the extent of the ESZ as from 170 m to 8.1 kms. True copy of the Final ESZ Notification of the Amchang Wildlife Sanctuary, Assam is marked and annexed herewith as **ANNEXURE A/2**.
6. That the Applicant submits that the Judgment by the Hon'ble High Court of Gauhati only sets aside the Closure Orders that had been impugned therein by

the Respondent Cement Companies, without getting into the issue of the requirement of clearance from the Standing Committee of the National Board for Wildlife or clarifying the Guidelines mentioned above, including its applicability. Therefore, in our humble opinion, the fact that the Respondent Cement Manufacturers required such an approval from the Standing Committee of the National Board for Wildlife in 2009 owing to the ESZ then being 10 kms is the reason that the Applicant is before this Hon'ble Tribunal. That this Hon'ble Tribunal can therefore adjudicate on the issue of NBWL permission and take cognizance of the fact that the Environmental Clearances themselves were bad in law, owing to furnishing false information.

7. That it is the case of the Applicant herein that the Respondents are liable to be punished for utter violation of the Orders of the Hon'ble Supreme Court vis-à-vis not having obtained the recommendation of the Standing Committee of the National Board for Wildlife since 2009 and having continued their operations despite the statutory mandate.
8. That the Applicant also submits that the initiation of the litigation in the Hon'ble High Court of Gauhati and the subsequent Judgment dated 27.09.2019 does not interfere with the inherent powers of this Hon'ble Tribunal to adjudicate on the issue of flagrant violation of laws by the Respondent Cement Industries namely Star Cement, Raksha Cement and AG Cements in not obtaining the approval of the Standing Committee of the National Board for Wildlife owing to their presence in the Eco-Sensitive Zone of the Amchang Wildlife Sanctuary.
9. That for the reasons mentioned hereinabove, this Hon'ble Tribunal has the jurisdiction to entertain the instant OA.
10. That these submissions may be seen in line with the facts mentioned in the instant OA and the other pleadings in the matter and the Applicant seeks

indulgence of this Hon'ble Tribunal to rely on the same at the time of arguments.

Date: 09.07.2022

Place: Kolkata

**DRAWN & FILED BY:**



Sanjay Upadhyay, Eisha Krishn & Sonali Sengupta

Advocates for the Original Applicant

29, LGF, Presidential Estate, Nizamuddin East

New Delhi –110013

Email: [eisha@eldfindia.com](mailto:eisha@eldfindia.com) +91-9717725306

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for operating the market until such time the final order of settlement, in terms of the order of this court, is issued to the successful bidder.

With the above observation this writ petition stands disposed of.

Records be returned.

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b

UJJAL BHUYAN, J

STAR CEMENT LTD.

*Petitioner*

*Versus*

c

STATE OF ASSAM AND ORS.

*Respondents*

*(And other cases)*

*WP(C) Nos.6179, 6180 and 6230 of 2013 decided on 27.9.2019*

**Environment (Protection) Act, 1986, Ss. 3(1)(2)(v) and (xiv) and (3) – Environment (Protection) Rules, 1986, R.5(3) – Cement plants directed to be closed in the interest of Wildlife Conservation for being situated within 10 km radius from Amchang Wildlife Sanctuary, i.e., within the eco-sensitive zone in violation of the guidelines of the Supreme Court – No order of the Supreme Court prohibiting any mining activity within 10 kms distance from the boundaries of National Parks or Wildlife Sanctuaries – No eco-sensitive zone claimed to have been defined and notified at the relevant time in and around Amchang Wildlife Sanctuary – Intervenor contending that closure of the Industrial Units was necessary to protect the environment and to preserve wildlife – Notice for closure of the units claimed to have been preceded by ground level inspection which established that the industrial units of the petitioners were set up in the vicinity of the wildlife sanctuary – Eco-sensitive zone notified by the Central Government in and around Amchang Wildlife Santuary by notification dated 7.5.2017 with the clarification that the approved existing land use, infrastructure and activities shall not be interfered with – Establishment of new industries and expansion of existing polluting industries in the eco-sensitive zone only prohibited – Industries set up before the issuance of the notification not touched – Industrial Units of the petitioners set up prior to issuance of the notification – Closure notices held to be not sustainable – Grounds on which the impleaded respondents justified the closure notices were not the grounds on which the closure notices were issued – Grounds on which closure notices were issued held to be non-existent – Notices for closure of the industrial units set aside [Paras 21 to 25].**

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**VOL 2**

**STAR CEMENT LTD. v. STATE OF ASSAM**

**329**

*Advocates who appeared in the case:*

a Dr. Ashok Saraf, Mr. A. Goyal, Mr. K. Choudhury, Mr. R. Baruah, Ms. M.L. Gope, Ms. N. Hawelia, Mr. K.N. Choudhury, Mr. D.K. Das, Mr. B. Chakraborty, Mr. A. Biswas, Mr. M. Mahanta, Ms. M. Talukdar, Mr. R. Kalita, Mr. D. Baruah, Ms. D. Kalita, Mr. Ahmed and Mr. R.K. Agarwala for the petitioner.

b Mr. A.C. Borbora, Ms. R. Borbora, Mr. B.D. Goswami, Mr. A. Borthakur, Mr. S. Borthakur, Mr. M. Bhagabati, Mr. S. Baruah, Mr. S.C. Keyal, Mr. A.A.C. Borbora, Mr. M. Smith, Mr. N. Saikia, Mr. V. Rajkhowa and Mr. D. Mazumdar for the respondents.

*Cases referred : Chronological*

c Goa Foundation v. Union of India, in WP(C) No. 435 of 2012 decided on 21.4.2014.

Goa Foundation v. Union of India, (2014) 6 SCC 590.

Goa Foundation v. Union of India, (2011) 15 SCC 791.

T.N. Godavarman Thirumulpad v. Union of India, (2010) 13 SCC 740.

### ORDER

d 1. This order will dispose of all the above three writ petitions.

e 2. Heard Dr. A.K. Saraf, learned senior counsel, assisted by Mr. P. Baruah, learned counsel for the petitioners in WP(C) Nos. 6179 and 6180 of 2013 and Mr. R.K. Agarwal, learned counsel for the petitioner in WP(C) No. 6320/2013. Also heard Mr. D. Mazumdar, learned senior counsel and Additional Advocate General, Assam, assisted by Mr. S. Biswas, learned counsel for the State respondents; Mr. S.C. Keyal, learned Assistant Solicitor General of India; Mr. A.C. Borbora, learned senior counsel, assisted by Mr. M. Smith, learned counsel for added respondent Nos. 10, 11 and 12 in WP(C) No. 6179/2013; and Mr. V Rajkhowa, learned counsel for respondent No. 10 in WP(C) No. 6180/2013.

f 3. In all the writ petitions, challenge made is to the closure notices issued by the State respondents in the Environment and Forest Department, Government of Assam, to close down the cement manufacturing industrial units of the petitioners on the ground that those are situated within 10 km radius from the boundary of Amchang Wildlife Sanctuary.

g 4. In WP(C) No. 6179/2013, impugned notice is dated 26.9.2013, issued by the Secretary to the Government of Assam, Environment and Forest Department addressed to the Divisional Forest Officer, Kamrup (East) Division to take immediate steps for closure of three cement units, which are situated within 10 km radius from Amchang Wildlife Sanctuary and to submit compliance report. The said letter was issued on the basis of letter from the Additional Principal Chief Conservator of Forests (C),

Ministry of Environment and Forests, Government of India, Regional Office at Shillong.

5. The said letter dated 26.9.2013 is also under assailment in WP(C) No. 6180/2013. a

6. In WP(C) No. 6320/2013, impugned notice is dated 21.10.2013, issued by the Divisional Forest Officer, Kamrup (East) Division addressed to the three petitioners for closure of their respective cement units in the interest of Wildlife Conservation as those are situated within 10 km radius from Amchang Wildlife Sanctuary, i.e., within the eco-sensitive zone, which attracts violation of the guidelines of the Supreme Court. b

7. Before proceeding further, it may be mentioned that in WP(C) No. 6179/2013, the initial petitioner was Cement Manufacturing Company Limited. However, the name of the petitioner-company was changed from Cement Manufacturing Company Ltd. to Star Cement Ltd. Accordingly, the name of the petitioner has been changed following order dated 18.9.2018, passed in IA (C) No. 300/2018. c

8. Basic contention of the petitioners is that petitioners had established Cement Grinding Plants at Chamatapathar by making huge investments. Petitioners obtained necessary clearances prior to commencement of production. Petitioners were served with letters dated 12.9.2013 from the Secretary to the Government of Assam, Environment and Forest Department, stating that it was reported that petitioners were operating Cement Manufacturing Plants within a radius of 10 kms of Amchang Wildlife Sanctuary; which was within the eco-sensitive zone of the said Wildlife Sanctuary. Thus, setting up of the manufacturing units were in clear violation of the guidelines of the Supreme Court. The basis of the aforesaid communication was a letter dated 22.8.2013, issued by the Additional Principal Chief Conservator of Forests (C), Government of India, Regional Office at Shillong. d e f

