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BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN
TRIBUNAL, NEW DELHI

ORIGINAL APPLICATION NO. 429 OF 2022

IN THE MATTER OF:

Ridhima Pandey

Appellant

Versus

State of Uttarakhand

Respondent

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**1. REPLY/RESPONSE ON BEHALF OF THE
RESPONDENT/ NO. 2 /UKPCB**

2. ANNEXURE CA1

A copy of Writ Petition i.e. Writ Petition
(PIL) No. 48 of 2022 titled as
"Gurdev Singh Versus Union of India

3. ANNEXURE CA2 TO 5

Copies of orders passed by the Hon'ble
High Court of Uttarakhand in the matter
of Writ Petition (PIL) No. 48 of 2022

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BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN
TRIBUNAL, NEW DELHI

ORIGINAL APPLICATION NO. 429 OF 2022

IN THE MATTER OF:

Ridhima Pandey

Appellant

Versus

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Respondent

REPLY/RESPONSE ON BEHALF OF THE RESPONDENT/

NO. 2 /UKPCB

I, Harish Chandra Joshi S/o Shri B.D. Joshi, aged 54 year, presently posted as Assistant Scientific Officer, Uttarakhand Pollution Control Board, Regional Office, Avas Vikas Colony, Haldwani (Nainital), Uttarakhand, do hereby solemnly affirm and declare as under:

1. That I am in the above noted capacity and as per records available in the department, I am fully conversant with the facts and circumstances of the case, hence competent to swear this counter affidavit on behalf of the answering Respondent.
2. That I have gone through and understood the contents of the Original Application and report filed by the Committee. I deny each and every averment except those which are admitted herein expressly.

REPLY:

1. That the field Inspection was carried out by the Joint Committee on 23-24, August, 2022 which was comprising of officials of Central Pollution Control Board; Zonal Office, MOEF&CC, Dehradun, Uttarakhand Forest Department, Mining Department, District Administration Nainital & Champawat and State Pollution Control Board. The report of Joint Committee



dated 18.10.2022 is already filed, before this Hon'ble Tribunal for consideration.

2. That, in view of possible threat from flood and appropriate channelization of river flow in consonance of Uttarakhand River Dredging Policy, 2021, the State Government has granted permission to M/S APS Infra Engineers Pvt. Ltd. for collection of *malwa*/ RBM from upper Nandhor Chorgalia area (Upper Nandhor Nadi), Tehsil Haldwani, District Nainital for construction of NH-87 under the Disaster Management Act, 2005, with conditions that the excavated *malwa*/RBM shall be processed by local stone crusher and shall be used only for construction of N-84. Copy of said permission is already enclosed at **Annexure-3** of Joint Committee report dated 18.10.2022.



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3. That, as per the communication dated of Divisional Forest Officer, Haldwani Forest Division, Haldwani to District Magistrate Nainital, said area of upper Nandhor of Nandhor river is reserved forest and falls within eco Sensitive Zone of Nandhor Wild Life Sanctuary, therefore, necessary permission from National Wildlife Board would be required. Copy of letter dated 28.03.2022 is already annexed at **Annexure-7** of Joint Committee Report dated 18.10.2022.

4. That, as per observation of Joint Committee, no mining activity has been started by the M/S APS Infra Engineers Pvt. Ltd. in the upper Nandhor Chorgalia area (Upper Nandhor Nadi), Tehsil Haldwani, District Nainital. However, some dredging activity including channelization of Nandhor River has been performed at two locations of about 100 meter length by Forest Department and Irrigation department in the month of



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June, 2022. It was informed that mined/dredged material has been kept on both sides of river.

5. That, in the upper part of Sharda Barrage, Tanakpur, District Champawat falls under the elephant corridor. As per Mining Department, no mining activity is permitted on the upstream of Sharda barrage by mining department and Joint Committee also did not observed any mining in upstream of Sharda barrage. However, as per Joint Committee report, Irrigation department has carried out channelization work of approx. 800 meter length on the upstream of Sharda barrage (approx. 06 Km north of barrage in the month of June, 2022, in compliance of order passed by the District Magistrate, Champawat under section-30, Chapter-4 of the Disaster Management Act, 2005 issued on 19.04.2022. Copy of order is already



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enclosed as **Annexure-10** of the Joint Committee Report dated 18.10.2022.

6. That, it is to mention that as per Appendix-IX of Environment Impact Assessment Notification, 2006 as amended on 28.03.2020 - "7. *Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management*" are exempted from requirement of environmental clearance.
7. That, the dredging for channelization of river flow activities to be undertaken in view of disaster management, do not apply for Consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, as amended from time to time.



AS

8. That, in compliance of order dated 15.11.2022 passed by this Hon'ble Tribunal, copy of Writ Petition i.e. Writ Petition (PIL) No. 48 of 2022 titled as "Gurdev Singh Versus Union of India and others is enclosed as **ANNEXURE-CA1**. Copies of orders passed by the Hon'ble High Court of Uttarakhand in the matter of Writ Petition (PIL) No. 48 of 2022 also enclosed as **ANNEXURE-CA2** to **ANNEXURE-CA5**. Matter is pending before the Hon'ble High Court of Uttarakhand.

9. That in view of the detailed averments made in the forgoing paragraphs, this Hon'ble Tribunal may pass any order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.




Deponent

VERIFICATION:

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I, the deponent above named do hereby verify and say that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified at Haldwani on this 21 day of January, 2023


Deponent

Certified by Sri/Smt. Hanish Chandra Joshi
the deponent identified by Self
examined & verified the contents of the
affidavit at Haldwani
on date 21/1/2023 time 3:20 P.M.
D. S. BISHT
21/1/2023
Dhruv Singh Bhat
Advocate
Notary, Haldwani
Distt. Nainital U.K. India

C.S.C

ANNEXURE-CA1

IN THE HIGH COURT OF UTTARAKHAND

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Uttarakhand Pollution Control Board AT NAINITAL

Diary No. 5700
Date 20/12/22

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IN

WRIT PETITION (P.L.) NO. 48 OF 2022

(Under Article 226 of the Constitution of India)

CNR No.

District- Nainital

BETWEEN

Gurdev Singh

.....Petitioner

AND

Union of India and others

.....Respondents

Aso (Dr Rajendra)
Amp
20/12/22

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2.	Presentation Form	B			
3.	Index	C1-C3			
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CEO (T)	CEO (S)	EE-Envis/ Water Cess/MAMP
CEO (Admn)	SO	PIO
Nodal-BMW	Nodal-SW/PW	Nodal-HW
Nodal-Legal	Nodal-Account	AO (I/C)

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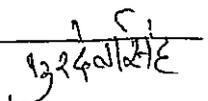
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Entries from Serial No. 1 to Serial No. 18 have been filled up by me.

Dated: 10 / 4 / 2022


(Sandeep Tiwari)(G.C. Joshi)
Advocates


(Rajat Chauhan)(Nikhil Pandey)
Advocates
Counsels for the Petitioner



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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
COURT FEES

IN

WRIT PETITION (P.I.L) NO. OF 2022
(Under Article 226 of the Constitution of India)

CNR No.

District- Nainital

BETWEEN

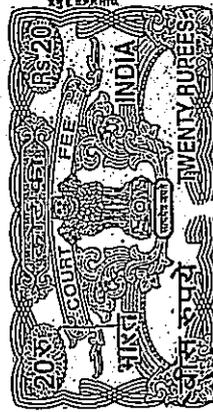
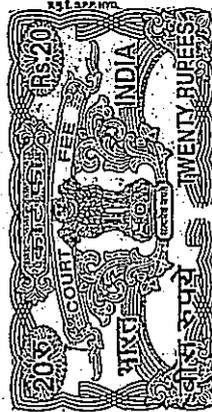
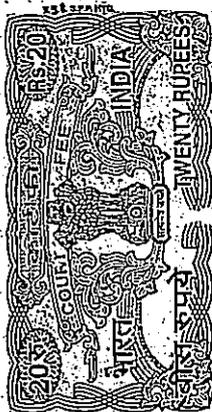
Gurdev Singh

.....Petitioner

AND

Union of India and others

.....Respondents



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22/9/22

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

DATES AND EVENTS

IN

WRIT PETITION (P.I.L) NO. OF 2022

(Under Article 226 of the Constitution of India).

CNR No.

District- Nainital

BETWEEN

Gurdev Singh

.....Petitioner

AND

Union of India and others

.....Respondents

DATE	EVENTS
2012	Nandhaur Wildlife Sanctuary is one of the newest Tiger Reserves of the State of Uttarakhand besides Jim Corbett and Rajaji National Park. Nandhaur was declared a Sanctuary in 2012 and it sprawled over an area of 270 sq.kms. It is home to Tiger, Wild Elephant, Leopard, Jungle Cat, Nilgai, Small Indian Civet, Jackal, Wild Boar, Flying Foxes and Sloth Bear as well as over 200 species of Birds
2015	The Sanctuary boasts thick forest of Saal trees and the perennial Nandhaur River that flows throughout the year. It falls between both

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	Haldwani and Champawat Forest Division. It opened its gate for the visitors in the year 2015
11.12.2018	<p>the Hon'ble Apex court while passing order dated 11.12.2018 in T.N. GODAVARMAN THIRUMULPAD has observed the following:-</p> <p><i>Under the circumstances, we direct that an area of 10 Kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF. The declaration be made by the MoEF at the earliest. Liberty is granted to the State Governments to move an application for modification of this order along with proposal only two weeks after submission of the proposals to the MoEF.</i></p>
17.12.2018	<p>The Principal Bench, New Delhi of the NGT (National green tribunal) while passing a judgement dated 17.12.2018 in the petition bearing number M.A. No. 313/2017 and M.A. No. 712/2016 has observed the following:</p> <p><i>"In these Applications, the primary grievance sought is for declaring 10 kms area from boundaries around the Nandhaur Wildlife Sanctuary, in Nainital District, State of Uttarakhand as an Eco-Sensitive Zone. The State Government had earlier sent a draft Notification for the said purpose, however, when the Ministry held a meeting on 25th June, 2018 with regard to the said declaration, the State Government</i></p>

	<p><i>proposed to send a revised draft Notification, which is still awaited. As in these areas stone crushers are operating, we direct that no stone crusher shall operate within 10' kms around the Nandhaur Wildlife Sanctuary. In this regard, we are supported by an order passed by Hon'ble Supreme Court of India in Writ Petition (C) 202/1995, in T.N. Godavarman Thirumulpad Vs. UOI & Ors. in which vide order dated 11th December, 2018, the Hon'ble Supreme Court directed as follows: "Under the circumstances, we direct that an area of 10 kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF." In these 21 National parks, no proposal about Eco Sensitive Zone had been received from the State. However, liberty is granted to the State Government to 3 move an application for modification of this order after submission of the proposal to the MoEF."</i></p>
23.03.2020	<p>Without preparing District Survey Report which is to be prepared by Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department, etc. in the district for identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of</p>

