

INTRODUCTION

This is a draft notification, proposed to be notified under Section 3(2) of the Environment (Protection) Act, 1986.

- This draft has been sent to the Legislative Department, Ministry of Law and Justice for their vetting from the legal angle.
- It has also been sent to the State Government of Uttarakhand for their comments.
- **It is also being put on the MoE&F website for 60 days to invite comments and suggestions of all concerned stakeholders, civil society and public at large. Please send your comments by August 17, 2011 to: Bhagirathi.Notification@Gmail.com**

[To be published in the Gazette of India, Extraordinary, part II, Section 3,
Sub-section (ii)]

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the ----- 2011

S.O. – (E) – The following draft of a notification, which the Central Government proposes to issue in exercise of the powers conferred by sub-section (1) read with clause (v) and clause (xiv) of sub – section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may do so in writing for consideration of the Central Government within a period of Sixty days from the date of publication of the notification in the Gazette of India through post to the Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110003, or electronically at e-mail address: Bhagirathi.Notification@Gmail.com.

The Government of India will take into consideration all the objections received within the period specified above.

Draft Notification

WHEREAS, the River Bhagirathi, a major tributary of river Ganga, originates from Gaumukh at an elevation of 3892 meter. The Bhagirathi flows for a stretch of about 215 kilometer in a steep slope before it joins Alaknanda at Dev Prayag. River travels through a deep and narrow gorge in the majority of its stretch;

AND WHEREAS, a number of hydro power projects have been commissioned / proposed / under implementation on the river, it is likely that there will be an impact on the ecology, flow and character of the river.

AND WHEREAS, it is desirable that for the maintenance of environmental flow and ecology of the river, area covering the 135 kilometer stretch of the river Bhagirithi from Gaumukh to Uttarkashi and upto one hundred meter distance from both the banks of the river shall be declared as an Eco-sensitive Zone from ecological and environmental point of view;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) read with clause (v) and clause (xiv) of sub – section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies the stretch of the river Bhagirithi from Gaumukh to Uttarkashi as the Eco-sensitive Zone (herein after called as the Eco-sensitive Zone), namely:-

1. Boundaries of Eco-sensitive Zone - The said Eco-sensitive Zone is the area covering 135 km stretch from Gaumukh to Uttarkashi and upto one hundred meter from both the banks of the river.

2. Zonal Master Plan for the Eco-sensitive Zone -

- (i) A Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government within a period of one year from the date of publication of this notification in the Official Gazette and approved by the Ministry of Environment and Forests, Government of India. The Zonal Master Plan shall be prepared with due involvement of all concerned State Departments of Environment, Forest, Urban Development, Tourism, Power, Municipal, Revenue, Public Works Department and Uttarakhand State Pollution Control Board for integrating environmental and ecological considerations into it.
- (ii) The Zonal Master plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.
- (iii) The Zonal Master Plan shall demarcate all the existing village settlements, types and kinds of forests, agricultural areas, fertile lands, green areas, horticultural areas, orchards, lakes and other water bodies along the stretch.

- (iv) The Zonal Master Plan shall be a reference document for the State Level Monitoring Committee for any decision to be taken by them for various developmental projects including hydroelectric power projects.

3. Prohibited activities in the Eco-sensitive Zone -

1. Setting up of **new** Hydro-electric Power Plants with a capacity of more than 25MW.
2. Abstraction of river water for any new industrial purposes
3. All types of mining (minor and major minerals) except for the domestic needs of local residents
4. Stone quarrying and crushing
5. Deforestation and setting up of any wood based industry
6. Any new polluting and highly polluting industries
7. Discharge of untreated sewage and industrial effluents.
8. Disposal of any kind of solid waste and burning or incinerating solid waste.

4. Restricted activities in the Eco-sensitive Zone -

(a) Water:- Extraction of ground water shall be permitted only for the bona-fide agricultural and domestic consumption of the occupier of the plot. No sale of ground water shall be permitted except with the prior approval of the State Ground Water Board. All steps shall be taken to prevent contamination or pollution of water including from agriculture.

(b) Noise pollution:- The Environment Department or State Forest Department, Uttarakhand shall be the authority to draw up guidelines and regulations for the control of noise in the Eco-sensitive Zone.

(c) Discharge of effluents:- Treated effluent shall meet the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

(d) Hydro-electric power plants:- Small hydro-electric power projects (less than 25MW) shall be required prior permission from the Ministry of Environment & Forests.

