Copy to Adv. M.P. Prakash
Dated: 12/4/19

Filed on 12-04-2019

HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

I A No. of 2019

in

W.P.(C) No. 35064 of 2018

State of Kerala & others	:	Applicants/Respondents 1-5 in W.P.(C)
Vs.		
Wayanad Prakrithi Samrakshana Samithi	:	Respondents/Petitioner & 6th Respondent in WP(C)

APPLICATION TO VACATE THE INTERIM ORDER

M.R.SABU
SENIOR GOVERNMENT PLEADER

BEFORE THE HONOURABLE HIGH COURT OF KERALA
ERNAKULAM

IA No. _____ of 2019

in

WP(C) No. 35064 of 2018

State of Kerala & others	:	Applicants/ Respondents 1 to 5 in WP(C)
	Vs.	
Wayanad Prakrithi Samrakshana Samithi	:	Respondents/ Petitioner & 6th Respondent in WP(C)

INDEX

Sl. No.	Particulars		Page No.
1.	Affidavit		1 - 14
2.	**Annexure-R4(a)**:	True copy of the relevant extract of Kerala State Forest Policy with true English translation	15 - 19
3.	**Annexure-R4(b)**:	True copy of the Guidelines	20 - 29
4.	**Annexure-R4(c)**:	True copy of the Guidelines as per G.O.(MS) No.18/2002/Forest dated 02/04/2002 with true English translation	30 - 35
5.	**Annexure-R4(d)**:	True copy of order dated 14/02/2000	36 - 44
6.	Petition		45

Dated this the 11th day of April, 2019.

M.R SABU
SENIOR GOVERNMENT PLEDER

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

I A No. of 2019

in

W.P.(C) No. 35064 of 2018

State of Kerala & others	:	Applicants/Respondents 1-5 in W.P.(C)

Vs.

Wayanad Prakrithi Samrakshana Samithi	:	Respondents/Petitioner & 6th Respondent in WP(C)

AFFIDAVIT

I, Ranjith Kumar.P., aged 52 years, S/o. Vasudevan.P, residing at Kalpetta, Wayanad, now at Ernakulam, do hereby solemnly affirm and state as follows:

1. I am the Divisional Forest Officer, South Wayanad Forest Division and the 4th respondent in the above case. I know the facts of the case as disclosed from the relevant records.

2. It is submitted that the above Writ Petition is filed by Wayanad Prakrithi Samrakshana Samithi challenging Exhibit P10 and Exhibit P11 orders of the Forest Department, by which Ecotourism activity in Kuruva Island, was regulated. A detailed counter affidavit is already filed by the fourth respondent. By order dated 22.03.2019 this Hon'ble Court has directed to stop all eco-tourism activities undertaken in reserve forest area of South Wayanad Forest Division. It is submitted that the relief sought for in the writ petition is mainly challenging Exhibit P10 and Exhibit P11 orders. It is submitted that by the aforesaid interim order of this Hon'ble Court the entire eco-tourism activities in the South Wayanad Forest Division have been stopped and the same is causing serious concerns.

3. It is submitted that the WP (C) is filed primarily challenging the two orders fixing the number of visitors per day at a higher level. While about 1000 persons were visiting the site per day, on the basis of an *ad hoc* assessment, the number was drastically reduced to 400 per day. The above

enhancement is the primary challenge in the WP (C), not against the concept of ecotourism *per se*. The WP (C) also alleges that the chapter in the Working Plan and Ecotourism is not approved by the MoEF.

4. It is submitted that the Ecotourism approach takes its origin in the national forest policy 1988, para 4.6 which is reproduced below,

> "Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the Forest Development Corporations, should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forests....."

5. This is further elaborated through the PFM guidelines issued by the Ministry in the year 1990, the orders constituting FDA and SFDA issued by the State Government. The ecotourism concept being introduced in the State is clearly defined in the Forest Policy of the State issued vide G.O. (P) No.20/2009/F&WLD, dated 02.05.2009. This Policy 2009 has categorically laid down that Protected Areas are not for ecotourism; on the other hand tourism is for the Protected Areas. The policy also has declared that the ecotourism to be followed in the State will not involve intervention of private sector into the forest, but the model proposed for the State involving the different departments of the Government and the people and which will be applicable for the whole country. Such interventions would prevent degradation for forest, create local employment, spread among the public the awareness for protecting the forests and while doing all this generate additional revenue. A true copy of the relevant extract of State Forest Policy is produced herewith and marked as **Annexure R4(d).**

6. Guided tourism to the forest areas of the State traces its origin to the national forest policy 1988 which in para 4.6 has laid down that;

> "Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the Forest Development Corporations, should be to associate the tribal people closely in the protection,

regeneration and development of forests as well as to provide gainful employment to people living in and around the forests....."

7. In line with this, the Government of India issued the guidelines for participatory forest management vide No.621/89-FD dated 01.06.1990 which define the basic grassroots level organization of people, i.e., Vana Samrakshana Samithies (VSS) of the forest dependent community as members. In PAs, Eco Development Committees (EDC) are the similarly placed organization. True copy of the Guidelines is produced herewith and marked as **Exhibit R4(e).** The State Government in turn issued detailed guidelines for the working of VSS (in territorial forest areas) and Eco Development Communities (in protected areas). Close to 400 such VSS and 200 EDCs have so far been registered with the Forest Department over the last two decades. These VSS / EDCs are federated as Forest Development Agencies (FDAs) at the Forest Division level and State Forest Development Agency (SFDA) at the apex level.

8. It is submitted that the Government of Kerala is one of the pioneers in the country in banning clear felling and selection felling in natural forests banning conversion of natural forests as plantations and also in ordering reversion of industrial wood plantations and to natural forests. While taking all efforts to conserve its natural forests, the State Government is also sensitive to the fact that the forests and people cannot be and need not be separated into water tight compartments, except to the peril of both. The State Government considers it a viable option to open places of natural beauty within the forests in a regulated way and by ensuring that the visitors go back with a better appreciation of the need for conserving forests, leaving minimum footprint and at the same time providing an opportunity to the local community to derive gainful employment at their doorsteps. Having taken major steps towards conserving a natural forest, like stopping all types of felling in natural forests and regenerating the industrial wood plantations as natural forests, this is the only viable option to gainfully engage the forest dependent local populations for the conservation of forests that is workable in Kerala.

9. Infact, many places of natural beauty within the forests of the State were frequented by nature lovers for long. With the better access / communication facility and the rising trend of outdoor activity in the highly educated Kerala society, the flow of visitors had crossed the tolerable limits and there was urgent need to keep such places free of pollution and to maintain the

pristine natural beauty. The Government videGO(MS)18/2002/Forest dated 02.04.2002 had issued detailed guidelines for maintaining such sites by the VSS / EDCs by levying user charges from the visitors on the principle of "polluter pays". This set of guidelines is issued to comprehensively manage such places of natural beauty within the forests. True copy of the guidelines is produced herewith and marked as **Exhibit R4(f).**

10. The purpose of such eco-tourism guidelines is to develop the places of pristine natural beauty within / around the forests of Kerala as low impact and high conservation value ecotourism destinations which are models for nature compatible, community based and protection based so as to orient the visitors as messengers of conservation while ensuring sustainable livelihood to local communities living around such natural ecosystems.

11. Day time visitation to Kuruva Island is being practiced for several decades. Regulations to restrict the visitors, collecting the user fee based on the concept of "polluter pays" and providing gainful employment to the forest dependent local community was introduced by Forest Department during 2002-03.

12. This method of ecotourism was once approved in the Working Plan of the Division by the Ministry for the period 2001-11. While communicating its decision that the Chapter on ecotourism in the present Working Plan is not approved, MoEF has not indicated any reason for doing so. Even a casual look at the prescriptions in the Chapter on ecotourism will show that there is nothing objectionable in this chapter.

13. In view of the contentions raised in the WP(C), a fresh request has been made to the MoEF on 03.04.2019 to approve the chapter on ecotourism. The ministry is expected to take a logical stand on this request.

14. It is submitted that the Kuruva Island is an important eco tourism destination in South Wayanad Forest Division. South Wayanad Forest Division is an area where there is an enormous scope for Eco tourism with a forest conservation perspective. It is also to be taken into account that there is no provision in the Forest Conservation Act, 1980barring or prohibiting Eco friendly tourism in reserved forest. As a matter of fact, the Hon'ble Supreme Court, in Godavarman Thirumulpad v. Union of India inWP(C) No. 202/95 Order dated 25.11.2005., has clarified that the order dated 14.2.2000 of the Hon'ble

Supreme Court banning all non forest activity in the forest land, *will not be applicable to the construction activities is designed to merge with the natural surroundings as far as possible used forest building material.*A true copy of the order dated 14.02.2000 is produced herewith and marked as **Exhibit R4(g).**

15. It is submitted that Soochipara, Kuruva Island, Banasura-Meenmutty and Chembra Peck under South Wayanad Forest Division are the important and most visited eco-friendly nature awareness destinations in Wayanad District. In order to bring down and control the pressure by high flow of visitors on this forest eco-system, Eco-friendly Nature Awareness Centres were started by the Forest Department under Participatory Forest Management Programme, strictly in accordance with the guidelines issued by the Ministry of Environmental and Forest, Government of India vide their circular No-6-21/89-PP dated 1.6.1990 and letter No-22-8/00-JFM (FPD) dated 21.2.2000. Further, the Ministry had issued a direction for strengthening the JFM programme vide letter No-22-8/00-JFM(FPD) dated 24.12.2002. The eco-friendly nature awareness spots falling within the forest areas under South Wayanad Division are being managed by the VSS with the objective of creating nature awareness among the general public while enjoying the beauty of lush green forests and to make the area free from ecological degradation and pollution and uplifting the standard of living of the people in the area. One of the main objectives of forming the VSS was the proper management of these eco-friendly nature awareness centres involving local people especially tribes residing inside and in the fringes of forest areas by benefit sharing.

16. It is submitted that no non -forestry activities as specified u/s 2 (ii) of the Forest (Conservation) Act 1980 is being carried out in any of the above said eco-friendly nature awareness centres under this division as alleged in the writ petition. It is to be noted that the explanation given under sub section (ii) of Sec 2 of the Forest (Conservation) Act provides the meaning of "non-forest purpose" as the breaking up or clearing of any forest land or portion thereof for specified works. No such breaking up or clearing of forest land has taken place in any of the Eco friendly Nature Awareness Centres under this division at any time.

17. These eco-friendly nature awareness centres have become known in and outside Kerala as spots worth visiting. Therefore even when the centres remain closed for visitors and other unscrupulous people are likely to come to

visit these areas. It will be beyond the control of the limited number of staff now available to prevent the inflow of visitors to these spots due to hectic workload on and off the field. Present man power available with the department to man this area is meagre and is insufficient to cope up with the situation. So, there is every possibility of so many people coming to visit this area out of curiosity and this may even lead to some illegal activities taking place inside the forests. Moreover, National Forest Policy 1988 also envisages people's involvement in the development, protection and management of forests. For the past many years it is increasingly being felt that Forest Management Policies need to be re-oriented to respond to the needs of the rural people living in and around forest areas and that the forest produce like fuel wood, Non Timber Forest Produce, timber etc. are made available to the forest dependent communities preferentially so that the members of the communities are motivated to help in the conservation and protection of forests. The ultimate aim of PFM is the welfare of the dependent community living in and around the forest areas and the protection of the forest wealth with their active participation. From this it is evident that the involvement and active participation of the local inhabitants is essential for the protection and management of the forests. The Govt. of India had formulated and implemented the PFM taking into account the fact that mere policing would not help in effectively conserving and protecting the forest and wildlife.

18. As part of management of forest the eco friendly nature awareness programme is being implemented mainly for generating gainful employment to the primitive tribes of the area through Vana Samrakshna Samithies under the Participatory Forest Management programme (PFM) as per guidelines issued by the Ministry of Environment & Forest, Government of India for improving their standard of living. For the effective and proper protection of the forests and at the same time for improving the standard of living of the people in and around these areas and for providing an opportunity for the general public to enjoy and also understand the potential and dangers the forests now face the participation of the local community is much desired. It may kindly be seen that there is no provision in the Forest (Conservation) Act 1980 prohibiting ecotourism in reserve forests.

19. Kuruva Island is a beautiful eco-friendly nature awareness centre located in the heavenly Wayanad. This island is also referred as Kuruva dweep.

Kuruva Islands are uninhabited and is situated in the middle of Kabini River as a part of Kuruva RF. Kuruva Island offers a small and undisturbed forest which is suitable for a centre for nature awareness. The local population inhabiting the surroundings of Kuruva Island preserve the island and guide the visitors by making Vana Samrakshana Samithi (VSS). With a total area of 146.01 Ha Kuruva Island is plentifully rich with ever green forest. Far from the maddening city crowds lies this calm and beautiful island presenting an excellent atmosphere for tourists to relax and rejuvenate their mind and soul.

20. The eco-friendly nature awareness centre of Pakkom-Kuruva is presently controlled by Pakkom-Kuruva Vana Samrakshana Samithi. The visitors are controlled by the VSS and have to cross the Kabini River to reach the Island in a Country Raft. It is another attraction of Pakkam-Kuruva eco-friendly nature awareness centre. Thiseco-friendly nature awareness centre remains closed during six months of heavy rain that is June, to November. Visitors are allowed during day time only (8 am to 3 pm). Kuruva Island is the most sought after eco-friendly nature awareness centre. Like all the Eco-friendly nature awareness points falling in forest areas under this division, Kuruva Eco-friendly tourism is being managed by Vana Samrakshana Samithy of the area with the objective of imparting nature awareness among the general public and also to make the area free from ecological degradation and pollution. All the VSS are established for the management of Eco-friendly tourism points involving local people especially primitive tribes residing inside and in the fringes of forest areas as stake holders. The highlight of Eco-friendly tourism programme in Kuruva Island is that it generates gain full employment to the primitive tribes and other downtrodden people of the area through VSS and thereby helping to increase the standard of living of the members of these communities. Now they are mainly depending upon eco-friendly nature awareness centres for their lively hood round the year except during monsoon.

21. By introducing eco-friendly nature awareness centres a lot of benefits have accrued to the primitive tribes including Kattunaikka in particular and to the forest Eco-system in general, in these areas as enumerated below. The number of incidents of illegal activities such as sand mining, poaching, illicit felling of trees, setting fire to forest in the areas have come down considerably and no other criminal activities are also reported from the area. No wild fires,

poaching or other illegal activities have taken place since the inception of Eco-friendly tourism in this area. Another benefit derived from this eco-friendly nature awareness centre is the poverty alleviation among the primitive tribes and other down trodden people here. Moreover in Wayanad district Maoist activities are on the increase especially they are targeting the tribal and other low income group for their association. The possibility of the forest dwellers in these areas is influenced by the Maoist and extending support and help to the Maoists as well as the youngsters there joining the Maoist cadres, could be prevented because of the eco-friendly nature awareness centres such as generating meaning full employment. In all, the eco-friendly nature awareness centres have brought many positive changes in the lives of forest dwellers and other down trodden people and also in protection and conservation of forests. In Kuruva Island including Cheriyamala Colony Palvelicham, Pannikkal area the human wildlife conflict is in high intensity. Due to proper intervention of the department and the VSS, the human wildlife conflict could be mitigated in a considerable manner. A good and cordial relationship could be maintained by the department and the public by implementation of the VSS.

22. **It is to be pointed out that no permanent structures of any kind have been erected/ constructed in the area by breaking up or clearing of any forest land or portion thereof. The side of the foot path is fenced with dried Bamboos to protect the vegetation inside the Kuruva. The entry to Kuruva Island is allowed only through the specified walk way of 3 mtr. width inside the Island without disturbing the nature and not allowing any plastic material inside the Island which has reduced pollution.**

23. **Eco-friendly nature awareness centre in Kuruva Island is being carried out strictly adhering to the provisions of law and also without causing any damages to ecology and also providing source of livelihood for the local inhabitants especially the tribal people of the locality.**

24. The Kuruva eco-friendly nature awareness centre is run by Pakkom-Kuruva Vana Samrakshana Samithy. The management area of the VSS is 285 Ha. The Vana Samrakshana Samithy is formed during 2002-03 as per registration number 131-09/2003. Out of 137 families 97 are tribals. They mainly depend upon Kuruva Eco-friendly tourism. Out of the 269 members 167

are tribals including primitive tribals. Due to formation of VSS the protection, maintenance of forests is very much improved. They prevent sand mining and illegal fishing from Kabani River, control the grazing completely inside the Kuruva Island. The Pakkom-Kuruva VSS succeeded to make the Kuruva Island a complete plastic free zone. The Pakkom-Kuruva VSS also collect and dispose the plastic waste thrown in the other parts of the forests as well. They are doing many activities like afforestation, rain water harvesting, and construction of earthen bund to protect the area from drought and which also provide enormous drinking water for wild animals. There is no fire incidents occurred in Kuruva Island since 2011 mainly due to the active participation and cooperation of the members of the VSS.

