

**Summary record of the Thirteenth meeting of Expert Committee for declaration of Eco-sensitive Zones held on 6<sup>th</sup> October 2015 at Indira Paryavaran Bhavan, New Delhi**

The thirteenth meeting of the Expert Committee on Eco-sensitive Zone was held on 6<sup>th</sup> October 2015 under the Chairmanship of Shri Hem Pande, Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India. The list of participants is given at Annexure.

2. At the outset, the Chairman welcomed the members of the Committee and the representatives of the State Governments of Gujarat and Maharashtra. The minutes of the last meeting of the Expert Committee were confirmed. The Member Secretary briefed the follow-up actions taken on the minutes of the 12<sup>th</sup> meeting.

3. It was informed that the Ministry of Environment, Forest and Climate Change had issued the following draft notifications for declaration of Eco-sensitive zones (ESZ) around the Protected Areas in the States of Gujarat and Maharashtra:

- (i) Shoolpaneshwar Wildlife Sanctuary, Gujarat – S.O. No. 2079 (E) dated 30.7.2015
- (ii) Nagzira Wildlife Sanctuary, New Nagzira Wildlife Sanctuary, Koka Wildlife Sanctuary, Navegaon Wildlife Sanctuary and Navegaon National Park – S.O. No. 590 (E) dated 20.2.2015

These draft notifications were placed in the public domain on the website of the Ministry for seeking objections and suggestions from public. The objections and suggestions received on the draft notifications were subsequently sent to the concerned State Governments for their considered comments/responses on the same.

4. The Committee thereafter took up the Agenda items at Seriatim.

**4.1 *Eco-sensitive Zone around Shoolpaneshwar Wildlife Sanctuary, Gujarat***

4.1.1 The Committee was informed that a total of 44 objections and suggestions were received in the Ministry by post. Most of these comments were written in Gujarati. The Committee noted that the comments were signed by large number of people and most of them had same contents. The objections and suggestions were sent to the State Government for their views/response on the same. The views/response of the State Government was circulated as part of Agenda papers.

4.1.2 PCCF (WL), Forest Department, Government of Gujarat gave a presentation covering the salient features of the draft notification *inter alia* including extent of ESZ, proposed regulated and prohibited activities in the ESZ, and the responses of the State Government on the objections and suggestions received on the draft notification. It was informed by the State Government that the comments received included representation, objections and suggestions from (i) Gramsabhas/villages, (ii) Presidents/Secretaries from Forest Rights Committees under Forest Rights Act, (iii) Sarpanchs of villages, and (iv) Sardar Sarovar Narmada Nigam Ltd. It was informed that the Ministry has also received objections and suggestions from Conservation Action Trust.



4.1.3 While discussing the extent and boundary of the Eco-sensitive Zone, the Committee noted that the area of the Wildlife Sanctuary was 545 square kilometre while the area of the Eco-sensitive Zone is 607 square kilometre, which is more than the size of the Protected Area. The Committee appreciated the effort of the State Government in developing such a proposal.

It was also informed that approximately 50,000 people live in the Eco-sensitive Zone and there are 37 revenue villages in the Eco-sensitive Zone and 5 Forest settlement villages for whom there is a proposal to be converted as revenue villages. The Committee clarified that there would be no effect by the declaration of the ESZ on the conversion process if it is being considered by the State Government. The representative of the State Government explained the boundary description of the Eco-sensitive Zone. The northern and north-eastern boundary of the ESZ would be the southern bank of the river Narmada and the river would form the natural barrier for the ESZ on this side. The Eastern boundary of the PA is common with the state boundary of the Maharashtra.

4.1.4 The major objections and suggestions received on the draft notification *inter alia* relate to the following (i) copy of the draft notification was not made available in Gujarati language, (ii) local people and villagers were not consulted while making the ESZ notification, (iii) the draft notification would deprive the local people from day to day development needs like roads, electricity, pakka houses and irrigation, (iv) the implementation of Forest Rights Act, 2006 would be affected by notification, (v) forest rights of tribals including rights on water bodies, local produce including fishes, non timber minor forest produce would be affected, (vi) villages falling inside the Wildlife Sanctuary have been included in the ESZ, (vii) there is no statutory provision available with the Government under the Environment (Protection) Act, 1986 to issue Eco-sensitive Zone notifications, and (viii) the notification should be scrapped.

