

**Report of the III<sup>rd</sup> High Level Monitoring Committee (HLMC)**  
*for the*  
**Mahabaleshwar-Panchgani Eco-Sensitive Zone (MPESZ)**

**July 2012**

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## I. BRIEF BACKGROUND

Mahabaleshwar-Panchgani Region is a popular tourist hill station; the only one of its kind in the Northern Western Ghats. However, the Region also has a rich manmade and natural heritage, and is the origin of the Krishna, Koyna, Venna, Gayatri, Solshi and Savitri rivers. The region faces a severe threat from the booming tourism related activities and the negative fallout like unauthorized settlements, unauthorized hotels, unauthorized deforestation, solid waste pollution, traffic congestion, etc. In order to contain these harmful consequences of uncontrolled development in the Mahabaleshwar-Panchgani Region, a notification was issued by the Ministry of Environment and Forests in 2001 whereby the region was declared as an 'Eco-Sensitive Zone (ESZ)'. The controlled and sustainable development of the Region on the one hand and protection and conservation of ecologically sensitive areas on the other was envisaged as the key element under this notification.

The importance of the Mahabaleshwar Panchgani Eco-Sensitive Zone has increased in recent years due to the judgment given by the Krishna Water Dispute Tribunal Award (KWDTA, 2011). Since Krishna and Koyna are the major rivers which will affect the area upstream of the Almatti dam, practically every year during the monsoons, regulating and managing the head waters of these two rivers has acquired a special significance. Further, the impact of Climate Change during the last decade has led to spikes in the rainfall pattern with one day precipitations exceeding 500- 600 mm. Such episodes have made it even more imperative that the ecological health of this region is guarded scrupulously.

## II. WHAT LED TO THE ESZ NOTIFICATION?

The process preceding the notification of Mahabaleshwar- Panchgani region as an Eco-Sensitive Zone dates back to the year 1997. The Bombay Environment Action Group (BEAG) filed a public interest writ petition *inter alia* against the unauthorized construction activities in the Mahabaleshwar-Panchgani Region. The Bombay High Court took up the issue seriously and appointed a committee to verify the situation. Subsequently, a committee headed by Mr. Arun Bhatia, the then Commissioner of Pune Division, and with members like the Collector, Satara District, Former Director Mumbai Metropolitan Regional Development Authority (MMRDA) and several other Town Planning Authorities found that there were over 460 constructions and hotels in the Mahabaleshwar-Panchgani Region which were in gross violation of the Development Control Rules and Regulations prepared in 1985.

A High Court Monitoring Committee (HCMC) was appointed in 1998 by the Bombay High Court to get a status report and recommendations on the issues like –unauthorized constructions, natural and man-made heritage, demarcation of forests (any land that falls under the dictionary meaning of the word 'forests'), stalls/shops, Venna Lake and river, walks/paths and rides, etc. This Committee submitted a detailed report to the High Court in 2004 and continued to work till the December 2007.

The Bombay Environment Action Group (BEAG) had several communications with the Ministry of Environment and Forests regarding the protection of the Mahabaleshwar Panchgani Region. In view of this, the MoEF consulted with the State Government regarding the notification of the region as an Eco-sensitive Zone, and in July 2000, the MoEF published a draft notification calling for suggestions and objections to modify and improve the notification suited to the peoples' concerns. Over 350 suggestions were received during this period some of which were later incorporated in the final notification.

Finally in January 2001, the MoEF notified an area of 237.28 sq kms. as Ecologically Sensitive Zone, (including 5 villages from Jaoli Taluka) and laid down the rules and regulations regarding Development, and enlisted certain activities as detrimental and hence to be regulated in the Region. This came about due to the persuasive efforts of the late Shri. Shyam Chainani, (BEAG). The notification also directed the formation of a High Level Monitoring Committee (HLMC) which would ensure that activities carried out in the Mahabaleshwar Panchgani ESZ were in compliance with the provisions of the notification.

### **III. CONSTITUTION OF THE HLMC**

#### **A. FIRST HLMC:**

The first HLMC was constituted under the Chairmanship of Mr. J. Kanga in the year January 2002. The committee held 14 meetings until January 2005. The major issues were taken up by this Committee, along with the important decisions were carried forward as tasks to be completed by the next Committee. It was however expected that the local administration would enforce the decisions taken and the procedures adopted by the Kanga Committee.

## B. SECOND HLMC

After the dissolution of the first Committee, the HLMC was constituted only in April 2008 i.e. after a gap of three years and four months. Mr. Bahadur was appointed Chairman of the second HLMC which held only one meeting in March 2009. Some issues were identified by the Members<sup>1</sup> of the Bahadur Committee during the meeting as important matter to be taken up by the HLMC.

Mr. Bahadur resigned immediately after the first meeting.

## C. RECONSTITUTION OF THE SECOND HLMC

Mr. Devavrat Mehta was appointed as the Chairman of the reconstituted second Committee for the rest of the term<sup>2</sup>. This Committee functioned for one year, ie till April 2010. The tasks taken up by the HLMC were partly based on the issues identified by the previous Committee and partly on the issues as they emerged during the Committee's tenure. In addition to the tasks mentioned in the TOR given by the MOEF, the Committee initiated several activities which it considered essential and complementary to the formal TOR.

## D. THIRD HLMC

In May 2010 the third HLMC was constituted once again under the Chairmanship of Mr. D. Mehta<sup>3</sup>. The activities related to the tasks and the decisions taken inevitably contained certain elements of '*restrain and regulation*'. However, the Committee also ensured that wherever possible proactive and positive decisions/actions were also taken and incentives given in order to achieve the objectives of the ESZ notification.

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<sup>1</sup> Members of the IInd Committee: Mr. Bahadur (Chairman), Dr. Rajendra Jagdale, Prof. Vijay Paranjpye, Smt. Naik, Mr. R.K. Pole and other *ex-officio* Members from Government.

