

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

Original Application No. 1049/2024

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

Date of hearing: 07.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Proposed luxury hotels in and around Kaziranga threaten wildlife conservation livelihood" appearing in Mongabay dated 31.07.2024.

2. The matter relates to the upcoming tourism infrastructure projects in the Kaziranga National Park and Tiger Reserve (KNPTR) in Assam. As per the article, these projects could be a threat to wildlife, resulting in displacement, negative environmental impact and the movement of wild animals, especially in the Inle Pothar area which has traditionally been a haven for elephants. The article highlights that KNPTR is spread across 1,300 square kilometres and is a UNESCO World Heritage site, home to the one-horned rhinoceros, elephants, tigers, wild buffaloes and wild boars among other species.

3. The news item states that in 2023, the Assam CM announced that Kaziranga would soon have a five-star resort to attract tourists from across the world. Later the Assam government also disclosed that three

hospitality projects are being developed in and around Kaziranga in collaboration with the Department of Tourism. The article alleges that while it is unclear what the final projects are going to be or who the developers are, land has already been barricaded and farmers have been displaced for it.

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.

8. The above news item indicates violation of the provisions of the Environment Protection Act, 1986; Biodiversity Act, 2002 and the Forest Conservation Act, 1980.

9. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

10. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 *SCC Online SC 897*.

11. Hence, we implead the following as respondents in this matter:

i. Principal Chief Conservator of Forest, Assam

PCCF & HoFF, Assam, Aranya Bhawan, Panjabari, Guwahati,
Kamrup(Metropolitan), Pin – 781037

ii. Kaziranga National Park and Tiger Reserve, Through its Field
Director

P.O .Bokakhat ,Dist .Golaghat, P.O .Bokakhat ,Dist .Golaghat,

iii. National Tiger Conservation Authority, Through its Regional
Office

National Tiger Conservation Authority (Regional Office) 4th
Floor, HOUSEFED Building, Rukminigaon, G.S. Road,
Guwahati, Guwahati, Assam-781 036.

iv. Ministry of Environment and Forest, Through its Regional Office

Integrated Regional Office, Guwahati, 4th Floor,

HOUSEFED Building, G.S. Road Rukminigaon, Guwahati –
781022

12. Issue notice to the respondents for filing their response before the appropriate bench of the Tribunal at least one week before the next date of hearing.

13. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Let the original record of this OA be transferred to the Eastern Zonal Bench, Kolkata.

14. List before Eastern Zonal Bench at Kolkata on 30.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 07, 2024
O.A. No. 1049/2024
HB