25. **Moreover transportation of visitors across the river in Kuruva Island is being done by using Bamboo rafts instead of mechanised boats. There is no pollution due to the use of Eco-friendly rafts.**

26 The Kuruva Island consists of 146.01 ha of Reserve Forests out of which Eco-friendly tourism is restricted to approximately 0.539 ha area. The Pakkom –Kuruva Vanasamrakshnan Samithi (VSS) under the South Wayanad Forest Development Agency is conducting the Eco-friendly tourism programme in the area. Pakkom Kuruva eco-friendly nature awareness centre is managed by the Pakkom-Kuruva Vanasamrakshana Samithi consisting of local people mainly schedule tribals. The eco-friendly nature awareness centre was opened mainly for improving the livelihood of the local tribes by generating employment and protection and management of the forests with their active participation.

27. Based on the parameters laid down by the Government of India and on the basis of objective data and on the exiting formula used for assessing the carrying capacity in tourism areas, the daily number of visitors has been increased to 950 per day temporarily.

28. The assessment of visitor Carrying Capacity of Kuruva Island, Wayanad has been conducted based of the existing guidelines of Ministry of Environment, Forest and climate change, Government of India by Dr.A.Rajasekharan, Principal Investigator of the Institute of Forests Genetics and Tree breeding **(IFGTB),** Indian Council of Forestry Research and Education, Coimbatore, Tamil Nadu.

29. These Eco-tourism destinations have become well known in and outside Kerala. Therefore tourists in large number are likely to come to visit these areas. It will be beyond the control of the limited number of dept. staff to control the inflow of people in these spots as the staff has to attend to much protection related and other works in a time bound manner. So there is every possibility of a large number of people coming to visit this area and it may result in some illegal activities taking place inside the forests. Moreover National Forest Policy also envisages people's involvement in the development, protection and management of forests it also increasingly being felt that Forest Management Programs need to be re oriented to respond the needs of the rural people living in and around forest areas and that the forest produce like fuel wood, Non Timber Forest Produce, timber etc.. are made available to the forest dependent villagers preferentially so that village communities are motivated to help in the development and protection of forests.

30. Banasuramala-Meenmutty is another eco-friendly nature awareness centre of the division. The attraction of this eco-friendly nature awareness centre is a waterfall from Banasuramala. Banasuramala is about 2073 meter above MSL. Banasuramala Meenmutty waterfall is near to Banasurasagar Dam. The visitors will be controlled and operated by Varambatta Vana Samrashan Samithy of Kalpetta Forest Range. It is the northernmost peak higher than 2,000 meters (6,562 ft) south of the Genetic plains in India.

31. Chembra peak is situated near Meppady town and it is about 17 km from Kalpetta. Chembra peak is located near Meppady town in Wayanad district and is the highest peak of this district. It is at a height of 2100 m above sea level. This peak is a part of the Western Ghats and it joins the Nilgiri hills in Tamil Nadu state. This peak can be seen from any part of Wayanad.. A drive from Meppady to the foothills of the peak is breathtaking and one can feel the cool wind and the lush greenery of tea estates on both sides of the road rejuvenating one's spirits. A heart-shaped crystal perennial lake fed by natural springs can be seen at the middle of the journey. The centre remains closed during the months of April, May to prevent occurrence of wild fire and the entry is restricted to 200 numbers per day.

32. The peak of the mountain gives a good scenic beauty of the surrounding area especially Vellarimala of Kozhikode and Nilambur South division, with the varying shades of the virgin shola forests on both sides, and pleasant cool climate and feel a heavenly bliss that only the pristine nature can bestow upon human beings.. The ecotourism here is operated by Chembra Vana Samrakhana Samithi of Meppady forest range.

33. 30 guides of local downtrodden people and tribes in this area are engaged and are depending upon this eco-friendly nature awareness centre as a source of income.

34. Soochippara waterfalls which is also called as Sentinel waterfalls is situated in Meppady forest range of South Wayanad division. The water falls from a height of 100 to 300 ft and is 3 tiered. There are three tiers of the waterfall, the first one which is the longest is the one which could be reached easily. It is a risky task to reach the second waterfall and only adventurous travellers take the risk to reach the third waterfall.) The 15-20 min drive from Meppady to Sentinel Rock waterfalls offers scenic views of some of the best tea estates in Wayanad. The Sentinel Rock waterfalls are 200 m (656 ft) and offer a cliff face that is ideal for rock climbing. Soochippara waterfall is one of the important and most beautiful Eco-Tourism destinations in Wayanad District. Most of the tourists who visit Wayanad District will arrive here to enjoy the beauty of nature and waterfall. It is in Mundakkai Section of Meppady Forest Range and it is managed by Soochippara Vanasamrakshana Samithi. It is functioning only in the fringe area of the forests. The tourism zone functioning in the forest area is having an extent of about 1 Ha area only. 45 guides of local downtrodden people and tribes are being engaged and they are depending upon this eco-friendly nature awareness centre for their livelihood.

35. By introducing eco-friendly nature awareness centres in the above forest areas a lot of benefits have accrued to the forest dwellers in general and primitive tribes in particular and also to the forest Eco-system in these areas as enumerated below.

The number of incidents of illegal activities such as sand mining, poaching, illicit felling of trees, setting fire to forest in the areas have come down considerably and no other criminal activities are also reported from the area. No wild fires, poaching or other illegal activities have taken place since

the inception of eco-friendly nature awareness centre in this area. Another benefit derived from eco-friendly nature awareness centres in these areas is the poverty alleviation among the primitive tribes and other downtrodden people. Moreover in Wayanad district Maoist activities are on the increase especially targeting the tribal and other low income group. The possibility of the forest dwellers in these areas are influenced by the Maoists and extending support and help to the Maoists and the youngsters there joining the Maoist cadres, could be prevented because of the eco-friendly nature awareness centres by generating gainful employment. **In all, the eco-friendly nature awareness centres have brought many positive changes in the lives of forest dwellers and other downtrodden people and also in the protection and conservation of forests. No permanent structures have been built in any of the above eco-friendly nature awareness centres**.

These five eco-friendly nature awareness centres were managed through VSS under the guidance of Forest department. The issue of tickets, providing of guides for the protection of the visitors and proper protection and conservation of the forest in these parts etc are the responsibility of VSS. The details of VSS are given below:

Name of VSS and No of Guides engaged in eco-friendly nature awareness centres.

Sl. No.	Location	VSS	Year of establishment	No of guides
1	Kuruva	Pakkam-Kuruva	2005	39
2	Chembra	Chembra	2008	32
3	Soochippara	Soochippara	2009	45
4	Banasuramala	Varampatta	2009	50

Guides engaged in eco-friendly nature awareness centre Range wise

Range	Number of guides engaged				
		Sex		Community	
	Total	Male	Female	Tribes	Others
Kalpetta	50	8	42	6	44
Meppady	77	48	29	18	59
Chedleth	39	31	8	30	9
Total	**166**	**87**	**79**	**54**	**112**

Amount spent for the wages to the guides engaged in Eco-friendly Nature awareness Centre during 2018-19

Sl.No.	Name of Eco-friendly Nature awareness Centre	Wages
1	Pakkom Kuruva	34,43,138.00
2	Soochipara	42,92,977.00
3	Banasurmala Meenmutty	11,82,288.00
4	Chembra	12,46,409.00
	Total	**1,01,64,752.00**

36. The Eco tourism in this division has been approved in the working plan of South Wayanad Division for the period 2001-2011 by the Ministry of Environment and Forests as per letter No. F (C) A 11.6 /100 dated 13.8.01. In the Working Plan for the period from 2001-02 to 2010-2011

37. In the circumstances described above it is most humbly prayed that this Hon'ble Court may be pleased to vacate the interim order dated 22.03.2019 staying the operation and implementation of the Ext P10 and P11 and the ban on undertaking eco-tourism activity in South Wayanad Forest Division in the interest of justice. As otherwise it will cause irreparable loss, injury and hardships to the state and to the environment.

All the facts stated above are true to the best of my knowledge, belief and information.

Dated this the 10th day of April, 2019.

DEPONENT

Solemnly affirmed and signed before me by the deponent whom I know on this the 10th day of April, 2019 at the Advocate General, Ernakulam

M.R.SABU

SENIOR GOVERNMENT PLEADER

ANNEXURE R4(d)

കേരള സർക്കാർ

സംസ്ഥാന വനനയം

2009

വനം - വന്യജീവി വകുപ്പ്

തിരുവനന്തപുരം

തീയതി : 29-04-2009

3.7.12 വംശനാശഭീഷണി നേരിടുന്ന സസ്യ-ജന്തുജാലങ്ങളുടെ വില്പനയും കളളക്കടത്തും തടയും. വന്യജീവി കുറ്റാന്വേഷണത്തിന്റെ ഭാഗമായി ദേശീയ വന്യജീവി കുറ്റാന്വേഷണ ബ്യൂറോ, ദേശീയ വന്യജീവി ഇൻസ്റ്റിറ്റ്യൂട്ട് എന്നിവ പോലുളള സ്ഥാപനങ്ങളുമായി ചേർന്ന് പ്രവർത്തിക്കും. വന്യജീവി കൾക്കെതിരെയുള്ള കുറ്റകൃത്യങ്ങൾ കൂടുതൽ കാര്യക്ഷമമായി അന്വേഷിക്കുന്നതിന് വനം വകുപ്പിന്റെ ആഭിമുഖ്യത്തിൽ ഒരു ഫോറൻസിക് ലാബ് സ്ഥാപിക്കും.

3.8 തടിവ്യാപാരം

3.8.1 സർക്കാർ തടി ഡിപ്പോകളിലെ തടി വിൽപന കൂടുതൽ സുതാര്യമാക്കും. എല്ലാ സർക്കാർ തടി ഡിപ്പോകളിൽ നിന്നുമുള്ള ചില്ലറ വില്പന മൊത്തം വില്പനയുടെ അമ്പതു ശതമാനം വരെയായി ക്രമേണ ഉയർത്തും. തടിയുടെയും തടിയിതര വനവിഭവങ്ങളുടെയും ലഭ്യത ആധുനിക വിവരസാങ്കേതിക വിദ്യ ഉപയോഗിച്ചു പ്രസിദ്ധപ്പെടുത്തും. തടിവില്പനയുടെ വിശദാംശങ്ങൾ ഓൺലൈനിലും ലഭ്യമാക്കും.

3.8.2 പരമ്പരാഗതമായി പാഴ്തടി എന്നു കരുതുന്നവയെ പുത്തൻ സാങ്കേതികവിദ്യകൾ ഉപയോഗിച്ച് സംസ്കരിക്കുന്നതിനും തടിയധിഷ്ഠിത കരകൗശല സംരംഭങ്ങൾ തുടങ്ങുന്നതിനും പ്രോത്സാഹനം നൽകും.

3.9 ഇക്കോടൂറിസം

3.9.1 സംരക്ഷിത പ്രദേശങ്ങൾ ടൂറിസത്തിനു വേണ്ടിയല്ല, മറിച്ച് ടൂറിസം സംരക്ഷിതപ്രദേശത്തിനു വേണ്ടിയാവണം. വനനശീകരണം ഒഴിവാക്കാനും വനത്തിൽ നിന്നും വരുമാനം വർദ്ധിപ്പിക്കാനും പ്രാദേശിക തൊഴിലവസരങ്ങൾ സൃഷ്ടിക്കുവാനും സ്വാഭാവിക വനങ്ങൾ സംരക്ഷിക്കണമെന്ന അവബോധം പൊതുജനങ്ങളിൽ വളർത്താനുമുതകുന്ന സംരംഭമാണ് ഇക്കോടൂറിസം. കേരളത്തിലെ വനമേഖലയിൽ ഇപ്പോൾത്തന്നെ 56 ഇക്കോടൂറിസം പദ്ധതികൾ മികച്ച രീതിയിൽ നടപ്പിലാക്കപ്പെടുന്നുണ്ട്. അതിന്റെ സാധ്യതകൾ ഇനിയും വർദ്ധിപ്പിക്കും.

3.9.2 വന ആവാസവ്യവസ്ഥയ്ക്ക് ഹാനികരമല്ലാത്തതും ജീവനക്ഷമവുമായ ഇക്കോടൂറിസം സംരംഭങ്ങൾ പ്രോത്സാഹിപ്പിക്കുകയും വനസംരക്ഷണ സമിതിയിലെയും ഇക്കോടൂറിസം വികസന സമിതികളിലെയും അംഗങ്ങൾക്ക് ഇതിനുള്ള പരിശീലനം നൽകുകയും ചെയ്യും. ഫോറസ്റ്റ് ഗാർഡ്, ഫോറസ്റ്റർ ട്രെയിനികളുടെ പരിശീലന സിലബസ്സിൽ ഇക്കോടൂറിസം ഒരു വിഷയമായി ഉൾപ്പെടുത്തും. ഇക്കോടൂറിസം കേന്ദ്രങ്ങൾ കണ്ടെത്തുന്നതിനും അവയുടെ നടത്തിപ്പിനും വനസംരക്ഷണസമിതി ഉൾപ്പെടെയുള്ളവയുടെ പങ്കാളിത്തം ഉറപ്പു വരുത്തും. ഇക്കോടൂറിസം മേളകൾ നടത്താനുള്ള നടപടികൾ സ്വീകരിക്കും.

ANNEXURE- R4(d)
P-3

3.3.3 ഉന്നതമേഖലകളിൽ ഇക്കോടൂറിസത്തിന്റെ പേരിൽ സ്വകാര്യമേഖലയെ ക്ഷണിച്ചുവരുത്തണമെന്ന ദേശീയ തലത്തിലുള്ള പുത്തൻ പ്രവണത വനസംരക്ഷണത്തിന് നിരക്കുന്നതല്ല. വനം, ടൂറിസം വകുപ്പുകളുടെ സഹകരണത്തോടെ ഇക്കോടൂറിസത്തെ പുഷ്ടിപ്പെടുത്താമെന്നുള്ള കേരളത്തിന്റെ മാതൃക ദേശീയശ്രദ്ധയാകർഷിക്കുന്നതാക്കും.

3.10 വനവിജ്ഞാന വ്യാപനം

3.10.1 വനമേഖലയിലെ നേട്ടങ്ങളെയും വെല്ലുവിളികളെയും പുതിയ പദ്ധതികളെയും കുറിച്ചു പൊതുജനങ്ങൾക്കിടയിലും നയരൂപീകരണം നടത്തുന്നവർക്കിടയിലും പരിസ്ഥിതി സംഘടനകൾക്കിടയിലും നിരന്തരമായി ബോധവൽക്കരണം നടത്തും.

3.10.2 വനസംരക്ഷണം, പരിസ്ഥിതി സംരക്ഷണം, ജൈവവൈവിധ്യം എന്നീ വിഷയങ്ങൾ സ്കൂൾ, കോളേജ് പാഠ്യപദ്ധതികളുടെ ഭാഗമാക്കും. കൂടുതൽ വിദ്യാഭ്യാസ സ്ഥാപനങ്ങളിൽ ഫോറസ്ട്രി ക്ലബ്ബുകൾ ആരംഭിക്കും.