<sup>2</sup> Members of the Reconstituted IInd Committee: Mr. Devavrat Mehta (Chairman), Dr. Rajendra Jagdale, Prof. Vijay Paranjpye, Smt. Naik, Mr. R.K. Pole and other *ex-officio* Members from Government. Dr. F. F. Wadia was included as special invitee by the MoEF.

<sup>3</sup> Members of the IIIrd Committee: Mr. Devavrat Mehta (Chairman), Dr. F. F. Wadia, Dr. Jay S Samant, Smt. Naik, Mr. R.K. Pole and other *ex-officio* Members from Government. Prof. Vijay Paranjpye, was included as special invitee by the HLMC.

### **Involvement of local residents/stakeholders within MPEZ.**

To ensure the involvement of the locals, public in general and affected groups in particular, and to gather their suggestions/problems, the HLMC made it a practice to meet cross sections of the public before every scheduled meeting and visited various sites to gather first hand information.

Since November 2009 to May 2012, the HLMC held 13 meetings. These meetings were preceded by inter-actions with stake holders divided into 3 groups viz Mahabaleshwar, Panchgani and Rural area of ESZ.

#### **Composition of groups:**

- i. Elected members of Mahabaleshwar and Panchgani Councils and Mahabaleshwar Panchayat Samiti and Zilla Parishad, MLAs, MPs.
- ii. Associations of school teachers, principals.
- iii. Associations of Hoteliers.
- iv. Associations of Horse and buggy owners.
- v. Associations of Strawberry growers and farmers.
- vi. Associations of guides, tour operators, adventure clubs.
- vii. Associations of taxi, tourist vehicle owners and operators.
- viii. Associations of merchants, shop-keepers.
- ix. Associations of activists like Sahyadri Trekkers' group, BEAG and individual activists like Suryakant Panchal, Mr. Shiraz Satarawala, David Cardoz, retired Town Planning officials etc.

All relevant information about the provisions of the ESZ, along with the historical, geographical and biological and heritage related information have been made available to such groups and concerned citizens. These informal meetings helped HLMC in understanding local difficulties and suggestions, many of which are reflected in its decisions.

*The HLMC has been actively encouraging formation of NGOs of local people for better interaction.*

#### **IV. ISSUES HANDLED BY THE SECOND AND THIRD HLMC:**

The second and third HLMC under the Chairmanship of Mr. Devavrat Mehta have been working on the following issues:

##### **A. MACRO AND MICRO PLANS OF THE REGION:**

##### **1. Zonal Master Plan: (ZMP)**

The HLMC scrutinized the entire Regional Plan (deemed Zonal Master Plan) and submitted to the MOEF a detailed report containing a Vision Statement, aims and objective, and important additions and modifications so that the ZMP would be in consonance with the spirit of the ESZ notification. HLMC report was fully accepted. The Regional Plan (deemed to be The Zonal Master Plan) and inclusive of HLMC's report was approved by the MOEF and sent to the GOM in November 2011, for its final notification.

*However, the final notification from GOM is awaited.*

##### **2. Development Plans (DP) for Panchgani and Mahabaleshwar:**

The DP of Panchgani as finalized by the Urban Development Plan (UDD, GOM) was sent by the MoEF to the HLMC in early May 2012 for its recommendations. The HLMC has scrutinized the DP for Panchgani and sent its recommendations to the MoEF for its approval (as the deemed Sub Zonal Master Plan).

*The MoEF is yet to approve the Panchgani DP and the UDD has published the final DP vide notification dated 4<sup>th</sup> June 2012, with a rider stating that the Plans are subject to MoEF approval.*

As regards the Mahabaleshwar DP (deemed to be Sub Zonal Master plans) the plans were scrutinized and comments and suggestions have been submitted to the Planning Committee appointed for hearing of the suggestions and objections to the DP.



*The Mahabaleshwar DP is yet to be finalized by the UDD and sent for approval to MoEF.*

### **3. Tourism Master Plan:**

The Tourism Master Plan (TMP) forms an essential part of the ZMP. Since the Department of Tourism (GOM)/ MTDC had taken no step to prepare the TMP till the end of 2010, the HLMC gave a draft TOR to the Department of Tourism/ MTDC and persuaded them to appoint a consultant to prepare the TMP. The HLMC has regularly interacted with the consultant at all stages of TMP preparation.

The HLMC has indicated to all agencies and stakeholders that there will have to be a major shift from leisure and conventional tourism to green tourism i.e. ecological, cultural and agro-tourism etc. Meetings with guides have been held in this connection and training has been organized for them. In order to divert tourist flow towards nature trails, horse rides and hiking trails, maps giving these details have been prepared with the help of Hoteliers Association.

*However, the final recommendations on the TMP will be given by the HLMC only after the State Government officially submits the TMP to the MoEF for approval.*

### **4. Initiation and Preparation of Roads Traffic and Transportation Plan:**

The HLMC commissioned Lea Associates as consultants for preparing the Traffic, Transport and Mobility Plan. The consultants have submitted an elaborate plan [without charging expenses or their fee] which the HLMC has broadly accepted in principle along with its' major recommendations. One of the key recommendations was to conduct a study of the traffic and transport situation at three points namely Makaria Chowk, Venna Lake at Mahabaleshwar and Shivaji Chowk at Panchgani.

*The Makharia Chowk Study has been completed and the Chief Officers (CO) of Panchgani and Mahabaleshwar have been asked to complete the remaining studies. It is expected that the inferences and recommendations emerging from these studies should be implemented with the objective of reducing congestions and traffic snarls during the peak hours in the high seasons.*

## **5. Long Term Plan for Conservation of Venna Lake (Gr 1 Natural Heritage Site):**

The irrigation department has raised the height of the Venna dam as a consequence of which part of the Petit Road on the periphery of the lake was submerged. Consequently the Public Works Department (PWD) had submitted a proposal to the HLMC for constructing an alternative road. The HLMC rejected this proposal since this road would have required cutting and clearing of forest areas which would have been detrimental to the MPEZ. However, a bridge instead, is under consideration.