9. Petitioners in their reply denied that the cement plants were within 10 km radius of Amchang Wildlife Sanctuary. To remove doubt and confusion, a joint survey was suggested. It was also contended that no eco-sensitive zone was defined and notified in and around Amchang Wildlife Sanctuary. Therefore, there was no restriction or prohibition on setting up or operation of industry within the 10 km radius. g

10. Without considering the aforesaid response of the petitioners, impugned closure notices were issued. h

11. In WP(C) No. 6179/2013, this court vide order dated 22.10.2013, passed an interim order directing the respondents not to take any step for closure

a of the industrial unit of the petitioner. On 30.10.2013, a detailed order was passed whereby the case was admitted for hearing and the interim order passed on 22.10.2013 was directed to be continued. Relevant portion of the order dated 30.10.2013 is extracted hereunder :

b "This petition challenges communication dated 26.9.2013 of the Government of Assam in the Environment and Forest Department directing authorities of the Forest Department to take steps for closure of 3 cement units, including the unit of the petitioner, on the ground that those are situated within 10 km radius of Amchang Wild Life Sanctuary.

c Learned senior counsel for the petitioner submits that environmental clearance was granted to establish the industrial unit of the petitioner by the Ministry of Environment and Forests, Government of India on 2.1.2009, as it was found that the proposed site of the unit was located at a distance of 10.8 km from the Amchang Wild Life Sanctuary. It was also noted that the proposed cement plant is a small unit of B category having sufficient air pollution control measures and that it is environment friendly. After obtaining consent to establish and consent to operate the industrial unit from the Pollution Control Board of Assam with adequate and effective pollution control measures in place, the industrial unit of the petitioner has commenced production w.e.f. 31.1.2013, generating revenue and giving employment opportunity to a large number of people. Learned senior counsel also submits that there is no direction from the hon'ble Supreme Court for closure of any industrial unit situated within a radius of 10 km of any wildlife sanctuary. On the contrary, he submits that the approach of the Central Empowered Committee is to regulate existing industrial activities rather than closure or prohibition of such activities. He also submits that though Assam Government has submitted proposal before the Central Government for declaring an area within radius of 1 Km from Amchang Wild Life Sanctuary as Eco Sensitive Zone, no such declaration has been notified till date. Further submission is that when the Secretary to the Government of Assam, Environment and Forest had issued show cause notice to the petitioner on 29.8.2013, petitioner submitted its detailed reply and was awaiting consideration of the same. In such circumstances, issuance of the impugned closure notice is wholly illegal, arbitrary and unjustified, he submits.

g Both Mr. Bhagawati and Mr. Upadhyay, learned Central Government counsel and State Government counsel respectively seek time to obtain instruction.

h Mr. Goswami, learned counsel submits that he would file an intervention application on behalf of Sri Akhil Gogoi. He submits that his client has filed application before the National Green Tribunal seeking closure of the industrial unit of the petitioner. Notice has been issued on such application. He has also placed before the court a decision of the Apex Court dated 9.8.2012 passed in WP(C) No. 50/98 (*Bhopal Gas Peedith Mahila*

*Udyog Sangathan and Ors. v. Union of India and Ors.*) to contend that since the National Green Tribunal is considering the matter, this court should not entertain the writ petition and the matter should be transmitted to the National Green Tribunal.

A perusal of the aforesaid decision particularly paragraph 38 thereof would show that matters covered by Schedule-1 to the National Green Tribunal Act, 2010 are required to be adjudicated by the Green Tribunal.

A perusal of Schedule-I indicates that 7 acts have been enlisted therein including Environment (Protection) Act, 1986 and Air (Prevention and Control of Pollution) Act, 1981.

Whether the present proceeding wherein challenge has been made amongst others to the impugned closure notice would come within the ambit of Schedule-I to the aforesaid Act would require examination of the court.

This petition raises issues of considerable public importance. On the one hand is the need to protect the ecology and prevent further environmental degradation, while on the other hand there is the need and necessity of increased industrial activity and economic growth which cannot be ignored, more particularly in a backward state like Assam with a large unemployed young populace with limited employment opportunities. A balance has to be struck.

Thus, having regard to the above and to the submissions made, I am of the view that the matter would require adjudication.

Issue Rule, returnable 6 weeks.

Mr. Upadhyay accepts notice for respondent Nos. 1 to 7 whereas Mr. Bhagawati accepts notice for respondent Nos. 8 and 9.

Extra copies within 3 days. Mr. Goswami is granted liberty to file necessary application to participate in present proceeding.

List on 18.12.2013.

Interim order passed on 22.10.2013 shall continue."

12. Joint Director (S) in the Ministry of Environment and Forests, Government of India, has filed affidavit. Stand taken is that regional office had requested the State Government of Assam on 22.8.2013 to close down the industrial units as those were within 10 km radius of Amchang Wildlife Sanctuary. As per site visit, the distance of the plants were within 5.8 km (approximately) from Amchang Wildlife Sanctuary and 8 km (approximately) from Pobitora Wildlife Sanctuary. It is contended that such request was made for conservation and protection of wildlife, which was in conformity with Supreme Court guidelines.

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13. Respondent Nos. 1 and 2, i.e., State of Assam in the Environment and Forest Department, have filed a common affidavit supporting the closure notices; however, stating that closure notices were issued in pursuance of Government of India, Ministry of Environment and Forests' letter dated 22.8.2013. It is stated that proposal for notifying eco-sensitive zone for Amchang Wildlife Sanctuary was already forwarded to the Government of India, but eco-sensitive zone has not yet been notified. A reference has been made to order dated 4.12.2006, passed in WP(C) No. 460/2004, where Supreme Court had directed that in case of a project requiring environmental clearance is located within eco-sensitive zone around a Wildlife Sanctuary or National Park or in the absence of any delineation of such a zone if it is within a distance of 10 kms from the boundary, User Agency/Project Proponent is required to obtain recommendations of the Standing Committee of National Board for Wildlife.

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14. Petitioner has filed rejoinder affidavit to both the affidavits. Referring to the order of the Supreme Court, it is contended that there is no direction, interim or final, prohibiting mining activities within 10 kms of the boundaries of National Parks or Wildlife Sanctuaries. In fact, by the order dated 4.12.2006, Supreme Court had only directed Ministry of Environment and Forests, Government of India, to give a final opportunity to the States/Union Territories to respond to the proposal to notify the areas within 10 kms of the boundaries of National Parks or Wildlife Sanctuaries and also to refer to the Standing Committee of the National Board for Wildlife in the cases in which industrial clearance has already been granted in respect of activities within 10 kms radius zone from the boundaries of Wildlife Sanctuaries and National Parks. It is asserted that by the order dated 4.12.2006 Supreme Court had neither fixed any buffer zone within 10 kms nor directed closure of industries. In this connection, reliance has been placed on judgment of the Supreme Court dated 21.4.2014 in WP(C) No. 435 of 2012 [*Goa Foundation v. Union of India*, (2014) 6 SCC 590].

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15. Petitioner has also filed an additional affidavit placing on record notification dated 7.5.2017 of the Ministry of Environment, Forests and Climate Change, Government of India, notifying eco-sensitive zone of Amchang Wildlife Sanctuary giving details of the boundaries.

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16. Impleaded respondent Nos. 10, 11 and 12 have filed affidavit. Basic contention of the impleaded respondents is that industrial units of the petitioners are in close proximity of Amchang Wildlife Sanctuary. It is stated that as per letter of Forest Department, Government of Assam, distance of M/s. Star Cement from Amchang Wildlife Sanctuary is 5750 metres; M/s. Raksha Cement is 368 metres; and M/s. A.G. Cement is 128

metres. It is contended that the industries of the petitioners are highly polluting ones exposing the local villagers to health hazards.

17. Dr. Saraf and Mr. Agarwal have vehemently argued that such closure notices are wholly illegal and are liable to be set aside. There is no Supreme Court order either prohibiting or closing down industrial units located within 10 kms from the boundaries of Wildlife Sanctuaries. Therefore, the very foundation of the closure notices is untenable. Closure notices cannot now be justified on grounds not mentioned in the notices. Reliance has been placed on notification dated 7.5.2017 of the Ministry of Environment, Forests and Climate Change, Government of India, to contend that only new industries and expansion of existing polluting industries in the eco-sensitive zone have been prohibited. Existing industries are not to be touched or closed. Additionally, Mr. Agarwal contends that there are a large number of cement plants and other industries in the area in question but only the petitioners have been targeted. Therefore, closure notices are illegal.

18. Mr. Mazumdar, learned Additional Advocate General has referred to the affidavit filed by respondent Nos. 1 and 2 and submits that closure notices were issued on the basis of inputs received from the Central authorities.

18.1 Mr. S.C. Keyal, learned Assistant Solicitor General of India, supporting the initiative taken by the Additional Principal Chief Conservator of Forests submits that such steps have been taken for protection of wildlife and environment.