4.1.5 The major objections and suggestions received on the draft notification were deliberated and discussed in detail. The representative of the State Government gave an elaborate item-wise response to the objections and suggestions received. It was informed that the draft notification was published both in English and Hindi which are official working languages of the Government of India. The State Government representatives informed the Committee that pamphlets were brought out in Gujarati language for further dissemination of the provisions given in the notification. The same was also shown to the Committee members. It was also emphasized that as the representation from many Gramsabhas expressing their objections were received by the Central Government after reading the Hindi version of the notification that too within time the basic purpose of the bringing out the draft notification i.e. to elicit response from the public, has been served.

4.1.6 It was also stated that as per the Environment (Protection) Rules, 1986, as amended from time to time, the issuance of draft notification is statutory mechanism for undertaking public consultation by receiving objections and suggestions from the public on the proposals contained in the draft notification. The same has been duly followed though issuance of the draft notification vide SO No. 1599 (E) on 30.7.2015. Further, as per the provisions of the notification the Zonal Master Plan for the Eco-sensitive Zone shall be prepared by active



participation of the local people with interdisciplinary team of experts from different line departments.

4.1.7 It was clarified that the declaration of the ESZ will not hinder any development activities within the ESZ as doubted by the local people. On the other hand, the representative of the State Government stated that special programs will be planned for the area which will provide help and support for the amelioration of the condition of the people residing in the area. There is no provision in the notification which will deprive the local people from basic necessary facilities like Roads, Electricity, Drinking water, Pakka Houses and Irrigation in the ESZ. These facilities are available as per the prevalent provisions of the government. The Committee noted that most the ESZs being declared have good forest cover and have rich biodiversity. The sustainable use of these biological resources should be leveraged to further increase the livelihood options and enhance the economic status of the local people. The Committee suggested that the provisions of the Biodiversity Act should be used to further empower the local communities and the local communities should levy charges on the use of biological resources of the area.

4.1.8 There will be no effect on the rights and privileges given to the various stake holders under Indian Forest Act (IFA) & Forest Rights Act (FRA) in the ESZ and will continue even after notification of the ESZ. It was also clarified that the IFA and FRA are applicable to forest areas while the ESZ notification also includes non-forest areas. Community rights of the Gramsabha or the people for the protection, conservation and participation in the management of the forest and wildlife will be promoted through EDC in the ESZ.

4.1.9 The representative of the State Government informed the Committee that the extent of ESZ varies up to 7 km. from the boundary of the Wildlife Sanctuary. There are revenue lands scattered within the sanctuary i.e. these villages because of their location are surrounded by the sanctuary on all sides and are located within the sanctuary. Such villages along with the villages outside the boundary of the sanctuary are covered within the ESZ upto a maximum distance of 7 km from the boundary of the Sanctuary. It is therefore the names of such villages are reflected and included in the list of the villages in annexure 1 & 2 of the notification.

4.1.10 It was informed by the State Government that vide Government Order a Local Committee was constituted to develop the proposal of the Shoolpaneshwar Wildlife Sanctuary. The committee has taken into consideration all the socio-economic aspects while finalizing the extent of ESZ. With respect to implementation of the provisions of the notification, it was mentioned by the State Government representative, that there is a provision for preparation of Zonal Master Plan of the ESZ in consultation with the concerned state departments and local people, taking in view the ecological and environmental consideration. This would provide a mechanism to take on board the opinion of all the Gramsabhas, Gram Panchayat within the ESZ.

4.1.11 It was also clarified that the ESZ notifications are brought out by the Ministry under Section 3 of the Environment (Protection) Act, 1986 and Rule 5 of the Environment (Protection) Rules, 1986. Further the Ministry had also issued guidelines for declaration of



ESZ around Protected Areas in continuation of the Supreme Court order dated 04-12-2006. The representation that the ESZ is illegal and inappropriate is illogical and without any application.

4.1.12 Regarding the suggestion that representative of the Tribal Development Department and Local people and their representatives should be made member of the Monitoring Committee, the Committee felt that as the area covered under the ESZ has tribal population the suggestion for inclusion of a representative of the Tribal Development Department has merit. As the Monitoring committee for the ESZ has to deal with many issues dealing with the local people it would be reasonable to include the local Member of Parliament and President, of the concerned Zilla Panchayat.