3.10.3 എല്ലാവിഭാഗം ജനങ്ങളുടെയും സഹകരണത്തോടെ മാത്രമേ വനസംരക്ഷണം സാധ്യമാകൂ. വനംവകുപ്പിന്റെ മാധ്യമപ്രചാരണത്തിന്റെ ഒരു പ്രധാന ലക്ഷ്യം വനം-പരിസ്ഥിതി സംരക്ഷണത്തിൽ ജനപങ്കാളിത്തം ഉറപ്പാക്കുക എന്നതായിരിക്കും. ഈ ലക്ഷ്യങ്ങൾക്കായി മാധ്യമങ്ങൾ വഴി ഭാവനാപൂർണ്ണമായ പ്രചാരണ പരിപാടികൾ ഏറ്റെടുക്കും. ഫോറസ്ട്രി ഇൻഫർമേഷൻ ബ്യൂറോ (എഫ്. ഐ.ബി), ഡിസ്ട്രിക്റ്റ് ഫോറസ്റ്റ് ഇൻഫർമേഷൻ ആന്റ് എക്സ്റ്റൻഷൻ സെന്ററുകൾ (ഡി.എഫ്. ഐ.ഇ.സി) എന്നിവയുടെ പ്രവർത്തനങ്ങൾ ശക്തിപ്പെടുത്തും.

3.10.4 തദ്ദേശസ്വയംഭരണ സ്ഥാപനങ്ങളുടെ സഹകരണത്തോടെ ഗ്രാമഹരിത സംഘങ്ങൾ, ഫോറസ്ട്രി ക്ലബ്ബുകൾ തുടങ്ങിയ സംഘടനകൾക്കായി ബോധവൽക്കരണ പരിപാടികൾ ഏറ്റെടുക്കുന്നതിന് സാമ്പത്തിക, സാങ്കേതിക സഹായം നൽകും.

3.10.5 വനത്തിനു പുറത്തുള്ള ജൈവആവാസ വ്യവസ്ഥകളായ തീരഭൂമി, നീർത്തടങ്ങൾ, കണ്ടൽക്കാടുകൾ, കാവുകൾ തുടങ്ങിയവയെ സുസ്ഥിരമായി പരിപാലിക്കാൻ ജനങ്ങളെ പ്രാപ്തരാക്കുകയും സംയോജിതമായ പരിസ്ഥിതി സംരക്ഷണത്തിന്റെ ഭാഗമായി വനപരിപാലനത്തെ കാണാൻ പ്രേരിപ്പിക്കുകയും ചെയ്യും. പുതിയ കാഴ്ചപ്പാടുകൾ ഉൾക്കൊണ്ട് വെല്ലുവിളികൾ ഏറ്റെടുക്കാനും, സേവനനിലവാരം മെച്ചപ്പെടുത്താനും പൊതുജനപങ്കാളിത്തം ക്രമാനുസൃതമായി വർദ്ധിപ്പിക്കാനും തക്കവിധം വനം വകുപ്പിനെ സജ്ജമാക്കും.

This is the true copy of the document produced therewith and marked as Annexure R4(d)

17

Senior Govt pleader

True copy English Translation of
— ANNEXURE- R4(d)

KERALA STATE

STATE FOREST POLICY

2009

KERALA FOREST AND WILDLIFE
DEPARTMENT THIRUVANANTHAPURAM

DATE 29.04.2009

ANNEXURE- R4(d)
P-2

3.9 Eco tourism

3.9.1 Protective areas are not for tourism but tourism is to be for protective areas. Eco tourism must be a venture to increase the income from the forests and to create local employment facilities and make awareness among the public towards the protection of natural forest. 56 nos of ecotourism projects are functioning well in Kerala and the possibility for this purpose will be high in the future.

3.9.2 The ecotourism activities for improving livelihood and protecting forest habitat will be initiated and training will be given for the members of Vana Samrakshana Samithies and eco development committees. The subject ecotourism will be included in the training syllabus for Forest Guards and Foresters. The participation of including Vana Samrakshana Samithies will be ensured for finding eco tourism centers and its further functioning. The steps for conducting ecotourism mela will be accepted.

3..9.3 The new tendency on national level for inviting the privatization in the forest zone in the name of ecotourism is not good for forest protection. The Kerala Model of flourishing eco tourism with the co-operation of Forest and Tourism departments is being attracted and attended by the nation.

This is the true copy of the document produced here with and marked as Annexure R4(d)

Senior Govt. Pleader

ANNEXURE R4(e)

Guidelines for Ecotourism in forest areas of Kerala

1. Preamble

Places of natural beauty have always attracted human minds. Over a period of time, such sites have developed as tourism hotspots. In Kerala, "The Gods Own Country" many such places falls within the forests and need be protected and conserved for the entire humanity and for the prosperity. While doing so, the members of the present generation should also have regulated access to visit and appreciate them in a responsible manner, the whole process benefiting the local community who generally bear the brunt of conservation measures. "Ecotourism is environmentally responsible travel and visitation to relatively undisturbed natural areas in order to enjoy and appreciate nature, that promotes conservation, has low negative visitor impact and provides for beneficially active social economic involvement of local people (IUCN)". Promoting such responsible travel to natural areas that conserves the environment and improves the wellbeing of the local people is proposed through these guidelines.

In line with these broad guidelines, Kerala Forest Department will promote and support ecotourism initiatives that are community based and community driven as a tool for forest management which ensures protection of wildlife, forest areas and the fragile landscapes while actively supporting the livelihood of the dependent local population.

These guidelines for ecotourism shall be applicable to all reserve forests, community reserves and other forests managed by the Forest Department. In case of Protected Areas (PAs), including Tiger Reserves, these guidelines should be read in conjunction with the guidelines issued by the Ministry of Environment, Forests & Climate Change and NTCA.

2. Background of ecotourism in Kerala

Guided tourism to the forest areas of the State traces its origin to the national forest policy 1988 which in para 4.6 has laid down that;

"Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the Forest Development Corporations, should be to associate the tribal people closely in the protection, regeneration and development of

forests as well as to provide gainful employment to people living in and around the forests....."

In line with this, the Government of India issued the guidelines for participatory forest management vide ..... which define the basic grassroots level organization of people, i.e., Vana Samrakshana Samithies (VSS) of the forest dependent community as members. In PAs, Eco Development Committees (EDC) are the similarly placed organization. The State Government in turn issued detailed guidelines for the working of VSS (in territorial forest areas) and Eco Development Communities (in protected areas). Close to 400 such VSS and 200 EDCs have so far been registered with the Forest Department over the last two decades. Vide ..... these VSS / EDCs are federated as Forest Development Agencies (FDAs) at the Forest Division level and State Forest Development Agency (SFDA) at the apex level.

Government of Kerala is one of the pioneers in the country in banning clear felling and selection felling in natural forests banning conversion of natural forests as plantations and also in ordering reversion of industrial wood plantations and to natural forests. While taking all efforts to conserve its natural forests, the State Government is also sensitive to the fact that the forests and people cannot be and need not be separated into water tight compartments, except to the peril of both. The State Government considers it a viable option to open places of natural beauty within the forests in a regulated way and by ensuring that the visitors go back with a better appreciation of the need for conserving forests, leaving minimum footprint and at the same time providing an opportunity to the local community to derive gainful employment at their doorsteps. Having taken major steps towards conserving a natural forest, like stopping all types of felling in natural forests and regenerating the industrial wood plantations as natural forests, this is the only viable option to gainfully engage the forest dependent local populations for the conservation of forests that is workable in Kerala.

Infact, many places of natural beauty within the forests of the State were frequented by nature lovers for long. With the better access / communication facility and the rising trend of outdoor activity in the highly educated Kerala society, the flow of visitors had crossed the tolerable limits and there was urgent need to keep such places free of pollution and to maintain the pristine natural beauty. The Government vide..... had issued detailed guidelines

for maintaining such sites by the VSS / EDCs by levying user charges from the visitors on the principle of "polluter pays". This set of guidelines is issued to comprehensively manage such places of natural beauty within the forests.

3. Vision

Develop the places of pristine natural beauty within / around the forests of Kerala as low impact and high conservation value ecotourism destinations which are models for nature compatible, community based and protection based so as to orient the visitors as messengers of conservation while ensuring sustainable livelihood to local communities living around such natural ecosystems.

4. Mission

4.1 To promote low intensity, responsible tourism to places of natural beauty within the forests, and that are within the limits imposed by the nature.

4.2 To support the livelihood of the local communities and empower them through the non-consumptive use of forest areas.

4.3 To transform the visitors participating in the ecotourism programs into messengers of conservation by providing strong elements of interpretation and education embedded in the programs.

4.4 To reduce the negative dependence of local inhabitants on the forests by supplementing their income through ecotourism.

4.5 To develop and install a second line of protection for the forests by enhancing the patrolling man days with the participation of the visitors to various community based ecotourism programs.

4.6 To enhance the visitor experience by offering a range of programs and activities in the ecotourism destinations.

4.7 To revive the local tradition, culture, art forms, cuisine, folklore and indigenous knowledge through ecotourism.

5. Guiding principles

5.1 Activities envisaged should revolve around conservation education and nature interpretation, giving to the visitors a range of educational experience on Forest & Wildlife so that ecotourism develops as an effective tool of forest conservation.

5.2 The activities should be low intensity and high quality with a range of visitor experiences.

5.3 The activities should be limited within the carrying capacity which is scientifically assessed.

5.4 The activities should be community based, having the active involvement of the forest dependent community, founded on their skills, generating income for them and leading to overall socio-economic upliftment.

5.5 The whole process should work on the principle of "polluter pays".

5.6 The activities should be limited within all the prevailing forest laws, rules and guidelines.

5.7 The activities should be within the safety limits for the visitors and for the guides.

5.8 The activities can includes synergistic interventions, extended to locations in the private habitations adjoining the ecotourism sites with the members of the VSS / EDC.

5.9 Optimum visitor facilitation through centralized marketing, ticketing, standardized norms and services.

6. Operational Guidelines

6.1 All the activities within the forest will be managed through the VSS / EDCs registered with the Forest Department and coordinated through their FDAs and the SFDA.

6.2 All the activities to be carried out in the site, including the local code of conduct, schedules, timings of different programmes,

number of visitors allowed etc. will be incorporated into a Micro Plan to be prepared by the VSS / EDC and approved by the Chairman, FDA. These Plans will be coterminous with the Working Plan / Management Plan of the Division. The Micro Plan should also specify closure period of the site / program if any along with the reasons. An indicative format for the micro plan is at Annexure - I.

6.3 As a principle, no new site within the forest will be opened for ecotourism. However, such places which are already frequented by the public will be scrutinized and if found to be having potential, further developed as full-fledged ecotourism sites; if found otherwise, they will be closed.

6.4 Any proposal to designate a new site as ecotourism destination shall arise from the VSS / EDC. Such proposal will be scrutinized with visitation data for the previous 3 years, the proposed activities, the financial viability, the conservation requirements etc. Final decision to open a new ecotourism site shall be with the approval of the Executive Committee of the SFDA.

6.5 The assessed viability of a new ecotourism site will be based on the carrying capacity studies and groups at a time analysis.

6.6 Every visitor will pay for his entry and for participating in the activities within the ecotourism site. The fee to be collected will be decided by the PCCF & HoFF as notified periodically. For this purpose, the facilities / services will be grouped into a few categories and rates decided across the State. The proceeds from the fees collected will be appropriated as ordered in the G.O (MS) (EMF).

6.7 The total number of entries will be strictly limited to the carrying capacity.

6.8 Entry tickets will be made available online. A common platform for online booking of ticket (for entry, activities) for all sites will be developed. Over a period of time, tickets will be made paperless.

ANNEXURE- RA (e)
P-6

6.9 Till the online ticketing becomes widely popular, a predetermined percentage of the tickets will be available at the forest Range Office or at any other forest office conveniently located so that walk-in customers can also have access.

6.10 The visitor facilities at the site will include parking, picnic, refreshment, clock room, nature walk, visit to sites of scenic beauty, short distance / peripheral trek, medium distance trek, interior forest area trek, interior forest area truck with camping, swimming / bathing or any other low intensity nature visit related activities

6.11 Wherever found viable, camping in the adjoining private compounds outside the forest and owned by the members of the VSS can also be facilitated. Along with such visits, the opportunity to appreciate local arts, crafts and design will also be encouraged.

6.12 The services to be provided at the site will include guides, helpers, clock room, equipment like binoculars, camera etc. on rent, refreshment tents, rafts etc. The VSS /VDC are expected to make available these services against payment.

6.13 To the extent possible, existing infrastructure will be used for ecotourism. Any further construction of permanent infrastructure will be as permissible by the Acts / Rules. Such infrastructure provided at the site shall be environment friendly, low impact and should convey the message of conservation oriented architecture. Facilities for rain water harvesting and mechanism for waste recycling / disposing will be integrated. Steel and concrete should be reduced to the minimum and the emphasis should be on locally available materials so that the design merges with the surroundings.

6.14 No new roads will be opened inside forest area. No new paths will be opened for vehicular traffic.

6.15 All signages within the site shall be made of aesthetic, natural and sustainable materials like wood, bamboo, locally available stones etc. The content of the signages shall be properly designed, informative and bilingual.

6.16 No commercial activities will be allowed in the ecotourism site except the minimum facilities provided to the Vanasree Units and refreshments provided to the VSS / EDC.

6.17 All the public amenities provided should, at all times, be maintained at high standards.

6.18 Entry of plastic should be totally banned. No waste of any kind will be allowed to be left / thrown in the ecotourism area. Contravention of this provision will attract a spot fine of Rs.1000/- per instance.

6.19 for the safe disposal of waste suitable strategies for waste collection, processing, recycling and disposal will be woven into the Micro Plan. The VSS / EDC should provide high priority for this.

6.20 There will be complete ban on burning / burial of non biodegradable waste / toxic waste in the ecotourism site.

6.21 Every visitor, before entering the ecotourism site, will be given proper orientation to the site, programmes, do's and don'ts and also about the risk involved in the activities. Orientation will also cover the code of conduct and dress code etc.

6.22 Competent among the VSS /EDC members will be trained to work as the Guides at the ecotourism site to impart information of forests or wildlife, trees, historical, cultural and other importance of the site. Guides will be engaged at the rate of one per group of up to 10 members. One Guide in every destination will also be trained in sign language to cater to the needs of the differently abled.

6.23 A Virtual Interpretation Centre will also be made for each site. On purchase of tickets and after providing the details of the mobile phone corresponding to the tickets, this virtual guide will be accessible on the smart phone and for the period for which the ticket is valid.

6.24 Students of schools and colleges will be encouraged to visit the ecotourism sites with the prior approval of the CEO, FDA and on the

recommendation of the Head of the Institutions. Such group of students of minimum 25 numbers will be eligible for 50% concession on the entry fee. However, the maximum number of visitors, including the groups of students, shall be within the carrying capacity.

6.25 Every visitor will be sensitized to the risk involved in the activities / programs and an undertaking to the effect that he / she will obey all the rules / instructions and that the participation is at his risk obtained in advance.

6.26 Safety audit by a competent agency will be carried out once in two years. Necessary safety measures in tune with the recommendation of such audits will be installed. These structures will also be eco friendly.

6.27 Every visitor and the Guide in the centre should be insured against any accident. The premium towards this will be included in the ticket. There shall be displaying on the tickets regarding the risk involved, the insurance coverage and the premium paid.

6.28 Each site will have a medical emergency room / disaster response cell, including emergency contact details with a trained medical attendant and first aid facilities. Trained rescue teams with sufficient expertise in emergency response / disaster response / first aid will also be developed from among the VSS / VDC members.

6.29 A tie-up with the nearest hospital for attending to the accidents and emergencies should be in place.

6.30 All efforts will be made to make the destination energy efficient and carbon neutral. To achieve this, renewable source of energy will be focused. All visitors to this site will park their vehicles at the earmarked parking site which will be closest to the entry. If the site is well within the notified forest, for the parking purpose, effort will be made to acquire private land nearest to the entry to the forest and from there the visitors will be taken to the site in shuttle services, preferably electric / battery / low polluting vehicles.

6.31 As a general rule, bathing at ecotourism sites will not be allowed.

6.32 Where such facilities can be safely provided, specific sites will be designated and services of specially trained Guides made available. This will involve additional fee and undertaking from the visitor that the risk is born by him.

6.33 Minors (below 18 years) will be allowed only when accompanied by responsible guardians.

6.34 Every ecotourism site will remain closed for one day in a week for the purpose of maintenance and upkeep, which will be decided by the CEO.

