

**Ministry of Environment & Forests  
(RE Division)**

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**SUMMARY RECORD OF THE SIXTH (6<sup>TH</sup>) MEETING OF THE EXPERT  
COMMITTEE ON ECO-SENSITIVE ZONE HELD ON 19<sup>TH</sup> MAY, 2014.**

The Sixth meeting of the Expert Committee on Eco-sensitive Zone was held on 19<sup>th</sup> May, 2014 in the Ministry of Environment and Forests under the Chairmanship of Shri Hem Pande, Additional Secretary. The list of participants is annexed.

2. At the outset, Additional Secretary, Ministry of Environment and Forests welcomed the members of the Committee and representatives of the Government of Sikkim and thanked them for making possible to attend the meeting. The Chairman in his introductory address mentioned that the declaration of Eco-sensitive Zones is obviously one such process which helps in conservation and enhancement of natural resources including biodiversity, without impeding legitimate socio-economic and ecological development of these areas. Further, the Chairman informed that the recent order of Hon'ble Supreme Court dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in W.P(C) No.435 of 2012 particularly with regard to prohibition of mining activities within 1 km from the boundary of National Parks and Wildlife Sanctuaries be kept in view while considering the proposals for declaration of Eco-sensitive zones including the finalization of eight draft notifications for the State of Sikkim.

3. The Chairman, thereafter, invited Dr. G.V. Subrahmanyam, Advisor, Ministry of Environment and Forests to brief the Committee before taking up the agenda for discussion.

4. Dr. G.V. Subrahmanyam, Advisor, MoEF informed that the Ministry of Environment and Forests issued following eight draft notifications for declaration of eco-sensitive zones around eight protected areas in the State of Sikkim:

1. Khangchendzonga National Park- S.O. 304 (E), dated 03.02.2014
2. Fambonglho Wildlife Sanctuary- S.O. 309 (E), dated 04.02.2014
3. Kyongnosla Alpine Sanctuary- S.O. 310 (E), dated 04.02.2014
4. Shingba Rhododendron Sanctuary- S.O.359(E), dated 06.02.2014
5. Pangolakha Wildlife Sanctuary- S.O. 358 (E), dated 06.02.2014
6. Barsey Rhododendron Sanctuary S.O. 550 (E), dated 25.02.2014
7. Kitam Bird Sanctuary S.O. 551 (E), dated 25.02.2014
8. Maenam Wildlife Sanctuary S.O. 552 (E), dated 25.02.2014

These draft Notifications were placed in the public domain on the Ministry's web site and invited comments/suggestions of various stakeholders.

The Ministry of Environment and Forests has received comments/suggestions from about 59 stakeholders, which were subsequently sent to the State Government of Sikkim for consideration and also for clarification. He also informed that the State Government of Sikkim would make a presentation on these issues. However, as regards to the order of Honble Supreme Court is concerned, it was informed that the draft notification issued by the Ministry prohibited mining activities within the eco-sensitive zones only and therefore, requested to discuss the order with reference to these eight notifications of the Sikkim.

5. Dr. S.K.Khanduri, IGF(Wildlife), Ministry of Environment and Forests in the context of the order of Hon'ble Supreme Court informed that prohibition of mining within 1km of the protected areas was passed by Hon'ble Apex Court on 04.08.2006 in T.N.Godavarman Thirumulpad Vs. UOI is an interim order. Dr. Satish C.Garkoti, Director, MoEF also mentioned that the referred interim order is in the context of temporary working permissions granted under the Forest (Conservation) Act. It was clarified in the order that TWPs shall be granted only where the following conditions inter alia are satisfied:

- (i) TWPS can be granted for renewal of mining leases and not for the lease is being granted for the first time to the applicant user agency;
- (ii) The mine is not located inside any National Park/ sanctuary notified under Section 18, 26-A or 35 of the Wildlife (Protection) Act, 1972;
- (iii) The grant of the TWP would not result in any mining activity within the safety zone around such areas referred to in (ii) above, (as an interim measure, one kilometer safety zone shall be maintained subject to the orders that may be made in IA No. 1000 regarding Jamua Ramgarh Sanctuary).

Although the order is not specific to pan India; however, being implemented for the pan India.

The Committee thereafter, taken up the agenda at seriatim.

### **Consideration of the proposals listed in the agenda:**

#### **1. Finalization of Eight draft notifications declaring as Eco-sensitive Zones in the State of Sikkim**

Shri Arvind Kumar, Principal Secretary and PCCF & CWLW, Government of Sikkim made a presentation and stated as under:

- (i) The Sikkim State lies in the north-east of India bordering the State of West Bengal in its South.

- (ii) The geographical area of Sikkim State is 7096 km<sup>2</sup>. The recorded forest area of the State is 5,841 km<sup>2</sup>, which constitutes 82.31% of State's geographical area.
- (iii) Khangchendzonga, the world's third highest peak, is located in the border of Sikkim with Nepal.
- (iv) One national park and seven wildlife sanctuaries in the State constitutes an area of 2179.1km<sup>2</sup>, which constitutes 30.77% of the State's geographical area. This coverage of protected area network is highest in the country. The extent of Eco-sensitive Zone in respect of all the protected areas varies from 25m to 200m from the boundary of the protected area.
- (v) In view of the typical geographic locations of the protected areas and also considering 18.72% remaining geographical area of the state for cultivation, habitation tourism etc. Hence, the extent of eco-sensitive zone has been retained at 25m to 200m.
- (vi) Out of the total 59 comments/ observations of the stakeholders sent by the Ministry of Environment and Forests on the draft notifications, 43 were by and large in favour of the notifications. The remaining were on extent of ESZ, maps, activities zonal master plan, monitoring committee, etc. Each comments/ observations of the stakeholders was discussed.
- (vii) On the issue of the order of Hon'ble Supreme Court as referred to above, the State Government has informed that mining is banned in the entire state; however, they agree to comply with the order of the Hon'ble Supreme Court.