	<p>erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area. No mining shall be conducted without preparation of District Survey Report as per notification dated 23.03.2020 by MoEFCC.</p>
22.05.2020	<p>The notification dated 22.05.2020 for Eco Sensitive Zone has also declared mining activity as a prohibited activity in the Eco Sensitive Zone of Nandhaur Wildlife Sanctuary.</p>
	<p>The gazette notification dated 22.05.2020 of the ministry of Environment , Forest and Climate change has provided the list of the activities prohibited or to be regulated within the Eco-sensitive zone and are as follows:</p> <p><i>"All activities in the Eco sensitive Zone shall be governed by the provisions of the Environment Act and the rules made there under including the Coastal Regulation Zone, 2011 and the Environmental Impact Assessment Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified."</i></p>

07.01.2022	The order dated 07.01.2022 says that in accordance with Section 10(2) of Uttarakhand River Dredging Policy, 2021, dredging activity is being conducted for proper channelization of river, to ensure systematic/proper flow of river and to ensure safety of village and loss of life from Flood in nearby village of Tehsil Haldwani, District Nainital. The permission of dredging of deposited Silt/RBM in the upper stream of Nandhaur river shall be granted to APS Infra Engineers Private Limited for a period of 06 months for the construction undertaken in National Highway-87. The order also states that the APS Infra Engineers Private Limited shall not make commercial use of the material.
	The said permission was granted by giving necessary relaxation under Rule 68 of Uttarakhand Minor Mineral Concession Rules, 2001 read with Rule 11 of Uttarakhand River Dredging Policy, 2021
17.06.2021	The news article which was reported on Web portal namely news laundry has lamented on the State River Training Policy designed to allowed unfettered mining of sand and bolder by Private contractors by passing Green Clearance and Scientific Assessment.
31.03.2022	After various news reports published in the local news papers, the petitioner moved a representation

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	agitating the issue of granting permission in the upper stream of Nandhaur River submitted his representation to various authorities including respondent no.2 requesting to recall the order dated 07.01.2022 issued by respondent no.2, but no heed was paid on the representation given by the petitioner to various authorities despite such an sensitive issue was brought into the knowledge of various authorities.
	Hence this writ petition.

Dated: 10 /04/2022


(Sandeep Tiwari)(G.C. Joshi)
Advocates


(Rajat Chauhan)(Nikhil Pandey)
Advocates
Counsels for the Petitioner

राजदेवशर्मा

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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

WRIT PETITION (P.I.L) NO. OF 2022

(Under Article 226 of the Constitution of India)

CNR No.

District- Nainital

BETWEEN

Gurdev Singh (Male) aged about 50 years, S/o Shri. Hajura Singh, R/o Vill- Gangi Goujhariya, P.S. Khatima, District Udham Singh Nagar- 262308.

.....Petitioner

AND

1. Union of India through Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, 4th Floor, Prithvi Block, Aliganj, Zonrbagh Road New Delhi.
2. State of Uttarakhand, through Secretary, Industrial Development (Mining), 4- Subhash Road, Uttarakhand Civil Secretariat, Dehradun, District Dehradun.
3. Principal Chief Conservator of Forest (HoFF), State of Uttarakhand, 87- Rajpur Road, Dehradun, Distt. Dehradun.
4. Director, Geology and Mining Department, Uttarakhand Government, Headquarters: Bhopalpani (Kadaikhala), Raipur-Thano- Airport Motor Road, P.O. Dhanyari District: Dehradun, PIN-248008.

5. District Magistrate, District Nainital.



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6. District Forest Officer, Haldwani Forest Division, Haldwani, District Nainital.
7. APO Infra Engineers Private Limited, Block D, Sector 51, Noida, Uttar Pradesh 201307.

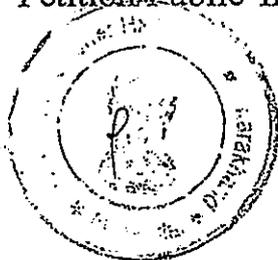
.....Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges of the aforesaid Court.

The humble writ petition of the above named petitioner most respectfully showeth as under:-

1. That the petitioner is a farmer at Tehsil Khatima Distt. Udham Singh Nagar who is agitating the present cause in public interest at large before this Hon'ble High Court. Petitioner is acting bonafidely to protect the upstream of river Nandhaur and Flora and Fauna of Nandhaur Wildlife Sanctuary. A copy of the PAN Card and Aadhar Card of the petitioner is being filed herewith and marked as Annexure No.-1 to this writ petition.
2. That the issue involved in the present PIL is as to whether the permission for mining/dredging of Silt/RBM can be granted within the Eco Sensitive Zone of Nandhaur Wildlife Sanctuary under the garb of provision of Section 72 of Disaster Management Act, 2005 without there being any actual threat of flood or devastation due to upper stream of Nandhaur river.
3. That as per the knowledge of the Petitioner no other Writ Petition/Public Interest Litigation has been filed for the present



1/2/2017

cause of action or is pending for adjudication before this Hon'ble Court.

4. That the matter involved in present writ petition is still a res-integra between the parties and also not barred by the provisions of res-judicata or constructive res-judicata as there is fresh question of law which has been raised by this petition.
5. That Nandhaur Wildlife Sanctuary is one of the newest Tiger Reserves of the State of Uttarakhand besides Jim Corbett and Rajaji National Park. Nandhaur was declared a Sanctuary in 2012 and it sprawled over an area of 270 sq.kms. It is home to Tiger, Wild Elephant, Leopard, Jungle Cat, Nilgai, Small Indian Civet, Jackal, Wild Boar, Flying Foxes and Sloth Bear as well as over 200 species of Birds.
6. That the Sanctuary boasts thick forest of Saal trees and the perennial Nandhaur River that flows throughout the year. It falls between both Haldwani and Champawat Forest Division. It opened its gate for the visitors in the year 2015.
7. That the National Tiger Conservation Authority (NTCA) has recommended Nandhaur Wildlife Sanctuary to be the 3rd Tiger Reserve in the State.
8. That before it was notified as a Wildlife Sanctuary by Ministry of Environment and Forest, most of the area of Nandhaur landscape was a Reserve Forest. It is famous for Bird watching and Wildlife tourism.
9. That Ministry of Environment, Forest and Climate Change (herein after referred to as MoEFCC) declared 0.7 km to 15.0 km



around the boundary of Nandhaur Wildlife Sanctuary as the area of Eco Sensitive Zone.

10. That the notification dated 22.05.2020 for Eco Sensitive Zone has also declared mining activity as a prohibited activity in the Eco Sensitive Zone of Nandhaur Wildlife Sanctuary. This draft notification was later on notified. The activity for commercial mining, stone quarrying and crushing units reads as under:-

S.No.	Activity	Description
A. Prohibited Activities		
1-	Commercial mining, stone, quarrying and crushing units.	<p>(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing and for personal consumption.</p> <p>(b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated the 4th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No. 202 of 1995 and dated the 21st April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No. 435 of 2012</p>

A copy of the notification dated 22.05.2020 is being filed herewith and marked as Annexure No.-2 to this writ petition.

11. That for giving a temporary work permit of mining from the stream of a river the prior approval of the Central Government as contemplated under Section 2 of The Forest (Conservation) Act,



१२/०५/२०

1980 which includes submission of proposals seeking approval of Central Government under Rule 6 of The Forest (Conservation) Rules, 2003.

- 12. That the prior clearance from National Board for Wildlife and Environment impact assessment is mandatory and above all, since the upstream of Nandhaur River falls in Eco Sensitive Zone of Nandhuar Wildlife Sanctuary as declared by MoEFCC, no permission for mining can be granted in the upstream of Nandhaur River.
- 13. That Respondent no.2, under the powers given under Section 72 of the Disaster Management Act, 2005, where the provisions of the Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- 14. That Rule 10(2) of Uttarakhand River Dredging Policy, 2021 contemplates that for time bound completion of Centre/State projects having National importance, The Government Executing Bodies for the purpose of time bound completion of projects shall be granted permission for dredging by the committee or on the request of contracted/authorized contractors from Government Executive Agency; the permission shall be granted by the District Magistrate under the provision of Disaster Management Act, 2005 for a maximum period of 06 months after permission from the State Govt. on the recommendation made from Director, Geology and Mining Department, Govt. of Uttarakhand.



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15. That the order dated 07.01.2022 further says that in accordance with Section 10(2) of Uttarakhand River Dredging Policy, 2021, dredging activity is being conducted for proper channelization of river, to ensure systematic/proper flow of river and to ensure safety of village and loss of life from Flood in nearby village of Tehsil Haldwani, District Nainital. The permission of dredging of deposited Silt/RBM in the upper stream of Nandhaur river shall be granted to APS Infra Engineers Private Limited for a period of 06 months for the construction undertaken in National Highway-87. The order also states that the APS Infra Engineers Private Limited shall not make commercial use of the material. A true and typed copy of letter dated 07.01.2022 is being filed herewith and marked as Annexure No.-3 to this writ petition.
16. That the said permission was granted by giving necessary relaxation under Rule 68 of Uttarakhand Minor Mineral Concession Rules, 2001 read with Rule 11 of Uttarakhand River Dredging Policy, 2021. A copy of Uttarakhand River Dredging Policy, 2021 is being filed herewith and marked as Annexure No.-4 to this writ petition.
17. That the Constitution of District Disaster Management Authority with District Magistrate as its Chairman Ex-officio has been contemplated under Section 25 of Disaster Management Act, 2005. The powers and functions of District Authority is contemplated under Section 30 of Disaster Management Act, 2005 and powers and functions of District Authority in the event of any threatening disaster situation or disaster is contemplated under Section 34 of Disaster Management Act, 2005.



dd/21/22

18. That the Constitution of State Executive Committee is contemplated under Section 20 of Disaster Management Act, 2005 and the functions and powers of State Executive Committee has been given under Section 22 & 24 of the Disaster Management Act, 2005.
19. That the use of Disaster Management Act, 2005 in such a cursory manner giving it an overriding effect on the provisions of Forest (Conservation) Act, 1980 and other laws without there being any reports of actual on ground threat due to deposition of Silt/RBM will lead to destruction of upper stream of Nandhaur river.
20. That coupled with the fact, that upper stream of river Nandhaur flows in the Eco Sensitive Zone of Nandhaur Wildlife Sanctuary, the mining activity will have a terrible impact on Wildlife, Marine life and entire Eco system of Nandhaur Wildlife Sanctuary.
21. That if the permission as contemplated under order dated 07.01.2022 is given to the APS Infra Engineers Private Limited, the entire area of Sanctuary will be Jeopardised and the entire efforts of Forest Department and other agencies contributing to Eco system and Wildlife will fall into vain.
22. That the gazette notification dated 22.05.2020 of the ministry of Environment , Forest and Climate change has provided the list of the activities prohibited or to be regulated within the Eco-sensitive zone and are as follows:

"All activities in the Eco sensitive Zone shall be governed by the provisions of the Environment Act and the rules made there under including the Coastal Regulation Zone, 2011



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and the Environmental Impact Assessment Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified."

