

"ഭരണഭാഷ- മാതൃഭാഷ"

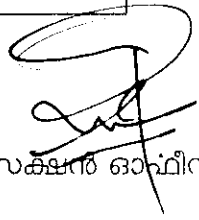


പതിനാലാം കേരള നിയമസഭ  
പതിനാറാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം.2706 06.11.2019 ന് മറുപടിയ്ക്ക്.

വനേതര പ്രവർത്തനങ്ങൾക്കുള്ള വന്യജീവി ബോർഡിന്റെ അനുമതി

ചോദ്യം		ഉത്തരം	
ശ്രീ.എ.പി. അനിൽ കുമാർ :		അഡ്വ. കെ.രാജ (വനവും, മൃഗസംരക്ഷണവും, മൃഗശാലകളും വകുപ്പുമന്ത്രി)	
(എ)	വന്യജീവി സങ്കേതങ്ങളുടെയും, ദേശീയ ഉദ്യാനങ്ങളുടെയും പത്തു കിലോമീറ്റർ ചുറ്റളവിൽ വനനം ഉൾപ്പെടെയുള്ള വനേതര പ്രവർത്തനങ്ങൾക്ക് വന്യജീവി ബോർഡിന്റെ അനുമതി ആവശ്യമുണ്ടോ;	(എ)	വന്യജീവി സങ്കേതങ്ങളുടെയും, ദേശീയ ഉദ്യാനങ്ങളുടെയും പത്തു കിലോമീറ്റർ ചുറ്റളവിൽ വനനം ഉൾപ്പെടെയുള്ള വനേതര പ്രവർത്തനങ്ങൾ നടത്തുന്നതിന് ദേശീയ വന്യജീവി ബോർഡിന്റെ അനുമതി ആവശ്യമാണെന്നു 08/08/2019-ലെ F.No.22-43/2018-1A.III എന്ന ഓഫീസ് മെമ്മോറാണ്ടം (പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു) പ്രകാരം കേന്ദ്ര വനം - പരിസ്ഥിതി മന്ത്രാലയം നിർദ്ദേശിച്ചിട്ടുണ്ട്.
(ബി)	വന്യജീവി ബോർഡിന്റെ അനുമതി ഇല്ലാതെ മേല്പറഞ്ഞ മേഖലയിൽ ക്വാറികൾ പ്രവർത്തിക്കുന്നതായി കണ്ടത്തിയിട്ടുണ്ടോ;	(ബി)	ഉണ്ട്. ഇത്തരത്തിലുള്ള ക്വാറികളെ പറ്റി പരിശോധിച്ചു നടപടിയെടുക്കാൻ മൈനിംഗ് & ജിയോളജി വകുപ്പിന് നിർദ്ദേശം നൽകിയിട്ടുണ്ട്.
(സി)	എങ്കിൽ ഇക്കാര്യത്തിൽ വനം വകുപ്പ് എന്തെങ്കിലും നടപടി സ്വീകരിച്ചിട്ടുണ്ടോ?	& (സി)	

  
 സെക്ഷൻ ഓഫീസർ

F.No. 22-43/2018-IA.III  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA Division)

Indira ParyavaranBhawan  
JorBagh Road, Aliganj,  
New Delhi - 110003

Dated: 8<sup>th</sup> August, 2019

OFFICE MEMORANDUM

**Subject:** Procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the Environmental Impact Assessment (EIA) Notification, 2006 - regarding.

The Hon'ble Supreme Court vide its Order dated 4.12.2006 in Writ Petition No. 460 of 2004 - Goa Foundation Vs. Union of India, has inter-alia directed that Ministry of Environment and Forests "(MoEF) would also refer to the Standing Committee of the National Board for Wildlife, under section 5(b) & 5(c) (ii) of the Wildlife Protection Act, 1972, the cases where environmental clearances has already been granted where activities are within 10km. zone" of the boundaries of the Sanctuaries and National Parks."

2. In this regard, the erstwhile MoEF vide Circular No. L-11011/7/2004-IA.II (I)(Part) dated 27.02.2007 and Office Memorandum No. J-11013/41/2006-IA.II(I) dated 02.12.2009 delineated a procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary for grant of environmental clearance under EIA Notification, 2006. As per the stipulated procedure, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) would be required for the developmental projects located within 10km of the National Park/Wildlife Sanctuary.


3. Over a period of time, Ministry has notified number of Eco-Sensitive Zones (ESZs) around Protected Areas (PAs). Many of developmental activities are prohibited/regulated in these ESZs *inter-alia* including mining operations to be carried out in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in

W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012 as per the notifications issued for their constitution.

4. In light of the aforesaid Orders passed by the Hon'ble Supreme Court, the issues related to the prior clearance from SCNBWL for the notified ESZs and the remaining areas have been examined in detail. In this regard, it has been decided by the Competent Authority in the Ministry to adopt a following procedure for consideration of developmental projects located within 10 km of National Park/Wildlife Sanctuary seeking environmental clearance under the provisions of the EIA Notification, 2006, in supersession of the earlier O.M.s dated 27.2.2007 and 2.12.2009:

- i. Proposals involving developmental activity/project located within the notified Eco-Sensitive Zones (ESZ) shall be regulated and governed by the concerned ESZ notification. However, for the developmental project/activity located within the notified ESZ and covered under the schedule of the EIA Notification 2006, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference as well as wildlife clearance.
- ii. Proposals involving developmental activity/project located outside the stipulated boundary limit of notified ESZ and located within 10 km of National Park/Wildlife Sanctuary, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) may not be applicable. However, such proposals from environmental angle including impact of developmental activity/project on the wildlife habitat, if any, would be examined by the sector specific Expert Appraisal Committee and appropriate conservation measures in the form of recommendations shall be made. These recommendations shall be explicitly mentioned in the environmental clearance letter and shall be ensured by the member secretary concerned.
- iii. Proposals involving developmental activity/project located within 10 km of National Park/Wildlife Sanctuary wherein final ESZ notification is not notified (or) ESZ notification is in draft stage, prior clearance from Standing Committee of the National Board for Wildlife (SCNBWL) is mandatory. In such cases, the project proponent shall submit the application simultaneously for grant of Terms of Reference/environmental clearance as well as wildlife clearance.

- iv. Proposals involving mining of minerals within the ESZ (or) one kilometer from the boundaries of National Parks and Sanctuaries whichever is higher is prohibited in accordance with the order of the Hon'ble Supreme Court dated 4.08.2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated 21.4.2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012.
5. This issues with the approval of the Competent Authority.

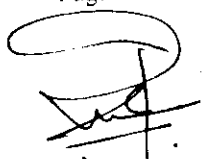
  
(Sharath Kumar Palierla)  
Director

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. All the Officers of I.A. Division
5. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary(EF&CC)
4. PPS to SS(AKJ)
5. PPS to AS (RSP)
6. PPS to JS (GM)/ JS(RS)/JS(AKN)
7. Website, MoEF&CC
8. Guard file.

  
9. 2020/2021