18.2 Mr. A C Borbora, learned senior counsel appearing for the impleaded respondents has referred to various provisions of the Air Pollution Act, 1981 and Environment Protection Act, 1986 to contend that closure of the industrial units has become necessary to protect the environment and to preserve wildlife. Impugned notices were preceded by ground level inspection which clearly established that the industrial units of the petitioners have been set up in the vicinity of the wildlife sanctuary. He also expresses doubts about environmental clearance obtained by the petitioners and whether all formalities have been complied with. In the course of his submissions, Mr. Borbora has placed reliance on various write ups to drive home the point that conservation of biological diversity is a common concern of mankind and is an integral part of the development process. He has also referred to an order of the Supreme Court dated 15.9.2017 in SLP Nos. 2579-2580/2014, expressing concern over reduction of 10 kms eco sensitive zone to 100 metres.

18.3 Mr. Rajkhowa has supported the submissions of Mr. Borbora.

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19. Submissions made by learned counsel for the parties have been considered. Also perused the materials on record.

a 20. In *Goa Foundation (supra)*, Supreme Court was considering mining activities in the State of Goa. In that judgment, Supreme Court examined whether it had by orders passed on 4.8.2006 and 4.12.2006, prohibited mining activities around National Parks or Wildlife Sanctuaries. Order dated 4.8.2006 was passed in the case of *T.N. Godavarman Thirumulpad v. Union of India, (2010) 13 SCC 740*, whereas order dated 4.12.2006 was passed in *Goa Foundation v. Union of India, (2011) 15 SCC 791*. Supreme Court read the order dated 4.12.2006 and found that it had not prohibited any mining activity within 10 kms distance from the boundaries of National Parks or Wildlife Sanctuaries. After extracting the relevant portion of the order dated 4.12.2006, it was clarified that Supreme Court had not passed any order or direction, interim or final, prohibiting mining activities within 10 kms of the boundaries of National Parks or Wildlife Sanctuaries. Relevant portion of the clarificatory order passed in *Goa Foundation, i.e., (2014) 6 SCC 590 (supra)* is extracted hereunder :

d “49. We may now examine whether this court has by the orders passed on 4.8.2006 and 4.12.2006, prohibited mining activities around National Parks or Wildlife Sanctuaries. When we read the order of this court passed on 4.8.2006 in *T.N. Godavarman Thirumulpad v. Union of India and Ors.*, we find that the court while considering the question of grant of Temporary Working Permits for mining activities in National Parks, Sanctuaries and forest areas, directed that Temporary Working Permits shall be granted only where the conditions stipulated in the said order are satisfied. Condition Nos. (ii) and (iii) stipulated in the order dated 4.8.2006 are extracted hereinbelow :

f “19.....(ii) The mine is not located inside any National Park/Sanctuary notified under section 18, 26A or 35 of the Wildlife (Protection) Act, 1972; (iii) The grant of the T.W.P. would not result in any mining activity within the safety zone around such areas referred to in (ii) above, (as an interim measure, one kilometre safety zone shall be maintained subject to the orders that may be made in I.A. No.1000 regarding Jamua Ramgarh Sanctuary);”

g It would, thus, be clear that this court was of the opinion that grant of Temporary Working Permits should not result in any mining activities within the safety zones around a National Park or Wildlife Sanctuary and as an interim measure, one kilometre safety zone was to be maintained subject to the orders that may be made in I.A. No.1000 in Jamua Ramgarh Sanctuary. This order dated 4.8.2006 has not been varied subsequently nor any orders made in I.A. No. 1000 regarding Jamua Ramgarh Sanctuary saying that Temporary Working Permits can be granted within one kilometre safety zone beyond the boundaries of a National Park or Wildlife

Sanctuary. The result is that the order passed by this court saying that there will be no mining activity within one kilometre safety zone around National Park or Wildlife Sanctuary has to be enforced and there can be no mining activities within this area of one kilometre from the boundaries of National Parks and Wildlife Sanctuaries in the State of Goa.

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50. When, however, we read the order dated 4.12.2006 of this court in WP(C) No.460 of 2004 (*Goa Foundation v. Union of India*), we find that the court has not prohibited any mining activity within 10 kilometre distance from the boundaries of the National Parks or Wildlife Sanctuaries. The relevant portion of the order dated 4.12.2006 is quoted hereinbelow :

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"4. The Ministry is directed to give a final opportunity to all States/ Union Territories to respond to its letter dated 27th May, 2005. The State of Goa also is permitted to given appropriate proposal in addition to what is said to have already been sent to the Central Government. The Communication sent to the States/Union Territories shall make it clear that if the proposals are not sent even now within a period of four weeks of receipt of the communication from the Ministry, this court may have to consider passing orders for implementation of the decision that was taken on 21st January, 2002, namely, notification of the areas within 10 km. of the boundaries of the sanctuaries and national parks as eco-sensitive areas with a view to conserve the forest, wildlife and environment and having regard to the precautionary principles. If the State/Union Territories now fail to respond, they would do so at their own risk and peril.

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5. The MoEF would also refer to the Standing Committee of the National Board for Wildlife, under sections 5(b) and 5(c)(ii) of the Wild Life (Protection) Act, the cases where environment clearance has already been granted where activities are within 10 km. zone."

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It will be clear from the order dated 4.12.2006 of this court that this court has not passed any orders for implementation of the decision taken on 21st January, 2002 to notify areas within 10 kms. of the boundaries of National Parks or Wildlife Sanctuaries as eco sensitive areas with a view to conserve the forest, wildlife and environment. By the order dated 4.12.2006 of this court, however, the Ministry of Environment and Forest, Government of India, was directed to give a final opportunity to all States/Union Territories to respond to the proposal and also to refer to the Standing Committee of the National Board for Wildlife the cases in which environment clearance has already been granted in respect of activities within the 10 kms. zone from the boundaries of the wildlife sanctuaries and national parks. There is, therefore, no direction, interim or final, of this court prohibiting mining activities within 10 kms. of the boundaries of National Parks or Wildlife Sanctuaries."

f

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h

21. Ministry of Environment, Forests and Climate Change, Government of India issued a notification dated 7.5.2017 in exercise of the powers

a conferred by sections 3(1), (2)(v) and (xiv), and (3) of the Environment (Protection) Act, 1986, read with rule 5(3) of the Environment (Protection) Rules, 1986, notifying an area of Amchang Wildlife Sanctuary as the Amchang Wildlife Sanctuary Eco-sensitive Zone. The eco-sensitive zone is spread over an area of 109.99 square kilometres, with an extent varying from 170 metres to 8.1 km with zero eco-sensitive zone extent on the western side due to presence of cantonment area. Regarding zonal master plan for the eco-sensitive zone, it has been clarified that such zonal master plan shall not impose any restriction on the approved existing land use, infrastructure and activities unless so specified in the notification and the zonal master plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly. The notification further provides that on or after publication of the notification in the Official Gazette no new polluting industries shall be allowed to be set up within the eco-sensitive zone. Clause 4 of the notification listed the activities to be prohibited or to be regulated within the eco-sensitive zone. Serial No. 2 of the Table deals with setting up of industries including new oil and gas exploration causing pollution. In respect of serial No. 2, it is provided that no new industries and expansion of existing polluting industries in the eco-sensitive zone shall be permitted. The notification also provides for constitution of a monitoring committee headed by Deputy Commissioner, Kamrup (Metro) for effective monitoring of the eco-sensitive zone.

e 22. Therefore, from the above it is evident that there is no order of the Supreme Court prohibiting any mining activity within 10 kms. distance from the boundaries of National Parks or Wildlife Sanctuaries. That apart, as per the notification dated 7.5.2017, Central Government has notified eco-sensitive zone in and around Amchang Wildlife Santuary with the clarification that the approved existing land use, infrastructure and activities shall not be interfered with. There is only prohibition in the establishment of new industries and expansion of existing polluting industries in the eco-sensitive zone. Existing industries, i.e., those set up before the notification dated 7.5.2017 has not been touched.

g 23. This notification dated 7.5.2017 is not under challenge.

h 24. It is nobody's case that petitioners have set up their industrial units after issuance of the above notification or have undertaken expansion of their existing units. Rather, as discussed above, the notification has only saved the existing industrial units, of course, to be monitored by the Monitoring Committee.

25. Viewed in the above context, impugned closure notices cannot be sustained in law. Grounds on which the impleaded respondents have

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justified the closure notices are not the grounds on which the closure notices have been issued. The grounds on which the closure notices have been issued are non-existent. Therefore, impugned closure notices are set aside. Stay orders passed earlier are made absolute.

26. Writ petitions are accordingly, disposed of.

.....

(2020) 2 GAUHATI LAW REPORTS 338

KOHIMA BENCH

N. KOTISWAR SINGH, J

AUGUSTINE M. YANTHAN AND ORS.

*Petitioners*

*Versus*

STATE OF NAGALAND AND ORS.

*Respondents*

*WP(C) No. 222(K) of 2017 decided on 20.5.2019*

**Judicial Review – Cabinet decision – Cabinet decisions pertain to policy matters – Scope of judicial review is limited – Cabinet decision cannot be challenged unless it violates any statutory or constitutional provision.**

It is now well settled that a Cabinet decision cannot be challenged unless it violates any statutory or constitutional provision, as normally cabinet decisions pertain to policy matters of which the scope of judicial review is limited [Para 59].

