

MINUTES OF THE 55th and 56th MEETINGS OF THE EXPERT COMMITTEE FOR DECLARATION OF ECO-SENSITIVE ZONE AROUND PROTECTED AREAS HELD ON 17th SEPTEMBER, 2024, 7th AND 8th OCTOBER, 2024 IN HYBRID MODE IN THE MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE.

The 55th and 56th Meeting of the Expert Committee on Eco-Sensitive Zone (ESZ) was held under the Chairmanship of Special Secretary, Ministry of Environment, and Forest & Climate Change on 17th September, 2024, 7th October, 2024 and 8th October, 2024 in hybrid mode at Teesta Hall, Indira Paryavaran Bhawan, New Delhi. Participants from State of Maharashtra, Haryana, Odisha and Rajasthan attended the meeting physically, whereas, participants from the State of Chhattisgarh joined through Video Conference link. The list of the participants is annexed.

2.0 At the outset the Chairman welcomed the Expert Members, representatives from the States of Maharashtra, Haryana, Odisha Rajasthan, Chhattisgarh and other participants of the meeting. After a brief introduction of the participants, the Chairman invited the attention of all State Governments/UT administrations and asked them to mark the boundaries of protected area and its Eco-sensitive zone on cadastral map also and to get it approved jointly by Revenue and Forest authorities in the respective States/ UT to avoid land related disputes at the local level. The map can be made available in the public domain for ensuring ease of decision making. Subsequent to the deliberation on the issues, he invited the State Government representatives to present their proposals as per items listed in the agenda.

3.0 The deliberations held and the decisions taken are as follows:

3.1 Boramdev Wildlife Sanctuary, Chhattisgarh:

The draft notification for ESZ around Boramdeo Wildlife Sanctuary was re-published *vide* S.O. 4381(E), dated 09.10.2023 with an increased ESZ area of 179.317 sq.km and ESZ extent of zero to 8.3 km.

Following are the features of the draft notification:

Area of Protected Area: 351.24 sq.km.

ESZ Area: 179.317 sq.km.

ESZ Extent: 0 to 8.30 km

(Extent of ESZ is zero on West & North West as it borders Kanha Tiger Reserve of Madhya Pradesh)

Earlier, the proposal was considered in 52nd ECM held on 27.12.2023 wherein it was deferred for consideration at a later stage after receipt of clarification from the State Government regarding ESZ extent and activities proposed (mining) are in consonance with order of Hon'ble Supreme Court. The proposal was again considered in 54th ECM held on 22.05.2024 wherein the proposal was again

deferred on the request of the state Government as views of the State Government on public consultation were yet to be finalized.

During this meeting, the representative of Chhatisgarh State Govt. made a presentation on the proposal and apprised the Committee that *vide* letters of the State Government dated 07.08.2024 and 02.09.2024, views of the State Government have been submitted.

Based on the deliberations held, the proposal was recommended for finalization.

3.2 Bhitarkanika National Park, Bhitarkanika Wildlife Sanctuary & Gahirmatha (Marine) Wildlife Sanctuary, Odisha:

The final notification for ESZ around Bhitarkanika National Park, Bhitarkanika and Gahirmatha (Marine) Wildlife Sanctuary was published *vide* S.O 1601 (E), dated 16.06.2015 with ESZ extent of 0.56 to 2.0 km and ESZ area of 466.40 km.

However, after rationalization of boundary of Bhitarkanika Wildlife Sanctuary undertaken by the State Government and notified by the Govt. of Odisha *vide* No. 2289 dated 01.02.2020, by deletion of 52 villages from the old sanctuary, area with an extent of 54.45 sq km and addition of 55.45 sq. km of forest area to the sanctuary, a revised proposal was received from the State Government for declaring fresh ESZ. Based on the said proposal a draft notification was published on 23.02.2022. However, the State Government requested the Ministry to issue a corrigendum to the draft issued on 23.02.2022, modifying the list of villages as per a revised list submitted *vide* its letter dated 07.07.2023. Based on the said request a draft ESZ notification was again re-published on 06.09.2023, in supersession of the earlier draft published on 23.02.2022.

Following are the features of the draft ESZ notification

Area of Protected Area: Bhitarkanika National Park: 145 sq.km., Bhitarkanika Wildlife Sanctuary: 673 sq.km., Gahirmatha (Marine) Wildlife Sanctuary: 1,435 sq.km.