6.35 The CEO of the FDA will have the powers to take any informed decision to temporarily close down the programmes in consideration of factors like fire season, breeding season for the wildlife, natural calamities, other exigencies.

6.36 Decision on permanent closure of any ecotourism destination which are found to be non viable will be taken by the Chairman, FDA in consultation with the Secretary, SFDA.

6.37 Members of the VSS / EDC are expected to provide a variety of services and perform a variety of duties for the successful working of the ecotourism sites. Systematic programmes to improve their capacity will be organized by the CEO of FDA.

6.38 Facility for the visitors to give feedback on their visit will be provided at the entrance to the destination and also on the website.

6.39 All the Forests / Wildlife Acts and Rules applicable to the site will be enforced and visitors are required to comply with them. Messages to this effect will be prominently displayed in the destination. Such restrictions include no littering, no plastic, no contamination of water resources, no noise pollution, no smoking, no liquor, no kindling of fire inside forest, no collection / disturbance to the flora and fauna etc.

6.40 The facilities at the ecotourism location will include parking, visit to information centre, picnic facilities, visit to places of natural beauty, classes on nature education etc.

6.41 The activities at each of the site will be closely monitored by the CEO, FDA who will submit quarterly report to the Chairman, FDA who will in turn report to the SFDA on a half yearly basis.

7. The way forward

State Government in its Forest Policy 2009 has categorically laid down that Protected Areas are not for ecotourism; on the other hand tourism is for the Protected Areas. The policy also has declared that the ecotourism to be followed in the State will not involve intervention of private sector into the forest, but the model proposed for the State involving the different departments of the Government and the people and which will be applicable for the whole country. Such interventions should prevent degradation for forest, create local employment, spread among the public the awareness for protecting the forests and while doing all this generate additional revenue.

The guidelines flow from this policy and have been developed considering all the aspects of ecotourism and within the existing acts / rules / guidelines in this regard. These guidelines will be reviewed at the end of two years.

This is the true copy document produced time with and marked as Annexure R4(b)

Senior Govt. pleader

ANNEXURE- R4(c)

കേരള സർക്കാർ

സംഗ്രഹം

വനം വന്യജീവി വകുപ്പ് - വനപ്രദേശങ്ങളുടെ പരിപാലനം - പുഴ- വനം സംരക്ഷണ നിധി സന്ദർശകരിൽ നിന്നും തുക ഈടാക്കാൻ - നടപടി ക്രമങ്ങളും മാർഗ്ഗനിർദ്ദേശങ്ങളും പുറപ്പെടുവിച്ച് - ഉത്തരവാകുന്നു.

വനം- വന്യജീവി (എഫ്) വകുപ്പ്

സ.ഉ (കൈയെഴുത്ത്)18/2002 വനം തിരുവനന്തപുരം, തീയതി 02/04/2002

വായന: (1) സർക്കാർ ഉത്തരവ് (സാ.) 429/2001/വനം. തീയതി 15.10.2001

(2) ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്ററുടെ (ഇ & റ്റി. ഡബ്ല്യൂ) 12.10.2001 ലെ പി.എഫ്.എം.ജി.എൽ. 5/2001 -ാം നമ്പറിലുള്ള കത്ത്.

ഉത്തരവ്

വനപരിപാലനവുമായി ബന്ധപ്പെട്ടുള്ള ഉത്തരവാദിത്വങ്ങൾ ഏറ്റെടുക്കുമ്പോൾ വേണ്ടിവരുന്ന ചെലവ് സന്ദർശകരിൽ നിന്നും ഈടാക്കുന്നതിന് അനുമതി നൽകികൊണ്ട് വായന (1) പ്രകാരം സർക്കാർ ഉത്തരവ് പുറപ്പെടുവിച്ചിട്ടുണ്ട്. പ്രസ്തുത തുക ഈടാക്കുന്നത് സംബന്ധിച്ച് ഇതോടൊപ്പം ഉൾക്കൊള്ളിച്ചിട്ടുള്ള നടപടിക്രമങ്ങളും, മാർഗ്ഗനിർദ്ദേശങ്ങളും അംഗീകരിച്ചുകൊണ്ട് സർക്കാർ ഇതിനാൽ ഉത്തരവാകുന്നു.

(ഗവർണറുടെ ഉത്തരവിൻ പ്രകാരം)

വി.സൂസമ്മ
അണ്ടർ സെക്രട്ടറി

1) പ്രിൻസിപ്പൽ ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർ
2) ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർ (ഇ & റ്റി. ഡബ്ല്യൂ)
3) അക്കൗണ്ടന്റ് ജനറൽ (ആഡിറ്റ്) (എ & ഇ)
4) വനം വന്യജീവി (ഇ & എഫ്) വകുപ്പുകൾ
5) സ്റ്റോക്ക് ഫയൽ / ഒ.സി

ഉത്തരവിൻ പ്രകാരം

സെക്ഷൻ ഓഫീസർ

1

ANNEXURE R4(f)
-P-2

പുഴ/വനം സംരക്ഷണനിധി

ഉദ്ദേശ്യം

1. സന്ദർശകർ ആസ്വദിക്കാനാഗ്രഹിക്കുന്ന പ്രകൃതിയുടെ പരിശുദ്ധിയും നാശമില്ലാതെ എക്കാലത്തേയ്ക്കും നിലനിർത്തുക.
2. വനത്തിന്റെ പരിരക്ഷ ഉറപ്പാക്കുക.

ലക്ഷ്യങ്ങൾ

1. സന്ദർശകപ്രവാഹം വനപരിസ്ഥിതിയുടെ മേൽ ഏൽപ്പിക്കുന്ന മലിനീകരണം/ ആഘാതം ഇല്ലാതാക്കുക.
2. സന്ദർശകരുടെ സുരക്ഷ ഉറപ്പാക്കുക
3. സാമൂഹ്യദ്രോഹികളിൽ നിന്നും സന്ദർശകർ അനുഭവിക്കുന്ന ശല്യം ഒഴിവാക്കുക.

മാർഗ്ഗനിർദ്ദേശകതത്ത്വങ്ങളും നടപടിക്രമങ്ങളും.

1. Polluter shall pay to clean up the pollution എന്ന പൊതുതത്വം അനുസരിച്ച് സന്ദർശകർ നിമിത്തം വനപരിസ്ഥിതിയ്ക്ക് എൽക്കാവുന്ന മലിനീകരണവും ആഘാതവും നിർമ്മാർജ്ജനം ചെയ്യേണ്ടത് സന്ദർശനത്തെന്നവരുടെ ഉത്തരവാദിത്വമാണ്.
2. സന്ദർശകരിൽ നിന്ന് വനസംരക്ഷണ സമിതികൾ സർവീസ് ചാർജ്ജ് ഈടാക്കി സ്വരൂപിക്കുന്ന പണം "പുഴ /വനം സംരക്ഷണ നിധി" (River/Forest Protection Fund) എന്നറിയപ്പെടും. ഇത് പ്രത്യേകം ബാങ്ക് അക്കൗണ്ടായി സൂക്ഷിക്കണം. സമിതി പ്രസിഡന്റും സെക്രട്ടറിയും സംയുക്തമായി ഇത് പ്രവർത്തിപ്പിക്കും.
3. പങ്കാളിത്തവനപരിപാലന പ്രവർത്തനത്തിനു വേണ്ടി രജിസ്റ്റർ ചെയ്ത വനസംരക്ഷണസമിതികൾക്ക് മേൽക്കാണിച്ച ലക്ഷ്യങ്ങൾ കൈവരിക്കാനായി ഈ നിധി ഉപയോഗിക്കാം.
4. സന്ദർശകബാഹുല്യവും അതുമായി ബന്ധപ്പെട്ട വനസംരക്ഷണപ്രശ്നങ്ങളും കണക്കിലെടുത്ത വനസംരക്ഷണസമിതിയും വനം വകുപ്പും സംയുക്തമായി ആലോചിച്ച് സർവ്വീസ്സ് ചാർജ്ജ് നിശ്ചയിക്കും. പ്രിൻസിപ്പൽ ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർ ഇത് പരിശോധിച്ച് നിരക്ക് അംഗീകരിക്കും. സർവ്വീസ് ചാർജ്ജ് നിരക്കുകൾ സമയാസമയങ്ങളിൽ ആവശ്യാനുസരണം പുതുക്കാവുന്നതാണ്.
5. എല്ലാ സന്ദർശകരിൽ നിന്നും സർവ്വീസ് ചാർചജ്ജ് ഈടാക്കേണ്ടതാണ്. ആരെയെല്ലാം ഇതിന്റെ പരിധിയിൽ നിന്ന് ഒഴിവാക്കണമെന്ന് പ്രാദേശികമായി തീരുമാനിക്കും. 13 വയസ്സിന് താഴെയുള്ള കുട്ടികളേയും, ഗവേഷണ/ പഠന പരിവേഷണ സംഘങ്ങൾ, സ്കൂൾ/ കോളേജ് തല ഫോറസ്ട്രി ക്ലബ്ബുകൾ എന്നിവയേയും ഇതിൽ നിന്നും ഒഴിവാക്കേണ്ടതാണ്. സർവ്വീസ് ചാർജ്ജ് ഈടാക്കുമ്പോൾ ഇതിനു വേണ്ടി പ്രത്യേകം തയ്യാറാക്കിയ രസീത് കൊടുക്കണം.
6. വനസംരക്ഷണസമിതി മുഖേന സർവ്വീസ് ചാർജ്ജ് ഈടാക്കി ഓരോ ദിവസവും അതത് ദിവസത്തെ

-32-

ANNEXURE- R4(f)

P-3

കണക്കുകൾ ക്ലിപ്തപ്പെടുത്തി പിറ്റേന്ന് രാവിലെ തന്നെ "പുഴ /വനം സംരക്ഷണ നിധി" യിൽ നിക്ഷേപിക്കണം. ബാങ്കിൽ നിന്നും ലഭിക്കുന്ന രസീതും തലേദിവസം ഈടാക്കിയ സർവ്വീസ് ചാർജ്ജിന്റെ വിശദമായ കണക്കും സമിതിയുടെ സെക്രട്ടറി സൂക്ഷിക്കണം. മാസാവസാനം പ്രതിദിനം ലഭിച്ച തുകയും മാസാടിസ്ഥാനത്തിൽ ആകെ ഈടാക്കിയ തുകയും വിനിയോഗവും കണക്കാക്കി ഡി.എഫ്.ഒ യ്ക്ക് അക്കൗണ്ട് നൽകണം. ഓരോ അർദ്ധ സാമ്പത്തിക വർഷത്തിലും ഇപ്രകാരം ശേഖരിക്കപ്പെടുന്ന തുകയുടെയും വിനിയോഗത്തിന്റെയും സ്റ്റേറ്റ്മെന്റുകൾ സി.സി.എഫ് (E&TW) പരിശോധിക്കേണ്ടതാണ്.

7. ഇപ്രകാരം ശേഖരിക്കുന്ന സർവ്വീസ് ചാർജ്ജ് അംഗീകൃത സൂക്ഷ്മാസൂത്രണരേഖയനുസരിച്ചുള്ള വനസംരക്ഷണസമിതികളുടെ വനസംരക്ഷണപ്രവർത്തനത്തിന് മാത്രമേ വിനിയോഗിക്കാവൂ.

എന്നാൽ, "പുഴ /വനം സംരക്ഷണ നിധി"യുടെ സൂക്ഷിപ്പു കൈകാര്യം ചെയ്യുന്ന വനസംരക്ഷണസമിതിയുടെ പ്രവർത്തനത്തിൽ വനസംരക്ഷണത്തിന് പുറമേ സന്ദർശക സുരക്ഷയ്ക്കും സന്ദർശകരെ ലക്ഷ്യമാക്കിയുള്ള പരിസ്ഥിതി വിദ്യാഭ്യാസത്തിനും ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്ററുടെ (ഇ&റ്റി.ഡബ്ല്യൂ) അനുമതിക്ക് വിധേയമായ സൂക്ഷ്മാസൂത്രണരേഖയനുസരിച്ച് ധനവിനിയോഗം നടത്താം.

8. അയൽവനങ്ങളിലെ വനസംരക്ഷണസമിതികളുടെ വനസംരക്ഷണ പ്രവർത്തനങ്ങൾ നടത്താനുള്ള ധനസഹായം "പുഴ /വനം സംരക്ഷണ നിധി" യിൽ നിന്ന് കൊടുക്കണം. ഏതെല്ലാം വനസംരക്ഷണ സമിതികൾക്ക് ഇത് ലഭ്യമാക്കണമെന്നകാര്യം ബന്ധപ്പെട്ട ചീഫ് ഫോറസ്റ്റ് കൺസർവേറ്റർ (ഇ & റ്റി. ഡബ്ല്യൂ) തീരുമാനിക്കും.

9. സൂക്ഷ്മാസൂത്രണരേഖയനുസരിച്ചുള്ള വനസംരക്ഷണ സമിതികളുടെ പ്രവർത്തനത്തിനുവേണ്ടി. വനസംരക്ഷണസമിതികളുടെ അപേക്ഷ പ്രകാരം ലഭ്യമാക്കാവുന്ന തുക, "പുഴ /വനം സംരക്ഷണ നിധി" യിൽ നിന്ന്, ബന്ധപ്പെട്ട ഡി.എഫ്.ഒ വിന്റെ നിർദ്ദേശപ്രകാരം, അപേക്ഷിച്ച വനസംരക്ഷണസമിതികളുടെ പ്രവർത്തന ഫണ്ടിലേയ്ക്ക് നിക്ഷേപിക്കണം.

10. പങ്കാളിത്ത പരിപാലനത്തിന്റെ കൈപുസ്തകത്തിലുള്ള നടപടിപ്രകാരം വനസംരക്ഷണ പ്രവർത്തനങ്ങൾ വിലയിരുത്തി പ്രവർത്തനഫണ്ടിൽ നിന്നും സമിതിയുടെ കോർഫണ്ടിലേയ്ക്ക് ആവശ്യമായ തുക മാറ്റാം. "പുഴ /വനം സംരക്ഷണ നിധി" യിൽ പ്രതിമാസം എത്ര തുക ലഭിച്ചുവെന്നും ഏതൊക്കെ വനസംരക്ഷണ സമിതികളുടം പ്രവർത്തനഫണ്ടിലേയ്ക്ക് എത്ര തുക കൈമാറിയിട്ടുണ്ടെന്നും സംരക്ഷണ നിധിയുടെ സൂക്ഷിപ്പുകാരായ വനസംരക്ഷണസമിതി സ്ഥലം ഡി.എഫ്.ഒ വിന് മാസാവസാനം കണക്ക് സമർപ്പിക്കണം. പ്രസ്തുത വിവരം ഡി.എഫ്.ഒ മാരേയും അറിയിക്കണം.

വനം വകുപ്പിന്റെ നിബന്ധനകൾ അനുസരിച്ചും സൂക്ഷ്മാസൂത്രണരേഖയുടെ അടിസ്ഥാനത്തിലും മാത്രമേ "പുഴ /വനം സംരക്ഷണ നിധി" ഉപയോഗിക്കാവൂ ഈ ഫണ്ടിന്റെ വിനിയോഗം കോർഫണ്ടിന്റെ നിർദ്ദേശങ്ങൾക്കും, അക്കൗണ്ടന്റ് ജനറലിന്റെ അംഗീകാരത്തിനും വിധേയമായിരിക്കും

This is the true copy of the document produced herewith and marked as Annexure R4(f)

Senior Govt. Pleader

True copy of the English translation

-33- of ANNEXURE- R4(f)

KERALA GOVERNMENT

Abstract

Conservation of forest areas – River Forest Protection Fund - receiving an amount as levy from visitors – issue of proceedings and guidelines- orders issued

FOREST AND WILDLIFE (F) DEPARTMENT

G.O.(MS)18/2002 /Forest Thiruvananthapuram dated 02.04.2002

Subject 1. GO ordinary 429/2001 Forest dated 15.10.2001

2. Letter No. PFMGL 5/2001 dated 12.10.2001 of Chief Conservator of Forests (E&TW)

ORDER

Government have issued an order referred (1) to receive an amount by way of servicing charge from the visitors while undertaking the responsibilities related to forest conservation. Government are pleased to approve the appended proceedings and guidelines for receiving the above said amount as levy from the visitors.

