

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 622 of 2017  
(M.A. No. 1202/2017)**

**Vindhyan Ecology and Natural History Foundation  
Vs.  
Ministry of Environment, Forest and Climate Change & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

**Present:** Applicant : Ms. Parul Gupta, Adv.  
Respondents : Mr. Rajesh K. Singh and Mr. Rovins Verma, Advs. for Ministry of Environment, Forest and Climate Change

Date and Remarks	Orders of the Tribunal
<p>Item No. 11</p> <p>October 11, 2017</p> <p>jg</p>	<p>We have heard the Learned Counsel for the applicant at some length.</p> <p>The challenge in the present application is to the notification dated 20-03-2017 that has been issued by the Ministry of Environment, Forest &amp; Climate Change in exercise of its power under sub Section 1; Clause 5 and Clause 14 of sub Section 2 and sub Section 3 of Section 3 of the Environment Protection Act, 1986 read with sub Rule 3 of Rule 5 of Environment Protection Rules, 1986.</p> <p>Primary contention raised before us is that the fixation of eco sensitive zone of 1 km uniformly around boundary of Kaimur Wild Life Sanctuary is unjustifiable and they should have taken into consideration the ecologically sensitive areas, water bodies, forests wildlife habitats and other eco sensitive areas on the basis of site selection and should not apply the uniform distance. Reliance has been placed on the minutes of the Committee dated 04-02-2016.</p> <p>The notification dated 20-03-2017 has been issued</p>

	<p><b>Item No. 11</b></p> <p><b>October 11, 2017</b></p> <p><b>jpg</b></p>	<p>after publication of draft notification dated 22-09-2015, inviting objections and suggestions from all persons likely to be affected therefrom. Objections and suggestions were received. Even the applicant filed detailed objections to the proposed notification.</p> <p>The objections and suggestions were considered by the Expert Committee for declaration of eco sensitive zone around the Sanctuary. In the meeting certain suggestions were made including that the activities even beyond 1 km should be regulated and there should not be indiscrimination in carrying on commercial or other activities. In the minutes of the Committee dated 04-02-2016, it is stated that the Committee recommended the finalization of the draft notification for declaration of eco sensitive zone around the Kaimur Wild Life Sanctuary, in the State of Uttar Pradesh, with the suggested amendments.</p> <p>On the basis of these recommendations the Ministry before issuing the notification specifically provided for, in the table attached to the notification, prohibited activities, regulatory activities and promoted activities that were permitted to be carried on in the area even beyond the distance of 1 km as specified.</p> <p>The Tribunal cannot loose sight of the fact that limitation of distance cannot be taken to a distance of 10 kms or so. The authorities and the Ministry are likely to take various factors into consideration while ensuring the applicability of Principle of Sustainable Development. If carrying on of all different activities indiscriminately were permitted then there might have been case of infringement</p>
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<p><b>Item No.</b> <b>11</b></p> <p><b>October</b> <b>11, 2017</b></p> <p><b>jpg</b></p>	<p>of this principal. However, in light of the specific restriction provided we have no doubt in our mind that the Ministry has acted in consonance with the settled Principle as contemplated under Section 20 of the National Green Tribunal Act, 2010.</p> <p>We see no reason to interfere and the application deserve to be dismissed.</p> <p>Thus, O. A. No. 622/2017 stands disposed of with no order as to cost.</p> <p><b><u>M.A. No. 1202 of 2017</u></b></p> <p>First of all we may notice that the present application is barred by 10 days. Application for condonation, thereof, (M. A. No. 1202/2017) has been filed for the reason stated in the application, which are hardly satisfactory. But in the interest of justice we condone the delay of 10 days and proceed to hear the matter on merit.</p> <p>M. A. No. 1202/2017 stands disposed of.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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