ESZ Area: 497.67 sq.km.

ESZ Extent: 0.10 km to 8.7 km

The proposal was considered during the 52nd ECM on 27.12.2023, wherein the Committee deferred the proposal as the State Government could not make a presentation on the proposal. During, 53rd ECM the proposal was again considered and deferred with the Committee's direction that the State Government need to translate the notification into Odiya language and publish it to invite public comments from local residents within a 30-day period.

On receipt of public comments of the Odiya version the matter was again taken up and the representative from the State Government of Odisha presented key features of the proposal. It was stated that the Odiya version of the draft notification was

published in a local newspaper on 08.06.2024 and the observation of the public comments were discussed in detailed. Representative of the Wildlife Institute of India (WII) requested for the revised KML/shape file of the proposal and the same was subsequently shared by the State Government on 17.09.2024.

Based on the deliberations held, the proposal was recommended for finalization.

3.3 Tansa Wildlife Sanctuary, Maharashtra:

This item was deferred at the request of the State Government received *vide* letter No. 12.09.2024, stating that the State Government would require one months' time to address the objections received on draft ESZ Notification from stakeholders.

3.4 Shergarh Wildlife Sanctuary, Rajasthan:

The Draft notification for ESZ around Shergarh Wildlife Sanctuary, Rajasthan was re-published on 24.04.2024 with the following features:

Area of Protected Area: 98.80 sq.km.

ESZ Area: 24.60 sq.km.

ESZ Extent: 1 km to 17 km

The representative of Government of Rajasthan made a presentation on the proposal, emphasizing the key features of the ESZ. It was stated that the sanctuary is home to endangered species such as leopards, Indian wolves, black bucks, chinkaras, nilgai, large Bengal monitor lizards, pythons, peafowl, and vultures. The Parban River bisects the sanctuary, acting as a vital lifeline. Additionally, the numerous gorges in the riverbed create ideal habitats for crocodiles and other aquatic life forms.

The representative of the State Government also informed the Committee that the ESZ comprises 80% forest land and 20% revenue land, indicating no significant issues. The Committee noted that no public comments have been received on the draft ESZ notification.

Based on the deliberations held, the proposal was recommended for finalization.

3.5 Sukhna Wildlife Sanctuary, Haryana:

The draft ESZ notification was published on 22.03.2024 *vide* S.O 1523 (E), based on proposal submitted by the State Govt. of Haryana with the following features:

Area of Protected Area: 25.9849 sq.km.

ESZ Area: 24.60 sq.km.

ESZ Extent: 1 km to 2.035 km

The Committee observed that the draft ESZ notification was published on 22.03.2024 vide S.O. 1523 (E), based on proposal submitted by the State Govt. of Haryana. That the proposal of the ESZ around Sukhna WLS (Haryana side) has relevance to a Civil Writ Petition initiated by the High Court of Punjab and Haryana at Chandigarh, on its own motion in CWP No. 18253/2009 and CWP No. 5809 of 2015 and other connected matters. *Vide* Order dated 02.03.2020, the High Court has declared all commercial/residential and/or other structures constructed in the catchment of Sukhna Lake falling in the areas of Punjab, Haryana and UT Chandigarh as per the map prepared by the Survey of India on 21.09.2004 are illegal/unauthorised.

The High Court also directed that the above said structures shall be demolished within a period of three months. The High Court has also directed that MoEFCC shall notify at least 1.0 km from the boundary of Sukhna Lake WLS as the extent of ESZ falling in the States of Punjab and Haryana within a period of three months. The High Court has further directed that new construction are completely banned in the catchment as delineated in the Survey of India map vide dated 21.09.2004 that is falling in the States of Punjab, Haryana and UT Chandigarh as well as in the Sukhna Wetland and Sukhna WLS. Aggrieved by the aforesaid Order dated 02.03.2020, Kansal Enclave Residents Welfare Association filed a Review Application (RA) as CW - 252 of 2020 in the High Court. The High Court in the said Review Application vide its Order dated 18.12.2020 has stayed directions regarding demolition of construction raised in the catchment areas as delineated by the Survey of India Map dated 21.09.2004 and directed that payment of damages / compensation shall be decided in the next hearing.