The Mahabaleshwar Municipal Council on its part had prepared a Venna Lake DP and submitted to HLMC for approval. Since, this plan contained proposals for using the Dam crest line areas for inappropriate purposes like amusement activities, horse riding etc. and since it did not contain any lake conservation or protection elements the HLMC rejected the Plan.

The HLMC requested Dr. Jay Samant (Member) and Professor Paranjypte to prepare guidelines/outline plan which could be used as the basis for preparing a more detailed implementation plan for the lake and its catchment area. It was decided that Mahabaleshwar Municipal Council should submit a revised proposal for funding under National Lake Conservation Plan (NLCP) to MoEF incorporating the guidelines.

The HLMC appointed a sub-group to study the various environmental issues related to the Venna Lake and to prepare a set of recommendations for conserving the unique water body.

### **i. Observations of the sub-group include the following:**

- a. The Venna Lake is a perennial, man-made, high altitude lake and an extremely unique site on the Western Ghats and therefore needs to be conserved.
- b. The catchment area of the lake is rich in biodiversity, and is therefore a priority for conservation.
- c. The lake provides drinking water to the floating and residential population of Mahabaleshwar and Panchgani Municipal Councils and maintaining water quality in the region of crucial importance.
- d. The problem of declining water quality in the Venna Lake is due to the mismanagement of solid waste and absence of sewage treatment plants. The first step in conservation of the Venna Lake therefore, must be the completion and proper management of the sewage treatment facilities and

solid waste disposal plants.

**ii. Recommendations of the sub group include the following:**

- a. Continuous monitoring and detailed study of the Venna Lake, ensuring protection to the forests and other eco-sensitive habitats in the catchment area.
- b. The Venna Stage II project should not be taken up keeping in view the eco-sensitivity considerations of the region.

*The draft of the proposal on conservation of Venna Lake under NLCP is being finalized.*

c.

**6. Management of the River Zone downstream of Venna Lake:**

The Draft DP recently published by Municipal Council was scrutinized by HLMC and it was found that Agriculture Zones have been deleted in the current DPs. Besides this the points of concern are farming with the use chemical fertilizers, nurseries of ornamental and exotic species, and proximity of such artificially treated agriculture fields to the rivers mainly Venna. The DP of Mahabaleshwar only recommends and does not mandate the marking of high flood line on Venna Lake.

**On the above issues it has been decided:**

- a. The DP needs to re-introduce Agriculture Zones and based on the type of cropping, etc. suggest changes/ policies in agricultural development around sensitive areas. eg. Riparian areas, water shed areas, slopes etc.
- b. The dam burst line, high flood line and the natural average flood line be declared immediately and be included as an intrinsic part of DP for prevention of any damage to property and life due to inappropriate developments within the flood lines.
- c. These areas within sr. no. b should also form a part of the Conservation Reservation Zones for proper protection.
- d. Relevant policies from the River Regulation Zone (RRZ) guidelines (Department of Environment, GOM) and relevant guidelines issued by the MoEF needs to be introduced.

## **7. Panchgani Table Land**

The Table Land at Panchgani is an important listed Natural Heritage Site (NHS), of immense geological and ecological value. In spite of its unique position it has suffered from serious abuse leading to severe ecological degradation by the locals and tourists alike during the last 15 years. Consequently, they became a matter of litigation in the Bombay High Court (WP 7308/2002 and PIL 39/2003). In 1998, High Court passed an order and asked the existing High Court Monitoring Committee to oversee the preparation of the Tableland Management Plan. The HCMC submitted a draft report on 16<sup>th</sup> Feb 2004 and the Panchgani Municipal Council passed a resolution to adopt the HCMC report on 15<sup>th</sup> Feb 2005. Subsequently management plan for the Table Land was prepared and approved by the Bombay High Court on 19<sup>th</sup> September 2005 and the final order for the Table Land management plan was given on 19<sup>th</sup> June 2006. Unfortunately, it has not yet been implemented despite a Contempt Petition

*This matter pertaining to the Table Land was brought to the HLMC and the Committee has addressed this issue by facilitating a dialogue between the litigants for an amicable solution. The Municipal Council and the concerned stakeholders have been advised to strictly follow the directives of the Honorable High Court .A plan for the relocation of stalls/commercial activities and parking has been prepared and agreed upon by the litigants. The only issue that is to be resolved is permitting of horse tracks on Panchgani main Tableland which is subject to the approval of the High Court.*

## **8. Buffer Zone and preparing appropriate guidelines for its development/management**

Dr. Jay Samant Member HLMC was requested to prepare guidelines for the Buffer Zone approximately 2.5Km in width around the periphery of the MPEZ in order to rationalize the area ecologically along with land use considerations.

The Assistant Director of Town Planning, (ADTP) Satara, has prepared a set of guidelines for the Buffer Zones which have been scrutinized by the HLMC and suggestions to these regulations have been given so that the same be adopted by the government and be included as a part of the Regional Plan (RP) for Satara. Since some portions also lie in Raigad and Ratnagiri districts, they will be

included in the respective RPs as well.

**9. To coordinate with the Heritage Committee regarding the Heritage list and recommending of the additional sites for approval and submissions to the Government of Maharashtra (GOM)**

The Heritage Lists in the ESZ have to include around 70 sites that had been inadvertently missed out and have now been identified. The lists must include these identified sites and also have to contain the relevant information such as CTS No., road location etc. of all sites.

There are several inconsistencies and errors in the Mahabaleshwar Heritage Map included in the DP. The Panchgani DP has not included any map showing Heritage Sites (as in the case of Mahabaleshwar) and heritage finds mention just as a para towards the end of the Report.