23. That the Principal Bench, New Delhi of the NGT (National green tribunal) while passing a judgement dated 17.12.2018 in the petition bearing number M.A. No. 313/2017 and M.A. No. 712/2016 has observed the following:

"In these Applications, the primary grievance sought is for declaring 10 kms area from boundaries around the Nandhaur Wildlife Sanctuary, in Nainital District, State of Uttarakhand as an Eco-Sensitive Zone. The State Government had earlier sent a draft Notification for the said purpose, however, when the Ministry held a meeting on 25th June, 2018 with regard to the said declaration, the State Government proposed to send a revised draft Notification, which is still awaited. As in these areas stone crushers are operating, we direct that no stone crusher shall operate within 10 kms around the Nandhaur Wildlife Sanctuary. In this regard, we are supported by an order passed by Hon'ble Supreme Court of India in Writ Petition (C) 202/1995, in T.N. Godavarman Thirumulpad Vs. UOI & Ors. in which vide order dated 11th December, 2018, the Hon'ble Supreme Court directed as follows: "Under the circumstances, we direct that an area of 10 kms around these 21 National Parks and Wildlife



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Sanctuaries be declared as Eco Sensitive Zone by the MoEF." In these 21 National parks, no proposal about Eco Sensitive Zone had been received from the State. However, liberty is granted to the State Government to 3 move an application for modification of this order after submission of the proposal to the MoEF."

A copy of the order dated 17.12.2018 is being filed herewith and marked as Annexure No.-5 to this writ petition.

24. That the Hon'ble Apex court while passing order dated 11.12.2018 in T.N. GODAVARMAN THIRUMULPAD has observed the following:-

Under the circumstances, we direct that an area of 10 Kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF. The declaration be made by the MoEF at the earliest. Liberty is granted to the State Governments to move an application for modification of this order along with proposal only two weeks after submission of the proposals to the MoEF.

A copy of the order dated 11.12.2018 is being filed herewith and marked as Annexure No.-6 to this writ petition.

25. That without preparing District Survey Report which is to be prepared by Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department, etc. in the district for identification of areas of aggradations or deposition where mining can be allowed; and identification of



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areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area. No mining shall be conducted without preparation of District Survey Report as per notification dated 23.03.2020 by MoEFCC.

26. That in T. N. Godavarman V/s Union of India and others (2010) 13 SCC 740, the Hon'ble Supreme Court has observed that:-

"TWPs can only be granted for the renewal of mining leases, and not where the lease is being granted for the first time to the application user agency"

27. That for channelization of river the Silt/RBM can be lifted and can be dumped on both the sides of river banks which could resolve the problem of channelization of river as well as will stop of erosion of river.
28. That the news article which was reported on Web portal namely news laundry dated 17.06.2021 has lamented on the State River Training Policy designed to allowed unfettered mining of sand and bolder by Private contractors by passing Green Clearance and Scientific Assessment. A copy of the published article dated 17.06.2021 is being filed herewith and marked as Annexure No.- 7 to this writ petition.
29. That paragraph no 7.3 of the National Tiger Conservation Authority (Normative Standards for Tourism Activities and Project Tiger Guidelines, 2012) contemplates importance of buffer zone vis-a-vis the Tiger land tenure dynamics. Paragraph no. 7.3.2 states the ongoing study and analysis of available



17/6/21

research data on tiger ecology indicate, that the minimum population of tigresses in breeding age, which are needed to maintain a viable population of 80-100 tigers (in and around core areas) require and inviolate space of 800-1200 sq. Km. Tiger being an "umbrella species".

30. That the origin of river Nandhaur is from Deoh (distt. Nainital) and thereafter, it flows from Nandhaur Wildlife Sanctuary and it is lifeline for the flora and fauna of the Nandhaur Wildlife Sanctuary.
31. That Rule 3 of Uttarakhand River Dredging Policy, 2021 contemplates demarcation, verification and amount of River Dredging areas in the Rivers, Gadhera, Reservoirs and Canals from a Committee to be nominated by the District Magistrate and to be Chaired by Sub Divisional Magistrate.
32. That Rule 4 of Uttarakhand River Dredging Policy, 2021 contemplates the procedure of removing Silt/RBM/Silt which has to be done by an open auction after issuing an advertisement. In the present matter at hands no open auction/advertisement has been issued by the District Administration.
33. That the Policy contemplates that by excavating silt, gravel and sand from the middle of River beds will direct the flow of river towards its centre and away from the banks and thus avoid river bank erosion which will prevent loss of life and infrastructure. This thought process in making of the Policy is not backed by any scientific research because it is only facilitating mining of river beds with little evidence of its effectiveness in preventing



22/05/2022

34. That the Policy provides for Constitution of a Committee to identify areas where there is excess silt of river bed material is such that it poses a threat. The duty of the committee to demarcate these areas and to inspect and evaluate the accumulated material.
35. That the Mittal Committee in 2001 constituted by Ministry of Water Resources found desilting to be an unsustainable process, the sustainable sand mining guidelines issued by MoEFCC in 2016 also mentioned that the desilting of river is unsustainable and it can marginally minimize the magnitude of floods.
36. That according to National Disaster Management Authority Guidelines for management of flooding issued in 2008, silting at places where the rivers emerge from the hills into the plains at convex bends and near their outfalls into another river or lake or sea is a natural phenomenon.
37. That Entry 54 of List I or the Union List to the VII Schedule to the Constitution of India, reads as: '54 (List 1): regulation of mines and mineral development to the extent to which such regulation and development under the control of Union is declared by the Parliament by Law to be expedient in "public interest"'. Entry 23 of List II of the State List to the VII Schedule to the Constitution of India, reads as:

The Parliament, therefore, has declared that it is expedient in 'public interest' that the Union should take under its control the regulation of mines and development of minerals. This was done by enacting the Mines and Minerals (Development and Regulation) Act, 1957, which



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is a 'Law' as contemplated by Entry 54 of List 1 to the VIIth Schedule to the Constitution of India. The Act takes over the control of regulation of mines and development of minerals to the Union, of course, to the extent provided. In respect of minor minerals, the powers have been conferred upon the state government to make rules for regulating the grant of prospecting licences, mining leases and the purposes connected therewith.

- 38. That Sand is a 'minor mineral' as defined under the section 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Section 15 of the MMDR Act gives powers to the respective state Government regarding the formation of rules related to the grant of mining leases of minor minerals.
- 39. That Ministry of Environment and Forest and Climate Change, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, issued a notification *inter alia* directing that from the date of its publication the construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the said notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the



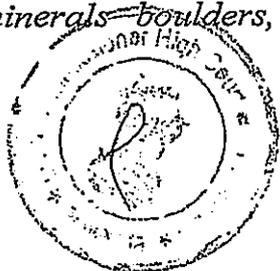
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Environment Protection Act, in accordance with the procedure specified hereinafter in this notification.

40. That the Hon'ble Apex Court in the case of Deepak Kumar v. State of Haryana, reported in (2012) 4 SCC 629, *inter alia* held that leases of minor minerals, for an area less than 5 ha., as well as their renewal, was to be granted only after getting environmental clearance. The relevant paragraph is reproduced herein below:

"26. We are of considered view that it is highly necessary to have an effective framework of mining plan which will take care of all environmental issues and also evolve a long term rational and sustainable use of natural resources base and also the bio-assessment protocol. Sand mining, it may be noted, may have an adverse effect on biodiversity as loss of habitat caused by sand mining will affect various species, flora and fauna and it may also destabilise the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEFCC, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A and Article 51-A(g) read with Article 21 of the Constitution.

27. The State of Haryana and various other States have not so far implemented the above recommendations of MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short term permits by way of auction of minor minerals ~~boulders~~, gravels, sand etc. in the riverbeds and



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elsewhere of less than 5 ha. We, therefore, direct all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its Report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports."

41. That the Collector District Nainital has been Chairman of monitoring committee for monitoring the eco sensitive zone and For effective monitoring of the provisions of this notification under sub-section (3) of section 3 of the Environment (Protection) Act, 1986, the Central Government hereby constitutes a Monitoring Committee, comprising of the following, namely:-

S N	Constituent of the Monitoring Committee	Designation
i)	Collector, Nainital	Chairman, ex officio
ii)	Representative of Collector of Champawat	Member;
iii)	Representative of the Department of Environment, Government of Uttarakhand	Member;
iv)	Representative of the Department of Urban Development, Government of Uttarakhand	Member;
v)	Regional officer, Uttarakhand State Pollution Control Board	Member;
vi)	A representative of Non-governmental Organisation working in the field of wildlife conservation to be nominated by the State Government	Member;
vii)	One expert in the area of ecology & environment to be nominated by the State	Member;



	Government for a term of one year in each case	
viii)	Divisional Forest Officer, Haldwani Forest Division	Member-Secretary.

42. That in 2012, the Hon'ble Supreme court ordered for all river mining leases to undergo the environment clearance process, regardless of area. This requirement was also incorporated in 2016 as an amendment to the Environment Impact Assessment Notification. If the river patch to be mined runs through forests, then the contractor would require an additional forest, clearance under the Forest Conservation Act, 1980.
43. That Riverbanks are often benap lands and are, therefore, treated as protected forests. Under the FCA, State Govt. are prohibited from issuing any order allowing non-forest use of forest lands without the union government's prior approval. Any activity, such as mining in protected forest lands, would also require forest clearance under the FCA.
44. That from the impugned order it is amply clear that under the guise of Disaster Management laws, the respondents are allowing rampant River bed mining abusing the very spirit of Disaster Management Act, 2005.
45. That after various news reports published in the local news papers, the petitioner moved a representation dated 31.03.2022 agitating the issue of granting permission in the upper stream of Nandhaur River submitted his representation to various authorities including respondent no.2 requesting to recall the order dated 07.01.2022 issued by respondent no.2, but no heed



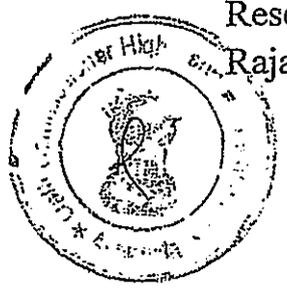
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was paid on the representation given by the petitioner to various authorities despite such an sensitive issue was brought into the knowledge of various authorities. A copy of representation dated 31.03.2022 alongwith postal receipt is being filed herewith and marked as Annexure No.-8 to this writ petition.