The High Court has however clarified that the direction issued regarding non-construction of housing colonies or building activities of any kind in the 'catchment area' (either within forest area or agricultural area) falling within the jurisdiction of the two States of Punjab and Haryana in terms of the map prepared by the Survey of India, shall remain in force.

The State Government of Haryana referred the public comments received on the draft ESZ notification to the Addl. Advocate General, Haryana for his comments before submission to MoEFCC.

Addl. Advocate General, Haryana in his opinion stated that the High Court has not stayed the operation of judgement dated 02.03.2023 passed in CWP No. 18253/2009 and 5809/2015 in *toto*, but has only stayed the directions regarding demolition of constructions raised in the catchment area delineated by the Survey of India Map dated 21.09.2004 and payment of damages / compensation by States of Haryana and Punjab to U.T Chandigarh.

Addl. Advocate General, Haryana has recommended that as the process of delineation of catchment area is being conducted *de novo* by an Expert Committee, the process of draft notification for delineation of ESZ around Sukhna WLS (Haryana side) should await the final adjudication of the Review Applications.

Further, the Govt. of Haryana submitted the revised proposal *vide* letter dated 01.08.2024

The representative of Govt. of Haryana presented the proposal highlighting the key features of the area. The prominent faunal species present in the area includes common Leopard, Sambar, Indian Pangolin, Golden Jackal, Indian Peafowl, King Cobra Ajar/ Indian Rock Python and Monitor Lizard, Red Jungle Fowl, Russell's viper and Grey Langur. It was also stated by the representative of Govt. of Haryana that the ESZ has been divided into zones for administrative purposes, but the Committee clarified that as per the OM issued in this regard by the Ministry in 2011, ESZ are not divided into zones and recommended that the ESZ should remain a single, contiguous area. It was emphasized that the declaration of the ESZ should follow the 2011 guidelines only and the State Government has been authorised to develop their own Zonal Master Plan. The committee suggested that the outcomes of review petitions should also be taken into account even after declaration of final notification in so far as it is applicable to the proposed Eco-Sensitive Zone.

The Committee observed that no zoning can be permitted within the Eco-Sensitive Zone which was agreed to by the State Government. It was agreed that the proposed notification of Eco-Sensitive zone would be subject to the outcome of the Review Application as may applicable to it.

Based on the deliberations held, the proposal was recommended for finalization of the draft ESZ notification with changes as appropriate and including the condition that the notification shall be subjected to and governed by the final judgment of the Hon'ble High Court.

3.6 Great Indian Bustard Wildlife Sanctuary, Maharashtra

The ESZ notification in respect of Great Indian Bustard Sanctuary was published on 11.02.2020 with ESZ extent of 0 (zero) to 400 m and ESZ area of 591.52 sq.km. Subsequently, the State Govt. submitted a proposal for rationalization of ESZ area in Patch No. 28 by excluding an area of 68.08 ha.

The proposal was earlier taken up in the 54th Meeting held on 22.05.2024, wherein, the Committee noted that there is an Order *vide* dated 21.03.2024 in W.P. No. 838 of 2019 before the Hon'ble Supreme Court regarding Great Indian Bustard issue and a sevenmember Committee has been constituted to find a balance for GIB conservation and renewal energy efforts. The State Govt. requested for time to

provide detailed map and shape file of the ESZ area and to provide a justification for rationalization of ESZ area keeping in view of the above mentioned Hon'ble Supreme Court order dated 21.03.2024.

The representative of Maharashtra Govt. presented the rationale behind modification of boundaries of Gat No. 392/B from Patch No. 28 of eco-sensitive zone around Great Indian Bustard Wildlife Sanctuary. The representative of Maharashtra apprised the Committee that they have submitted a proposal for rationalization of boundaries of the ESZ along with details of the area and the recommendation of the District Monitoring Committee on 30.08.2024. The site where rationalization of Eco Sensitive Zone is proposed falls in 28th patch of ESZ of Great Indian Bustard Sanctuary.

It was observed that there was an error in the survey number of the patch of land parcel for which deletion from the existing notified ESZ was being proposed and the number as notified in the ESZ notification. It was pointed out that the Khasra Number of the Wildlife Sanctuary as per cadastral map was 392 as per the notification and that of the proposed patch to be excluded was 392 B and that of the sanctuary area would be 392A and not 392. The amendment to the notification had been carried out by the State Government where the Gut No. 392 has been substituted with 392B, 392A and other Gat numbers. A copy of the same was submitted to the Expert Committee for being taken on record.