On the above issue it was decided:

- a. The Heritage Lists must contain relevant information about the sites in particular the CTS nos. road names etc.
- b. Several glaring examples of inconsistency in the Mahabaleshwar Heritage map have been pointed out. The map needs to be thoroughly scrutinised and rectified immediately.
- c. A map showing Panchgani Heritage properties to be prepared at the earliest.

About 52 Natural Heritage Sites are already listed and have been published in the Regional Plan (deemed ZMP). As these are important parts of the natural environment, the HLMC has formulated three levels of management/conservation as applicable to them.

**Group 1:** For certain already highly frequented areas - specifically tailored Management Plans, which would take into account terrain, certain minimum tourist facilities, transport, parking etc.

**Group 2.** For these sites, only minimum intervention would be applicable, e.g. repair of safety structures such as parapets and railings or of existing monuments. No further construction to be allowed at these sites.

**Group 3.** At these sites there should be no artificial intervention of any kind. Natural environs to be

conserved in the interest of wilderness values only.

## **B. INITIATIVES FOR PROTECTION, CONSERVATION & RESTORATION OF THE ESZ:**

### **1. Setting up of an Institute for Climate Change:**

A decision has been taken by the Meteorological Department (MD India) to set up a Climate Change Institute in Mahabaleshwar which will be using advanced techniques and equipment for monitoring meteorological changes on a short term as well as long term basis. This institute will be located within the premises of the Meteorological Department located at Mahabaleshwar. Presently, a High Altitude Cloud Physics Laboratory has been started.

*The HLCM strongly supported the setting up of such a station and also requested the authorities to carry out the long term impacts of climate change on the MPEZ in addition to its regular research activities.*

### **2. Environmental Awareness, Public Orientation and establishing Interpretation Centre:**

An awareness program about the ecological values and objectives of ESZ notification has been launched and printed material in Marathi and English CDs, Films etc. have been distributed/ being distributed to schools, guides, hoteliers, gram panchayats, and government offices etc. who will interface with public regularly. Two interpretation centers in Mahabaleshwar and Panchgani have been set up. Seminars for school children, teachers, principals and guides were organized to explain ESZ and to understand their responses.

*A website needs to be set up to exclusively deal with HLMC matters. More interpretation centres within the Region are being proposed.*

### **3. Taking appropriate actions/decisions regarding the Forest Alike Areas (FAAs) , (Vanasadrushya lands).**

In pursuance of the Supreme Court order SLP/202 of 1995 the FAAs were to be surveyed all over the country. Despite this ruling the actual process of surveying the FAAs started in 2006, when the

Bombay High Court passed an order asking for compliance with the Supreme Court Directions (PIL-39 of 2003), specifically for the MPEZ. Subsequently the GOM completed this survey in 2007.

The HLMC notes that the results of this survey have still not been reflected in the Zonal and Sub Zonal Plans.

*The HLMC has strongly recommended that the identified FAAs must be entered into the village and city land records and maps. Further, that these maps must be included in the Sub Zonal Master Plan (for Panchgani and Mahabaleshwar) and the Zonal Master Plan as addenda.*

*The HLMC also recommends that framing of Rules and Regulations for FAAs must be undertaken at the earliest.*

#### **4. Forest Conservation:**

Currently the Forest Department (FD) is not technically equipped to carry out functions to assess and inventorize the biological diversity within (and outside) its legal purview as it does not have the expertise to do so.

*It is therefore recommended that the FD makes appropriate use of its own funds and those available under the Western Ghats Eco Development Plan/Project, by outsourcing such work to Universities and Research Institutions (for example Continuous and Dynamic).*

It needs to pay special attention to reintroduce 'horse rides' in Mahabaleshwar. The latter are a unique feature of Mahabaleshwar and were developed over a century ago through the forest for the specific use of walkers, trekkers and horse riders. This will also encourage green tourism and provide jobs to locals.

As far as Rides, Walks & Bridle Paths are concerned, the following are the recommendations:

- a. only conservation measures and signage stating length of ride (with correct spellings!) are needed:*
- b. Preservation of surface - either in its natural state as in many cases, or repairs with murrum etc. where the nature of the paths demands (e.g. Tiger Path, Connaught Peak Ride). Certain Rides demand more elaborate repair - especially where old culverts over nullahs are concerned. These*

*are a century old and beautifully constructed. They should not be allowed to crumble, as many are.*

*c. Trimming of overgrowth after the monsoon.*

*d. Trenches/bollards at the ends of Rides to prevent motorized vehicles entering.*

*e. No tarring or paving of surfaces to be allowed.*

*f. Use to be confined to walkers and horse riders.*

#### **5. Survey and assessment of Groundwater availability and sustainable levels of abstraction.**

The existing data suggests that the extraction of groundwater has already reached the level of annual groundwater recharge and that the existing wells are running dry during summer months.

*The HLMC has therefore taken a decision not to allow any further extraction of groundwater for industrial or commercial purposes. However, for private and residential/domestic/agriculture uses such extraction would be permitted only after taking the required prior permission from the State Groundwater Board (GOM). No sale of groundwater in the MPESZ has been approved by the HLMC.*

#### **6. Harvesting of Rainwater:**

Even though it rains more than 6000 mms each year, MPEZ faces severe water shortage during the three summer months (March, April, and May) as practically all the water drains off during and just after the rains. The Municipal Councils were asked to explore the rain water/ roof top harvesting schemes.

*The CO Mahabaleswar has reported that a consultant (Mr. Vikram Aundhkar) has been asked to prepare an estimate for a pilot project to be implemented at the main municipal office itself on a pilot basis. Further efforts are required to be made to replicate this.*



## **7. Declaring MPESZ as an Organic Zone:**

In the light of adverse impacts of use of agrochemicals in other places in the country, it was thought prudent to introduce organic farming in phased manner in the eco-sensitive zone.

The need to convert from chemical pesticides and fertilizers intensive farming to organic farming has been explained through awareness workshops and meetings with groups of local farmers. Although the idea is accepted to them in principle it has proved difficult to bring it in practice perhaps due to economic and market constrains.