However, there is no settled law that a Cabinet decision can never be challenged and is beyond the scope of the judicial review. If the court finds that the same is contrary to law or any statutory or legal provisions, the court certainly can examine and if necessary, interfere with the same, more so, if it violates any constitutional provision [Para 59].

From the above, what can be clearly inferred is that a policy decision taken by the State would normally not be interfered by the courts. However, if the same is in violation of any statutory provision or of the Constitution, more particularly any fundamental right, certainly it would be subject to judicial review, and these can be challenged before the court of law [Para 61].

**Judicial Review – Decision of Cabinet that the private respondent shall be eligible for promotion to the next level post of Deputy Development Commissioner – Service Rules not framed – Cabinet decision presupposed certain fact situation, before the foundation of such supposition was even laid – Decision of the Cabinet held to be arbitrary and discriminatory.**



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 7 मई, 2017

**का.आ. 1817(अ).**—प्रारूप अधिसूचना भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. का.आ. 1166 तारीख 21 मार्च, 2016 द्वारा भारत के राजपत्र असाधारण में प्रकाशित की गई थी जिसमें उन सभी व्यक्तियों से, जिनको उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना की राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थी, साठ दिन की अवधि के भीतर, आक्षेप और सुझाव आमंत्रित किए गए थे;

और, उक्त प्रारूप अधिसूचना के प्रत्युत्तर में व्यक्तियों और पणधारियों से कोई आक्षेप और सुझाव प्राप्त नहीं हुए है;

और, अमचांग वन्यजीव अभयारण्य, असम राज्य के कामरूप जिले में स्थित है, यह अमचांग आरक्षित वन, दक्षिण अमचांग आरक्षित वन और खानापाडा आरक्षित वन से मिलकर बना है तथा 26° 13' उ से 26° 06' उ अक्षांश और 91° 50' पू से 91° 58' देशांतर की भौगोलिक सीमाओं में अवस्थित है और 78.64 वर्ग किलोमीटर में फैला हुआ है ;

और, अभयारण्य का मुख्य भाग छोटी पहाड़ियों से तरंगी और ढंका हुआ है जो अद्वितीय वन्यजीव निवास के साथ अद्वितीय भू-आकृति विज्ञान सुविधा के लिए है। अमचांग वन्यजीव अभयारण्य पशुओं और पौधों की प्रजातियों की व्यापक विविधता के लिए समृद्ध और विविध पारिस्थितिक आवासों में से एक का प्रतिनिधित्व करता है। वन्यजीव अभयारण्य में मुख्य पशुओं में हुलांक उतक, चीन साल, सूरज-भगत, असमिया लघु पुच्छ वानर, केपड लंगूर, लजीला वानर, तेंदुआ, हाथी, सांभर, मुंजक, गौर आदि पाए जाते हैं। वन्यजीव अभयारण्य में पक्षी जीवजंतु, सरीसृपों, उभयचरों और कीड़े मकोड़े की विस्तृत विविधता पाई जाती है।

और, अभयारण्य गुवाहाटी शहर की पूर्वी सीमा पर अवस्थित है तथा सीमांत क्षेत्रों में जैविक दबाव में वृद्धि से अभयारण्य का पर्यावास प्रभावित हो सकता है।

और, अमचांग वन्यजीव अभयारण्य के चारों ओर के क्षेत्र को, जिसका विस्तार और सीमाएं इस अधिसूचना के पैरा 1 में विनिर्दिष्ट हैं, पर्यावरण की दृष्टि से पारिस्थितिक संवेदी जोन के रूप में सुरक्षित और संरक्षित करना तथा उक्त पारिस्थितिक संवेदी जोन में उद्योगों या उद्योगों के वर्गों के प्रचालन तथा प्रसंस्करण करने को प्रतिषिद्ध करना आवश्यक है;

35	उ26° 09' 04.1"	पू 91° 50' 39.5"
36	उ26° 09' 25.7"	पू 91° 50' 26.2"
37	उ26° 10' 12.1"	पू 91° 49' 44.3"
38	उ26° 10' 46.3"	पू 91° 49' 53.2"
39	उ26° 10' 59.6"	पू 91° 50' 14.3"

**उपाबंध-IV****पारिस्थितिक संवेदी जोन निगरानी समिति - की गई कार्रवाई की रिपोर्ट का रूप विधान**

1. बैठकों की संख्या और तिथि ।
2. बैठकों का कार्यवृत्त : कृपया मुख्य उल्लेखनीय बिंदुओं का वर्णन करें । बैठक के कार्यवृत्त को एक पृथक अनुबंध में उपाबद्ध करें ।
3. आंचलिक महायोजना की तैयारी की प्रास्थिति जिसके अंतर्गत पर्यटन महायोजना।
4. भू-अभिलेख में सदृश्य त्रुटियों के सुधार के लिए ब्यौहार किए गए मामलों का सारांश ।
5. पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन आने वाली गतिविधियों की संविधा के मामलों का सारांश । ब्यौरे एक पृथक् उपाबंध के रूप में उपाबद्ध किए जा सकते हैं ।
6. पर्यावरण समाघात निर्धारण अधिसूचना, 2006 के अधीन आने वाली गतिविधियों की संविधा के मामलों का सारांश । ब्यौरे एक पृथक् उपाबंध के रूप में उपाबद्ध किए जा सकते हैं ।
7. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन दर्ज की गई शिकायतों का सारांश ।
8. कोई अन्य महत्वपूर्ण विषय ।

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 7th May, 2017

**S.O. 1817(E).**—WHEREAS, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of the India in the Ministry of Environment, Forest and Climate Change number S.O 1166(E), 21<sup>st</sup> March, 2016, inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

**AND WHEREAS,** no objections and suggestions received from persons and stakeholders in response to the draft notification;

**AND WHEREAS,** the Amchang Wildlife Sanctuary situated in Kamrup District of State of Assam consists of Amchang Reserve Forest, South Amchang Reserve Forest and Khanapara Reserve Forest and located within the geographical limits of 26° 13' N to 26° 06' N latitude and 91° 50' E to 91° 58' longitude and is spread over an area of 78.64 square kilometers;

**AND WHEREAS,** major portion of the sanctuary is undulating and covered by hillocks which forms a unique geomorphologic feature with unique wildlife habitat and the Amchang Wildlife Sanctuary represents one of the rich and ecologically diverse habitat for the wide variety of animals and plant species. Hollockgibbon, Chinese pangolin, Flying squirrel, Assamese Macaque, Capped langur, Slow loris, Leopard, Elephant, Sambar, Barking Deer, Gaur etc., are the principal animals found in the wildlife sanctuary. In addition to these a wide variety of avian fauna, reptiles, amphibians and insects are found in the wildlife sanctuary;

**AND WHEREAS,** the sanctuary is located on the eastern limit of Guwahati city and the increase in biotic pressure in the fringe areas can affect the habitat of the sanctuary;

**AND WHEREAS**, it is necessary to conserve and protect the area, the extent and boundaries of which are specified in paragraph 1 of this notification around the protected area of Amchang Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone.

**NOW THEREFORE**, in exercise of the powers conferred by sub-section(1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area of Amchang Wildlife Sanctuary in the State of Assam as the Amchang Wildlife Sanctuary Eco-sensitive Zone (herein after referred to as the Eco-sensitive Zone) details of which are as under, namely:-

**1. Extent and Boundaries of Eco-sensitive Zone.—**

(1) The Eco-sensitive Zone is spread over an area of 109.99 square kilometres with an extent varying from 170 meters to 8.1 kilometre (zero Eco-sensitive Zone extent on west side due to the presence of the Cantonment area) around the boundary of Amchang Wildlife Sanctuary and boundary description of Eco-sensitive Zone of such is given in **Annexure-I**.

(2)The list of 37 villages falling with the Eco-sensitive Zone is appended as **Annexure-II**.

(3) The map of the Eco-sensitive Zone along with latitude and longitude is appended as **Annexure-III**.

**2. Zonal Master Plan for the Eco-sensitive Zone.-** (1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of final notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for approval of Competent Authority in the State Government.

(2) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

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

- i. Environment,
- ii. Forest and Wildlife,
- iii. Agriculture,
- iv. Revenue,
- v. Urban Development,
- vi. Tourism,
- vii. Rural Development,
- viii. Irrigation and Flood Control,
- ix. Municipal
- x. Panchayati Raj
- xi. Public Works Department,

(4) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and Eco-friendly.

(5) The Zonal Master Plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

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

(7) The Zonal Master Plan shall regulate development in the Eco-sensitive Zone and adhere to prohibited, regulated activities listed in Table and also ensure and promote Eco-friendly development for livelihood security of local communities.

(8) The Zonal Master Plan shall be co-terminus with the Regional Development Plan.

(9) The Zonal Master Plan so approved shall be the reference document for the Monitoring Committee for carrying out its functions of monitoring in accordance with the provisions of this notification.