Based on the deliberations held, the Committee, therefore, decided to defer the proposal for 7th October 2024 and the Committee suggested that the State Government shall submit the revised proposal along with the necessary correction in the khasra number of the Sanctuary before taking any decision regarding the rationalisation of ESZ. Thereafter, the 56th Meeting was convened on 7th October 2024 wherein the State Government again sought time of one more day for submission of necessary documents and justification and accordingly, it was decided to re-convene the meeting on 8th October 2024 after the submission of the necessary supporting documents and justifications by the State Government.

Subsequently, after the submission of necessary supporting documents and justifications by the Government of Maharashtra w.r.t. their proposal for rationalization of ESZ area in Patch No. 28, 56th meeting of the Expert Committee of ESZ was re-convened on 8th October 2024. The Additional Principal Chief Conservator of Forest (Wildlife), Sh. Clement Ben and Deputy Conservator of Forest, Ahmednagar, Maharashtra Sh. Dharamaveer Salvitthel were present in the meeting.

The State Government of Maharashtra submitted the following justification during the presentation:

It was submitted by APCCF, Maharashtra that Principal Secretary (Forests) Revenue & Forest Department, Government of Maharashtra, Sh. Venugopal Reddy had

submitted the justification for the proposed amendment to the ESZ Notification vide letter No WLP-02.24/C.R.65/F-1 dated 08.10.2024 in which it has been mentioned that: "The site where rationalization of Eco-sensitive Zone is proposed falls under patch no. 28 of the ESZ. The land in Gat No. 392/B measuring 68.08 ha of village Baradgaon Sudrik of Tahsil Karjat, Dist. Ahmednagar has been under industrial use prior to declaration of GIB Sanctuary. An industry i.e. sugar factory was established and was operational before the notification of GIB Wildlife sanctuary. It provides employment opportunities to about 1500 families. It also processes sugarcane of farmers from nearby villages. This area is not serving purpose of wildlife conservation. The adjoining land bearing i.e. the Gat No. 36 measuring 74.40 ha as per record of rights in Hingangaon village of Tahsil Karjat, Dist. Ahmednagar is also proposed to be excluded from the ESZ of the Patch No. 28 as this land has strong presence of economic activities and there is road for industry from this area. Hence, these 2 patches are recommended to exclude from ESZ of GIB sanctuary."

It was also mentioned by APCCF, Maharashtra that Wildlife Institute of India (WII), vide email dated 08.10.2024 has submitted their comments as follows: " Sugarcane is a major cash crop in this district. The sugar factory was in place before the rationalisation of the sanctuary and declaration of the Eco-Sensitive zone and is important for the economics development of the region. Considering the location concerning the patch of the forest, there is no harm in removing the proposed area from the Eco Sensitive Zone". This is the only employment generation option for the local people. It is also not serving the purpose of wildlife conservation. WII recommend that the factory is important for the economic development of the region, and the proposed area may be removed from the eco-sensitive zone. Hence, rectification is needed in this. Also, adjoining gut no. 36 measuring 74.40 ha. in Hingangaon village is also proposed to be excluded from ESZ of patch no. 28. As gat no. 36 is adjoining to 392/B and there is a road for industry from Gat No. 36. It is also difficult to manage ESZ administratively due to industrial area around it. Hence, it is also recommended to exclude the two patches from ESZ of GIB Sanctuary. The WII agrees with the additional suggestion submitted by the Govt. of Maharashtra to MoEFCC on 08.10.2024 Vide Letter No. WLP-02.24/c.r.65/f-1.

Also, the above proposal was considered by the State Board of Wildlife, Maharashtra, in its 23rd meeting held on 12.08.2024 under the chairmanship of Hon'ble Chief Minister Shri Eknath S. Shinde wherein the following was discussed:

"The Member Secretary introduced this agenda item and informed that the ESZ area around Patch No. 28 of notified Eco-Sensitive Zone of GIB Wildlife Sanctuary is not serving purpose of wildlife conservation in any way and affecting the livelihood opportunities of the local people. Rationalization will allow expansion of already existing industry in the area and consequently livelihood of local people". The State Board for Wildlife recommended this project for consideration of the Government of India.