The committee after detailed discussions recommended all the eight draft notifications for their finalisation subject to following corrections:

- (a) The sub-para under Zonal Master Plan, which reads as, 'The Zonal Master Plan shall exempt all legally recorded non-forestland' be deleted in all the eight notifications.
- (b) In paragraph 2, under the Zonal Master Plan, the following sub-paragraph may be incorporated:

'The Zonal Master Plan so prepared shall be co-terminus with the regional development plan'.
- (c) In paragraph 3 pertaining to activities, in the table under Column 6 of Sl. No.1 relating to Commercial Mining, stone quarrying and crushing units, following additional remark be incorporated in all the eight notifications:
  - (b) The mining operations shall strictly be in accordance to the orders 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.

- (d) In paragraph 2 under Zonal Master Plan, following additional sub-paragraph may be incorporated:

Provision for rectification of error-apparent on the face of land records:- Correction of error apparent on the face of land records after the final notification, if any is issued shall be carried out after due scrutiny and examination by the State Government while doing, so the State Government shall obtain views of the SESZMC. As the notification imposes restriction on change of land use subject to stipulation mentioned in sub-para (8) above. The reference date for correction of errors apparent on the face of land records shall be the date of publications of the final notification.

- (e) The paragraph 4 of all the draft notifications may be revised as under:

**4. State Level Eco-sensitive Zone Monitoring Committee.-**

(1) The Central Government for effective monitoring of the Eco-sensitive Zone, hereby constitutes a Committee to be called the State Level Eco-sensitive Zone Monitoring Committee (SESZMC) for the State of Sikkim comprising of:-

- (i) Chief Secretary, Government of Sikkim- Chairman
- (ii) Chief Wild Life Warden, Government of Sikkim- Member;
- (iii) Representative of the Ministry of Environment and Forests -Member;
- (iv) PCCF, Government of Sikkim- Member;
- (v) Representative of State Pollution Control Board- Member;
- (vi) One representative of Non-governmental Organizations working in the field of environment to be nominated by the Government of Sikkim(for a term of one year) - Member);
- (vii) Representative of Rural Management Department, Government of Sikkim - Member;
- (viii) Representative of Govind Ballav Pant Himalayan Institute of Environment and Development, Sikkim- Member;

- (ix) Representative of Agriculture Department, Government of Sikkim – Member;
  - (x) Representative of Urban Development and Housing Department, Government of Sikkim – Member;
  - (xi) Concerned District Collector-Member;
  - (xii) District Forest Officer (In-charge of PA) – Member;
  - (xiii) Chief Conservator of Forest (Wild Life)- Member Secretary.
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- (2) The SESZMC shall monitor the compliance of the provisions of this notification.
  - (3) The activities that are covered in the Schedule to the notification of the Government of India in the Ministry of Environment and Forests number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006, and are falling in the Eco-sensitive Zone, except the prohibited activities as specified in column(3) of the Table under para 3, shall be scrutinised by the SESZMC based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment and Forests for prior environmental clearances under the provisions of the said notification.
  - (4) The activities that are not covered in the Schedule to the notification of the Government of India in the Ministry of Environment and Forests number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 but are falling in the Eco-sensitive Zone, except the prohibited activities as specified in column(3) of the Table under para 3, shall be scrutinised by the SESZMC based on the actual site-specific conditions and referred to the concerned Regulatory Authorities.
  - (5) The Member Secretary of the SESZMC or the concerned Collector or the concerned park in-charge 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.
  - (6) The SESZMC 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.
  - (7) The SESZMC shall submit the annual action taken report of its activities as of 31<sup>st</sup> March of every year by 30<sup>th</sup> June of

that year to the Central Government in the Ministry of Environment and Forests.

(8) The Central Government in the Ministry of Environment and Forests may give such directions, as it deems fit, to the SESZMC for effective discharge of its functions.

(f) Paragraph 5 of the draft notification, which reads as, 'The provisions of this Notification are subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court.' be deleted.

**2. Finalization of six draft notifications declaring as Eco-sensitive Zones in the State of Goa:**

The consideration of the proposals was deferred on the request of the State Government.

The meeting ended with a vote of thanks to the Chair.

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**ANNEXURE****LIST OF PARTICIPANTS**

1.	Shri Hem Pande, Addl. Secretary, MoEF	Chairman
2.	Dr. G.V. Subrahmaniam, Advisor, MoEF	Member
3.	Shri P.K. Duria, Town & Country Planner, TCPO, Ministry of Urban Development	Member Representative
4.	Shri Amarnath Shetty, Addl. PCCF, Regional Office Bangalore	Member Representative
5.	Shri Sanjay Kumar Agarwal, Assistant Director, Forest Survey of India, Dehradun	Member Representative
6.	Dr. Kailash Chandra, Addl. Director, Zoological Survey of India, Kolkata	Member Representative
7.	Dr. Bilal Habib, Scientist, WII, Dehradun	Member Representative
8.	Dr. I.D Bhatt, Scientist, G.B Pant Institute of Himalayan Environment & Development, Almora	Member Representative
9.	Dr. S.K Khanduri, IGF Wildlife, MoEF	Special Invitee
10.	Dr. S.C. Garkoti, Director, MoEF	Member Secretary
11.	Dr. H. Kharkwal, Joint Director	MoEF
12.	Dr. Amit Love, Deputy Director	MoEF
<b>Representatives of the State Government of Sikkim:</b>		
13.	Shri Arvind Kumar, Principal Secretary and PCCF & CWLW, Sikkim	
14.	Shri C.S Rao, CCF, Govt of Sikkim	

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