- 46. That the act of respondents is violative of Article 21 of The Constitution of India and provisions of Forest (Conservation) Act, 1980 read with provisions of Environment (Protection) Act, 1986.
- 47. That in view of the facts and circumstances stated above the writ petition filed by the petitioner requires the indulgence of this Hon'ble High Court in the interest of Nandhaur Wildlife Sanctuary and People residing in the near vicinity of River Nandhaur.
- 48. That the petitioner has no other alternative and efficacious remedy except to invoke the extraordinary jurisdiction Under Article 226 of the Constitution of India, on the following amongst other grounds:-

GROUNDS

- a) Because the issue involved in the present PIL is as to whether the permission for mining/dredging of Silt/RBM can be granted within the Eco Sensitive Zone of Nandhaur Wildlife Sanctuary under the garb of provision of Section 72 of Disaster Management Act, 2005 without there being any actual threat of flood or devastation due to upper stream of Nandhaur river.
- b) Because Nandhaur Wildlife Sanctuary is one of the newest Tiger Reserves of the State of Uttarakhand besides Jim Corbett and Rajaji National Park. Nandhaur was declared a Sanctuary in 2012



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and it sprawled over an area of 270 sq.kms. It is home to Tiger, Wild Elephant, Leopard, Jungle Cat, Nilgai, Small Indian Civet, Jackal, Wild Boar, Flying Foxes and Sloth Bear as well as over 200 species of Birds.

- c) Because the Sanctuary boasts thick forest of Saal trees and the perennial Nandhaur River that flows throughout the year. It falls between both Haldwani and Champawat Forest Division. It opened its gate for the visitors in the year 2015.
- d) Because the National Tiger Conservation Authority (NTCA) has recommended Nandhaur Wildlife Sanctuary to be the 3rd Tiger Reserve in the State.
- e) Because before it was notified as a Wildlife Sanctuary by Ministry of Environment and Forest, most of the area of Nandhaur landscape was a Reserve Forest. It is famous for Bird watching and Wildlife tourism.
- f) Because Ministry of Environment, Forest and Climate Change (herein after referred to as MoEFCC) declared 0.7 km to 15.0 km around the boundary of Nandhaur Wildlife Sanctuary as the area of Eco Sensitive Zone.
- g) Because for giving a temporary work permit of mining from the stream of a river the prior approval of the Central Government as contemplated under Section 2 of The Forest (Conservation) Act, 1980 which includes submission of proposals seeking approval of Central Government under Rule 6 of The Forest (Conservation) Rules, 2003.
- h) Because the prior clearance from National Board for Wildlife and Environment impact assessment is mandatory and above all, since the upstream of Nandhaur River falls in Eco Sensitive Zone of Nandhaur Wildlife Sanctuary as declared by MoEFCC, no permission for mining can be granted in the upstream of Nandhaur River.
- i) Because Respondent no.2, under the powers given under Section 72 of the Disaster Management Act, 2005, where the provisions of the Act shall have effect, notwithstanding anything



22/01/2015

inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

- j) Because Rule 10(2) of Uttarakhand River Dredging Policy, 2021 contemplates that for time bound completion of Centre/State projects having National importance, The Government Executing Bodies for the purpose of time bound completion of projects shall be granted permission for dredging by the committee or on the request of contracted/authorized contractors from Government Executive Agency the permission shall be granted by the District Magistrate under the provision of Disaster Management Act, 2005 for a maximum period of 06 months after permission from the State Govt. on the recommendation made from Director, Geology and Mining Department, Govt. of Uttarakhand.
- k) Because the order dated 07.01.2022 says that in accordance with Section 10(2) of Uttarakhand River Dredging Policy, 2021, dredging activity is being conducted for proper channelization of river, to ensure systematic/proper flow of river and to ensure safety of village and loss of life from Flood in nearby village of Tehsil Haldwani, District Nainital. The permission of dredging of deposited Silt/RBM in the upper stream of Nandhaur river shall be granted to APS Infra Engineers Private Limited for a period of 06 months for the construction undertaken in National Highway-87. The order also states that the APS Infra Engineers Private Limited shall not make commercial use of the material.
- l) Because the said permission was granted by giving necessary relaxation under Rule 68 of Uttarakhand Minor Mineral Concession Rules, 2001 read with Rule 11 of Uttarakhand River Dredging Policy, 2021.
- m) Because the Constitution of District Disaster Management Authority with District Magistrate as its Chairman Ex-officio has been contemplated under Section 25 of Disaster Management Act, 2005. The powers and functions of District Authority is contemplated under Section 30 of Disaster Management Act, 2005 and powers and functions of District Authority in the event



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of any threatening disaster situation or disaster is contemplated under Section 34 of Disaster Management Act, 2005.

- n) Because the Constitution of State Executive Committee is contemplated under Section 20 of Disaster Management Act, 2005 and the functions and powers of State Executive Committee has been given under Section 22 & 24 of the Disaster Management Act, 2005.
- o) Because the use of Disaster Management Act, 2005 in such a cursory manner giving it an overriding effect on the provisions of Forest (Conservation) Act, 1980 and other laws without there being any reports of actual on ground threat due to deposition of Silt/RBM will lead to destruction of upper stream of Nandhaur river.
- p) Because coupled with the fact, that upper stream of river Nandhaur flows in the Eco Sensitive Zone of Nandhaur Wildlife Sanctuary, the mining activity will have a terrible impact on Wildlife, Marine life and entire Eco system of Nandhaur Wildlife Sanctuary.
- q) Because if the permission as contemplated under order dated 07.01.2022 is given to the APS Infra Engineers Private Limited, the entire area of Sanctuary will be Jeopardised and the entire efforts of Forest Department and other agencies contributing to Eco system and Wildlife will fall into vain.
- r) Because all activities in the Eco sensitive Zone shall be governed by the provisions of the Environment Act and the rules made there under including the Coastal Regulation Zone, 2011 and the Environmental Impact Assessment Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified.
- s) Because the Principal Bench, New Delhi of the NGT (National green tribunal) while passing a judgement dated 17.12.2018 in the petition bearing number M.A. No. 313/2017 and M.A. No. 712/2016 has observed the following:



17/12/2018

"In these Applications, the primary grievance sought is for declaring 10 kms area from boundaries around the Nandhaur Wildlife Sanctuary, in Nainital District, State of Uttarakhand as an Eco-Sensitive Zone. The State Government had earlier sent a draft Notification for the said purpose, however, when the Ministry held a meeting on 25th June, 2018 with regard to the said declaration, the State Government proposed to send a revised draft Notification, which is still awaited. As in these areas stone crushers are operating, we direct that no stone crusher shall operate within 10 kms around the Nandhaur Wildlife Sanctuary. In this regard, we are supported by an order passed by Hon'ble Supreme Court of India in Writ Petition (C) 202/1995, in T.N. Godavarman Thirumulpad Vs. UOI & Ors. in which vide order dated 11th December, 2018, the Hon'ble Supreme Court directed as follows: "Under the circumstances, we direct that an area of 10 kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF." In these 21 National parks, no proposal about Eco Sensitive Zone had been received from the State. However, liberty is granted to the State Government to 3 move an application for modification of this order after submission of the proposal to the MoEF."

- t) Because the Hon'ble Apex court while passing order dated 11.12.2018 in T.N. GODAVARMAN THIRUMULPAD has observed the following:-

Under the circumstances, we direct that an area of 10 Kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF. The declaration be made by the MoEF at the earliest. Liberty is granted to the State Governments to move an application for modification of this order along with proposal only two weeks after submission of the proposals to the MoEF.

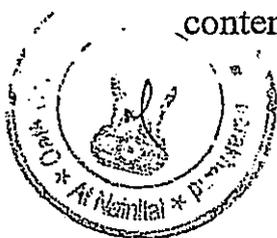
- u) Because without preparing District Survey Report which is to be prepared by Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water



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 11.12.2018

Boards or Remote Sensing Department or Mining Department, etc. in the district for identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area. No mining shall be conducted without preparation of District Survey Report as per notification dated 23.03.2020 by MoEFCC.

- v) Because the news article which was reported on Web portal namely news laundry dated 17.06.2021 has lamented on the State River Training Policy designed to allowed unfettered mining of sand and bolder by Private contractors by passing Green Clearance and Scientific Assessment.
- w) Because paragraph no 7.3 of the National Tiger Conservation Authority (Normative Standards for Tourism Activities and Project Tiger Guidelines, 2012) contemplates importance of buffer zone vis-a-vis the Tiger land tenure dynamics. Paragraph no. 7.3.2 states the ongoing study and analysis of available research data on tiger ecology indicate, that the minimum population of tigresses in breeding age, which are needed to maintain a viable population of 80-100 tigers (in and around core areas) require and inviolate space of 800-1200 sq. Km. Tiger being an “umbrella species”.
- x) Because the origin of river Nandhaur is from Deoh (distt. Nainital) and thereafter, it flows from Nandhaur Wildlife Sanctuary and it is lifeline for the flora and fauna of the Nandhaur Wildlife Sanctuary.
- y) Because Rule 3 of Uttarakhand River Dredging Policy, 2021 contemplates demarcation, verification and amount of River Dredging areas in the Rivers, Gadhera, Reservoirs and Canals from a Committee to be nominated by the District Magistrate and to be Chaired by Sub Divisional Magistrate.
- z) Because Rule 4 of Uttarakhand River Dredging Policy, 2021 contemplates the procedure of removing Silt/RBM/Silt which has



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to be done by an open auction after issuing an advertisement. In the present matter at hands no open auction/advertisement has been issued by the District Administration.