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

(1) **Landuse.-**

(a) Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for major commercial or major residential complex or industrial activities:

Provided that the conversion of agricultural and other lands, for the purpose other than that specified within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the competent authority under the relevant State laws and other rules and regulations of Central/State Government as applicable and vide provisions of this Notification, to meet the residential needs of the local residents such as.-

- i. widening and strengthening of existing roads and construction of new roads;
- ii. construction and renovation of infrastructure and civic amenities;
- iii. small scale industries not causing pollution;
- iv. cottage industries including village industries; convenience stores and local amenities supporting Eco-tourism including home stay; and
- v. promoted activities and given under para 4:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the competent authority under the relevant State laws and other rules and regulations of State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the above correction of error shall not include change of land use in any case except as provided under this sub-paragraph.

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

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

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

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

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

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

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

(ii) All new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the Eco-tourism guidelines issued by the National Tiger Conservation Authority (as amended from time to time) with emphasis on Eco-tourism.

(iii) Until the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the

Monitoring Committee and no new hotel /resort or commercial establishment construction is permitted within Eco-sensitive Zone area.

**(4) Natural Heritage.-** All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and a heritage conservation plan shall be drawn up for their preservation and conservation as a part of the Zonal Master Plan.

**(5) Man-made heritage sites.-** Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be identified in the Eco-sensitive Zone and heritage conservation plan for their conservation shall be prepared as part Zonal Master Plan.

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

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

**(8) Discharge of effluents.-** Discharge of treated effluent in the Eco-sensitive Zone shall be in accordance with the provisions of the General Standards for Discharge of Environmental Pollutants covered under the Environmental (Protection) Act, 1986 and rules made thereunder or standards stipulated by State Government.

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

(a) The solid waste disposal and management in the Eco-sensitive Zone shall be carried out in accordance with the Solid Waste Management Rules, 2016 and published by the Government of India in the Ministry of Environment, Forests and Climate Change vide notification number S.O. 1357 (E), dated the 8th April, 2016 and the inorganic material may be disposed in an environmental acceptable manner at site identified outside the Eco-sensitive Zone.

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

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

(a) The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out in accordance with the Bio-Medical Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide Notification number G.S.R. 343(E), dated the 28th March, 2016.

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

**(11) Plastic Waste Management.-** The Plastic Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the Plastic Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 340(E), dated the 18th March, 2016.

**(12) Construction and Demolition Waste Management.-** The Construction and Demolition Waste Management in the Eco-sensitive Zone shall be carried out as per the provisions of the Construction and Demolition Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 317(E), dated the 29th March, 2016.

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

**(14) Vehicular traffic.-** The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master plan is prepared and approved by the Competent Authority in the State Government, the Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

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

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

(ii) Only non-polluting industries shall be allowed within Eco-sensitive Zone as per classification of Industries in the Guidelines issued by Central Pollution Control Board in February 2016, unless so specified in this notification and in addition, non-polluting cottage industries shall be promoted.

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

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

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

(18) The Central Government and the State Government shall specify other additional measures, if it considers necessary, in giving effect to the provisions of this notification.

#### 4. List of activities prohibited or to be regulated within the Eco-sensitive Zone.-

All activities in the Eco-sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made there under including the Coastal Regulation Zone, 2011 and the Environmental Impact Assessment Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified in the Table below, namely:-

**TABLE**

Sl. No.	Activity	Description
<b>A. Prohibited Activities</b>		
1.	Commercial Mining.	(a) All new and existing (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing and for other activities.  (b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated 04.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No.202 of 1995 and dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No.435 of 2012.
2.	Setting of industries including new oil and gas exploration causing pollution (Water, Air, Soil, Noise, etc.).	No new industries and expansion of existing polluting industries in the Eco-sensitive zone shall be permitted.  Only non-polluting industries shall be allowed within Eco-sensitive Zone as per classification of Industries in the Guidelines issued by the Central Pollution Control Board in February 2016, unless so specified in this notification. In addition, non-polluting cottage industries shall be promoted.
3.	Establishment of major thermal and major hydroelectric project.	Prohibited (except as otherwise provided) as per applicable laws.
4.	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
6.	Establishment of solid waste disposal site and common incineration facility for solid and bio medical waste.	No new solid waste disposal site and waste treatment/processing facility of solid waste is permitted within Eco-sensitive Zone. Further installation of common or individual incineration facility for treatment of any form of solid waste generated from industrial process and health establishment/hospitals etc. is prohibited.
7.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate, companies.	Prohibited (except as otherwise provided) as per applicable laws except for meeting local needs.
8.	Setting of new saw mills.	No new or expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
9.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
10.	Commercial use of fire wood.	Prohibited (except as otherwise provided) as per applicable laws.
11.	Use of plastic bags.	Prohibited (except as otherwise provided) as per applicable laws.
<b>B. Regulated Activities</b>		
12.	Commercial establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted within one kilometre of the boundary of the Protected Area or up to the extent of

		<p>Eco-sensitive Zone, whichever is nearer, except for small temporary structures for Eco-tourism activities.</p> <p>Provided that, beyond one kilometre from the boundary of the Protected Area or upto the extent of Eco-sensitive Zone whichever is nearer, all new tourist activities or expansion of existing activities shall be in conformity with the Tourism Master Plan and guidelines as applicable.</p>
13.	Construction activities.	<p>(a) No new commercial construction of any kind shall be permitted within one kilometre from the boundary of the Protected Area or upto extent of the Eco-sensitive Zone whichever is nearer:</p> <p>Provided that, local people shall be permitted to undertake construction in their land for their use including the activities listed in sub-paragraph (1) of paragraph 3 as per building byelaws to meet the residential needs of the local residents such as:-</p> <ul style="list-style-type: none"> <li>(i) widening and strengthening of existing roads and construction of new roads;</li> <li>(ii) construction and renovation of infrastructure and civic amenities;</li> <li>(iii) small scale industries not causing pollution termed as per Classification done by the Central Pollution Control Board during February 2016;</li> <li>(iv) cottage industries including village industries; convenience stores and local amenities supporting Eco-tourism including home stays; and</li> <li>(v) promoted activities listed in this Notification:</li> </ul> <p>Provided that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any.</p> <p>(b) Beyond one kilometre it shall be regulated as per the Zonal Master Plan.</p>
14.	Small scale non polluting industries.	Non polluting industries as per classification of industries issued by the Central Pollution Control Board during February 2016 and non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous materials from the Eco-sensitive Zone shall be permitted by the competent Authority.
15.	Felling of Trees.	<p>(a) There shall be no felling of trees on the forest or Government or revenue or private lands without prior permission of the competent authority in the State Government.</p> <p>(b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made thereunder.</p>
16.	Collection of Forest produce or Non-Timber Forest Produce (NTFP).	Regulated under applicable laws.
17.	Erection of electrical and communication towers and laying of cables and other infrastructures.	Regulated under applicable law. Underground cabling may be promoted.
18.	Infrastructure including civic amenities.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
19.	Widening and strengthening of existing roads and construction of new roads.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.

20.	Under taking other activities related to tourism like over flying the Eco-sensitive Zone area by hot air balloon, helicopter, drones, Microlites, etc.	Regulated under applicable law.
21.	Protection of Hill Slopes and river banks.	Regulated under applicable laws.
22.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
23.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.	Permitted under applicable laws for use of locals.
24.	Discharge of treated waste water/effluents in natural water bodies or land area.	The discharge of treated waste water/effluents shall be avoided to enter into the water bodies. Efforts to be made for recycle and reuse of treated waste water. Otherwise the discharge of treated waste water/effluent shall be regulated as per applicable laws.
25.	Commercial extraction of surface and ground water.	Regulated under applicable law.
26.	Open Well, Bore Well etc. for agriculture or other usage.	Regulated and the activity should be strictly monitored by the appropriate authority.
27.	Solid Waste Management.	Regulated under applicable laws.
28.	Introduction of Exotic species.	Regulated under applicable laws.
29.	Eco-tourism.	Regulated under applicable laws.
30.	Commercial Sign boards and hoardings.	Regulated under applicable laws.

### C. Promoted Activities

31.	Rain water harvesting.	Shall be actively promoted.
32.	Organic farming.	Shall be actively promoted.
33.	Adoption of green technology for all activities including waste management.	Shall be actively promoted.
34.	Cottage industries including village artisans, etc.	Shall be actively promoted.
35.	Use of renewable energy and fuels.	Bio gas, solar light etc. to be actively promoted.
36.	Agro-Forestry including agro biodiversity .	Shall be actively promoted.
37.	Use of eco-friendly transport.	Shall be actively promoted.
38.	Skill Development including Green Skill.	Shall be actively promoted.
39.	Restoration of Degraded Land/ Forests/ Habitat.	Shall be actively promoted.
40.	Environmental Awareness.	Shall be actively promoted.