(e) Solid Wastes:- The solid waste disposal outside Eco-sensitive Zone shall be carried out as per the provisions of the Municipal Solid Waste (Management and Handling) Rules, 2000 issued by the central Government vide notification number - S.O. 908 (E), dated the 25th September 2000 and amended from time to time. The local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components. The biodegradable material may be recycled preferably through composting or vermiculture. The inorganic material may be disposed in an environmentally acceptable manner at site identified outside the Eco-sensitive Zone.

(f) Development on and protection of hill slopes:

- (i) The Zonal Master Plan shall indicate areas on hill slopes where development shall not be permitted.
- (ii) No development shall be undertaken in areas having a steep slope or areas which fall in fault or hazard zones or areas falling on the spring lines and first order streams or slopes with a high degree of erosion as identified by the State Government on the basis of available scientific evidence.
- (iii) No development on existing steep hill slopes or slopes with a high degree of erosion shall be permitted.

(g) Natural Springs: The catchment areas of all springs shall be identified and plans for their conservation and rejuvenation of those that have run dry, in their natural setting shall be incorporated in the Zonal Master Plan and the strict guidelines shall be drawn up by the State Government to ban development activities at or near these areas.

(h) Hill Roads: Guidelines shall be framed for the construction and maintenance of hill roads and incorporated in the Zonal Master Plan:

- (i) for construction of any road including untarred in the Eco-sensitive Zone of more than 5 km length (including the extension or widening of existing roads);
- (ii) provision shall be made in the design of the road for treatment of hill slope instabilities resulting from road cutting cross drainage works and culverts using bio-engineering and other appropriate techniques and by including the cost of such measures in the cost estimate of the proposed road;
- (iii) the debris shall not be dumped down the khud or slopes but shall be subsumed in the construction of roads and the provision shall also be made for disposal of unused debris in appropriate manner at suitable and identified locations so as not to affect the ecology of the area adversely and the debris shall be treated and landscaped using bio-engineering and other appropriate techniques and the cost of such measures shall be included in the cost estimate of the proposed road;
- (iv) all roads shall be provided with adequate number of road side drains and these drains shall be kept free from blockage for runoff disposals. This runoff from the road side drainage shall be connected with the natural drainage system in the area;
- (v) alignment shall be selected so as to minimise loss of vegetal cover;
- (vi) appropriate design standards shall be followed while designing the roads including mass balancing of cut and fill and avoidance of unnecessary cutting;

4. Monitoring Committee -

(1) In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (protection) Act, 1986 (29 of 1986), the Central Government hereby constitutes a committee to be called the Monitoring Committee to monitor the

compliance with the provisions of this notification. The Monitoring Committee shall consist of not more than ten members. The Chairman of the Monitoring Committee shall be an eminent person with proven managerial or administrative experience and understanding of local issues. The other members shall be:-

- I. A representative of the Ministry of Environment and Forests, Government of India;
- II. One representative of Non-governmental Organizations working in the field of environment (including heritage conservation) to be nominated by the Government of India;
- III. Member Secretary, Uttarakhand State Pollution Control Board;
- IV. Senior Town Planner of the area;
- V. Chief Conservator of Forests
- VI. Representative of Uttarakhand Jal Vidyut Nigam Limited
- VII. Representative of State Irrigation Department
- VIII. Representative of renowned educational institution in the region
- IX. District Magistrate, Uttarkashi – Member Secretary

(2) The powers and functions of the Monitoring Committee shall be restricted to the compliance of the provisions of this notification only.

(3) In case of activities requiring prior permission or environmental clearance, such activities shall be referred to the Ministry of Environment & Forests, which shall be the Competent Authority for grant of such clearances as per the provisions of the Environmental Impact Assessment Notification, dated the 14th September 2006.

(4) The Monitoring Committee may also invite representatives or experts from concerned Departments or Associations to assist in its deliberations depending on the requirements on issue to issue basis.

(5) The Chairman or Member Secretary of Monitoring Committee shall be the competent authority to file complaints under section 19 of the Environment (Protection) Act, 1986 for non-compliance of the provisions of this notification.

(6). The Monitoring Committee shall submit its annual action taken report by the 31st March of every year to the Ministry of Environment and Forests. The Ministry shall give its directions from time to time for effective discharge of the functions of the Monitoring Committee.

[F.No. 25/3/2010-RE]

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