*CO Mahabaleshwar has been requested to explore the possibility to convert a part of the Wheat Research Station's activities into research on organic practices.*

## **8. Pollution Control Measures:**

### **a. Sewage Treatment Plants (STPs) at Mahabaleshwar and Panchgani.**

Since May 2009, serious efforts were made by HLMC to ensure that COs of Mahabaleshwar and Panchgani take immediate and urgent steps to put in place STPs for both the towns. Even though sufficient funds have been available for several years the two councils had failed to install the STPs.

Finally, at the insistence of the HLMC, NEERI was called in for a review of the entire system of liquid and solid waste management at Panchgani and Mahabaleshwar. Several important suggestions for correcting the plans and designs were made by NEERI. Nonetheless, only 1 STP at Mahabaleshwar (STP I) has been commissioned on the 15<sup>th</sup> of March 2012.

*The CO Mahabaleshwar assured the Committee in the last meeting on 19<sup>th</sup> May 2012 that the STP II is expected to be commissioned by June 2012.*

*The two STPs at Panchgani are still "under construction" even though the council paid the contractor way back in 2010.*

*The HLMC takes a serious view of this inordinate delay.*

## **b. Regulations on the use of plastics within the Eco-Sensitive Zone**

The rampant use and dangerous proliferation of plastic bags has been an important challenge and a matter of serious concern. During 2011, the Collector Satara, Member Secretary of HLMC initiated a drive to ban plastic bags below 50 microns and the local municipal authorities and agencies were asked to do the same. Similarly, larger establishments like hotels were encouraged to procure bulk supplies to milk and drinking water in order to reduce the use and/or disposal of plastics.

On the 20<sup>th</sup> of April 2012, CO Mahabaleshwar went a step further and declared a complete ban on plastic bags based on a blanket ban on all plastic bags (including those greater than 50 microns). Staff along with volunteers of NGOs collected plastic bags and distributed paper bags to all shops. Cloth bags were also kept for sale in the market. The municipal officials' squad has been authorized to fine if they find plastic bags in any shop. They have also posted stickers in every shop to make aware the customers that plastic carry bags are not allowed in Mahabaleshwar.

## **C. ISSUES RELATED TO PROJECTS AND DEVELOPMENTS:**

### **1. Demarcation of the 12 Gaothan in the ESZ Region:**

Twelve villages within the ESZ were facing major administrative and developmental problems because of the pending final declaration as *Gothans* by the GOM.

*The HLMC had advised the Collector, Satara to start approving applications for housing in proposed Gothan areas and the ADTP was requested to incorporate the changes in the Zonal Master Plan accordingly. It was expected that this recommendation would greatly ease the provision of basic facilities like connecting roads to these villages.*

### **2. Bed and Breakfast scheme:**

The Bed and Breakfast scheme which has been widely misused has been frozen temporarily till new guidelines contained in the ZMP are notified. It was observed that in the absence of approvals from MTDC the applications were made to the Indian Tourism Development Corporation (ITDC). However, the HLMC has taken a decision that such Bed and Breakfast Scheme approvals cannot be granted by

ITDC since the ITDC is unaware of the Building and Constructions and other Rules prevailing within the ESZ. Therefore, the HLMC has advised the collector and the MTDC authorities that granting of Bed and Breakfast Scheme approvals should be strictly as per the Tourism Master Plan and the necessary permissions/NOCs from the District Collector.

### **3. Removal of unauthorized hoardings:**

It was observed that a large number of mega sized hoardings were being unauthorized put up, thereby blocking the natural and manmade heritage sites. A decision has been taken to remove all unauthorized hoardings. The PWD has recently removed 58 such hoardings. Similar actions are being continued by other departments. However, CO Mahabaleshwar has reported that many advertising companies have filed appeals in courts against the notices of the municipal councils.

*The HLMC has prescribed the maximum size of 3ft by 6ft in order to minimize the adverse visual impacts of such hoardings. Further, it has also prescribed that no hoardings will be permitted on the valley side of roads.*

### **4. Identification of unauthorized constructions and taking appropriate action to curb unauthorized constructions.**

The HLMC has several times discussed in its meetings the issue of mushrooming unauthorised hotels, resorts, lodging houses and entertainment centres which are adversely affecting the ESZ. The Mahabaleshwar Hotel Association gave a representation and handed a list of unauthorized hotels running in the Region.

#### **The various violations discussed in various meetings were:**

1. Kings Garden, village Methgutad, took permission to build a 1200 sq ft residential house and instead built 25 hotel rooms with the area around 10,000 sq ft plus 48 hotel rooms on the adjoining residential plots.
2. Amusement Park, Velocity, village Bhose, broke the seal and continued operations. Further permissions for helicopter joy rides have also been given.

3. Amusement Park, On Wheelz - Panchgani Municipal Council has flouted various regulations for its development and has allowed operations despite non-compliance of various conditions imposed by HLMC.
4. Deemed permissions given to various projects without following due process of law.
5. Conversion of school to a hotel and consuming of extra FSI meant for school.
6. It was brought to the notice that Gramsevaks were issuing building permissions in villages. Block Development Officer was informed that all permissions were to be given by the Collector or his Designated Officers/Committee. He should direct all gramsevaks immediately not to give permissions and provide the list of such permissions given in the past to the Tahasildar for necessary action.
7. The authorities were asked to look into 1) Florence Hall, 2) Keys Resort and 3) At Pangari, near Panchgani.
8. The SDO was asked to issue notice & take further action against the Archeological Survey of India, for cutting of trees at Krishna Temple, Grade I site in Kshetra Mahabaleshwar.
9. **RCC Tower at Connaught Peak:** The members were of the view that Connaught Peak Point was at a sufficient height for surveying surrounding areas. There appeared no reason to install a cement concrete tower on a natural heritage site for the purpose of keeping a watch, as the additional height gave no additional benefits. In this regard the letter of advisor MoEF dated 15th February 2010 was circulated (letter attached). The MoEF was of the view that RCC tower was in violation of the provisions of the ESZ notification. The members were unanimous that such construction was not permissible & should be demolished forthwith & all rubble should be removed from the site by forest authorities without any delay. The forest department was requested to present all their plans for ESZ area in the next H.L.M.C. meeting so that they can be considered before implementation, to avoid repetition of such incidences.