**5. Monitoring Committee:** — (1) In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby constitutes a Monitoring Committee for a period of three years, for effective monitoring of the Eco-sensitive Zone, which shall comprise of, namely:-

(1)	Deputy Commissioner, Kamrup (Metro)	- Chairman
(2)	Deputy Commissioner Police, Kamrup (Metro) East	- Member
(3)	Deputy Commissioner Police, Kamrup (Metro) Central	- Member
(4)	Director, Assam tourism Department	- Member
(5)	Divisional Forest Officer, Kamrup East Division	- Member
(6)	An expert in the area of ecology and environment to be nominated by the Government of Assam for a period of three years	-Member

(7) One representatives of Non-governmental Organisation (working in the field of environment including heritage conservation) to be nominated by the Government of Assam for a period of three years	-Member
(8) Project Director District Rural Development Agency Kamrup Metropolitan District	- Member
(9) Divisional Officer, Soil Conservation Division, Kamrup Metropolitan District	- Member
(10) Senior Environmnet Engineer (Regional Office), Bamunimaidam, Pollution Control Board	- Member
(11) General Manager, District Industries Centre, Kamrup Metropolitan District	- Member
(12) District Agriculture Officer, Kamrup Metropolitan District	- Member
(13) District Animal Husbandry & Veterinary officer, Kamrup Metropolitan District	- Member
(14) Executive Engineer, Public Works Department (Road Division), Kamrup Metropolitan District	- Member
(15) Executive Engineer, Public Works Department (Building Division), Kamrup Metropolitan District	- Member
(16) Member, Biodiversity Board	- Member
(17) Divisional Forest Officer, Guwahati Wildlife Division	- Member- Secretary.

#### 6. Terms of Reference.-

- (1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.
  - (2) The activities that are covered in the schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
  - (3) The activities that are not covered in the schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned regulatory authorities.
  - (4) The Member-Secretary of the Monitoring Committee or the concerned Collector(s) or the concerned Park Deputy Conservator of Forests shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 against any person who contravenes the provisions of this notification.
  - (5) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from industry associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
  - (6) The Monitoring Committee shall submit the annual action taken report of its activities as on 31<sup>st</sup> March of every year by 30<sup>th</sup> June of that year to the Chief Wildlife Warden of the State as per pro- forma appended at **Annexure-IV**.
  - (7) The Central Government in the Ministry of Environment, Forest and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.
7. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.
8. The provisions of this notification shall be subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court or National Green Tribunal.

[F. No. 25/204/2015-ESZ]

LALIT KAPUR, Scientist 'G'

**Annexure – I****BOUNDARY DESCRIPTION OF PROPOSAL ECO-SENSITIVE ZONE OF AMCHANG WILDLIFE SANCTUARY****North :**

Northern boundary of the proposed Eco-sensitive Zone of Amchang Wildlife Sanctuary starts from Eco-sensitive Zone point no.1 located on the level crossing of Railway tract at Panikhaiti at the northern side of the tract (GPS Co-ordinate N 26° 12' 14.7" E 91° 51' 29.4") and crosses the River Brahmaputra and meets point no.2 at a distance of 7415 mtrs. (GPS Co-ordinate N 26° 16' 15.7" E 91° 51' 26.4"). Then it runs towards north east direction. From Eco-sensitive Zone point no.2 to Eco-sensitive Zone point no.3 for a distance of 6454 metres. The boundary runs along the north bank of river Brahmaputra and meet Eco-sensitive Zone point no.3 (GPS Co-ordinate N 26° 16' 56.7" E 91° 55' 14.6"). From Eco-sensitive Zone point no.3 to Eco-sensitive Zone point no. 4 it runs towards south east direction and crosses the River Brahmaputra and reaches the ESZ point no.4 at a distance of 4983 mtrs. (GPS Co-ordinates N 26° 15' 05.3" E 91° 57' 25.0") to the south bank where it meets the Kolong River. From Eco-sensitive Zone point no. 4 to ESZ point no. 5 it runs up to the south-east corner of Kolong river bridge on the SH-3 at a distance of 856 mtrs. (GPS Co-ordinate N 26° 14' 38.2" E 91° 57' 31.9"). From Eco-sensitive Zone point no. 5 to Eco-sensitive Zone point no. 6 the boundary line runs for a distance of 2454 meter. (GPS Co-ordinate N 26° 14' 0.6" E 91° 56' 31.9") passes through near Chandrapur Digaru PWD road. From Eco-sensitive Zone point no. 6 to Eco-sensitive Zone point no. 7 the boundary line runs towards south for a distance of 977 meter. (GPS Co-ordinate N 26° 13' 28.9" E 91° 56' 16.1") on the same road after crossing the railway tract.

**East :**

From Eco-sensitive Zone point no.7 to Eco-sensitive Zone point No. 8 the boundary line runs towards east for a distance of 2412 meters(GPS Co-ordinate N 26°13'11.2" E 91°57' 40.8") on the north edge of the same road and west ward of the railway tract. From Eco-sensitive Zone point no.8 to Eco-sensitive Zone point no. 9 the Boundary line runs towards south for a distance of 626 meters. (GPS Co-ordinate N 26°12'50.9" E 91° 57' 39.5") on the eastern side of Chandrapur-Digaru Public Works Department road. From Eco-sensitive Zone point no. 9 to Eco-sensitive Zone point no. 10 the boundary line runs towards south east direction for a distance of 455 meters. (GPS Co-ordinate N 26°12'39.6" E 91° 57' 50.1") and meets the western bank of Digaru River after crossing the railway tract. From Eco-sensitive Zone point no.10 to Eco-sensitive Zone point no.11 the boundary line runs towards south for a distance of 890 meters. (GPS Co-ordinate N 26°12'11.4" E 91° 57' 57.3") on the south edge of Chandrapur Digaru Public Works Department road after crossing the railway tract. From Eco-sensitive Zone point no. 11 to Eco-sensitive Zone point no. 12 the boundary line runs towards south for a distance of 409 mtrs. (GPS Co-ordinate N 26°11'58.1" E 91° 57' 57.5") through Panbari village paddy field area. From Eco-sensitive Zone point no.12 to Eco-sensitive Zone point no. 13 the boundary line runs towards south for a distance of 3263 meters. (GPS Co-ordinate N26°10'13.9" E 91°57'35.6") in west side of Belguri village. From Eco-sensitive Zone point no.13 to Eco-sensitive Zone point no. 14 the boundary line runs towards south west direction for a distance of 891 meters.(GPS Co-ordinate N 26°09'57.3" E 91° 57' 09.3") in Belguri area. From Eco-sensitive Zone point no.14 to Eco-sensitive Zone point no. 15 the boundary line runs towards south for a distance of 1106 meters. (GPS Co-ordinate N 26°09'27.6" E 91° 56' 46.8") on the north side of Amsing Jorabat Public Works Department road. From Eco-sensitive Zone point no.15 to Eco-sensitive Zone point no. 16 the boundary lines runs towards south for a distance of 1717 meters. (GPS Co-ordinate N 26°08'32.6" E 91° 56' 57.3") to the west of Bamunkhat village. From Eco-sensitive Zone point no.16 to Eco-sensitive Zone point no. 17 the boundary line runs towards south for a distance of 723 meters. (GPS Co-ordinate N 26°08'15.5" E 91° 56' 39.4") in the northern side of Batakuchi village. From Eco-sensitive Zone point no.17 to Eco-sensitive Zone point no. 18 the boundary line runs towards south for a distance of 1208 meters. (GPS Co-ordinate N 26°07'37.9" E 91° 56' 36.9") and meets the eastern side of Jugdol- Digaru Tinali road.

**South:**

From Eco-sensitive Zone point no.18 to Eco-sensitive Zone point no. 19 the boundary line runs towards south west direction for a distance of 736 meters. (GPS Co-ordinate N 26°07'26.0" E 91° 56' 03.9") to the south of Lalmati Village. From Eco-sensitive Zone point no.19 to Eco-sensitive Zone point no. 20 the boundary line runs towards west for a distance of 478 meters. (GPS Co-ordinate N 26°07'20.7" E 91° 55' 47.7") in the northern side of NH-37 at Nazirakhat area. From Eco-sensitive Zone point no.20 to Eco-sensitive Zone point no. 21 the boundary line runs towards west for a distance of 766 meters. (GPS Co-ordinate N 26°07'21.3" E 91° 55' 20.1") to the north of NH-37 in Nazirakhat area. From Eco-sensitive Zone point no.21 to Eco-sensitive Zone point no. 22 the boundary line runs towards west for a distance of 774 meters. (GPS Co-ordinate N 26°07'17.2" E 91° 54' 52.6") and meets the northern side of NH-37 in Tepesia area. From Eco-sensitive Zone point no.22 to Eco-sensitive Zone point no. 23 the boundary line runs towards south-west direction and crosses the NH-37 at a distance of 649 meters. (GPS Co-ordinate N 26°07'09.7" E 91° 54'19.5") to the south of NH-37 in Medhikuchi area. From Eco-sensitive Zone point no.23 to Eco-sensitive Zone point no. 24 the boundary line runs towards west for a distance of 1517 meters. (GPS Co-ordinate N 26° 06' 56.2" E 91° 53' 27.1") to the north of NH-37. From Eco-sensitive Zone point no.24 to Eco-sensitive Zone point no. 25 the boundary line runs towards south west for a distance of 1225 meters. (GPS Co-ordinate N 26°06'16.7" E 91° 53'