- aa) Because the Policy contemplates that by excavating silt, gravel and sand from the middle of River beds will direct the flow of river towards its centre and away from the banks and thus avoid river bank erosion which will prevent loss of life and infrastructure. This thought process in making of the Policy is not backed by any scientific research because it is only facilitating mining of river beds with little evidence of its effectiveness in preventing disasters.
- bb) Because the Policy provides for Constitution of a Committee to identify areas where there is excess silt of river bed material is such that it poses a threat. The duty of the committee to demarcate these areas and to inspect and evaluate the accumulated material.
- cc) Because according to National Disaster Management Authority Guidelines for management of flooding issued in 2008, silting at places where the rivers emerge from the hills into the plains at convex bends and near their outfalls into another river or lake or sea is a natural phenomenon.
- dd) Because in 2012, the Hon'ble Supreme court ordered for all river mining leases to undergo the environment clearance process, regardless of area. This requirement was also incorporated in 2016 as an amendment to the Environment Impact Assessment Notification. If the river patch to be mined runs through forests, then the contractor would require an additional forest, clearance under the Forest Conservation Act, 1980.
- ee) Because Riverbanks are often benap lands and are, therefore, treated as protected forests. Under the FCA, State Govt. are prohibited from issuing any order allowing non-forest use of forest lands without the union government's prior approval. Any activity, such as mining in protected forest lands, would also require forest clearance under the FCA.



19/10/2018

- ff) Because from the impugned order it is amply clear that under the guise of Disaster Management laws, the respondents are allowing rampant River bed mining abusing the very spirit of Disaster Management Act, 2005.
- gg) Because the act of respondents is violative of Article 21 of The Constitution of India and provisions of Forest (Conservation) Act, 1980 read with provisions of Environment (Protection) Act, 1986.

*Mining Prohibit 2021
11/11/2021*

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- i) Issue a writ, order in the nature of Certiorari quashing the impugned order dated 07.01.2022 issued by Respondent no.2 (enclosed as Annexure No.-3)
- ii) Issue a writ, order or direction in the nature of Mandamus directing respondent no.1, 2 & 3 not to grant any permission of mining/dredging of silt/RBM in the upper stream of river Nandhaur flown in Eco Sensitive Zone of Nandhaur Wildlife Sanctuary.
- iii) Issue any other or further writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.



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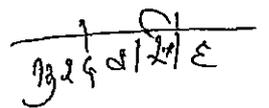
iv) To award the cost of the petition in favour of the petitioner and against the respondent.

Dated: 10/04/2022


(Sandeep Tiwari)(G.C. Joshi)
Advocates


(Rajat Chauhan)(Nikhil Pandey)
Advocates
Counsels for the Petitioner




10/04/2022

IN THE HIGH COURT OF UTTARAKHAND

231

AT NAINITAL

AFFIDAVIT

IN

WRIT PETITION (P.L.) NO. OF 2022

(Under Article 226 of the Constitution of India)

CNR No.

District- Nainital

BETWEEN

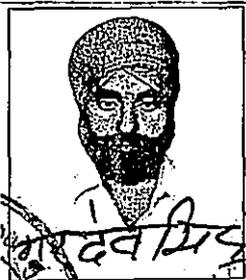
Gurdev Singh

.....Petitioner

AND

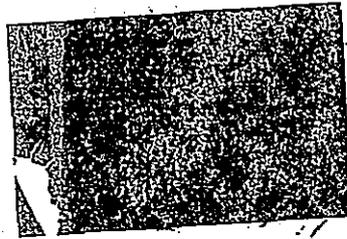
Union of India and others

.....Respondents



Affidavit of Gurdev Singh (Male) aged about 50 years, S/o Shri. Hajura Singh, R/o Vill- Gangi Goujariya, P.S. Khatima, District Udham Singh Nagar- 262308.

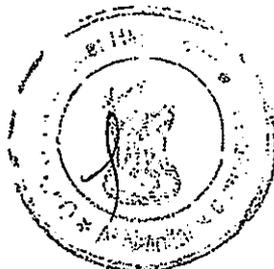
Deponent



The deponent above named do hereby solemnly affirm and

10/11/22
Certified that the deponent has signed/L.T./R.T.L. on his photograph in my presence

1. That the deponent is the sole petitioner in the above noted writ petition and doing pairavi on behalf of his own and as such he is well acquainted with the facts of the case deposed below.



गुरदेव सिंह

I, the deponent above named do hereby solemnly affirm on oath and verify that the contents of paragraph no.1..... of the affidavit and contents of paragraph no.1, 10, 15, 16, 23, 24, 28, 45..... of the writ petition are based on my personal knowledge and those of paragraph no.2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 17, 18, 20, 22, 25, 26, 27, 29 to 44..... of the writ petition are based on perusal of records and those of paragraph no.46, 47, 48..... of the writ petition are based on legal advice, which I believe to be true and no part of this affidavit is false and nothing material has been concealed.

So Help Me God



Handwritten signature or initials of the deponent.

शरद्वर्मा

(Deponent)

I, Sandeep Tiwari, Advocate, High Court of Uttarakhand, Nainital, do hereby identify the deponent from the papers which he produced before me and I am satisfied that he is the same person making this affidavit.

Handwritten signature of Sandeep Tiwari.

Advocate
Regd. No. UA 264/06
Bar No. S-478

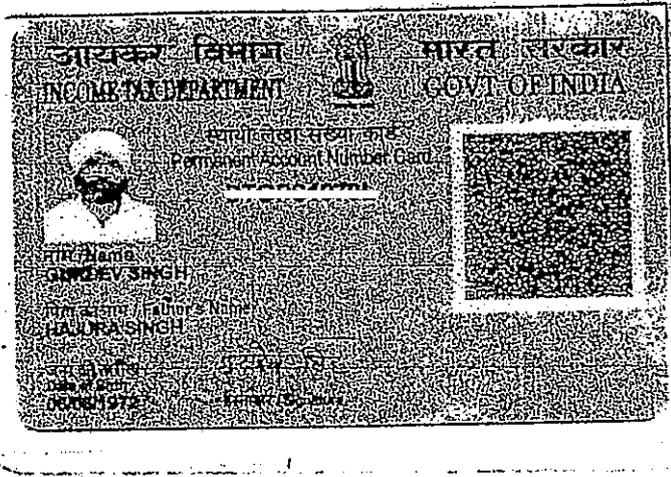
Solemnly affirmed before me on this 10th day of April, 2022 at about 5:30 a.m./p.m. by the deponent, who has been identified by the aforesaid Advocate.

I have satisfied myself by examining the deponent that the deponent has understood the contents of this affidavit, which has been read over and explained to him by me.



Aakib (Oath Commissioner)
AAKIB AHMED
Regn. No UK-649/2019
Oath Commissioner
High Court of Uttarakhand
Nainital
Sl. No.13533.....
Dated10/04/22.....

शरद्वर्मा

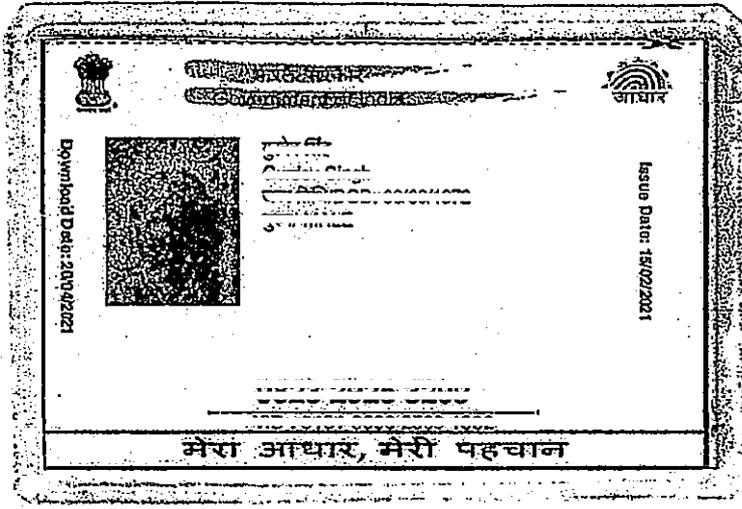


Annex No. 1

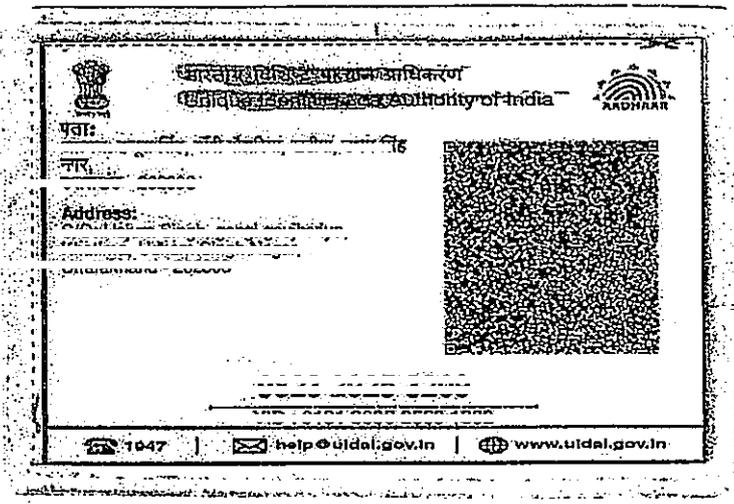
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गुरदेवसिंह



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Aakib
AAKIB AHMED
Regn. No UK-649/2019
Oath Commissioner
High Court of Uttarakhand
At Nainital
Sl. No.13683.....
Dated10/9/22.....



