



A Reprieve for Kaziranga?

By Shailendra Yashwant

In a significant move, the National Green Tribunal (NGT) has adjudged the MoEF and Assam Government as guilty of violating the 'No Development Zone' (NDZ) around Kaziranga National Park, on September 7, 2012, and ordered the closure of illegal stone-crushing units, brick kilns and other polluting industries operating in the vicinity of the park, in response to an application filed by RTI and environmental activist, Rohit Choudhury (*Sanctuary*, Vol. XXXII No. 4, August 2012).

The NDZ was declared on July 5, 1996 as a condition for environmental clearance granted to the Numaligarh Refinery located in the east of Kaziranga (see map). Justice A. S. Naidu and Dr. G. K. Pandey have slammed the MoEF and State Government of Assam, citing that they have "totally failed" in their duties to implement the provisions of the 1996 notification with respect to the NDZ around Kaziranga, consequently threatening the delicate biodiversity and ecology of this eco-sensitive zone.

Being an infringement of law, both parties were asked to deposit rupees one lakh each with the Director of Kaziranga National Park for the "conservation of the park and restoration of flora and fauna as well as biodiversity, eco-sensitive zone, ecology and environment in the vicinity of Kaziranga National Park in general and within the No Development Zone in particular."

The State Government has been further directed to take immediate steps to do away with all 11 illegal stone-crushers located within the NDZ and suspend the activity

of the 23 stone-crusher units in the vicinity until necessary precautions are taken to curtail pollution to the satisfaction of the Assam and Central Pollution Control Board.

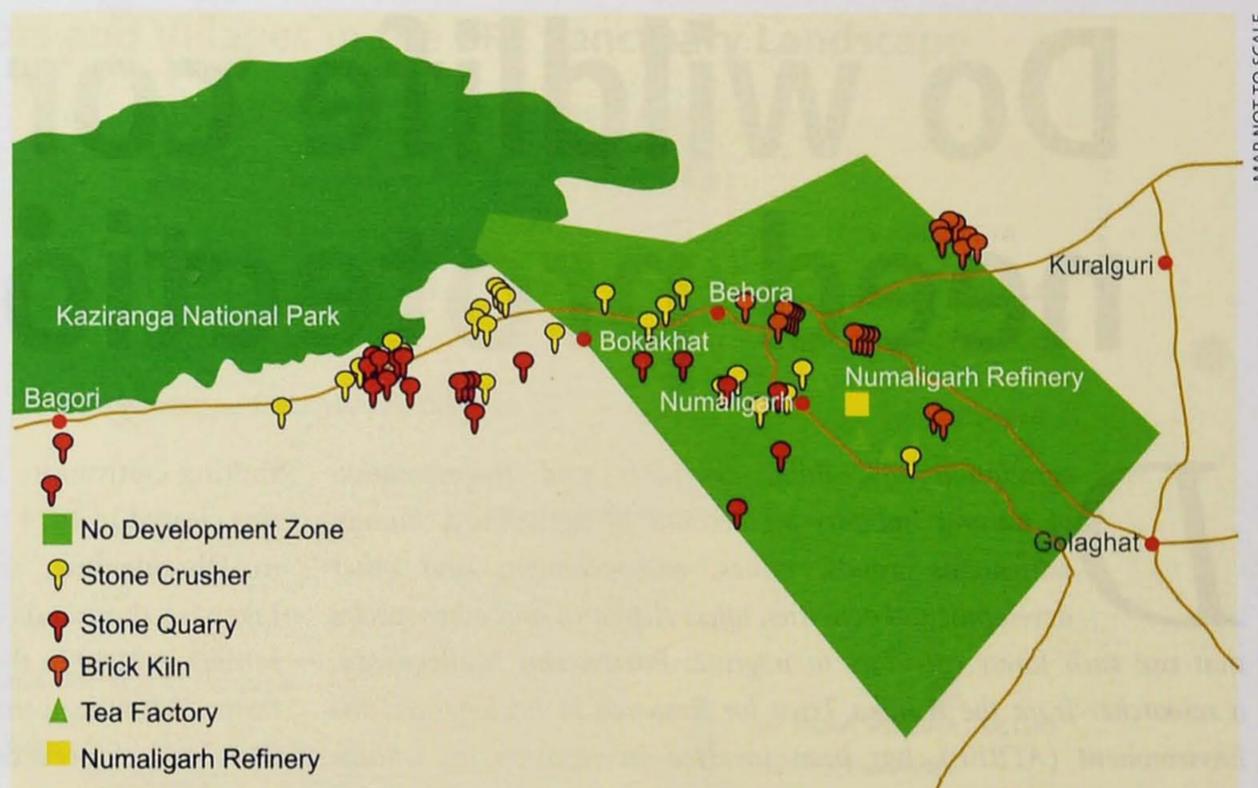
The Tribunal also found the 34 brick kilns operating near the park to be hazardous to the environment and directed that 33 of them be closed down immediately. Only the one established prior to 1996 is to be allowed, but necessary steps must be taken in order to relocate it or ensure that tighter air pollution control devices are employed.