21.4") crosses NH 37 and passes through Marakdola R.F. From Eco-sensitive Zone point no. 25 to Eco-sensitive Zone point no. 26 the boundary line runs towards south west for a distance of 409 meters. (GPS Co-ordinate N 26°06'06.4" E 91° 53' 12.1") passes through Marakdola Reserve Forest From Eco-sensitive Zone point no.26 to Eco-sensitive Zone point no. 27 the boundary line runs towards south west for a distance of 713 meters. (GPS Co-ordinate N 26°05'57.32" E 91°52'48.5") south side of Ghanashyam village near Jorabat. From Eco-sensitive Zone point no. 27 to Eco-sensitive Zone point no. 28 the boundary line runs towards west for a distance of 375 meters. (GPS Co-ordinate N 26°05'57.6" E 91° 52' 35.0") and meets junction point of NH-37 and NH-44 at Jorabat. From Eco-sensitive Zone point no. 28 to Eco-sensitive Zone point no. 29 the boundary line runs along the southern edge of NH-37 up to Khanapara flyover at a distance of 6582 meters. (GPS Co-ordinate N 26°07'08.7" E 91° 49'19.9"). From Eco-sensitive Zone point No.23 to Eco-sensitive Zone point No.26 the distance in between the protected area boundary and the Eco-sensitive Zone boundary is 300 meter.

**West :**

From Eco-sensitive Zone point no.29 to Eco-sensitive Zone point no. 30 the boundary line runs towards north for a distance of 1083 meters. (GPS Co-ordinate N 26°07'42.5" E 91°49'08.3") and runs behind the Veterinary College Hostel, Khanapara. From Eco-sensitive Zone point no. 30 to Eco-sensitive Zone point no.31 the boundary line runs towards north for a distance of 566 meters. (GPS Co-ordinate N 26°07'09.3" E 91°49'16.6") along the north side of Sankardev Kalakhetra then meets the southern side of Six Mile- Panjabari Public Works Department road. From Eco-sensitive Zone point no. 31 to Eco-sensitive Zone point no. 32 the boundary line runs along the Six mile Pannjabari road till it meet Army gate for a distance of 1141 meters. (GPS Co-ordinate N 26°08'07.4" E 91° 50'03.7"). From Eco-sensitive Zone point no. 32 to Eco-sensitive Zone point no. 33 the boundary line runs towards east direction for a distance of 2807 meters. (GPS Co-ordinate N 26° 08'15.1" E 91° 51'07.5") through the Narengi Army Cantonment. From Eco-sensitive Zone point no. 33 to Eco-sensitive Zone point no. 34 the boundary line runs towards north-east direction for a distance of 1812 meters. (GPS Co-ordinate N 26° 08'53.3" E 91°51'57.2") and passes through Narengi Army Cantonment. From Eco-sensitive Zone point no.34 to Eco-sensitive Zone point no. 35 the boundary line runs towards north-west direction for a distance of 2183 meters. (GPS Co-ordinate N 26° 09'04.1" E 91° 50'39.5") and meets the southern side of Satgaon Army gate. From Eco-sensitive Zone point no. 35 to Eco-sensitive Zone point no. 36 the boundary line runs towards north for a distance of 760 meters. (GPS Co-ordinate N 26° 09'25.7" E 91° 50'26.2") and meets at Khanapara-Narengi VIP Express Highway at Patharquarry Tiniali. From Eco-sensitive Zone point no. 36 to Eco-sensitive Zone point no.37 the boundary line runs along the eastern side of Khanapara–Narengi VIP express Highway for a distance of 1842 meters. (GPS Co-ordinate N 26° 10'12.1" E 91° 49'44.3") up-to Narengi Tiniali covering the Damal Beel (Water body). From Eco-sensitive Zone point no. 37 to Eco-sensitive Zone point no. 38 the boundary line runs towards north up to Vidyarthi Bhaban after crossing the Railway tract near Narengi Tiniali for a distance of 1081 meters. (GPS Co-ordinate N 26° 10'46.3" E 91° 49'53.2"). From Eco-sensitive Zone point no. 38 to Eco-sensitive Zone point no. 39 the boundary line runs towards north East direction for a distance of 714 meters. (GPS Co-ordinate N26°10'59.6" E91° 50'14.3") where it meets Bondajan on the Railway tract (Narengi-Digaru). From Eco-sensitive Zone point no. 39 to Eco-sensitive Zone point no. 1 the boundary line runs towards north east direction along the railway tract at a distance of 3113 meters.(GPS Co-ordinate N 26°12'14.7" E 91° 51'29.4")and meets Eco-sensitive Zone point no.1 at Panikhaity Railway level crossing.

**ANNEXURE-II**

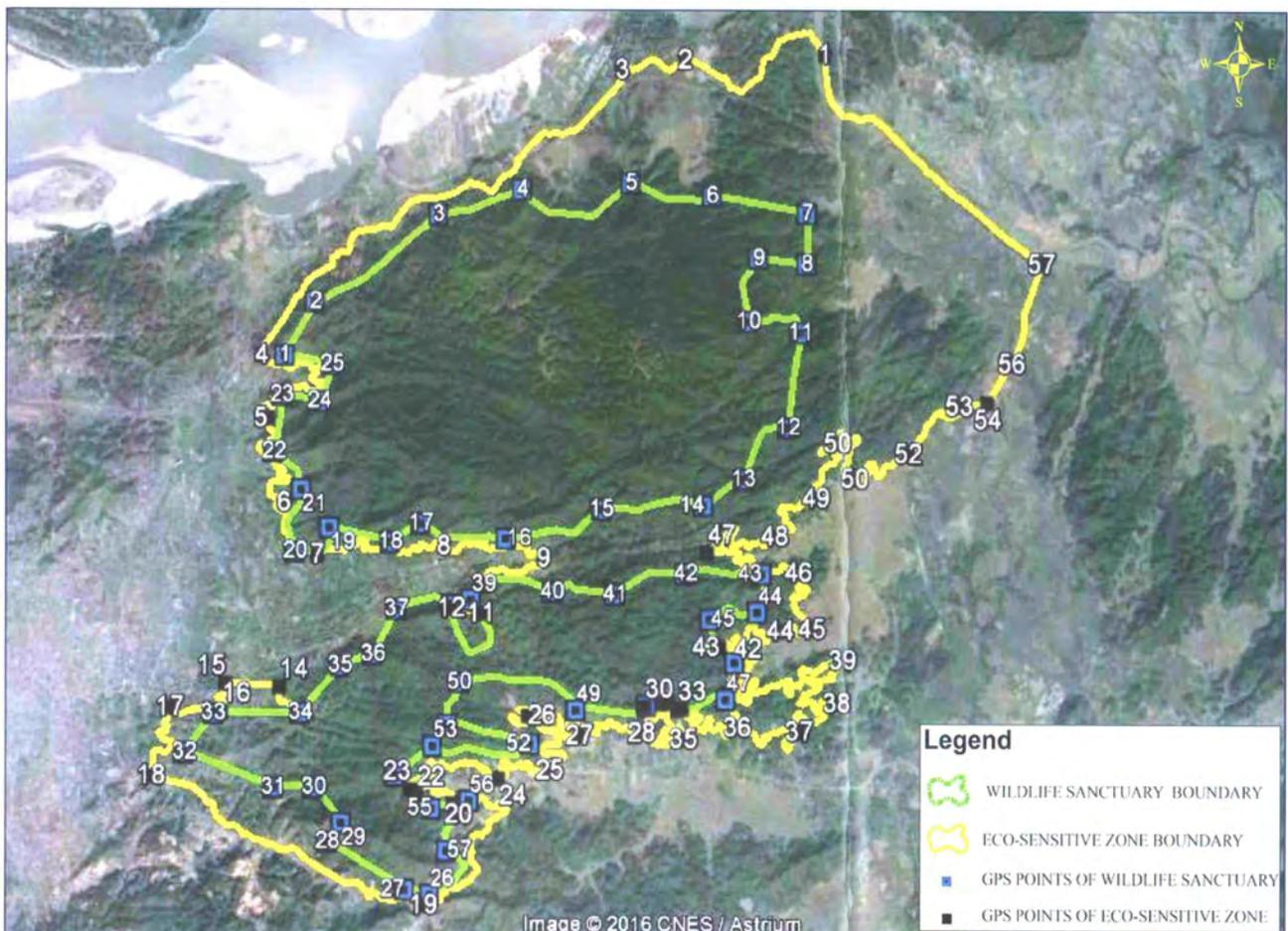
**LIST OF REVENUE VILLAGES IN PROPOSED ECO-SENSITIVE ZONE OF AMCHANG WILDLIFE SANCTUARY**