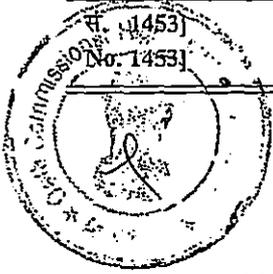
शुभ


भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-26052020-219552
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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



नई दिल्ली, शुक्रवार, मई 22, 2020/ज्येष्ठ 1, 1942
NEW DELHI, FRIDAY, MAY 22, 2020/JYAISHTHA 1, 1942

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 मई, 2020

का.आ. 1616(अ).—मंत्रालय की प्रारूप अधिसूचना का.आ. 3882(अ.), दिनांक 13 दिसम्बर, 2017, के अधिक्रमण में, अधिसूचना का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (2) के खंड (v) और खंड (xiv) तथा उपधारा (3) के साथ पठित उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जारी करने का प्रस्ताव करती है, पर्यावरण (संरक्षण) नियमावली, 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, जनसाधारण की जानकारी के लिए प्रकाशित किया जाता है; जिनके उससे प्रभावित होने की संभावना है, और यह सूचित किया जाता है कि उक्त प्रारूप अधिसूचना पर, उस तारीख से, जिसको इस अधिसूचना को अंतर्विष्ट करने वाले भारत के राजपत्र की प्रतियां जनसाधारण को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि की समाप्ति पर या उसके पश्चात् विचार किया जाएगा;

ऐसा कोई व्यक्ति, जो प्रारूप अधिसूचना में अंतर्विष्ट प्रस्तावों के संबंध में कोई आपत्ति या सुझाव देने का इच्छुक है, वह विनिर्दिष्ट अवधि के भीतर, केन्द्रीय सरकार द्वारा विचार किए जाने के लिए, अपनी आपत्ति या सुझाव सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, इंदिरा पर्यावरण भवन, जोर बाग रोड, अलीगंज, नई दिल्ली-110003 को लिखित रूप में या ई-मेल esz-mef@nic.in पर भेज सकता है।

प्रारूप अधिसूचना

नंधौर वन्यजीव अभयारण्य उत्तराखंड के दो जिलों अर्थात् नैनीताल और चम्पावत जिलों में स्थित है, और इसका नाम नंधौर घाटी और नंधौर नदी से रखा गया है जो कि घाटी के अंदर बहती है और नंधौर वन्यजीव अभयारण्य उत्तर अक्षांश 28°56'29.35" से 29°16'39.79" और पूर्व देशांतर 79°33'3.82" से 80°10'0.03" के बीच स्थित है और इसका क्षेत्रफल 269.95 वर्ग किलोमीटर में फैला हुआ है;

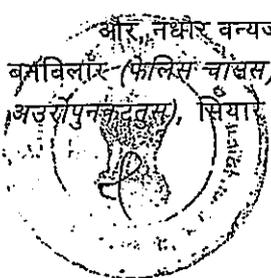
और, इस बड़े भू-दृश्य पश्चिम की यमुना नदी और पूर्व की ओर नेपाल में भागमती नदी है;

और, यह भू-दृश्य तराई-दौर सवाना पारिस्थितिकी-क्षेत्र का प्रतिनिधि है, जो दक्षिणी ढलानों में हिमालय की ओर जाता है और भू-दृश्य का संपूर्ण क्षेत्र राष्ट्रीय और वैश्विक दोनों स्तरों पर, जैव विविधता के महत्त्वपूर्ण केंद्र के रूप में पहचाना जाता है;

और, अभयारण्य में मुख्य वनस्पति कैसिया फिस्टुला (अमलताश), आइलैथस एक्सेलसा (अरु), मंगिफेरा इंडिका (आम), स्पोडियास पिन्नाटा (आमरा), इम्बेलिका ओफिसिनैलिस (आंवला), राइटिया टोमेंटोसा (इंद्राजो), टैमरिडस इंडिका (इमली), स्टेरुलिया विल्लोसा (उदाल), बजहीनिया वारिडगाटा (काछमार), फ्लैकोर्टिया इंडिका (कटेल [कंडाड]), जिजिफस ज़ायलोना (कथबर), हापलोहरागमा अडेनाफल्लुम (कथ सगौन), मरीका सपिदा (काफल), बुचानानिया लंजान (कथभिलावा), बुचानानिया लतीफोलिया (प्यालचारोंजी), गमेलीना अरबोरिया (कमहार [गमहार]), अलबिजिया ओडोरातिसीमा (कालासिरीस), अकैशिया फरनेसिअना (किंकर), केरिया आबोरिया (कुंभी), फिकस क्यूनिया (कुमिया), स्वलेइचेरा ओलेओसा (कुसुम), होलाहेंना अंतीडयसेंटेरीका (कुडा), फोइबे लांकेओलाटा (ककरा), मुचीलुस अडोराटीसीमा (कओला), होलोप्टेलेया इंटगरीफोलिया (कंजु), केल्टिस टेट्रेड्रा (क्रिच), बजहीनिया मालाबरिका (खतवा), बेरिदेलिया रतुसा (खजा), फिकस इंफेकटोरिया, फिकस रुम्फि (खबर, पकार), स्पिउम इंसिगना (खैना), अकैशिया कटेचु (खेर), बजहीनिया पुरपुरिया (खेरवाल्ल), तरेविया जुडीफलोरा (कुटेल), फिकस राकेमोसा (गुलार), बोइहमारिया रूगुलोसा (गेथी), बेरिदेलिया रतुसा (गोली [इकडांया]), इहरेटिया लइविस (चमरोह[इचोडा]), कैसेअरिया इल्लीप्टीका (चिल्ला), वेंडलांडिया एक्ससेटा (चिला [चिचुनिया]), डीप्नोकनेमा बुतयराकेअ (चुरा), पिनस रोकसबर्गी (चिर), एल्टोनिया स्चेलारिस (चितवन [चिउन]), सियाजियम क्युमिनी (जामुन), ट्रेमा ओरिएंटलिस (जीवंती), पुतरांजीवा रोकबुरगली (जूटी), टमारिक्स डीओइका (झाउ), लेन्नेया कोरोमांडेलिका (झींगन), चिन्नामोमुम टमाला (दालचिनी[तेजपत्ता]), गरूया पिन्नाटा (टिटमिरा [खरपत]), मिलिउसा वेलुटीना (डोम्साल), बुटेया मोनोसपर्मा (धाक), इलाइओटेडरोन गलाउकुम (धिबरी), स्पिउम सेबिफेरुम (टरचारवि), ओरोक्लुम इंडिकम (टरलौ[टसरिया]), कोक्कुलुस लउरिफोलिउस (टिलफोरा), फिकस रोकबुरधी (तिमला), टोना किलिअट, केडरेला टौना (तुन), डायोस्पायर टोमेंटोज (टांडु), गार्डेनिया टर्गिडा (थानेला), ग्रेविया इलास्टीका (थमान), बुडफोर्डिया फ्रेटिकोसा (धउला), एरिथ्रिना सुबेरोसा (धौलाधाक), लेगरोस्ट्रोइमिया परविफ्लोरा (धौरी), अजाडिराचटा इंडिका (नीम), स्टेरेओस्परमुम सुअवेओलेंस (पडाल), बिस्वोपिफया जवानिका (पानिसेमाल), डालबेरगिया लोकेओलारिया (पास्सि [बंधार]), फिकस रेनिगिओसा (पीपल), कीडिया चालयचिना (पुला[पत्ता]), बरोउस्सोनेटिया पपयारिफेरा (पेपर मालवारी), मिन्नाग्याना प्रवीफोलिया (फलदु), ग्रेविया हइनेसिना (फरासेन), अकैशिया निलोटिका (बबूल), टर्मिनलिया बेल्लेरिका (बहेरा), मेलिया अजेदेराच (बकेइन), क्रेटकवा रेनिगिओसा (बरना [बरूना]), फिकस वेंगालेंसिस (बंराथा [बरगद]), अनोगेइस्सुस लतिफोलिया (बाकाली), पटोरोकारपुस मारसुपियम (बिजयसाल), फिकस रूचादेंस (बेतुली), रोडोडेंड्रोन अबॉरम (बुरास), क्लेरकस लेउकोटरिचोफोरा (बांज), एगल मार्मेलोस (बेल), जिजिफस गौराटिओना, जिजिफस जुजुबा (बेर), हाइमेनोडिक्टीऑन एक्सेलसुम (बोरंग), सेमेकार्पस एनाकार्डियम (भिलावा), ग्रेविया ओप्पोसिटिफोलिया (भिमल), मधुका इंडिका (महुवा), जिजिफस क्यलोयरा (मकिदा), लिअसेइया घुतिनोसे (मइदा), रानदिया डुमेटोरुम (मनिंफाल्ल), इयकालयपतउस हायवरिड (इयकालयपतुस [सफेदा]), माल्लोटस फिल्लिपेंसिस (रोहानी), कोरडिया डिचोटोमा, कोरडिया मयक्या (लसोरा), कसैरिया ग्ररावेओलेंस (लालचिला), मोरुस अलबा (सहतुत [तुतारी]), डालबर्गिया सिसो (शीसु [शीसम]), न्यलोसमा लॉगिफोथुम (शाल्लु), सहोरिया रोबुस्ता (साल), ओउगिनिया ओओजेनिनेसिस (सादान), टेक्टोना ग्रांडिस (साओगोन), अल्बिजिया चिनेंसिया (सिरीस [काला]), एल्बिजिया प्रोकेरा (सिरीस [सफेद]), मोरिंगा ओलीफेरा (सैजना), बॉवक्स किइवा (सैमल), टर्मिनलिया अलाटा (सैन [असहना]), न्यक्टेन्थस अरबोरट्रिस्टिस (हेरसरिंगार), अदीना कोर्डिफोलिया (हलदु), टर्मिनलिया चेबुला (हार्रा [हरड]), आदि उपलब्ध है;

और, इस क्षेत्र में पाए जाने वाले बड़े जीवजंतु में बाघ, हाथी, तेंदुआ, रीछ और कई शाकाहारी पशु बहुत महत्त्वपूर्ण हैं और इस क्षेत्र में जीवजंतुओं की विविधता के समान ही वनस्पति की विविधता पाई जाती है, जिसमें इस विविधता का अनुमान इस बात से लगाया जा सकता है कि इस क्षेत्र में चैंपियन और सेठ वर्गीकृत वनों के 27 प्रकार और उप प्रकार हैं;

और, नैश्चर वन्यजीव अभयारण्य से जीवजंतु रेसस मैकाक (मकाका मुलाट्टा), सामान्य लंगूर (प्रेवयतीस इन्तेल्लुस), बर्गविलार्ड (फिलिस चोइस), बाघ (पैंथेरा टाइगरिस), सामान्य नेवला (हर्पस्टेस एडवर्डसी), छोटा भारतीय नेवला (हर्पस्टेस अउरोपुनकटुस), सियास (कैनिस ऑरियस), भारतीय लोमड़ी (वुल्फ बेंगलेंसिस), रीछ (मेलर्सस अरसिनस), छोटा



गुरदेवसिंह

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भारतीय मुसंग (विवरिक्ला इंडिका), ब्लू बुल (बोसेलाफुस ट्रायागोकेमेलुस), मुंजक (मुनटीक्स मुनतजक), चित्तीदार हिरण (एक्सिस एक्सिस), सांभर (रुसा यूनीक्लोरो), बनैला सूअर (सस स्क्रोफ्रा), फाइव स्टीपेड पाम गिलहरी (फुनाम्बुलुस पेन्नांटी), भारतीय फील्ड माउस (मुस्कोदुगा), सामान्य हाउस रेट (रट्टुस रट्टुस), सामान्य हाउस माउस (मुस मुस्कुलुस), साही (हिस्ट्रीक्स इंडिका), ग्रे मुसक शेरव (मुनकस मुरीनस), रूफोस्टेलड खरगोश (लेपुस निगरिकोल्लीस रूफिकाउडतुस), फ्लाइंग लोमडी (पेटोरोपुस गिंगट्टुस), फ्रूईट बेत (रौसेट्टुस लेसचेनॉल्टी), गोरल (नेमोरहेडुस गोरल), भारतीय साल (मानिस क्रैसिकाउडाटा), एशियन हाथी (इलेफस मैक्सिमस), सामान्य पाम मुसंग (पराडोक्यरुस हेरमाफरोडिटस), रेड गिज़ंट फ्लाइंग गिलहरी (पेटोरिस्टा पेटोरिस्टा), हिसपिड खरगोश (कैरोलांग्यूस हिलेल्डस), भारतीय खरगोश (लेपुस निगरिकोल्लीस), शेरोव (कापरिकोर्निस सुमातराईसिस), आदि अभिलिखित किए गए हैं;