4.1.13 Based upon the representation of the Sardar Sarovar Narmada Nigam Ltd. It was decided by the Committee that the boundary of the ESZ needs to be described more precisely. The State Government has suggested the following description:

*The Eco Sensitive Zone shall be with a peripheral area of 545.28 sq. kms. The range of eco sensitive zone varies upto 7 kms around the Boundaries of Shoolpaneshwar Wildlife Sanctuary, excluding the portion of north-eastern side and eastern side of the Sanctuary which share the boundary with southern bank of Narmada river and with the state of Maharashtra respectively.*

After deliberation the Committee decided on the following boundary description:

“The Eco-sensitive Zone is spread over an area of 545.20 sq. km. The extent of Eco-sensitive Zone varies up to 7 km. from the boundary of the Wildlife Sanctuary. River Narmada flows along the northern and north-eastern boundary of the Shoolpaneshwar Wildlife Sanctuary and forms its natural boundary. The sanctuary-side river bank of the Narmada river forms the boundary of the Eco-sensitive Zone on the north and north-eastern end. On the eastern side the sanctuary shares boundary with the State of Maharashtra”

4.1.14 The Committee noted that the comments given by Conservation Action trust with respect to the regulated and prohibited activities can be adequately addressed within the provisions of the draft notification and the existing rules and regulations.

#### ***4.2 Eco-sensitive Zone around Nagzira Wildlife Sanctuary, New Nagzira Wildlife Sanctuary, Koka Wildlife Sanctuary, Navegaon Wildlife Sanctuary and Navegaon National Park in Maharashtra***

4.2.1 The Committee was informed that 2 objections and suggestions were received in the Ministry on the draft notification. The first one was sent by Bharat Heavy Electricals limited and the second one by Conservation Action Trust The comments were sent to the State Government for their views/response on the same. The views/response of the State Government was circulated as part of Agenda papers.

4.2.2 APCCF (WL), Forest Department, Government of Maharashtra and DCF, Gondia Forest Division, gave a presentation covering the salient features of the draft notification *inter*



alia including extent of ESZ, proposed regulated and prohibited activities, and the responses of the State Government on the objections and suggestions received on the draft notification. The Committee noted that the current draft notification includes 5 Protected Areas - one National Park and four Wildlife Sanctuaries, which together constitute the Critical tiger habitat of the Navegaon Nagazira Tiger Reserve. The total area covered by the PAs is 661 sq. km. and the total area of the proposed area of the Eco-sensitive Zone is 2033 sq. km. which also include the Tiger Corridor connecting the PAs and also the complete buffer area of the Tiger Reserve. The Committee appreciated the State Government for developing such a proposal.

4.2.3 The State Government informed that in their objection to the draft notification Bharat Heavy Electrical Limited (BHEL) has requested to reduce the Eco-sensitive Zone limit to 6 km towards the southern side boundary of Koka and New Nagzira Wildlife Sanctuary (i.e. towards NH 6) from the presently proposed extent of 12 kms.

The BHEL highlighted the following points:

- The BHEL has acquired land in Mundipar, Bamhani, and Khairi villages of Sakoli and Bhandara Taluka for setting up the plant.
- The NOC for acquisition of land was obtained from the District Administration and the Forest Department Bhandara during February 2012.
- The land acquired by BHEL, which is proposed to be included in the ESZ, had been notified and declared as an industrial area by the Government of Maharashtra long before the declaration of New Nagzira and Koka Wildlife Sanctuaries.
- The Government of Maharashtra had specifically notified the land on 5<sup>th</sup> September 2012 under the Maharashtra Industrial Development Act, 1961 and also conferred the status of Mega project to the BHEL project. Thus BHEL completed all land acquisition formalities and paid up entire land acquisition cost up front even before the declaration of Koka and New Nagzira Wildlife Sanctuary.

Considering the above facts and also the fact that the villages are located on the fringes of the proposed ESZ the State Government of Maharashtra proposed to omit villages namely Mundipur, Bamhani and Kahairi from the proposed ESZ.

4.2.4 The representatives of the State Government also informed the following:

- There were 40 villages inside the proposed boundary of the ESZ which were erroneously left out from being included in the draft notification by the Government of Maharashtra and the same need to be included in the list of villages present inside the ESZ.
- Four villages namely, Sodipur, Alesur, Shivantola and Nava Dhimarwada which were physically outside the boundary of the proposed ESZ but were erroneously shown in the list of villages falling within the ESZ are required to be omitted.
- Thus with the inclusion of 40 villages and the proposed omission of 7 villages ( 3 villages of BHEL and 4 villages which were erroneously included) the area of the proposed ESZ will be 2333.39 sq. km. instead of 1976.125 sq. km.