Sl. No.	Village	District
1.	Kamarkuchi village	Kamrup
2.	Jhar gaon	Kamrup
3.	Chagoli Gaon	Kamrup
4.	Patarkuchi	Kamrup
5.	Hatimura	Kamrup
6.	Jugdali Village	Kamrup
7.	Medhikuchi Village	Kamrup
8.	Garia Ghuli Village	Kamrup
9.	Ghanasyam Basti	Kamrup
10.	Botaghuli (Eusub Nagar)	Kamrup
11.	Jharna Basti	Kamrup
12.	Ghuli Gaon	Kamrup
13.	Hastinapur	Kamrup
14.	Haldibari Village	Kamrup
15.	Nazirakhat Village	Kamrup
16.	Botakuchi Village	Kamrup
17.	Belguri Basti	Kamrup

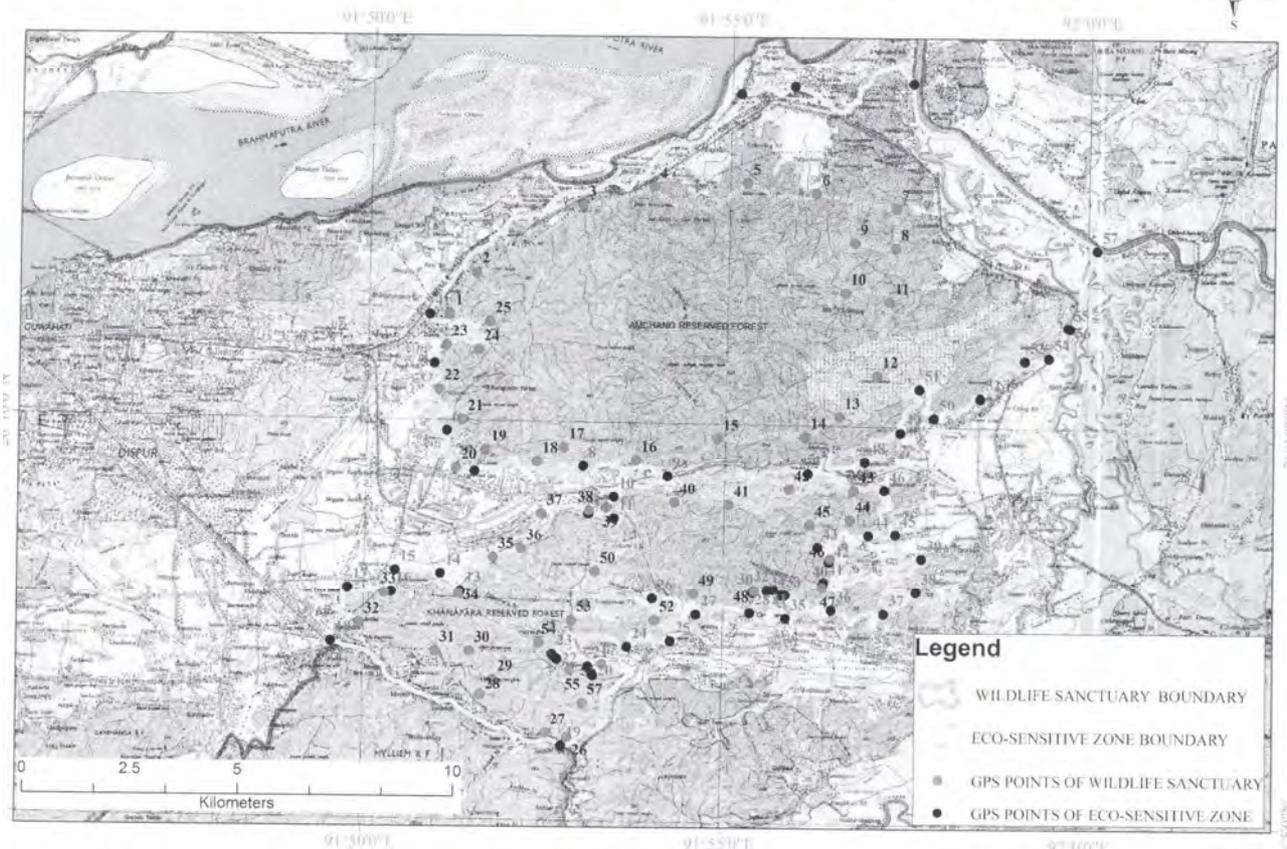
18.	Kalitakuchi Basti	Kamrup
19.	Taltola Nepali Basti	Kamrup
20.	Eimly Basti	Kamrup
21.	Satgaon	Kamrup
22.	1 No. Taltola Basti	Kamrup
23.	Khanapara (N.K.Garo Basti)	Kamrup
24.	Madhab Nagar	Kamrup
25.	Navajyoti Nagar	Kamrup
26.	Amgaon Tatibagan	Kamrup
27.	Birkuchi Village	Kamrup
28.	Thakurkuchi Village	Kamrup
29.	Hajambori Village	Kamrup
30.	Hatisila Pahar	Kamrup
31.	Eikora Basti	Kamrup
32.	Lahapara (panikhaiti)	Kamrup
33.	Panikhaiti Raligate	Kamrup
34.	Panbari Village	Kamrup
35.	Garobasti Rojakuchi	Kamrup
36.	Birkuchi No. 2	Kamrup
37.	Gandhi Nagar (Panikhaiti)	Kamrup

**ANNEXURE-III****MAP OF ECO-SENSITIVE ZONE OF AMCHANG WILDLIFE SANCTUARY WITH LATITUDES AND LONGITUDES**

## ECO-SENSITIVE ZONE OF AMCHANG WILDLIFE SANCTUARY



## ECO-SENSITIVE ZONE OF AMCHANG WILDLIFE SANCTUARY



## GPS COORDINATE OF THE BOUNDARY OF ECO-SENSITIVE ZONE OF AMCHANG WILDLIFE SANCTUARY

Sl. No.	Latitude	Longitude
1	N26° 12' 14.7"	E 91° 51' 29.4"
2	N26° 16' 15.7"	E 91° 51' 26.4"
3	N26° 16' 56.7"	E 91° 55' 14.6"
4	N26° 15' 05.3"	E 91° 57' 25.0"
5	N26° 14' 38.2"	E 91° 57' 31.9"
6	N26° 14' 00.6"	E 91° 56' 13.9"
7	N26° 13' 28.9"	E 91° 56' 16.1"
8	N26° 13' 11.2"	E 91° 57' 40.8"
9	N26° 12' 50.9"	E 91° 57' 39.5"
10	N26° 12' 39.6"	E 91° 57' 50.1"
11	N26° 12' 11.4"	E 91° 57' 57.3"
12	N26° 11' 58.1"	E 91° 57' 57.5"
13	N26° 10' 13.9"	E 91° 57' 35.6"
14	N26° 09' 57.3"	E 91° 57' 09.3"
15	N26° 09' 27.6"	E 91° 56' 46.8"
16	N26° 08' 32.6"	E 91° 56' 57.3"
17	N26° 08' 15.5"	E 91° 56' 39.4"
18	N26° 07' 37.9"	E 91° 56' 26.9"
19	N26° 07' 26.0"	E 91° 56' 03.9"
20	N26° 07' 20.7"	E 91° 55' 47.7"
21	N26° 07' 21.3"	E 91° 55' 20.1"
22	N26° 07' 17.2"	E 91° 54' 52.6"
23	N26° 07' 09.7"	E 91° 54' 19.5"
24	N26° 06' 56.2"	E 91° 53' 27.1"
25	N26° 06' 16.7"	E 91° 53' 21.4"
26	N26° 06' 06.4"	E 91° 53' 12.1"

27	N26° 05' 57.3"	E 91° 52' 48.5"
28	N25° 05' 57.6"	E 91° 52' 35.0"
29	N26° 07' 08.7"	E 91° 49' 19.9"
30	N26° 07' 42.5"	E 91° 49' 08.3"
31	N26° 07' 59.3"	E 91° 49' 16.6"
32	N26° 08' 06.6"	E 91° 49' 26.9"
33	N26° 08' 15.1"	E 91° 51' 07.5"
34	N26° 08' 53.3"	E 91° 51' 57.2"
35	N26° 09' 04.1"	E 91° 50' 39.5"
36	N26° 09' 25.7"	E 91° 50' 26.2"
37	N26° 10' 12.1"	E 91° 49' 44.3"
38	N26° 10' 46.3"	E 91° 49' 53.2"
39	N26° 10' 59.6"	E 91° 50' 14.3"

**ANNEXURE – IV****Performa of Action Taken Report:- Eco-sensitive Zone Monitoring Committee.-**

1. Number and date of meetings.
2. Minutes of the meetings: Mention main noteworthy points. Attach minutes of the meeting on separate Annexure.
3. Status of preparation of Zonal Master Plan including Tourism Master Plan.
4. Summary of cases dealt for rectification of error apparent on face of land record. [Details may be attached as Annexure]
5. Summary of cases scrutinised for activities covered under Environment Impact Assessment Notification, 2006.  
[Details may be attached as separate Annexure]
6. Summary of cases scrutinised for activities not covered under Environment Impact Assessment Notification, 2006.  
[Details may be attached as separate Annexure]
7. Summary of complaints lodged under Section 19 of Environment (Protection) Act, 1986.
8. Any other matter of importance.

**-TRUE COPY-**