*Unfortunately no significant progress is achieved by the local administration for removal of such developments.*

## V. CHALLENGES AND RECOMMENDATIONS:

- a) Given the existing limitations the Committee has so far refrained from invoking Section 19 of the notifications which authorizes the Committee to file complaints if offences under the EP Act come to its notice. This is mainly because of the inadequate support from the local administration which has the eventual powers of implementing and enforcing all decisions.
- b) The HLMC does not have executive powers. As a result of its lack of impact on large scale unauthorized construction, it is seen in a feeble light by concerned citizens. Though it has asked for more powers under certain sections of the EPA, implementation will still remain a problem as it is not a day-to-day functioning entity. By the time an issue is investigated and reported upon (or not reported upon!), it is often too late.


The present method of investigation and reporting rests on a fallacy. The very people who are responsible for lack of implementation are being asked to look into the issues. They either report late or not at all. It is not surprising therefore that scrutiny has revealed a substantial number of issues which were never reported on and so remained unresolved. Once a new Committee comes in these are in danger of falling off the radar completely. This lack of accountability is an old problem and was also categorically mentioned in the Report of the High Court Monitoring Committee to the Court. This phenomenon runs across the whole spectrum of activities in the Region.

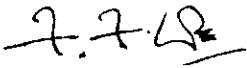
- c) One of the major issues on which we have not been able to make any significant progress is that of unauthorized building, which is still rampant despite PILs (WP 2754/1997 & 39/2003) filed by BEAG. It is hoped that in future local and state administration would be more responsive.
- d) In the past when the post of the Additional Collector exclusively for Mahabaleshwar- Panchgani Region was in existence, it proved to be an effective authority. It is strongly recommended that this post should be revived to achieve the objectives of the ESZ.
- e) The HLMC itself is provided with no funds at all, either by Central or State Government. So, it is unable to take up special projects, consultancies, awareness drives or environmental research.

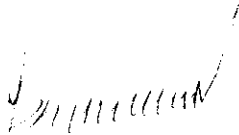
In fact most of the non official members spend their own money and other resources to carry on the work of HLMC. For want of budgetary provisions HLMC is unable to appoint consultants for various in depth studies, and for conservation and awareness drive etc. The MoEF should direct the State Government to provide funds specifically to the HLMC for this purpose. In addition MoEF can consider giving matching grants. It would be good to start with 1% of the District Planning and Development Council (DPDC) budget. Moreover, the funds from Krishna Valley Action Plan, Western Ghats Development Plan and Hill Area Development Plan etc. should be used for projects which enhance the eco sensitivity of the ESZ.

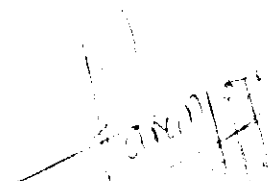
- f) Powers under Section 5 of EPA (1986) should be given to HLMC to take quick and effective action against offenders. The recommendations of the Central Empowered Committee (CEC) in I.A No. 659 and 669 of 2001 in Writ Petition (Civil) No. 202 of 1995 at page 9, para ii) are to be implemented.
- g) “The Monitoring Committee set-up under notification has been given powers only under section 19 of the EPA 1986, to file complaints. Power u/s 5 and 10 of the said Act should also be given, as has been given to similar other authorities such as the Coastal Zone Management Authorities, etc. These powers would permit a smoother and better functioning of the Committee”.
- h) The tenure of 2 years is too short for HLMC to complete its task. It is suggested that tenure should be at least for 3-5 years. The representation of non official members should be increased to include experts in the field of biodiversity, geophysics area, eco tourism, hydrology, socio-economic and local representatives preferably through an NGO. It would also be appropriate in MPESZ, to make the MD of Krishna Valley Development Corporation a member of HLMC. Some of the Government officials who are not participating may be excluded.

- i) There is always scope for better co-ordination and it is suggested that MoEF should hold workshops for non official members of all HLMCs, with concerned State Environment Secretaries, proposed WGs authority and other national and international experts participating.

  
Shri Devavrath Mehta  
Chairman – MPESZ  
(2009 – 2012)

  
Dr. F.F. Wadia  
Invitee & Member – MPESZ  
(2009 -2012)

  
Dr. J.S. Samant  
Member -- MPESZ  
(2010 – 2012)

  
Dr. Vijay Paranjpye  
Member & Invitee  
(2008-2012)

## PRESS NOTE

### Work Done by the HIGH LEVEL MONITORING COMMITTEE of the

### MAHABALESHWAR PANCHGANI ECO-SENSITIVE ZONE

8<sup>th</sup> January 2011

#### A Brief Background of the Mahabaleshwar Panchgani Region as an 'Ecosensitive Zone'

Mahabaleshwar-Panchgani region is a popular tourist hill station; the only one of its kind in the Northern Western Ghats. However, the region also has a rich natural heritage, and is the origin of the Krishna and Koyna rivers. The region faces a severe threat from the booming tourism and the fallouts of tourism like illegal settlements, illegal hotels, illegal deforestation, solid waste pollution, traffic congestion, etc. In order to contain these harmful consequences of uncontrolled development in the Mahabaleshwar-Panchgani region, a notification was issued by the Ministry of Environment and Forests in 2001 whereby the region was declared as an 'Eco-sensitive Zone'. Controlled, sustainable development and protection to ecologically sensitive areas within the region was envisaged under this notification.