With the above background, the proposal was again discussed in the re-convened 56th meeting of the Expert Committee of ESZ on 8th October 2024. The representative of WII, Shri Bilal Habib present in the meeting agreed to the justification and re-iterated the contents as mentioned in his email dated 8.10.2024. The representatives of Wildlife Division, National Tiger Conservation Authority, World Wildlife Fund, Zoological Survey of India, Town and Country Planning Organisation, Ministry of Housing and Urban Affairs, Forest Survey of India and expert member Sh. Satish Garkoti also agreed to the justification as provided by Government of Maharashtra during the aforesaid meeting.

The matter was discussed in detail and considering the recommendations as given by the State Government [Principal Secretary (Forests) Revenue & Forest Department], State Board of Wildlife], Wildlife Institute of India, Wildlife Division of Ministry and opinion of the members of the Expert Committee, the proposal was recommended by the Committee for issuing amendment notification w.r.t. (i) rectification of the map and boundary description of patch No. 28 of ESZ by excluding 68.08 ha (which falls in Gat No. 392B) and (ii) exclusion of Gat No. 36 measuring 74.40 ha from the earlier notified ESZ of GIB Wildlife Sanctuary.

The meeting ended with thanks to the Chair.

ANNEXURE

List of the Participants

Members of Expert Committee

1. Shri Tanmay Kumar, Special Secretary, Chairperson, MoEF&CC.
2. Dr. S. Kerketta, Scientist 'G', MoEF&CC.
3. Dr. S.C Garkoti, Former Advisor MoEF&CC, Non-Official Member of Expert Committee.
4. Shri Rakesh Kumar Jagenia , DIGF, Wildlife Division, MoEF&CC
5. Shri P.K. Gupta, Director, CPCB
6. Dr. K.S Kanwal, Scientist, GBPNIHE, Almora.
7. Dr. Hitendra Padalia, Head FED, IIRS, Dehradun.
8. Dr. Gautam Talukdar, Scientist F, Wildlife Institute of India.
9. Dr. Bilal Habib, Scientist F, Wildlife Institute of India.
10. Dr. Sanjay Singh, Scientist E, ICFRE, Dehradun.
11. Shri Hemant Singh, Assistant Inspector General of Forests National Tiger Conservation Authority.
12. Dr. M. Ramesh, Scientist 'F', Wetlands Division, MoEF&CC
13. The Director, EM Directorate, Central Water Commission Delhi
14. Dr. Vishesh Uppal, Director, WWF India
15. Shri. Sanjay K. Agarwal, Deputy Director, Forest Survey of India.
16. Dr. K.A Subarmanian, Scientist, E, Zoological Survey of India
17. Ms. Abha Agarwal, Member, Town and Country Planning Organisation

Officials of MoEF&CC

13. W. Bharat Singh, Scientist 'F' MoEF&CC
14. Dr. Ritesh Joshi, Scientist 'F' MoEF&CC
15. Dr. Veenu Joon, Scientist 'E', MoEF&CC.
16. Shri Anil Thakar, Consultant, MoEF&CC
17. Ms. Ritu Narwaria, Consultant, MoEF&CC

Official of Government of Chattisgarh

18. Shri Prem Kumar, APCCF(Wildlife) , Chhattisgarh

Officials of Government of Maharashtra

19. Dr. Clement Ben, Additional PCCF/Wildlife Mumbai
20. Shir. Dharamveer Salvitthal , DCF, Ahmednagar, Nagpur
21. Shri. Dipesh Malhotra, DCF, Wildlife, Pune,
22. Shri. Suvarha R. Mahe, DYCG
23. Shri Ashok G. Bhaware, Forest Surveyor

Officials of Government of Haryana

- 24. Shri Vineet Kumar Garg, IFS, CWLW & PCCF, Haryana
- 25. Shri Venkateshwar Pandey RA-III, Haryana Forest Department

Officials of Government of Rajasthan

- 26. Shri Anurag Bhatnagar, DCF Wildlife Kota, Rajasthan

Officials of Government of Odisha

- 27. Shri A.K. Kar , PCCF Bhubaneshwar
- 28. Shri Sudarshan Jadhav, DFO, Rajnagar