However, what will have the biggest impact and probably present a huge challenge to implement, is to get all 25 tea factories around Kaziranga (22 of which are located within the NDZ and three are within 500 m. of the outer periphery of NDZ) to stop using boilers that require fossil fuels in their processing units. This means that the tea factories will have to install renewable energy heating plants and pollution control devices at the earliest, a welcome and visionary step, if successfully implemented.

The Tribunal further asked the MoEF and State Government "to prepare a Comprehensive Action Plan and Monitoring Mechanism for implementation of the conditions stipulated in the 1996 Notification specifying 'No Development Zone' and for inspection, verification and monitoring of the prohibitions imposed in the notification referred to above, as well as the provisions of Rule-5 of the *Environment (Protection) Act, 1986*."

"This judgment is a victory for the people of Assam. Kaziranga is not just a national park, but in a way, the very symbol of Assam. Kaziranga is unparalleled in terms of its natural beauty and wildlife values. I am hopeful that the Government of India and Government of Assam will now 'wake up' and

FACING PAGE The pride of Assam, the one-horned rhinos of Kaziranga National Park, are once again threatened by the resurgence of poaching as well as recurrent flooding of their habitat. In 2012 alone, almost 40 rhinos have been killed, many of which drowned in the floods that hit the state this year.



take the order of the NGT in the right spirit and ensure that the area around the vicinity of Kaziranga is free of polluting units," said 29-year-old activist Rohit Choudhury, a resident of Bokakhat in the Golaghat district, who filed the case that led to this judgement.

Growing up, Rohit saw numerous industries crop up in the vicinity of Kaziranga and witnessed the park being threatened by these activities first hand. Speaking to *Sanctuary* from New Delhi, he said, "I felt that unless urgent action was taken, this natural heritage would not survive. The Numaligarh Refinery was allowed to be set up under the condition that no other polluting industry be allowed in the area. However, I saw before my own eyes that no difference existed between a No Development Zone and other areas, and scores of development projects were mushrooming in the area. I was contemplating various Judicial forums starting from the Supreme Court to the High Court and then the Central Empowered Committee. However, based on interaction with lawyers, I decided to file it before the National Green Tribunal. The National Green Tribunal (NGT) started functioning only six months before I filed the case and after reading its mandate I thought that it would fight for the cause. Among my main concerns was the fact that despite directions of the Supreme Court, no eco-sensitive

Outrage spreads after poachers get away with horn of a live rhino

In a brazen turn of events, poachers shot and extracted the horn of a rhino as it attempted to escape the flood-inflicted park, home to two-thirds of the world's population of the endangered species. "It is a sad day for Assam. I am appalled at the fact that poachers could get away with the horn of a live rhino," said Somyadeep Dutta, an environmentalist. The rhino is now being treated by veterinarians, who are trying to save the animal. Violent floods caused by the overflowing of the Brahmaputra river in Assam have caused havoc in the state, killing 18 people and forcing two million people to flee their homes, and taking the lives of several rhinos, deer and other animals. According to reports, 13 rhinos have been lost to poaching in the past nine months.

area was notified around the park." Noted environment lawyer, Ritiwick Dutta appeared on his behalf and the verdict of the NGT is being heralded by conservationists in Assam as the first ray of light for Kaziranga in almost two decades.

Meanwhile, yet another intense spell of rain has resulted in the Brahmaputra breaching its banks for the third time this year, inundating almost 70 per cent of Kaziranga National Park on September 25, 2012. Hundreds of animals have reportedly taken refuge along NH 37 at the time of going to press. 🐘