The process behind the notification of Mahabaleshwar-Panchgani region as an Eco-Sensitive Zone dates back to the year 1997. The Bombay Environment Action Group (BEAG) filed a public interest writ petition against the illegal construction activities in the Mahabaleshwar-Panchgani Region. The Bombay High Court took up their issue seriously and appointed a committee to verify the illegalities. Subsequently, a committee headed by Mr. Arun Bhatia, then Commissioner of Pune Division, and with members like the Satara Collector, Former Director Mumbai Metropolitan Regional Development Authority and several other Town Planning Authorities found that there were over 460 constructions and hotels in the Mahabaleshwar-Panchgani Region which were in gross violation of the Development Control Rules prepared in 1985.

A High Court Monitoring Committee was appointed in 1998 by the Bombay High Court to get a status report and recommendations on the issues like - natural and man-made heritage, demarcation of forests (any land that falls under the dictionary meaning of the word 'forests'), stalls/shops, Venna Lake and river, walks/paths and rides, etc. This committee continued to work till the December 2007.

The Bombay Environment Action Group had several communications with the Ministry of Environment and Forests regarding the protection of the Mahabaleshwar Panchgani region. In view of this, the MoEF consulted with the State Government regarding the notification of the region as an Eco-sensitive Zone, and in July 2000, the MoEF sent out a draft notification and asked for suggestions and objections to modify and improve the notification suited to the peoples' concerns. Over 350 suggestions were received during this period some of which were later incorporated in the final notification.

Finally in January 2001, the MoEF notified an area covering 123.96 sq.kms. as an Ecologically Sensitive Zone and laid down the controls over



development and enlisted certain detrimental activities that were banned in the region. The notification also directed the formation of a **High Level Monitoring Committee (HLMC)** which would ensure that activities carried out in the Mahabaleshwar Panchgani ESZ were in compliance with the provisions of the notification.

The first HLMC was constituted under **Mr. J.Kanga** in the year **January 2002**. The committee held 14 meetings until January 2005. The following decisions were taken during his tenure:

1. Identification of illegal constructions, especially Farm houses.
2. Removal of illegal hoardings and use of hoardings in Forest Department Areas for displaying environmental slogans.
3. Demarcation and review of *Gaothan* areas and related survey numbers.
4. No objection was taken to the erection of mobile towers at two locations in Mahabaleshwar-Panchgani
5. Declaration of State Highways passing through MPESZ as No Parking Zones
6. Survey of Groundwater was recommended

After the dissolution of this Committee, the HLMC was not reconstituted until April 2008. Mr. Bahadur was appointed Chairman of the new committee which held only one meeting in March 2009. He resigned after this meeting, and **Mr. Devavrat Mehta** took over the Chairmanship of the HLMC. **The HLMC was reconstituted in April 2009** for a tenure of one year. Subsequently in May 2010, a new committee was formed which will continue its **functioning till 2012**. This committee is also chaired by Mr. Devavrat Mehta.

**Work Done by the HIGH LEVEL MONITORING COMMITTEE of the  
MAHABALESHWAR PANCHGANI ECO-SENSITIVE ZONE**

The importance of the Mahabaleshwar Panchgani Ecosensitive zone has increased, among other things, due to the recent judgment given by the Krishna Water Disputes tribunal. Since Krishna and Koyna are the major rivers which will affect the area upstream of the Almatti dam, practically every year during the monsoons, regulating and managing the head waters of these two rivers has acquired a special significance. Further, the impact of Climate Change during the last decade has led to spikes in the rainfall pattern with one day precipitations exceeding 5- 600 mm, have made it even more imperative that the ecological health of this region is guarded scrupulously.

The Dhom and Balkawadi Dams on Krishna and the reservoir on Koyna will have to be managed and regulated carefully in order to avoid or at

least minimize flooding of areas upstream of the Almatti dam. Therefore, the entire ecologically sensitive zone of Mahabaleshwar and Panchagani which receives the head waters of these rivers will have to be conserved as flood regulating catchments, among other things. Mahabaleshwar receives up to 8000 mm of rain during the monsoons, which is absorbed by the forests on the 9 plateaus and on the slopes and ledges of the MPESZ.

The ecological and river basin significance notwithstanding, this region also has to cater for over 10 lakh tourists who converge on this hill resort every year and have to be provided with basic amenities and tourist facilities of high standards.

The resident population, which hosts these tourists also have specific needs and requirements which need to be fulfilled. The High Level Monitoring Committee (HLMC) appointed by the Ministry of Environment and Forests has been trying to achieve these objectives since its initial appointment in 2002 to 2005 and then later from 2008 to 2012.

Important decisions taken during the recent period include;

### **Proactive and Development oriented decisions**

#### 1. Regional Plan:

The HLMC scrutinized the entire regional plan and submitted its detailed report containing a vision statement, aims and objective, and important additions and modifications, to the Ministry of Environment and Forests (MoEF), GoI. Our report was fully accepted. The Regional Plan inclusive of our report has now been approved by the MoEF and has been sent to the Government of Maharashtra (GoM) for its final publishing. The summary has been attached. The Regional Plan will be eventually treated as the Zonal Master Plan when it is finally published by the GoM.

The HLMC appointed a sub-committee headed by Mr. David Cordoz to survey the waterfalls and sources of streams in the Zone in March 2010. Sources of streams and twelve waterfalls have been surveyed, identified and are now included in the Zonal Master Plan. Similarly, the rationalization of boundaries of a buffer zone around the ESZ is being studied by Prof. Jay

Samant and Prof. Vijay Paranjpye. On completion of the study appropriate recommendations will be made to the Government.

## 2. Tourism Master Plan:

The Terms of Reference for the Tourism Master Plan has been finalized by the HLMC and given to the MTDC. However, the MTDC has not yet prepared the Tourism Master Plan, which will have to be a crucial part of the Zonal Master Plan.

## 3. Development Plans

Guidelines for the finalisation of the Development Plans for the Panchgani and Mahabaleshwar Townships have been given to the Director of Town Planning (DTP) (GoM). These Development Plans (DPs) when completed by the DTP will be treated as the Sub-zonal Master Plans.