(As per the order of Governor)
V. Susamma
Under Secretary

1. Principal Chief Forest Conservator
2. Chief Forest Conservator (E&TW)
3. Accountant General(Audit)(A & E)
4. Forest and wildlife (E & F) Departments
5. Stock file/ O.C

As per order

Section officer

ANNEXURE-R4(f)

P-2

River Forest Protection Fund

Objectives / Vision

1. To retain purity of nature and to keep it from being destroyed and degraded
2. To ensure the protection of forest

Mission

1. To control and reduce the impact and pollution as result of inflow of visitors
2. Ensure protection of visitors
3. Eliminate the activities of the anti social elements and other unscrupulous persons in the area

Guidelines and procedures

1. The dictum polluter shall pay and cleanup the pollution is applies here and it becomes the sole responsibility of visitors to ensure that no pollution of any kind and no adverse impact in the environment is made in the area
2. The service charge collected by the Vana samrakshana samities from visitors shall be known as Ricer Forest Protection fund and a separate bank account has to be maintained for the money collected as service charge. It will be a joined account in the name of President and Secretary of Committee.
3. The registered PFM committees can utilize the above said fund for achieving the above said programms.
4. Amount of service charge to be levied shall be decided by the Kerala Forest Department and VSS jointly taking into account the number of visitors and needs for protection works. The Principal Chief Conservator of Forests will examine the amount of service charge leived. The rate of service charge are to be revises as required from time to time.
5. Service charges are to be taken from all visitors whether any persons groups are to be exempted from paying service charge can be decide locally. Children below 13 years research teams/ forest clubs of schools and colleges shall be exempted from payment of service charge. Proper receipt shall be issued for every money received as service charge.
6. Proper account will be maintained for the collection of service charge of every day and the amount of money thus collected will be deposited

ANNEXURE- R4(f)
P-3

into the River Forest Protection Fund. Next day morning it self after closing the account on previous day. Detailed account of money collected on each day and the counter foil of the bank remittance for each day will be maintained by the Secretary properly. The details of money collected on each day and the total amount collected during the month and the amount utilized for various activities from the fund shall be reported to the Divisional Forest Officer every month. The Chief Conservator of Forests (E & TW) Thiruvnanthapuram will examine the accounts of collection and expenditure every half yearly

7. The money collected as service charge shall be spend only for the protection and conservation of forest by the Vana samrakshana samities as per approved micro plan.

   Besides the fund can also be utilized for the safety/. Protection of the visitors and for conducting nature awareness programmes as per the micro plan are obtaining sanction from the Chief Conservator of Forests (E & TW)

8. The money received has service charge should also be granted to nearest Vana samrakshana samities for the conservation of their forest areas. The amount to be allowed should be decided by the Chief Conservator of Forests (E & TW)

9. The amount required for the functioning of the Vana samrakshana samities as per micro plan can be transferred to the Vana samrakshana samities from the River Forest Protection Fund as per the direction of Divisional Forest Officer.

10. After receiving the activities of Vana samrakshana samities for forest protection necessary amount can be transferred to the core fund of the committee as laid down the micro plan. All the beneficiaries VSS shall submit the detail of amount received each month from RFPF fund to the Divisional Forest Officer

    The RFPF fund can be utilized strictly as per the direction of the Kerala Forest department the rules laid down in the micro plan. The utilization of fund will be subject to the audit of the Accountant General and core fund directions. The details of money received on each month and amount utilized by the Vana samrakshana samities for the various activities from the fund shall be reported to Divisional Forest Officer by the Secretary of the Vana samrakshana samities. This should also be reported to all Divisional Forest Officers.

This is the true copy of the document produced herewith and marked as Annexure R4(f)

Senior Govt. Pleader

ANNEXURE- R4(g)

-36-

461

ANNEXURE R 3 (13)

ITEM NO.301 COURT NO.1 SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. Nos. 1430-1432 in W.P.(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(for directions, ad-interim and exemption from filing O.T.)

WITH
I.A. No. 1370 in I.A. No. 566 in W.P.(C) No. 202/1995
(for directions on behalf of State of Chhattisgarh),
I.A. No. 1442 in W.P.(C) No. 202/1995
(for necessary orders and directions)
I.A. No. 1186 in I.A. Nos. 205-206, 645, 723-724, 737, 738-739 & 763 in W.P.(C) No. 202/1995
(for recommendations of CEC in I.A. Nos. 206-206, 645, 723-724, 737-739 & 763),
I.A. Nos. 1202, 1206 in W.P.(C) No. 202/1995
(for stay and directions),
I.A. Nos. 1220 in I.A. Nos. 548 and I.A. 994 in W.P.(C) No. 202/1995
(interim report of CEC in I.A. No. 548),
I.A. Nos. 1226 and 1231 in W.P.(C) No. 202/1995
(for directions and permission to file additional documents),
I.A. Nos. 1232 and 1352 in I.A. Nos. 963-964 in W.P.(C) No. 202/1995
(Report of HPC in I.A. No. 963-964 and IInd Report of HPC) and
WITH
SLP(C) NO. 8707 of 2002 (Kapoorchand vs. State of Maharashtra & Ors.)
(with appln(s) for exemption from filing c/c of the impugned judgment and permission to place additional documents on record and permission to submi additional document(s) and with prayer for interim relief)

Date: 25/11/2005 These Petitions were called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

Amicus Curiae — Mr. U U Lalit, Sr. Adv.
Mr. Sidhartha Chowdhury, Adv.
[Mr. Harish N Salve, Sr. Adv.(NP)]

For Petitioner(s)
in WP — Mr. P.K. Manohar, Adv.(NP)

in SLP — Mr. K K S Krishnaraj, Adv.
Mr. Venkateshwar Rao Anumolu, Adv.
for Mr. Gopal Balwant Sathe, Adv.

160

ANNEXURE R4(g)
P-2

- 37 -

462

2

For Applicant(s) in WP 202/95 IA 1430-32	Dr. A M Singhvi, Sr. Adv. Mr. S B Upadhyay, Adv. Mr. Dinesh C Pandey, Adv.
IA 1370	Ms. Deepti Singh, Adv. Ms. Suparna Srivastava, Adv. Mr. Rajesh Srivastava, Adv.
IA 1442	Mr. Mukul Rohtagi, Sr. Adv. Mr. Jayant Bhushan, Sr Adv. Mr. Sanjeev Kumar, Adv. Mr. Shiladitya Rakshit, Adv. for M/s. Khaitan & Co., Advs.
IA 205-206	Mr. M P Vinod, Adv. Mr. B V Deepak, Adv. (NP)
IA 645	Mr. Prashant Bhushan, Adv. (NP)
IA 723-724	Ms. Ruby Singh Ahuja, Adv.
IA 737	Mr. D S Mahra, Adv.
IA 738-739	Mr. S Muralidhar, Adv.
IA 763	Mr. Niraj Sharma, Adv.
IA 1202	Mr. Sanjay R Hegde, Adv. Mr. Anil K Mishra, Adv. Mr. A Rohen Singh, Adv.
IA 994	Mr. K R Sasiprabhu, Adv. (NP)
IA 1226, 1231	Mr. Jaideep Gupta, Sr. Adv. Mr. S M Jadhav, Adv. Mr. Himanshu Gupta, Adv. Mr. Brij Kishor Sah, Adv. Mr. Rajiv Patil, Adv.
IA 963-964	Mr. Bhupender Yadav, Adv. Mr. Prabjyoti K Arora, Adv. Mr. R C Kohli, Adv.
For Respondent(s)	Mr. B S Banthia, Adv. (for State of Madhya Pradesh) Mr. A D N Rao, Adv. (for MoEF) Mr. Anil Srivastava, Adv. Mr. Saurabh Srivastava, Adv. Ms. Smita, Adv. (for State of Arunachal Pradesh)

ANNEXURE- R4(g)
P-3

463

Mr. Sarup Singh, Sr. Addl.Adv.Genl.
Mr. Arun K Sinha, Adv.
Mr. Bimal Roy Jad, Adv (NP)
(for State of Punjab)

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
(for State of Tripura)

Mr. Kumar Rajesh Singh, Adv.
Mr. B B Singh, Adv.
(for State of Bihar)

Mr. J S Attri, Addl.Adv.Genl.
(for State of Himachal Pradesh)

Mr. D S Mahra, Adv.
(for UT of Lakshadweep)

Ms. A Subhashini, Adv.
(for State of Goa)

Mr. Manoj Saxena, Adv.
Mr. Amit Meharia, Adv.
Mr. M P Meharia, Adv.
(for State of A.P.)

Mr. KH Nobin Singh, Adv.
(for State of Manipur)

Mr. Ajay Siwach, Adv.
Mr. Sandeep Sharma, Adv.
Mr. T V George, Adv.
(for State of Haryana)

Mr. S Wasim A Qadri, Adv.
Mr. J K Bhatia, Adv.
(for State of U.P.)

Mr. S S Shinde, Adv.
Mr. V N Raghupathy, Adv.
(for State of Maharashtra in IA 1220)

Mr. Ravindra Keshavrao Adsure, Adv.
Mr. V N Raghupathy, Adv.
(for State of Maharashtra in IA 1226 & 1231)

Ms. Kamini Jaiswal, Adv.
Ms. Shomila Bakshi, Adv.
(for U T Chandigarh)

Mr. Bhavanishankar V Gadnis, Adv.
Ms. Sunita B Rao, Adv.
Mr. N. Popli, Adv.
for Ranchi Association

ANNEXURE- R4(g)
P-4

464

UPON hearing counsel the Court made the following
O R D E R

I.A. Nos. 1430-1432

The applicant being a public sector undertaking, the order dated 16th September, 2005 would not be applicable to it. The I.As. stand disposed of accordingly.

I.A. No. 1370 in I.A. No. 566

The Central Empowered Committee (CEC) shall file its response within four weeks.

I.A. No. 1442

After hearing the learned counsel for the parties for some time, we permit the applicant to file within four weeks an additional affidavit along with such other further material that may have been placed before the High Powered Committee.

I.A. No. 1186 (recommendations of CEC in I.A. Nos. 205-206, 645, 723-724, 737, 738-739 & 763)

I.A. Nos. 205-206 : On request of the counsel for the applicant, adjourned.

I.A. No. 645 : This I.A. has already been dismissed as withdrawn on 15.4.2005.

I.A. Nos. 723-724, 737, 738-739 & 763 : None has opposed the recommendations of the CEC that these applications have become infructuous. The I.As. are, accordingly, dismissed as infructuous.

ANNEXURE- R4(g)
P-5

405

S

I.A. Nos. 1202 and 1206

Issue of notice dated 3rd September, 2004 by the Deputy Conservator of Forests, Kudremukh Wildlife Division, Karkala, requiring Members of the CEC to explain why legal proceedings should not be initiated against them for violation of Section 173 of the Indian Penal Code and other sections as applicable has led to the filing of I.A. No. 1206 by the Amicus Curiae. On I.A. No. 375 being filed before the CEC, an order dated 28th April, 2004 was passed by the CEC whereby the Deputy Conservator of Forests was directed to stay proceedings initiated against the applicants. The State of Karnataka had earlier filed an application (I.A. No. 1202) on 7th June, 2004 in this Court seeking stay of further proceedings before the CEC on I.A. No. 375. Without getting any order from this Court or without waiting for any orders being passed by this Court, the Deputy Conservator of Forests proceeded to issue the above-referred notice dated 3rd September, 2004. There can be no doubt, and rightly it is not sought to be defended, that the officer had no right, power or jurisdiction to issue the notice dated 3rd September, 2004 to the Members of the CEC. In this view of the matter, we allow I.A. No. 1206 and quash the notice dated 3rd September, 2004.

Regarding I.A. No. 1202, learned counsel for the applicant-State of Karnataka would obtain instructions and state whether the notice dated 3rd September, 2004 has led to filing of any FIR and on receipt of the said information we would examine this application further. List I.A. No. 1202 after four weeks. The paperbook of I.A. No. 1206 shall also be placed before the Court when I.A. No. 1202 is taken up for hearing.

ANNEXURE- R4(g)
P-6

-41-

6

I.A. No. 1220 (interim report of CEC in I.A. No. 548) and I.A. 994

Some of the State Governments/Union Territories have filed their responses to the recommendations of the CEC. Such of the States/Union Territories which have not filed the same, are granted further four weeks' time.

None of the States has filed any objection to the recommendations of the CEC made in paras 14 and 15 in relation to clarification about allowing conservation and protection related activities for better management of the protected areas. The recommendations contained therein are, accordingly, accepted and the order dated 14th February, 2000 is clarified according. Accepting the said recommendations, we direct as under :

(A) Various activities such as removal of weeds, clearing and burning of vegetation for fire lines, maintenance of fair weather roads, habitat improvement, digging, temporary water holes, construction of anti-poaching camps, chowkies, check posts, entry barriers, water towers, small civil works, research and monitoring activities, etc. are undertaken for protection and conservation of the protected areas and therefore permissible under the provisions of Section 29 of the Wildlife (Protection) Act, 1972. These activities are necessary for day to day management of the protected areas besides it does not involve any type of commercial exploitation.

The activities above-mentioned are permissible under the various provisions of other environmental laws as well.

ANNEXURE- R4(g)
P-7

467

(B) The order dated 14th February, 2000 will not be applicable to the following activities provided that they (i) are undertaken as per the Management Plan approved by the competent authority; (ii) are consistent with the provisions of the Wildlife (Protection) Act, 1972; (iii) are undertaken consistent with the National Wildlife Action Plan; (iv) are in conformity with the guidelines issued for the management of the protected areas from time to time; and (v) the construction and related activities are designed to merge with the natural surroundings and as far as possible use forest friendly material.

(a) Habitat improvement activities

Weed eradication, maintenance and development of meadows/grassland required for wild herbivores which are prey base for the carnivores, digging and maintenance of small water holes and small anicuts, earthen tanks, impoundment of rain water, relocation of villages outside the protected areas and habitat improvement of areas so vacated.

(b) Fire protection measures

Clearance and maintenance of fire lines as prescribed in the Management Plan by undertaking controlled cool or early burning and construction of watch towers.

(c) Management of wet grassland habitats

Early or cool controlled winter burning of grasslands habitats such as in Kaziranga and Manas National Parks in Assam, to facilitate growth of fresh grass.

ANNEXURE- R4(g)
P-8

-43-

468

8

(d) Communication and protection measures

Construction of wireless towers, improvement and maintenance of fair weather non-tarred forest roads not exceeding three meters in width, small bridges, culverts, fences etc.

(e) Anti poaching initiatives

Construction, maintenance and improvement of small anti-poaching camps/chowkies, patrolling camps, check posts, barriers, boundary walls, construction of small staff quarters for the front line staff, etc.

I.A. Nos. 1226 and 1231

The learned counsel for the State of Maharashtra shall supply a copy of the affidavit to Mr. A D N Rao, learned counsel appearing for the Ministry of Environment & Forests (MoEF). The MoEF is granted further four weeks' time to file reply, if any. List after four weeks.

I.A. Nos. 1232 and 1352 (Reports of HPC in I.A. Nos. 963-964)

After arguing for the applicant-M Indrasen Singh for considerable time, the learned counsel was enable to explain the status of M. Indrasen Singh vis-a-vis Al Baari & Sons, Moreh, Manipur. The counsel seeks one week's time to file an additional affidavit. Though we allow the prayer, but having unnecessarily wasted the time of this Court, we impose on the applicant-M. Indrasen Singh costs of Rs. 25,000/- (Rupees twenty five thousand) as a pre-condition for hearing of these applications. The amount of costs shall be deposited with the CEC within one week. The IAs are adjourned. List after one week.

167

ANNEXURE- R 4 (g)
P-9

469

9

The applicant-M. Indrasen Singh shall be present in the Court on the next date of hearing also.

SLP(C) NO. 8707 of 2002

On the ground of personal difficulty of the counsel, adjourned.

