

News Item Titled Proposed Luxury Hotels ... vs Principal Chief Conservator Of Forest ... on 30 September, 2024

Item No.04

Court No.1

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Original Application No.175/2024/EZ
(Earlier O.A. No.1049/2024/PB)

News Item titled "Proposed luxury
hotels in and around Kaziranga
threaten wildlife conservation
livelihood" appearing in
Mongabay dated 31.07.2024

Applicant(s)

Date of hearing: 30.09.2024

CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER

For Applicant(s) : Suo Motu,

For Respondent(s) : Mr. Devajit Saikia, AG, Assam (in Virtual Mode) a/w
Ms. Malabika Roy Dey, Advocate for R-1 and 2

ORDER

1. The Original Application No.1049/2024/PB was registered suo motu by the New Delhi Bench of the Tribunal on the basis of a news item titled "Proposed luxury hotels in and around Kaziranga threaten wildlife conservation, livelihood" published in Mongabay newspaper dated 31.07.2024.

2. The allegation is that the upcoming tourism infrastructure projects in the Kaziranga National Park and Tiger Reserve (KNPTR) in Assam, could be a threat to wildlife, resulting in displacement, negative environmental impact and movement of wild animals, especially in the Inle Pothar area which has been a traditional haven for elephants. It is stated in the article that the Kaziranga National Park and Tiger Reserve is spread over 1300 square kilometers and is a UNESCO World Heritage site, home to the one - horned rhinoceros, elephants, tigers, wild buffaloes and wild boars among other species.

3. In the news item it is alleged that in 2023, the Government announced that the Kaziranga National Park would soon have a five-star resort to attract tourists from across the world. Para 4, 5, 6 and 7 reads as under:-

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX "4. The news item asserts that one of the sites of the projects is Inle Pothar, a 19-acre farmland in the Kohora town of the state's Golaghat district. It alleges that the authorities have put up fences all around Inle Pothar and also deployed 35-40 armed commandos to guard the area. The article emphasizes that this area, apart from serving as an important passage for animals, has also been cultivated by indigenous farmers for generations. As Inle Pothar and the adjoining tea gardens lie on the foothills of Karbi Hills, animals use this area during floods, while scouting for natural highlands. Once this area gets blocked, they will enter villages, and this will aggravate human-animal conflict. Furthermore, Inle Pothar is also called the playground for elephants. It has over 400 elephants and the area has a history of peaceful coexistence between people and elephants.

5. Over 45 farmer families survive on the yield produced from the 19- acre land in Inle Pothar, of which 9.9 acre has been earmarked for the luxury hotels project. Even though the authorities have marked it as government land, the article claims that the farmers have been paying revenue land taxes for more than a decade.

Moreover, In the Tata-owned Hathikuli tea estate, eight acres have reportedly been earmarked for the IHCL to build a luxury resort. The article states that Around 1,500 people work in Rongajan and Hatikhuli tea gardens, whose livelihood will be affected by the hotels.

6. The news item further highlights that Currently, KNPTR has nine animal corridors delineated: Amguri, Bagori, Chirang, Deosur, Harmati, Hatidandi and Kanchanjuri in Nagaon district and Haldibari and Panbari in Golaghat district. In 2022, the Supreme Court had directed that every protected forest (national park or sanctuary) should have a one kilometre Eco Sensitive Zone (ESZ), where no infrastructure projects would be allowed (Writ Petition (Civil) No. 202 Of 1995). KNPTR is among a handful of national parks in the country without a declared ESZ. Without a declared ESZ, a radius of 10 kilometre outside the park has been enforced by the Supreme Court since 2006. Therefore, in such a scenario, the proposed hotel project would fall under the purview of ESZ.

7. It news item further aseerts that there is already significant damage caused by resorts and other constructions adjoining the Kaziranga National Park, which have been termed unsustainable by government authorities and courts in the past. Setting up five- star hotels in this ecologically sensitive landscape will also set a wrong precedent."

4. The matter was thereafter transferred to the Eastern Zone Bench of National Green Tribunal, Kolkata vide order dated 07.08.2024 and the case has been renumbered as Original Application No.175/2024/EZ.

5. Issue notice to the Respondents, returnable within four weeks.

6. Mr. Devajit Saikia, learned Advocate General, Assam appearing (in Virtual Mode) assisted by Ms. Malabika Roy Dey, learned Counsel who is present in Court have put in appearance on behalf of the

Respondent Nos.1 and 2, State Respondents.

7. Ms. Amrita Pandey, learned Counsel who is present in Court/(in Virtual Mode) accepts notice on behalf of the Respondent Nos.3 and 4, National Tiger Conservation Authority and Ministry of Environment, Forest and Climate Change (MoEF&CC) respectively.

8. All the Respondents pray for and are granted four weeks for filing counter-affidavit.

9. The Office of the Tribunal shall provide copy of the Original Application along with its Annexures to Mr. Devajit Saikia assisted by Ms. Malabika Roy Dey and Ms. Amrita Pandey, learned Counsel for the Respondents within 24 hours.

10. List on 19.11.2024.

..... B. Amit Sthalekar, JM Dr. Arun Kumar Verma,
EM September 30, 2024, Original Application No.175/2024/EZ (Earlier O.A. No.1049/2024/PB)
OM