## 4. Institute for Climate Change

A decision has been taken to set up a Climate Change Institute in Mahabaleshwar which will be using advanced techniques and equipment for monitoring meteorological changes on a short term as well as long term basis. This institute will be located within the premises of the Meteorological Department located at Mahabaleshwar.

## 5. New *Goathans*

Twelve villages within the ESZ were facing major administrative and developmental problems because of the pending final declaration as *Goathans* by the GoM. The HLMC has during its last meeting advised the Collector Satara and SDO Wai to start approving applications for housing in proposed *Goathan* areas and the ADTP was requested to incorporate the changes in the Zonal Master Plan accordingly.

It is expected that this decision will greatly ease the provision of basic facilities like connecting roads to these villages.

## 6. Environment Awareness

A Framework for consulting local residents set up by meeting groups of stakeholders and professionals as well as activist and NGOs who are being consulted regularly before HLMC meetings.

An awareness program has been launched and printed material in Marathi and English, CDs, Films, websites will be made available at two interpretation centers in Mahabaleshwar and Panchgani. These Interpretation Centers are at the MTDC in Mahabaleshwar and the Toll Naka at Panchgani. Special meetings have been held with the following groups:

local administrative staff,

school teachers and stakeholders like,

Hoteliers Association,

Taxi and horse owners Associations,

Association of strawberry growers,

Association of Guides, tour operators and adventure clubs,

Association of shop keepers and merchant;

in order to make all the information about the provisions of the ESZ available to all in Marathi and English, and information regarding the historical, geographic, biological and heritage related information available to all voluntary groups, activists and concerned citizens.

## 7. Encouraging Eco-tourism

The HLMC has indicated to all agencies and stakeholders that there will have to be a major shift from leisure and conventional tourism to ecological, cultural and agrotourism, etc. Meetings with guides have been held in this connection and for whom a training workshop is being organized. In order to divert tourist flow towards nature trails, horse rides, and hiking trails maps have been prepared with the help of Hoteliers Association.

## **Regulatory and restrictive decisions**

The HLMC had been approached with a proposal for a Ropeway Project across the Venna Lake. After several meetings and deliberations the HLMC has decided not to approve it, since it would not be permissible under the Ropeways Act, GoM and since it is harmful to the MPESZ.

An Amusement Park was set up at Panchgani without following the correct procedures, and without obtaining permissions from the HLMC or the MoEF and not consistent with the ESZ criteria. The HLMC is trying to minimize the damage due to the Amusement Park and has directed the agency to carry out certain corrective measures. The proposed Zonal Master Plan (RP) has ensured that no such undesirable development takes place in future.

In order to curb unauthorized constructions, and the misuse of FSI, a decision has been taken to provide electric connections and other civic amenities only for approved development plans/ projects.

It was observed that a large number of mega sized hoardings were being illegally put up, thereby blocking the natural and man made heritage sites. A decision was taken to remove all the unauthorized hoardings. The PWD has recently removed 58 such hoardings. Similar actions will be continued by other departments as well.

Collector Satara, Member Secretary of the HLMC has initiated a drive to cease plastic bags below 50 microns and the local Municipal authorities and agencies have also been asked to do the same. Similarly, larger establishments like hotels have agreed to the procurement of bulk supply of milk and drinking water in order to reduce the use and disposal of plastics. Small entrepreneurs have been encouraged to produce paper, cloth and jute bags.

Certain activities such as Go-karting which are not conducive to an ESZ are being monitored and no future projects such as these will be permitted.

## **Work in Progress**

The GoM has approved funds for Sewage Treatment Plants (STPs) at both Mahabaleshwar and Panchgani, however the work being done is very slow and unsatisfactory and in the case of Panchgani, the implementation has been unsatisfactory and incorrect. The Municipal Councils are being monitored and have been asked to report to the HLMC on a monthly basis.

The HLMC has proposed the preparation of a roads and traffic management plan. Vehicles using alternative energy, and a reliable public transportation system within the MPESZ will be the principle elements of this plan.

*Panchgani Table Land:* Since the High Court has passed an order in this case, the role of the HLMC has been mainly to monitor the implementation of the High Court orders.

The HLMC has been working a plan and procedure for converting the ESZ into an organic farming zone. The successful example set by the Himachal Pradesh Government will be taken as the basis for this purpose. Issues such as eliminating plastics in organic farming will be dealt with in consultation with the local farming community.

## **Members of the current High Level Monitoring Committee**

**Shri Devarat Mehta**

Chairman

Retd. Commissioner

**Dr J. S. Samant**

Member

Shivaji University, Kolhapur

**Shri. P. K. Mirashe,**

Member

Representative of Secretary Environment Govt. of Maharashtra,

**Smt. S. P. Naik**

Member

Deputy Director, Town Planning, Pune Division.

**Shri. Sonawane**

Member

Representative of Director, Municipal Administration, Govt. of Maharashtra

**Shri. P. K. Pole**

Member

Conservator of Forests, Kolhapur Circle Kolhapur

**Shri. Neeraj Khatri**

Member

Representative of Advisor, Ministry of Environment and Forest

Dr. Farrokh Wadia

Member

Prof. Vijay Paranjype

Special invitee

Shri. S.P. Kadu-Patil,

Member Secretary

Collector Satara

Other relevant external experts and authorities are invited whenever the relevant issues are under discussion.

**AS ON DECEMBER 2010**

**Roles and Powers of the HLMC as per the Notification on MPESZ, 17<sup>th</sup> January 2001**

The High Level Monitoring Committee shall ensure that,

1. The functioning of the ESZ is in compliance with the provisions of the notification sent out by the MoEF on 17<sup>th</sup> January 2001.
2. It has powers to regulate and control;  
noise pollution,  
regulate traffic, in conformity to the Zonal Master Plan
3. The committee can file complains against defaulters under section 19 of the Environment (Protection) Act, 1986.