28/11/05
(D.P. WALIA)
COURT MASTER

28/11/05
(V.P. TYAGI)
COURT MASTER

28/11 (4.30 PM)

This is the true copy of the document produced herewith and marked as Annexure - R 4 (g)

Senior Govt. Pleader

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

I A No. of 2019

in

W.P.(C) No. 35064 of 2018

Applicants/Respondents 1- 5 in WP(C) :

1. State of Kerala, rep. by the Chief Secretary to Government, Government Secretariat, Thiruvananthapuram – 695 001.
2. Additional Chief Secretary to Government, Forest and Wildlife Department, Government Secretariat, Thiruvananthapuram – 695 001.
3. Principal Chief Conservator of Forest and Head of Forest Forces, Forest Head Quarters, Vazhuthacaud, Thiruvananthapuram – 695 014.
4. Divisional Forest Officer, South Wayanad Forest Division, Kalpetta, Wayanad – 673 121.
5. District Collector and the Chairman of District Tourism, Promotion Council, Wayanad – 673 122.

Vs.

Respondent/Petitioner & 6th respondent in W.P.(C):

1. Wayanad Prakrithi Samrakshana Samithi, represented its President N.Badusha, S/o.Khansa, Nayketti.P.O., Sulthan Bathery P.O., Wayanad, Kerala – 673 592.
2. Union of India, represented by its Secretary, Ministry of Environment, Forest and Climate Change, Prayvaran Bhavan, Lodhi Road, New Delhi – 110 003.

APPLICATION FILED UNDER SECTION 226(3) OF THE CONSTITUTION OF INDIA

For the reasons stated in the accompanying affidavit, it is humbly prayed that this Hon'ble Court may be pleased to vacate the interim order dated 22.03.2019 staying the operation and implementation of the Ext P10 and P11 and the ban on undertaking eco-tourism activity in South Wayanad Forest Division in the interest of justice.

Dated this the 11th day of April, 2019.

M.R.SABU
SENIOR GOVERNMENT PLEADER

BEFORE THE HONOURABLE HIGH COURT OF KERALA, AT ERNAKULAM

WP(C) No. 35064 of 2018- S

Wayanad Prakrithi Samrakshana Samithi : Petitioner

Vs.

State of Kerala and others : Respondents

INDEX

Sl.No.	Particulars	Pages
1.	Additional Counter Affidavit	1 to 6
2.	Exhibit R6(b): True copy of the proposal received from Chief Conservator of Forests (WP & R), Kerala as per letter No. WP-1053/2010 dated 03.04.2019	7 to 15
3.	Exhibit R6(c): True copy of the letter F. No. F(C)A/11.6/26/WP/KER/42 dated 24.04.2019 Issued by Ministry of Environment, Forest and Climate Change	16 & 17
4.	Petition to accept Additional Counter Affidavit	18

Dated this the 3rd day of July, 2019.

C.G.PREETHA
Central Government Counsel
for the Respondent No. 6

1
2

IN THE HON'BLE HIGH COURT OF KERALA AT

ERNAKULAM

ORIGINAL SPECIAL JURISDICTION

IN

WRIT PETITION NO 35064 OF 2018 S

IN THE MATTER OF:

WAYANAD PRAKRITHI SAMARAKSHANA

SAMITHI ...PETITIONER

VERSUS

STATE OF KERALA & ORS ...RESPONDENTS

ADDITIONAL COUNTER AFFIDAVIT ON BEHALF OF

RESPONDENT No. 6

I, Mahesh Kumar Shambhu S/o Vaijanath Shambhu aged 43 years do hereby solemnly affirm and state as follows:

1. It is submitted that, I am working as Deputy Inspector General of Forest (Central) in the Ministry of Environment, Forest & Climate

महेश कुमार शम्भु
MAHESH KUMAR SHAMBHU
वन संरक्षक (केन्द्रीय)
CONSERVATOR OF FORESTS (CENTRAL)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
क्षेत्रीय कार्यालय, दक्षिणी परिक्षेत्र
REGIONAL OFFICE, SOUTHERN ZONE
केन्द्रीय सदन, चौथा तल, कोरमंगला
KENDRIYA SADAN, 4TH FLOOR, KORAMANGALA
बेंगलुरु / BENGALURU-560 034

Change and in my official capacity, I am conversant with the facts of the case based on knowledge derived from official records and as such am competent and authorized to file this affidavit.

2. It is submitted that, I am duly authorized to depose by way of the present affidavit on behalf of Ministry of Environment, Forest & Climate Change.

3. It is submitted that, I have gone through the contents of the present counter affidavit and have understood the contents thereof.

4. It is submitted that, the averments made in the affidavit except which is specifically admitted herein below are denied by the answering respondent.

5. It is submitted that Kerala Forest Department as per its letter No.WP1053/2010 dated 19.09.2012 had submitted the draft Working Plan of South Wayanad Forest Division for the period from 2012-13 to 2021-22, which included prescription on eco-tourism for approval of this respondent. The comments regarding Eco-tourism Chapter recorded by the then Officer concerned while processing the draft working plan of 09.11.2012, is reproduced as below:-

महेश कुमार शम्भु
MAHESH KUMAR SHAMBHU
वन संरक्षक (केन्द्रीय)
CONSERVATOR OF FORESTS (CENTRAL)
पर्यावरण, वन एंव जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
क्षेत्रीय कार्यालय, दक्षिणी परिक्षेत्र
REGIONAL OFFICE, SOUTHERN ZONE
केन्द्रीय सदन, चौथा तल, कोरमंगला
KENDRIYA SADAN, 4TH FLOOR, KORAMANGALA
बेंगलूरु / BENGALURU-560 034

"Participatory Forest Management and Eco-tourism Working Circle:-

This proposal covers an area of 4481.0 Ha. As many as 18 VSS (Vana Samrakshana Samithi) have been registered in this working circle and each VSS has been provided with well defined forest area for management under the overall supervision of Forest Devleopment Agency (FDA). It is also proposed to encourage Eco-tourism with five (5) established Eco-tourism sites under South Wayanad, FDA, South Wayanad Forest Division.

It is stated that as many as 547941 domestic visitors and 16947 foreign tourists visited South Wayanad under Eco-tourism in the year 2011-12 and as much as Rs. 1,36,21,735/- was collected as Government revenue on account of Eco-toruism within the District.

However, it is not known whether the implementations of Eco-tourism in the district is under the approval of Forest Conservation Act, 1980".

The approval for the working plan was accorded by this respondent except for the Eco-tourism Chapter on 13.11.2012.

6. In the counter affidavit dated **26.02.2019** filed on behalf of the 6th respondent, it was *inter-alia* submitted that eco-tourism is regarded as non-forestry activity and as such taking up any non-forestry activity without approval under Forest (Conservation) Act, 1980 including construction of permanent structures

महेश कुमार शम्भु
MAHESH KUMAR SHAMBHU
वन संरक्षक (केन्द्रीय)
CONSERVATOR OF FORESTS (CENTRAL)
पर्यावरण, वन एंव जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
क्षेत्रीय कार्यालय, दक्षिणी परिक्षेत्र
REGIONAL OFFICE, SOUTHERN ZONE
केन्द्रीय सदन, चौथा तल, कोरमंगला
KENDRIYA SADAN, 4TH FLOOR, KORAMANGALA
बैंगलूरु / BENGALURU-560 034.

amounts to violation of the provisions of the Forest (Conservation) Act, 1980. The relevant guidelines issued by the Ministry as per letter No. 11-163/2015-FC dated 07.05.2015 in this regard was also enclosed with the said affidavit marked as Exhibit R6(a) which explained what types of activities come under the scope of Forest (Conservation) Act, 1980.

7. It is submitted that Chief Conservator of Forests (WP & R), Kerala as per letter No. WP-1053/2010 dated 03.04.2019 made a request to approve the prescriptions proposed for eco-tourism in the current working plan of South Wayanad Division for the period 2012-13 to 2021-22 which was earlier not approved in the year 2012. It was reported that eco-tourism sites falling in forest areas are being managed by the Joint Forest Management Committees/Vana Samrakshana Samithi with the objective of creating nature awareness among public and the local people will be benefited for their livelihood. The copy of the proposal received from Chief Conservator of Forests (WP & R), Kerala is marked as **Exhibit R6(b)**.

8. The request for reconsideration of Eco-tourism activities was re-examined by this respondent keeping in view the (a) the National Working Plan Code, 2014, wherein some of the suggestive

महेश कुमार शम्भु
MAHESH KUMAR SHAMBHU
वन संरक्षक (केन्द्रीय)
CONSERVATOR OF FORESTS (CENTRAL)
पर्यावरण, वन एंव जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
क्षेत्रीय कार्यालय, दक्षिणी परिक्षेत्र
REGIONAL OFFICE, SOUTHERN ZONE
केन्द्रीय सदन, चौथा तल, कोरमंगला
KENDRIYA SADAN, 4TH FLOOR, KORAMANGALA
बंगलूरु / BENGALURU-560 034

Working Circles to be incorporated in a Working Plan also include "Eco-tourism"; (b) the need for Eco-tourism activities which promote the aesthetic value of the forest among the people and help in their conservation; (c) economic importance of Eco-tourism to Joint Forest Management Committees / Vana Samrakshana Samithi who are an important stake holder in forest conservation / management.

The prescriptions proposed in the Working Plan of South Wayanad Division were thus re-examined and it was observed that while many proposed activities did not attract Forest (Conservation) Act, 1980, but some of the prescriptions still involved permanent construction and may attract the provisions of Forest (Conservation) Act, 1980. As per letter no. F(C) A/11.6/26/WP/KER/42 dated 24.04.2019, office of the 6th respondent gave approval to prescriptions which do not involve construction of permanent structures subject to certain conditions,and also mentioning activities that may attract Forest (Conservation) Act, 1980. A true copy of the letter no. F(C) A/11.6/26/WP/KER/42 dated 24.04.2019 is produced herewith marked as **Exhibit R6(c).**

महेश कुमार शम्भु
MAHESH KUMAR SHAMBHU
वन संरक्षक (केन्द्रीय)
CONSERVATOR OF FORESTS (CENTRAL)
पर्यावरण, वन एंव जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
क्षेत्रीय कार्यालय, दक्षिणी परिक्षेत्र
REGIONAL OFFICE, SOUTHERN ZONE
केन्द्रीय सदन, चौथा तल, कोरमंगला
KENDRIYA SADAN, 4TH FLOOR, KORAMANGALA
BENGALURU-560 034

6 A

9. That the answering respondent reserves the right to file additional information before the Hon'ble Court, if required till Pendente-lite.

10. That in view of the foregoing submissions, this Hon'ble Court may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.

All facts stated above are true and correct to the best of my information, knowledge and belief .

Dated this the 3rd day of July, 2019.

DEPONENT

महेश कुमार शम्भु
MAHESH KUMAR SHAMBHU
वन संरक्षक (केन्द्रीय)
CONSERVATOR OF FORESTS (CENTRAL)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
क्षेत्रीय कार्यालय, दक्षिणी परिक्षेत्र
REGIONAL OFFICE, SOUTHERN ZONE
केन्द्रीय सदन, चौथा तल, कोरमंगला
KENDRIYA SADAN, 4TH FLOOR, KORAMANGALA
बेंगलूरु / BENGALURU-560 034.

Solemnly affirmed and signed before me by the deponent on this the 3rd day of July, 2019 at my office at Bangalore.

ATTESTING OFFICER

Dr. U. Sridharan
Scientist 'G'
Ministry of Environment, Forests & Climate Change
Regional Office, Southern Zone
Kendriya Sadan, 4th Floor, Koramangala
Bengaluru - 560 034.

7

Exhibit R6(b)

G. Phanindra Kumar Rao, IFS
Chief Conservator of Forests
(WP&R)

Office of the Chief Conservator Forests,
(WP&R), Forest Headquarters,
Vazhuthacaud,
Thiruvananthapuram: 695014
Tele : 0471-2529220
Mobile No: 9447979015
E-mail: ccf-wp.for@kerala.gov.in

WP-1053/2010

Date:03-04-2019

To

The Addl. Principal Chief Conservator of Forests (Central),
Ministry of Environment, Forests & Climate Change
Regional Office (Southern Zone),
Kendriyasadan, 4th Floor E&F Wings,
17th Main Road, 2nd Block,
Koramangala, Bangalore – 560 034.

Sir,

Sub:- Working Plan of South Wayanad Forest Division – Approval of Eco-Tourism activities - request -reg.

Ref:- 1. Letter No. F(C)A/11.6/26/WP/KER/2260 dated 13.11.2012 of CF (C), MoEF, Bangalore.

2. Letter No. F(C)A/11.6/19/WP/KER/1113 dated 05.12.2016 of DCF (C), MoEF, Bangalore.

3. Letter No.A4-1371/2019 dated 20.02.2019 of Chief Conservator of Forest (NC), Kannur.

4. Lr. No. IFGTB/FEC/EAP-Kuruva/2018 of IFGTB, Coimbatore, GoI.

Kind attention is invited to the subject matter and reference cited. The Working Plans of South Wayanad Forest Division for the period 2012-13 to 2021-22 and North Wayanad Forest Division for the period 2015-16 to 2024-25 were approved by that good office vide reference 1st and 2nd cited above respectively.Though the chapter on Eco-tourism proposed in the Working Plan of North Wayanad Forest Division was approved as per the National Working Plan Code – 2014, the same was not approved in case of the Working

Scanned by CamScanner

R6(b) 2

Plan of South Wayanad Forest Division. Both the North and South Wayanad Forest Divisions have prescribed similar kind of Eco-tourism activities. (Eco-tourism Chapters of both the Forest divisions are enclosed herewith for ready reference).

The important eco-tourism destinations under the jurisdiction of South Wayanad Forest Division are Soochipara waterfalls, Kuruva Island, Banasura-Meenmutty and Chembra Peak. All these spots are frequently visited by a large number of people. The ecotourism points falling in forest areas are being managed by the JFMC/VSS with the objective of creating nature awareness among public and to benefit the local people depending on forest for their livelihood. Participatory Forest Management (PFM) is in practice in the State in line with the National Forest Policy 1988 and local people are empowered to protect forest and improve their livelihood. Under PFM activities, VSSs were formed for the management of eco-tourism points involving local people, especially the inhabitant Tribes residing in and around the forest areas by providing appropriate benefit share. Eco-tourism primarily intended to generate gainful employment to the primitive Tribes of the areas through Vana Samrakshna Samithies (VSS) under the Participatory Forest Management (PFM) programme without affecting the eco system of the area. The eco-tourism activities in the State are continuously monitored by making rules and guidelines from time to time

Based on Kerala Forest Department request, the IFGTB, Coimbatore has submitted it's report vide reference 4th cited above for KURUVA eco-tourism site and the recommendations there-in shall be followed while implementing the activities prescribed for eco-tourism in the Working Plan. No further constructions will be undertaken in any eco-tourism site. No non-forestry

Scanned by CamScanner

R6(b)3

activities will be carried out in these eco-tourism sites as laid down in the provisions of the Forest Conservation Act, 1980.

Hence I request that the prescriptions proposed for eco-tourism in the current Working Plan of South Wayanad Forest Division for the period 2012-13 to 2021-22 may kindly be approved at the earliest and communicated.

Yours faithfully,

Chief Conservator of Forest (WP&R)

Encl. – As above.

Copy to –

1. The Principal Secretary (Forest & WL) GoK, Thiruvananthapuram for kind information and with request for onward submission to the Regional Office of the Ministry of Environment, Forest & Climate Change, GoI, Bangalore with recommendation for approval.
2. The Principal Chief Conservator of Forests & HoFF for kind information and pursuance at Govt. level.
3. The Principal Chief Conservator of Forests (FM) for kind information.
4. The Chief Conservator of Forests (NC), Kannur for kind information.
5. The Chief Conservator of Forests (ED&TW) for kind information.
6. The Divisional Forests Officer, South Wayanad for information.
7. File.

Scanned by CamScanner

of total crop failure. For example, if the viability of one crop is reduced by pest damage or market failure, the farmer can make up for it by harvesting another crop.

Agro-forestry provides a different land use option, compared with traditional arable and forestry systems. It is a practice that respects the environment and has an obvious landscape benefit. Efficient, modern versions of agro-forestry have been developed, that are adapted to the constraints imposed by mechanization. The agro-forestry plot remains productive for the farmer and generates continuous revenue, which is not the case when arable land is exclusively reforested. Agro-forestry allows for the diversification of farm activity and makes better use of environmental resources. Hence, the concerned VSS should introduce different agro-forestry system in their land area for sustainable income.