- By the omission of 3 villages of BHEL there will be little change in the boundary of ESZ. However, there will be no change in the location of prominent points on the boundary of the ESZ.
- The Field Director, Navegaon-Nagzira Tiger Reserve should be included in the Monitoring Committee and erroneously representative of District Collector, Buldhana was mentioned in the draft notification, "Buldhana" should be replaced by "Bhandara"

4.2.5 The comments of the stakeholders were deliberated in detail by the Committee. It was observed that most of the regulated/prohibited activities can be adequately addressed within the provisions of the draft notification and the existing rules and regulations. The State Government also provided an item-wise response to the same.

4.3 The Committee after detailed deliberations recommended the finalization of the draft notification declaring Eco-sensitive Zone around the following Protected Areas subject to the following changes to be made in the draft notifications:

#### **4.3.1 ESZ around Shoolpaneshwar Wildlife Sanctuary**

- The boundary description be modified to:  
"The Eco-sensitive Zone is spread over an area of 545.20 sq. km. The extent of Eco-sensitive Zone varies up to 7 km. from the boundary of the Wildlife Sanctuary. River Narmada flows along the northern and north-eastern boundary of the Shoolpaneshwar Wildlife Sanctuary and forms its natural boundary. The sanctuary-side river bank of the Narmada river forms the boundary of the Eco-sensitive Zone on the north and north-eastern end. On the eastern side the sanctuary shares boundary with the State of Maharashtra"
- A clear A-4 size map to be provided by the State Government.
- Representative of Tribal development Department, Local Member of Parliament of the area, President of Zilla Panchayat be included in the Monitoring Committee.
- The State Biodiversity Board should play an active role in the ESZ by constituting local BMCs in the area which could levy fee on the use of local bioresources.

#### **4.3.2 ESZ around Nagzira Wildlife Sanctuary, New Nagzira Wildlife Sanctuary, Koka Wildlife Sanctuary, Navegaon Wildlife Sanctuary and Navegaon National Park**

- The 40 villages erroneously left out by the State Government during the draft notification stage may be included in the village list.
- Four villages viz. Sodipur, Alesur, Shivantola and Nava Dhimarwada erroneously included in the village list by the State government but which are physically outside the boundary of the ESZ may be deleted from the village list.

c. The three villages viz. Mundipar, Bamhani, and Khairi villages where the Government of Maharashtra has already declared an industrial area in 2012 and where the project site of BHEL is located may be removed from the village list.

b. A clear A-4 size map and soft copy of the notification along with modified village list to be provided by the State Government.

d. The State Biodiversity Board should play an active role in the ESZ by constituting local BMCs in the area which could levy fee on the use of local bioresources.

The meeting ended with vote of thanks to and from the Chair.

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## List of Participants

1	Shri Hem Pande, Special Secretary, MoEF &CC	Chairman
2	Dr. T. Chandini, Advisor, MoEF &CC	Member
3	Shri P.K. Duria, Town and Country Planner, TCPO, Ministry of Urban Development	Member Representative
4	Dr. S. A. Hussain Wildlife Institute of India, Dehradun	Member Representative
5	Shri Surinder Singh Economic Advisor Deppt of Land Resources, New Delhi	Member Representative
6	Dr. Pawan kumar TCPO, MoUD New Delhi	Member Representative
7	Dr. Kailash Chandra, Scientist 'G' Zoological Survey of India Kolkata	Member Representative
8	Dr. Paramjit Singh Director, Botanical Survey of India, Kolkata	Member Representative
9	Dr. Sandeep Chauhan, Scientist 'D' Botanical Survey of India	Member Representative
12	Shri Lalit Kapur, Director, MoEF & CC	Member Secretary
13	Dr. Amit Love, Scientist 'D'	MoEF&CC
	<b>Representatives of State Governments</b>	
	<i>State Government of Gujarat</i>	
1	Dr. S.C. Pant PCCF (WL), Gujarat	
2	Shri G. Ramena Murthy Conservator of Forests, Wildlife Circle, Vadodara, Gujarat	
	<i>State Government of Maharashtra</i>	
1	Meyipokyim Aier, Addl PCCF (WL), Nagpur Civil Lines, Maharashtra	
2	Dr. Jitendra. S. Ramgaonkar, DCF (Gondia)	