Insist VSS members to promote live fence in the area where crop raiding by wild animals are common. Wind breaks and shelter belt also be practiced. In agro-silvo-pastoral, care should be taken in the selection of tree species. Training and field visit to the agro-forestry practiced area should be given to the VSS members regularly. The help of research institutes like Regional Agricultural Research Station, Ambalavayal, College of Forestry, Vellanikkara, Trichur can be used.

5.2. Ecotourism:

5.2.1. Introduction: Ecotourism is a new concept in tourism. "It is a purposeful travel to natural areas to understand the cultural and natural history of environment, taking care not to alter the integrity of the ecosystem, while producing economic opportunities that make conservation of natural resources beneficial to local people". It is a nature based tourism that involves education and interpretation of natural environment and is managed to be ecologically sustainable.

5.2.2. Ecotourism in South Wayanad Division: There are five Eco-Tourism sites under South Wayanad FDA of South Wayanad Forest Division. All these centres are managed by VSS of that particular area formed with the participation of local people. The five Eco-Tourism Sites are

1. Pakkom-Kuruva in Chedelath Forest Range
2. Banasuramala-Meenmutty in Kalpetta Forest Range
3. Meenmutty under Meppady Forest Range

Scanned by CamScanner

4. Soochippara Waterfall in Meppady Forest Range

5. Chempra Peak in Meppady Forest Range

5.2.3.1. Pakkam-Kuruva: Kuruva Island is a beautiful ecotourism centre located in the heavenly Wayanad. This island is also referred as Kuruvadweep. Kuruva Islands are uninhabited and is situated in the middle of Kabini River as a part of Kuruva RF. Kuruva Island offers a small and undisturbed forest which is suitable for a relaxing tour. The local population inhabiting the surroundings of Kuruva Island preserve the island and guide the tourists by making Vana Samrakshana Samithi (VSS). With a total area of 950 acres Kuruva Island is plentifully rich with ever green forest. Far from the maddening city crowds lies this calm and beautiful island presenting an excellent atmosphere for tourists to relax and rejuvenate their mind and soul.

The eco-tourism activities of Pakkom-Kuruva are presently controlled by Pakkom-Kuruva Vanasamrakshana Samithi. On the one side, Palvelicham area of the ecotourism is controlled by District Tourism Promotion Council (DTPC) of Wayanad. Hence, there is a duel control over the ecotourism centre.

The tourists from VSS controlled area have to cross the Kabini River to reach the Island in a Country Raft. It is another attraction of Pakkam-Kuruva Eco-Tourism Centre. This Tourism centre remains closed during three months of heavy rain that is June, July and August. Visitors will be allowed during day time only (10 am to 3.30 pm).

5.2.3.2. Banasuramala - Meenmutty: It is another ecotourism centre of the division. It falls under the High Value Biodiversity Area. It is the catchment area of Banasura Sagar Dam, which impounds the Karamanathodu tributary of the Kabini River, it is part of Banasurasagar Project consisting of a dam and a canal project started in 1979. The goal of the project is to support the Kakkayam Hydro electric power project and satisfy the demand for irrigation and drinking water in a region known to have water shortages in seasonal dry periods. The Banasura Sagar Dam is located 21 km from Kalpetta, in Wayanad District. It is the largest earthen dam in India and the second largest in Asia, and an ideal starting point for hikes into the surrounding scenic mountains. But the VSS does not have any control on the visitors. The attraction of this eco-tourism centre is a waterfall from Banasuramala which is about 2500 feet above MSL. Banasuramala Meenmutty waterfall is near to Banasurasagar Dam. The visitors will be controlled and operated by Varambatta VSS of Kalpetta Forest Range. The tourists can trek to Banasuramala and to Meenmutty waterfall. The Banasuramala is

Scanned by CamScanner

high value biodiversity area and one can see many rare and endangered animals, birds, amphibians etc. during the trek.

5.2.3.3. Chembra Peak: Chembra peak is situated near Meppady town and it is about 17 km from Kalpetta. Chembra peak is located near Meppady town in Wayanad district and is the highest peak of this district. It is at a height of 2100 m above MSL. This peak is a part of the Western Ghats and it joins the Nilgiri hills in Tamil Nadu state. This peak can be seen from any part of Wayanad. Prior permission from Forest Range Office at Meppady is needed for the trek as it is part of the Meppady Forest Range. A heart-shaped crystal perennial lake fed by natural springs can be seen at the middle of the journey. British planters used to come here to play golf in the evenings and they constructed a stable for their horses and a rest house in the area. The relics of the rest house can be seen even now.

View from Chembra Peak: The peak of the mountain gives a good scenic beauty of the surrounding area especially Vellarimala of Kozhikode and Nilambur North Division, with the varying shades of the virgin shola forests on both sides, and pleasant cool climate and feel a heavenly bliss that only the pristine nature can bestow upon human beings. Apart from this, the town of Kalpetta and most parts of Wayanad district too are visible. It is a favourite trekking place of many tourists. The ecotourism here is operated by Chembra VSS of Meppady forest range.

5.2.3.4. Meenmutty Waterfall, Meppady: It is near Vaduvanchal Town in Kozhikode- Ootti Road. One has to go adventurously about 850 m long through the steep valley to see the waterfall. Though the sight is beautiful and the path is adventurous. This waterfall is in Baderi Section of Meppady Forest Range and it is managed by the members of Meenmutty VSS.

5.2.3.5. Soochippara Waterfalls: Soochippara Waterfalls which is also called as Sentinel waterfalls is situated in Mundakai section of Meppady Forest Range of South Wayanad division. The water falls from a height of 100 to 300 ft. There are three tiers of the Waterfall. The first one is the longest and one which could be reached easily. It is a risky task to reach the second waterfall and only adventurous travellers take the risk to reach the third waterfall. The Soochipara waterfalls in Vellarimala are surrounded by dense equatorial forest vegetation. The Sentinel Rock Waterfalls are 200 m (656 ft) and offer a cliff face that is ideal for rock climbing. Most of the tourists who visit Wayanad District will arrive here to enjoy the beauty of nature and waterfall. It is managed by Soochippara VSS.

5.2.4. Management of Ecotourism Centres: These five ecotourism centres are managed through VSS under the guidance

Scanned by CamScanner

of Forest Department. The issuing of tickets, providing of Guides etc are the duty of VSS. The details of VSS are given in table No.72.

Table - 72 VSS Engaged in Ecotourism Activities

Sl. No.	Location	VSS	Year	No. of Guides
1	Kuruva	Pakkam-Kuruva	2005	37
2	Chembra	Chembra	2008	24
3	Soochippara	Soochippara	2009	31
4	Meenmutty	Meenmutty	2008	33
5	Banasuramala	Varampatta	2009	11

Number of visitors in all ecotourism points is increasing every year. This necessitates the VSS to engage more people for the protection of the area and to keep the area clean. The details of visitors, deposit and expenditure in RFPF in each ecotourism point are given in table No.73.

Table - 73 Details of visitors, Deposit and Expenditure in RFPF in each Ecotourism Point

Location	No of visitors during 2011-12		Details of Collection during 2011-12	Expenditure Incurred	RFPF Fund
	Domestic	Foreigner			
Kuruva	187536	5801	4434455	1508022	2926433
Chembra	15080	467	1064955	821097	243858
Soochipara	231416	7158	5323595	1511359	3812236
Meenmutty	80384	2486	2391330	947419	1443911
Banasuramala	33523	1037	407400	170037	237363
Total	547941	16947	13621735	4957934	8663801

All the ecotourism centres of this division provide jobs to the members of VSS in various forms. The table No.74 illustrates the employment potential to the VSS members in the forms of Guides and Watchers in the Division in the last 3 years.

Scanned by CamScanner

Table - 74 Watchers Engaged in Ecotourism

Range	Number of Watchers Engaged				
	Total	Sex		Community	
		Male	Female	Tribes	Others
Kalpetta	11	5	6	2	9
Meppady	88	72	16	7	81
Chedleth	37	30	7	29	8
Total	136	107	29	38	98

5.2.4. Merits of Eco-tourism:

On the basis of forest conservation aspect Ecotourism has its own merits and demerits. In the case of infrastructure development Eco-tourism has a positive role along with it provides employment for the local community. Comfort Stations, ticket counters and Camp shed etc have provisions for deployments of VSS members. Boating and rafting facilities provides employment for the local community through VSS. Fire protection is wilfully done by some VSS.

5.2.4 Demerits of Eco-tourism:

- Disposal of solid wastes is a hazardous challenge in all eco-tourism centres.
- The visitors beyond carrying capacity cause destruction of seedlings / saplings etc. More over certain species may have got lost forever due to such interference inside the forest.
- Environmental pollution through eco-tourism especially from the vehicles.
- Wildlife is badly effected through, pollution and human interference.

5.2.5 Prescriptions:

1. To conduct a carrying capacity study of the eco-tourism centre and limit the visitors accordingly.
2. Develop a website for each eco-tourism centre and start online booking. The website should be updated regularly.
3. Establish computer ticket counter in all eco-tourism centres.

Scanned by CamScanner

2019/OS-F&WL

15

Rb(b)(9)

4. Give regular training to the guides appointed by each VSS.

5. Fine may be imposed for depositing plastic waste in the ecotourism centre. Warning boards be erected against all waste deposition.

6. Provide visitor amenities in all ecotourism centres and trekking areas.

7. Establish a nursery of forest trees and medicinal plants under each VSS and open a sales outlet of seedlings.

8. Produce and sell unique caps and T-shirts etc as mementos.

9. Maintain the pathways, toilet, ticket counter etc. and ensure that the ecotourism centre is neat and clean.

10. Prohibit bathing in the lake at Chembra peak and ensure adequate guides are available every day.

11. Establish a natural history museum and interpretation centre in all ecotourism points.

12. One more ecotourism centre is to be proposed at, Kanthanpara in Badery Section of Meppady Range.

Scanned by CamScanner

This is the true copy of Ext./~~Ann.~~ Rb(b) Addl.
referred to in the ~~O.P (CAT)/WP(C)~~/Cr.
Affidavit/~~Statement~~

Advocate

16

Exhibit R6(c)

भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण ,वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
Regional Office (Southern Zone),
Kendriya Sadan, IVth Floor, E& F Wings, 17th Main Road,
IInd Block, Koramangala, Bangalore – 560 034,
Tel.No.080-25635905, E.Mail: rosz.bng-mef@nic.in

सत्यमेव जयते

By Speed Post
F. No. F(C)A/11.6/26/WP/KER 142
Dated: 24th April, 2019

To

The Chief Conservator of Forests (WP&R)
Forest Headquarters, Vazhuthacaud,
Thiruvananthapuram, PIN- 695 014, Kerala.

Subject: Working Plan of South Wayanad Forest Division -Approval of Eco-Tourism activities -reg.

Reference: Your office letter No. WP-1053/2010 dated 04/04/2019.

Sir,

I am directed to refer to your letter No. WP-1053/2010 dated 04/04/2018 on the subject mentioned above and to say that the eco-tourism prescriptions mentioned in the approved Working Plan of South Wayanad Division have been examined *vis-à-vis* guidelines issued under the Forest (Conservation) Act, 1980. In this connection, it is informed that some of the prescriptions mentioned for eco-tourism activity involve permanent construction namely at point no. 3, 6, 9 and 11 of 5.2.5 of South Wayanad Working Plan, which may attract the provisions of the Forest (Conservation) Act, 1980 and such activities can be carried out only with prior approval under Section '2' of Forest (Conservation) Act, 1980. Further, other prescriptions mentioned in eco-tourism chapter are approved subject to the following conditions:-

1. No de-notification of a forest land or a portion thereof shall be made.
2. No breaking up or clearing of a forest land or portion thereof shall be taken up.
3. Assigning any forest land or any portion thereof by the way of lease or otherwise to any authority, corporation, agency or any other organization not owned, managed or controlled by Government shall not be done.
4. No clearing of trees shall be done which have grown naturally in a forest land or a portion for the purpose using it for reforestation.
5. No new constructions shall be carried out in the name of Eco-tourism.
6. No felling of trees shall be carried out.
7. Movement of people should strictly be regulated as per the carrying capacity study outcome.

The prescriptions as approved shall be appropriately incorporated in the Working Plan and a copy of the Woking Plan shall be furnished to this office.

Yours faithfully,

(M.K.Shambhu)
Deputy Inspector General of Forests (Central)

Continued...

Scanned by CamScanner

17

R6 (C)9

Copy to:

1. The Principal Secretary (Forest & Wildlife), Forest Headquarters, Vazhuthacaud, Thiruvananthapuram, PIN- 695 014, Kerala.
2. The Principal Chief Conservator of Forests (HoFF), Forest Headquarters, Vazhuthacaud, Thiruvananthapuram, PIN- 695 014, Kerala.

(M.K.Shambhu)
Deputy Inspector General of Forests (Central)

24/4/19

Scanned by CamScanner

This is the true copy of Ext./Ann. R6(c)
referred to in the ~~O.P (CAT)/WP(C)~~/Cr.
~~Affidavit/Statement~~

Advocate

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

I.A.No. of 2019

In

WP(C) No. 35064 of 2018- S

Union of India : Petitioner/R6

Vs.

Wayanad Prakrithi Samrakshana Samithi and others : Respondents/Petitioner & R1 to R5, Addl. R7 to Addl. R 52

VERIFIED PETITION FILED UNDER RULE 84 OF THE RULES OF THE HIGH COURT OF KERALA

This additional counter affidavit is filed in compliance with the Interim Order dated 31.05.2019 passed by this Hon'ble Court in the above case. The additional counter affidavit is filed on the basis of the instructions received from M.K. Shambhu, Deputy Inspector General of Forests (Central), Ministry of Environment, Forest & Climate Change, Regional Office (Southern Zone), Bangalore- 560034, as per letter dated 28.05.2019.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to accept the Additional Counter Affidavit on the file of this Hon'ble Court, in the interest of justice.

Dated this the 3rd day of July, 2019.

C.G.PREETHA
Central Government Counsel
For the Petitioner

All the facts stated above are true and correct.

C.G.PREETHA
Central Government Counsel
For the Petitioner

M.P. PRAKASH

Presented on: 12.07.2019.

BEFORE THE HONOURABLE HIGH COURT OF KERALA, AT ERNAKULAM

I.A.No. of 2019

and

WP(C) No. 35064 of 2018- S

Wayanad Prakrithi Samrakshana Samithi : Petitioner

Vs.

State of Kerala and others : Respondents

ADDITIONAL COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NO. 6

WP 743/2014

C.G.PREETHA (CG-372) K/517/1995
Central Government Counsel
for the Respondent No. 6

Government of India
Ministry of Environment and Forests
(Wildlife Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110003

F. No. 6-10/2011 WL

Dated: 15th March 2011

Sub: Guidance document for taking up non-forestry activities in wildlife habitats

The Wildlife (Protection) Act, 1972 and orders of Hon'ble Supreme Court makes it mandatory for following certain procedures for taking up any non-forestry activity in wildlife habitats. However, many firms/individuals approach the Ministry seeking the details of procedures to be adopted. In order to facilitate and guide the people on the various steps that need to be followed for taking up non forestry activities in wildlife habitats, a guidance document has been prepared which is enclosed for ready reference and necessary action.

(Prakriti Srivastava)
Deputy Inspector General (WL)
Telefax: 011-24360704
E.mail: digwl-mef@nic.in

Encl: As above

Distribution:

1. The Secretary, all Ministries/Departments of Government of India, New Delhi
2. The Chief Secretary, all States/Union Territories
3. The Pr. Chief Conservator of Forests, all States/Union Territories
4. The Chief Wildlife Warden, all States/Union Territories.

Copy to:

1. PS to Hon'ble MEF
2. PPS to Secretary (E&F), MoEF
3. PPS to DGF & SS, MoEF
4. PPS to Addl. DGF(WL)
5. PPS to Addl. DGF(FC)
6. PS to Advisor, I.A Division, MoEF
7. The NIC Cell- with a request to kindly upload the same on the official website of the Ministry.

GUIDELINES FOR TAKING NON-FORESTRY ACTIVITIES IN WILDLIFE HABITATS

****

1. POLICY AND APPROACH:

1.1 General Policy

National Parks, Sanctuaries and Conservation Reserves are extremely important for conservation of biodiversity, and for ensuring the survival of floral and faunal components of biodiversity, not only for the present but also for future. However, the rising human population and their growing demands for socio economic development have placed tremendous stress on such areas both directly and indirectly. Keeping in view the fact that a balance has to be struck between development and conservation, any activity involving use or diversion of protected areas may be considered only under **most exceptional** circumstances. Additionally, such activities to be taken up in the wildlife habitats need to be governed by the orders of Hon'ble Supreme Court as well as the statutory requirements as provided in the Wild Life (Protection) Act, 1972.

1.2 Activities inside Wildlife Sanctuaries:

The Wild Life (Protection) Act, 1972 provides that the recommendation of the **State Board for Wildlife** (*a Board chaired by the State Chief Minister*) is essential for any kind of destruction/damage/removal of any wildlife or for diverting the habitat of any wild animal, including removal of forest produce or diverting / stopping / enhancing the flow of water into or outside the Sanctuary.

Further, in view of the directions of Hon'ble Supreme Court in Writ Petition (Civil) No. 337/1995, all such proposals also require the recommendation of the **Standing Committee of National Board for Wildlife** (*a Committee chaired by the Minister in charge of the Ministry of Environment and Forests*).

1.3 Activities inside National Parks:

The Wild Life (Protection) Act, 1972 provides that the recommendation of the **National Board for Wildlife** (*a Board chaired by the Prime Minister*) is essential for any kind of destruction/damage/removal of any wildlife or for diverting the habitat of any wild animal, including removal of forest produce or diverting / stopping / enhancing the flow of water into or outside the National Park.

However, as the **Standing Committee of National Board for Wildlife** has been delegated the powers of the National Board for Wildlife, such cases are to be referred to the Standing Committee of National Board for Wildlife for consideration and recommendation.

1.4 Activities inside Conservation Reserves:

The Ministry of Law and Justice has opined that activities to be taken up inside a Conservation Reserve can also be dealt with the Standing Committee of NBWL. Therefore, the procedure indicated under para 2 below needs to be followed for planning and executing any activity inside Conservation Reserve also.

1.4 Activities within 10 Kms from boundaries of National Parks and Wildlife Sanctuaries:

In pursuance to the order of Hon'ble Supreme Court in Writ Petition (Civil) No. 460/2004, the Ministry of Environment and Forests has issued an Office Memorandum on 2nd December 2009 **(Annexure-1)**, indicating that Environmental Clearances for all such projects that fall within 10 Kms boundary of the National Parks and Sanctuaries will be subject to recommendation of the Standing Committee of NBWL.

2. PROCEDURE TO BE FOLLOWED FOR ACTIVITIES INSIDE NATIONAL PARKS, WILDLIFE SANCTUARIES AND CONSERVATION RESERVES:

2.1 The User Agency/Project Proponent is required to submit the proposal in the prescribed proforma that has been prescribed by the Ministry of Environment and Forests, and is available on the website of the Ministry (http://envfor.nic.in) **(Annexure-2)**.

2.2 The prescribed proforma has **five** parts and each part is required to be filled in by the User Agency; concerned Divisional Forest Officer/Park Manager; Concerned Chief Conservator of Forests; Concerned Chief Wildlife Warden and the Forest Secretary.

2.3 The proforma also seeks information in detail on the biodiversity of the area in question; maps of the area, other activities already in place; possible impacts of the proposal, etc.

2.4 The User agency is required to submit Part-I and Part-II of the proforma duly filled in to the concerned Forest Officer, who in turn, forwards the same to the Chief Wildlife Warden through the Chief Conservator of Forest.

2.5 The Chief Wildlife Warden, after giving his specific comments on the proposal, forwards the same to the Government of India, through the Forest Secretary **after obtaining the recommendation of the State Board for Wildlife on the proposal.**

2.6 The proposal so received from the State Government is placed before the Standing Committee of NBWL, chaired by Minister of State (I/C) Environment and Forests. The meeting of the Standing Committee is convened once in 2-3 months.

2.7 In cases where the area proposed for diversion is large and/or the impact of the project on wildlife is considered to be serious, site inspections are conducted by the members of the Committee on the instructions of the Standing Committee of NBWL.

2.8 The site inspection reports are generally considered in the next meeting of the Standing Committee to enable the Committee to make its recommendation.

2.9 After the Standing Committee of NBWL recommends the proposal, the User Agency/State Government is required to approach Hon'ble Supreme Court for final clearance in view of the Court orders dated 13.11.2000 .

[**Note:** *Hon'ble Supreme Court vide their order dated 13.11.2000 had directed that there shall be no dereservation/ denotification of National Parks and Sanctuaries without approval of the Supreme Court. Therefore, to take up any such activity, a clearance from Hon'ble Court is mandatory.]*

2.10 In case of Border Roads, proposals of the Ministry of Defence, a simplified proforma for simultaneous clearance under the Forest (Conservation) Act, 1980 and wildlife clearance is being adopted under 'A Single Window System'.

3. PROCEDURE TO BE FOLLOWED FOR ACTIVITIES WITHIN 10 KMS FROM BOUNDARIES OF NATIONAL PARKS AND WILDLIFE SANCTUARIES:

3.1 In case the project site is located within the eco-sensitive zone or 10 Kms in absence of delineation of such a zone from the boundaries of National Parks, Wildlife Sanctuaries or is an Elephant Reserve/Tiger Reserve and/or important corridors of wildlife movement, the User agency/Project Proponent should seek prior clearance from the Standing Committee of NBWL before seeking Environmental Clearance and the procedure as mentioned under paragraphs 2.1 to 2.8 above are required to be followed in such cases also.

[**Note:** *The Standing Committee of NBWL has been insisting on the recommendation of the State Board for Wildlife for all proposals, including those falling within 10 Kms from the boundary of National Parks and Sanctuary*].

4. PROPOSALS FOR SURVEY WORK TO BE CARRIED OUT INSIDE NATIONAL PARKS AND WILDLIFE SANCTUARIES:

In case any kind of survey work and/or Environment Impact Assessment (EIA) studies, that is a prelude to future diversion of land, are to be taken up in areas involving a wildlife habitat, then also the entire procedure, as prescribed in paragraph 2 above would need to be followed.

****

ANNEXURE-1

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax 24362434

Dated the 2nd December, 2009

OFFICE MEMORANDUM

Sub: Procedure for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat – Regarding.

The issue regarding the procedure to be followed for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat has been under consideration of this Ministry. The issue has been discussed and deliberated at length and the provisions of EIA Notification, 2006 as contained in para 8 (v) of the said notification have also been considered.

2. It has now been decided that the following procedure shall be adopted in dealing with such cases.

(i) The proposals for environmental clearance will not be linked with the clearances from forestry and wildlife angle even if it involves forestland and or wildlife habitat as these clearances are independent of each other and would in any case need to be obtained as applicable to such projects before starting any activity at site.

(ii) While, considering such proposals under EIA Notification, 2006, specific information on the following should be obtained from the proponent:

(a) Whether the application for diversion of forestland involved in the project has been submitted? If so, what is the status of grant of forestry clearance? It would be essential that in such cases, the application for diversion of forestland has been submitted by the project proponent before they come for environment clearance and a copy of the application submitted for forestry clearance along with all its enclosures should also be submitted by the proponent along with their environment clearance application.

(b) Information about wildlife clearance, as applicable to the project should also be obtained. The project proponent should submit their application for wildlife clearance / clearance from Standing Committee of the National Board for Wildlife to the Competent Authority before coming for environment clearance and a copy of their application should be furnished along with environment clearance application.

(iii) The proposal from environmental angle will be appraised by the respective Expert Appraisal Committee and recommendations made on the same which will be processed by the IA Division and approval obtained from the Competent Authority. However, while granting environmental clearance to projects involving forestland, wildlife habitat (core zone of elephant/tiger reserve etc.) and or located within 10 km of the National Park /

Wildlife Sanctuary (at present the distance of 10 km has been taken in conformity with the order dated 4.12.2006 in writ petition no. 460 of 2004 in the matter of Goa Foundation Vs Union of India), a specific condition shall be stipulated that the environmental clearance is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as applicable. Further, it will also be categorically stated in the environment clearance that grant of environmental clearance does not necessarily implies that forestry and wildlife clearance shall be granted to the project and that their proposals for forestry and wildlife clearance will be considered by the respective authorities on their merits and decision taken. The investment made in the project, if any, based on environmental clearance so granted, in anticipation of the clearance from forestry and wildlife angle shall be entirely at the cost and risk of the project proponent and Ministry of Environment & Forests shall not be responsible in this regard in any manner.

(iv) A copy of the clearance letter, besides others, shall also be endorsed to (i) IGF(FC), MoEF, (ii) IGF(WL), MoEF, (iii) PCCF of respective States and (iv) Chief Wildlife Warden of the State.

Note: There will not be any need to refer the files relating to grant of environmental clearance from IA Division to FC Division and or Wildlife Division during consideration of proposals under EIA Notification, 2006, as done at present in view of the course of action stipulated at paras 2(i) – (iv) above.

This issues with the approval of the Competent Authority.

(S.K. Aggarwal)
Director

To

All the Officers of IA Division

Copy to:-

1. PPS to AS(JMM)
2. PPS to ADG(F)
3. PPS to ADG (Wildlife)
4. IGF(FC)
5. Advisor (GKP)
6. Advisor (NB)
7. Director (PLA) with a request to issue necessary instructions to all the SEIAAs/SEACs to follow the above instructions.
8. Website of the Ministry.

ANNEXURE-2

FORMS

(All documents to be submitted in triplicate and signed in Blue ink)

PART I

Proposal for Investigation and Survey in the National Park / Sanctuary

(Details to be provided by the Applicant)

1. Name of the Organization
2. Aims and Objectives of the Proposed Project
3. Location and Map (1:50,000 scale) of the area duly authenticated by the competent authority to be investigated/ surveyed
4. Whether investigation/survey requires clearing of vegetation
5. If yes, please specify the extent (in Ha.)
6. Opinion of the Officer In Charge of the NP/ WLS (Attach signed copy)
7. Opinion of the Chief Wildlife Warden (Attach signed copy). The following be included in the opinion:

    i) Brief history of the protected area
    ii) Current status of wildlife
    iii) Current status of pressures on protected areas.
    iv) Projected impacts of projects on wildlife, habitat management and access/ use of resource by various stakeholders.
    v) Contiguous wildlife areas which would benefit wildlife if added to national park/sanctuary.
    vi) Other areas in the State which have been recommended by State Government, Wildlife Institute of India, BNHS, SACON, IISC, IUCN or other expert body for inclusion in protected area network.

Signed	Signed	Signed
Project Head Name Organization	The Officer In Charge of the NP/ WLS Office Seal	The CWLW Office Seal

PART II

(To be filled in by the Applicant)

1 Project details:

(i) Copy of the Investigation and Survey report.

(The report should include the dates of survey and the names of the investigators, surveyors and all officials of the concerned NP/ WLS who remained present during the period)

(ii) Self contained and factual project report for which NP/WLS area is required

(Enclose copy of the Project Appraisal document)

(iii) Map (duly authenticated by the Divisional / District Head of the Department dealing with Forests and Wildlife) on a scale of 1: 50,000 showing the boundaries of the NP/WLS, delineating the area in question in red color).

(iv) Self contained and factual report of at least two alternatives considered by the project authorities along with technical and financial justification for opting national park/ sanctuary area.

(v) Copy of the Bio diversity Impact Assessment report in case the proposal involves diversion of more than 50 ha. NP/WLS area.

2 Location of the project/scheme

(i) State/Union Territory
(ii) District
(iii) Name of the National Park/ Sanctuary

3 Details of the area required (in Hectares only)

(Provide break up of the land use under the project, e.g., construction of dam, submergence, housing for staff, road etc)

4 Details of displacement of people, if any, due to the project

(i) Total number of families involved in displacement
(ii) Number of scheduled caste/Scheduled tribe families involved in displacement
(iii) Detailed rehabilitation plan

5 Any other information relevant to the proposal but not covered in any of the columns above.

Signed by

Project Head
Name
Organization

Date of submission to the Head of the National Park / Sanctuary

PART III

(To be completed by the Officer –in- Charge of the National Park/ Sanctuary completed and submitted to the Chief Wild Life Warden or officer authorized by him in this behalf within 30 days of the receipt of PART - II)

1 Date of receipt of the PART – II

2 Total Area (Ha.) of national park/sanctuary

3 Total area (Ha.) diverted from the NP/WLS so far for development purposes

4 List the past projects and the area (Ha.) diverted

Name of Project	Area Diverted	Year of Diversion

5 Positive impact(s) due to the diversion of area for the projects referred to in column 4 above

Name of the Project(s)	Positive Impact	Scientific Basis of Assessment

(Attach separate sheet, if required)

6 Negative impact/s due to the diversion of area for the projects referred to in column 4 above

Name of the Project(s)	Negative Impact	Scientific Basis of Assessment

(Attach separate sheet, if required)

7 Management Plan Period

Attach copy of the Management Plan/Management Scheme/ Recommendation of Chief Wildlife Warden

8 List Management actions taken/ proposed to be taken in the whole Block/ Zone in which the proposed area is located.

9 Type of forest in which the proposed area falls.

10 Location of the proposed area w.r.t. the critical/intensive wildlife management areas/ wildlife habitats (attach Map to scale).

11 List the likely POSITIVE AND NEGATIVE impact/s of the proposed project giving scientific and technical justification for each impact.

12 Provide COMPREHENSIVE details of the impact of the proposal in terms of Sections 29 and/or section 35 (6) of the Wild Life (Protection) Act, 1972 as the case may be.

13 Whether the project authorities have ever committed violation of the Wild Life (Protection) Act, 1972 or Forest Conservation Act, 1980. If yes, provide the EXHAUSTIVE details of the offence and the present status of the case.

(Concealing or misrepresenting the facts will lead to rejection of the case in addition to any other penalty as prescribed under Law)

14 Have you examined the Project Appraisal document and the alternatives as provided in PART – II?

15 Have you examined the Bio diversity Impact Assessment Report?

16 If Yes, please give your comments on the recommendations given in the report?

17 Dates and duration of your field visits to the proposed site.

18 Do you agree that the present proposal of diversion of NP/WLS area is the best or the only option and is viable.

19 Any other information that you would like to bring to the notice of the State Board for Wildlife, National Board for Wildlife or its Standing Committee that may be relevant and assist in decision making.

20 Do you recommend the project.

(Please provide full justification to support your recommendations)

Signed by

The Officer In Charge of the NP/ WLS
Official Seal
Date of submission to the Chief Wild Life Warden or any other officer authorized by him in this regard

PART IV

(To be completed by the Chief Wildlife Warden within 15 days of the receipt of PART - II and Part- III)

1 Date of RECEIPT of PART- II and Part- III by the Chief Wild Life Warden or the officer authorized by him in this regard

2 Do you agree with the information and recommendations provided by the Officer – in – Charge in PART – III?

3 If not, please provide the reasons

4 Have you visited the site yourself and held discussions with the applicant?

5 Do you agree that the present proposal for permitting use of NP/WLS area is the best option or the only option, and is viable?

6 Please provide specific comments w.r.t. Section 29 of the Wild Life (Protection) Act, 1972

7 Any other information that you would like to bring to the notice of the State Board for Wildlife, National Board for Wildlife or its Standing Committee that may be relevant and assist in decision making

8 Do you recommend the project?

(Please provide full justification to support your recommendations)

9 Conditions, if any, to be ensured in the interest of protection and conservation of wildlife for allowing use of the area?

Signed by

The Chief Wildlife Warden
Name
State
Official Seal

Date of submission to the State Government

PART V

(To be completed by the Department in Charge of Forestry and Wild Life in consultation with the State Board for Wild Life within 30 days of the receipt of PART – II, PART- III and PART- IV)

1 Date of RECEIPT of PART- II, PART- III and PART - IV by the Department

2 Do you agree with the recommendation(s) of the Chief Wildlife Warden

3 If not, please provide the reasons.

4 Did you provide PART- II, PART- III and PART - IV to the members of the State Board for Wild Life?

5 Attach copy of the opinion of the State Board for Wild Life

6 Give details of the recommendations of the State Government

Signed by

The Principal Secretary
Name
State
Official Seal

Date of submission to the Central Government