और, नंधौर वन्यजीव अभयारण्य के चारों ओर के क्षेत्र को, जिसका विस्तार और सीमाएं इस अधिसूचना के पैराग्राफ 1 में विनिर्दिष्ट हैं, पारिस्थितिकी, पर्यावरणीय और जैव-विविधता की दृष्टि से पारिस्थितिकी संवेदी जोन के रूप में सुरक्षित और संरक्षित करना तथा उक्त पारिस्थितिकी संवेदी जोन में उद्योगों या उद्योगों की श्रेणियों के प्रचालन तथा प्रसंस्करण को प्रतिषिद्ध करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियमावली, 1986 के नियम 5 के उपनियम (3) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की उपधारा (1) तथा धारा 3 की उपधारा (2) के खंड (v) और खंड (xiv) एवं उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जिला नैनीताल और चम्पावत के उत्तराखंड राज्य में नंधौर वन्यजीव अभयारण्य, की सीमा के चारों ओर 0.7 किलोमीटर से 15.0 किलोमीटर तक विस्तारित क्षेत्र को पारिस्थितिकी संवेदी जोन (जिसे इसमें इसके पश्चात् पारिस्थितिकी संवेदी जोन कहा गया है) के रूप में अधिसूचित करती है, जिसका विवरण निम्नानुसार है, अर्थात् :-

1. पारिस्थितिकी संवेदी जोन का विस्तार और सीमाएं.- (1) पारिस्थितिकी संवेदी जोन का विस्तार नंधौर वन्यजीव अभयारण्य की सीमा के चारों ओर 0.7 किलोमीटर से 15.0 किलोमीटर तक विस्तृत है और पारिस्थितिकी संवेदी जोन का क्षेत्रफल 540.267 वर्ग किलोमीटर है। पारिस्थितिकी संवेदी जोन के क्षेत्र का विवरण नीचे दिया गया है:

हल्द्वानी वन संभाग	: 270.175 वर्ग किलोमीटर;
चम्पावत वन संभाग	: 100.880 वर्ग किलोमीटर;
तराई पूर्व वन संभाग	: 167.103 वर्ग किलोमीटर;
राजस्व क्षेत्र के 2 ग्राम	: 1.9518 वर्ग किलोमीटर;
वन पंचायत क्षेत्र	: 0.1574 वर्ग किलोमीटर.

(2) नंधौर वन्यजीव अभयारण्य और इसके पारिस्थितिकी संवेदी जोन की सीमा का विवरण उपाबंध-I के रूप में संलग्न है।

(3) सीमा विवरण और अक्षांशों और देशांतरों के साथ पारिस्थितिकी संवेदी जोन का सीमांकन करते हुए नंधौर वन्यजीव अभयारण्य के मानचित्र उपाबंध-IIक, उपाबंध-IIख, उपाबंध-IIग, उपाबंध-IIघ और उपाबंध-IIङ के रूप में संलग्न है।

(4) नंधौर वन्यजीव अभयारण्य और पारिस्थितिकी संवेदी जोन की सीमा के भू-निर्देशांकों की सूची उपाबंध-III की सारणी क और सारणी ख में दी गई है।

(5) मुख्य बिंदुओं के भू-निर्देशांकों के साथ प्रस्तावित पारिस्थितिकी संवेदी जोन के अंतर्गत आने वाले ग्रामों की सूची उपाबंध-IVक और उपाबंध-IVख के रूप में संलग्न है।

2. पारिस्थितिकी संवेदी जोन के लिए आंचलिक महायोजना.- (1) राज्य सरकार, द्वारा पारिस्थितिकी संवेदी जोन के प्रयोजन के लिए, राजपत्र में अंतिम अधिसूचना के प्रकाशन की तारीख से दो वर्ष की अवधि के भीतर, स्थानीय व्यक्तियों के परामर्श से और इस अधिसूचना में दिए गए अनुबंधों का पालन करते हुए, राज्य सरकार के सक्षम प्राधिकारी के अनुमोदनार्थ एक आंचलिक महायोजना बनाई जायेगी।

(2) राज्य सरकार द्वारा पारिस्थितिकी संवेदी जोन के लिए आंचलिक महायोजना इस अधिसूचना में विनिर्दिष्ट रीति से तथा प्रासंगिक केंद्रीय और राज्य विधियों के अनुरूप तथा केंद्रीय सरकार द्वारा जारी दिशा निर्देशों, यदि कोई हों, के अनुसार बनायी जाएगी।



उपरि लिखित

(3) आंचलिक महायोजना में पारिस्थितिकी और पर्यावरण संबंधी सरोकारों को शामिल करने के लिए इसे राज्य सरकार के निम्नलिखित विभागों के परामर्श से बनाया जाएगा, अर्थात्:-

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- (i) पर्यावरण;
- (ii) वन और वन्यजीव;
- (iii) कृषि;
- (iv) राजस्व;
- (v) शहरी विकास;
- (vi) पर्यटन;
- (vii) ग्रामीण विकास;
- (viii) सिंचाई और बाढ़ नियंत्रण;
- (ix) नगरपालिका;
- (x) पंचायती राज; और
- (xi) लोक निर्माण विभाग।

(4) जब तक इस अधिसूचना में विनिर्दिष्ट न हो, आंचलिक महायोजना में वर्तमान में अनुमोदित भू-उपयोग, अवसंरचना और क्रियाकलापों पर कोई प्रतिबंध नहीं लगाया जाएगा तथा आंचलिक महायोजना में सभी अवसंरचनाओं और क्रियाकलापों में सुधार करके उन्हें अधिक दक्ष और पारिस्थितिकी-अनुकूल बनाने की व्यवस्था की जाएगी।

(5) आंचलिक महायोजना में वनरहित और अवक्रमित क्षेत्रों के सुधार, विद्यमान जल निकायों के संरक्षण, आवाह क्षेत्रों के प्रबंधन, जल-संभरों के प्रबंधन, भू-जल के प्रबंधन, मृदा और नदी के संरक्षण, स्थानीय जनता की आवश्यकताओं तथा पारिस्थितिकी एवं पर्यावरण के ऐसे अन्य पहलुओं की व्यवस्था की जाएगी जिन पर ध्यान दिया जाना आवश्यक है।

(6) आंचलिक महायोजना में सभी विद्यमान पूजा स्थलों, ग्रामों एवं शहरी बस्तियों, वनों की श्रेणियों एवं किस्मों, कृषि क्षेत्रों, ऊपजाऊ भूमि, उद्यानों एवं उद्यानों की तरह के हरित क्षेत्रों, बागवानी क्षेत्रों, बगीचों, झीलों और अन्य जल निकायों की सीमा का सहायक मानचित्र के साथ निर्धारण किया जाएगा और प्रस्तावित भू-उपयोग की विशेषताओं का ब्यौरा भी दिया जाएगा।

(7) आंचलिक महायोजना में पारिस्थितिकी संवेदी जोन में होने वाले विकास का विनियमन किया जाएगा और सारणी में यथासूचीबद्ध पैराग्राफ 4 में प्रतिषिद्ध एवं विनियमित क्रियाकलापों का पालन किया जाएगा। इसमें स्थानीय जनता की आजीविका की सुरक्षा के लिए पारिस्थितिकी-अनुकूल विकास का भी सुनिश्चय एवं संवर्धन किया जाएगा।

(8) आंचलिक महायोजना, क्षेत्रीय विकास योजना की सह-कालिक होगी।

(9) अनुमोदित आंचलिक महायोजना, निगरानी समिति के लिए एक संदर्भ दस्तावेज होगी ताकि वह इस अधिसूचना के उपबंधों के अनुसार निगरानी के अपने कर्तव्यों का निर्वहन कर सके।

3. राज्य सरकार द्वारा किए जाने वाले उपाय.- राज्य सरकार इस अधिसूचना के उपबंधों को प्रभावी बनाने के लिए निम्नलिखित उपाय करेगी, अर्थात्:-

(1) भू-उपयोग.- (क) पारिस्थितिकी संवेदी जोन में वनों, बागवानी क्षेत्रों, कृषि क्षेत्रों, मनोरंजन के लिए चिन्हित उद्यानों और खुले स्थानों का वृहद वाणिज्यिक या आवासीय परिसरों या औद्योगिक क्रियाकलापों के लिए प्रयोग या संपरिवर्तन अनुज्ञात नहीं किया जाएगा:

परंतु पारिस्थितिकी संवेदी जोन के भीतर भाग (क), में विनिर्दिष्ट प्रयोजन से भिन्न प्रयोजन के लिए कृषि और अन्य भूमि का संपरिवर्तन, मानीटरी समिति की सिफारिश पर और सक्षम प्राधिकारी के पूर्व अनुमोदन से क्षेत्रीय नगर योजना अधिनियम तथा यथा लागू केन्द्रीय सरकार एवं राज्य सरकार के अन्य नियमों एवं विनियमों के अधीन तथा इस अधिसूचना के उपबंधों के अनुसार स्थानीय निवासियों की निम्नलिखित आवासीय जरूरतों को पूरा करने के लिए अनुज्ञात किया जाएगा जैसे:-



कार्यवाही

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- (i) विद्यमान सड़कों को चौड़ा करना, उन्हें सुदृढ़ करना और नई सड़कों का संनिर्माण करना;
- (ii) बुनियादी ढांचों और नागरिक सुविधाओं का संनिर्माण और नवीकरण;
- (iii) प्रदूषण उत्पन्न न करने वाले लघु उद्योग;
- (iv) कुटीर उद्योग एवं ग्राम उद्योग; पारिस्थितिकी पर्यटन में सहायक सुविधा भण्डार, और स्थानीय सुविधाएं तथा ग्रह वास; और
- (v) पैराग्राफ-4 में उल्लिखित बढ़ावा दिए गए क्रियाकलाप:

परंतु यह भी कि क्षेत्रीय शहरी नियोजन अधिनियम के अधीन सक्षम प्राधिकारी के पूर्व अनुमोदन के बिना तथा राज्य सरकार के अन्य नियमों एवं विनियमों एवं संविधान के अनुच्छेद 244 के उपबंधों तथा तत्समय प्रवृत्त विधि, जिसके अंतर्गत अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम, 2006 (2007 का 2) भी आता है, का अनुपालन किए बिना वाणिज्यिक या औद्योगिक विकास क्रियाकलापों के लिए जनजातीय भूमि का प्रयोग अनुज्ञात नहीं होगा:

परंतु यह भी कि पारिस्थितिकी संवेदी जोन के अंतर्गत आने वाली भूमि के अभिलेखों में हुई किसी त्रुटि को, मानीटरी समिति के विचार प्राप्त करने के पश्चात्, राज्य सरकार द्वारा प्रत्येक मामले में एक बार सुधारा जाएगा और उक्त त्रुटि को सुधारने की सूचना केंद्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को दी जाएगी:

परंतु यह भी कि उपर्युक्त त्रुटि को सुधारने में, इस उप-पैरा में यथा उपबंधित के सिवाय, किसी भी दशा में भू-उपयोग का परिवर्तन शामिल नहीं होगा:

(ख) अनुप्रयुक्त या अनुत्पादक कृषि क्षेत्रों में पुनः वनीकरण तथा पर्यावासों की बहाली के प्रयास किए जाएंगे।

(2) प्राकृतिक जल स्रोत.- आंचलिक महायोजना में सभी प्राकृतिक जलमार्गों के आवाह क्षेत्रों की पहचान की जाएगी और आंचलिक महायोजना में उनके संरक्षण और बहाली की योजना सम्मिलित की जाएगी और राज्य सरकार द्वारा जल आवाह प्रबंधन योजना इस रीति से बनाई जाएगी कि उसमें आवाह क्षेत्रों में विकास क्रियाकलापों को प्रतिषिद्ध और निर्बंधित किया गया हो।

(3) पर्यटन एवं पारिस्थितिकी पर्यटन.- (क) पारिस्थितिकी संवेदी जोन में सभी नए पारिस्थितिकी पर्यटन क्रियाकलाप या विद्यमान पर्यटन क्रियाकलापों का विस्तार पारिस्थितिकी संवेदी जोन सम्बंधी पर्यटन महायोजना के अनुसार अनुज्ञात होगा।

(ख) पारिस्थितिकी पर्यटन महायोजना राज्य सरकार के पर्यावरण और वन विभाग के परामर्श से राज्य के पर्यटन विभाग द्वारा बनायी जाएगी।

(ग) पर्यटन महायोजना आंचलिक महायोजना का घटक होगी।

(घ) पर्यटन महायोजना पारिस्थितिकी संवेदी जोन की वहन क्षमता के आधार पर तैयार की जायेगी।

(ङ) पारिस्थितिकी पर्यटन संबंधी क्रियाकलाप निम्नानुसार विनियमित किए जाएंगे, अर्थात्:-

(i) संरक्षित क्षेत्र की सीमा से एक किलोमीटर के भीतर या पारिस्थितिकी संवेदी जोन की सीमा तक, इनमें जो भी अधिक निकट हो, किसी होटल या रिजॉर्ट का नया सन्निर्माण अनुज्ञात नहीं किया जाएगा:

परंतु यह, पारिस्थितिकी पर्यटन सुविधाओं के लिए संरक्षित क्षेत्र की सीमा से एक किलोमीटर की दूरी से परे पारिस्थितिकी संवेदी जोन की सीमा तक पूर्व परिभाषित और अभीहित क्षेत्रों में पर्यटन महायोजना के अनुसार, नए होटलों और रिजॉर्ट की स्थापना अनुज्ञात होगी;

(ii) पारिस्थितिकी संवेदी जोन के अन्दर सभी नए पर्यटन क्रिया-कलापों या विद्यमान पर्यटन क्रियाकलापों का विस्तार, केंद्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा जारी दिशानिर्देशों तथा पारिस्थितिकी पर्यटन, पारिस्थितिकी-शिक्षा और पारिस्थितिकी-विकास पर बल देने वाले राष्ट्रीय व्यापक संरक्षण प्राधिकरण द्वारा जारी पारिस्थितिकी पर्यटन संबंधी दिशानिर्देशों (समय-समय पर यथा संशोधित) के अनुसार



सुखदेव सिंह

(iii) आंचलिक महायोजना का अनुमोदन होने तक, पर्यटन के विकास और विद्यमान पर्यटन क्रियाकलापों के विस्तार को वास्तविक स्थल-विशिष्ट संवीक्षा तथा मानीटरी समिति की सिफारिश के आधार पर संबंधित विनियामक प्राधिकरणों द्वारा अनुज्ञात किया जाएगा और पारिस्थितिकी संवेदी जोन में किसी नए होटल, रिजॉर्ट या वाणिज्यिक प्रतिष्ठान का सन्निर्माण अनुज्ञात नहीं होगा।

(4) प्राकृतिक विरासत.— पारिस्थितिकी संवेदी जोन के अंतर्गत आने वाले बहुमूल्य प्राकृतिक विरासत के सभी स्थलों जैसे कि जीन पूल रिजर्व क्षेत्र, शैल संरचना, जल प्रपात, झरने, दर्रे, उपवन, गुफाएं, स्थल, वनपथ, रोहण मार्ग, उत्प्रपात आदि की पहचान की जाएगी और उनकी सुरक्षा एवं संरक्षण के लिए आंचलिक महायोजना के भाग के रूप में एक विरासत संरक्षण योजना बनायी जाएगी।

(5) मानव निर्मित विरासत स्थल.— पारिस्थितिकी संवेदी जोन में भवनों, संरचनाओं, कलाकृति-क्षेत्रों तथा ऐतिहासिक, स्थापत्य संबन्धी, सौंदर्यात्मक और सांस्कृतिक महत्व के क्षेत्रों की पहचान की जाएगी और उनके संरक्षण के लिए आंचलिक महायोजना के भाग के रूप में एक विरासत संरक्षण योजना बनायी जाएगी।

(6) ध्वनि प्रदूषण.— पर्यावरण अधिनियम के अधीन ध्वनि प्रदूषण (विनियमन और नियंत्रण) नियम, 2000 में नियत उपबंधों के अनुसार पारिस्थितिकी संवेदी जोन में ध्वनि प्रदूषण के निवारण और नियंत्रण के लिए विनियमों को क्रियान्वित किया जाएगा।

(7) वायु प्रदूषण.— पारिस्थितिकी संवेदी जोन में, वायु प्रदूषण के निवारण और नियंत्रण का वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसार अनुपालन किया जाएगा।

(8) बहिष्काव का निस्सारण.— पारिस्थितिकी संवेदी जोन में उपचारित बहिष्काव का निस्सारण, पर्यावरण अधिनियम और उसके अधीन बनाए गए नियमों के अधीन आने वाले पर्यावरणीय प्रदूषण के निस्सारण के लिए साधारण मानकों या राज्य सरकार द्वारा नियत मानकों, जो भी अधिक कठोर हों, के उपबंधों के अनुसार होगा।

(9) ठोस अपशिष्ट.— ठोस अपशिष्ट का निपटान एवं प्रबन्धन निम्नानुसार किया जाएगा:-

(क) पारिस्थितिकी संवेदी जोन में ठोस अपशिष्ट का निपटान और प्रबंधन भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की समय-समय पर यथा संशोधित अधिसूचना सं. का.आ. 1357(अ), दिनांक 8 अप्रैल, 2016 के तहत प्रकाशित ठोस अपशिष्ट प्रबंधन नियम, 2016 के उपबंधों के अनुसार किया जाएगा। अकार्बनिक पदार्थों का निपटान पारिस्थितिकी संवेदी जोन से बाहर चिन्हित किए गए स्थानों पर पर्यावरण-अनुकूल रीति से किया जाएगा;

(ख) पारिस्थितिकी संवेदी जोन में मान्य प्रौद्योगिकियों का प्रयोग करते हुए विद्यमान नियमों और विनियमों के अनुरूप ठोस अपशिष्ट का सुरक्षित और पर्यावरण अनुकूल प्रबंधन (ईएसएम) अनुज्ञात किया जायेगा।

(10) जैव चिकित्सा अपशिष्ट.— जैव चिकित्सा अपशिष्ट का प्रबंधन निम्नानुसार किया जाएगा:-

(क) पारिस्थितिकी संवेदी जोन में जैव चिकित्सा अपशिष्ट का निपटान भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की समय-समय पर यथा संशोधित अधिसूचना सं.सा.का.नि 343 (अ), तारीख 28 मार्च, 2016 के तहत प्रकाशित जैव चिकित्सा अपशिष्ट प्रबंधन नियम, 2016 के उपबंधों के अनुसार किया जाएगा;

(ख) पारिस्थितिकी संवेदी जोन में मान्य प्रौद्योगिकियों का प्रयोग करते हुए विद्यमान नियमों और विनियमों के अनुरूप ठोस अपशिष्ट का सुरक्षित और पर्यावरण अनुकूल प्रबंधन अनुज्ञात किया जायेगा।

(11) प्लास्टिक अपशिष्ट का प्रबंधन.— पारिस्थितिकी संवेदी जोन में प्लास्टिक अपशिष्ट का प्रबंधन, भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की समय-समय पर यथा संशोधित अधिसूचना सं.सा.का.नि 340(अ), तारीख 18 मार्च, 2016 के तहत प्रकाशित प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 के उपबंधों के अनुसार किया जाएगा।

(12) निर्माण और विध्वंस अपशिष्ट का प्रबंधन.— पारिस्थितिकी संवेदी जोन में निर्माण और विध्वंस अपशिष्ट का प्रबंधन, भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की समय-समय पर यथा संशोधित अधिसूचना सं.सा.का.नि 317(अ), तारीख 29 मार्च, 2016 के तहत प्रकाशित सन्निर्माण और विध्वंस अपशिष्ट प्रबंधन नियम, 2016 के उपबंधों के अनुसार किया जाएगा।



(13) ई-अपशिष्ट.- पारिस्थितिकी संवेदी जोन में ई-अपशिष्ट का प्रबंधन, भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा प्रकाशित तथा समय-समय पर यथा संशोधित ई-अपशिष्ट प्रबंधन नियम, 2016 के उपबंधों के अनुसार किया जाएगा।

(14) सड़क-यातायात.- सड़क-यातायात को पर्यावास-अनुकूल तरीके से विनियमित किया जाएगा और इस संबंध में आंचलिक महायोजना में विशेष उपबंध शामिल किए जाएंगे। आंचलिक महायोजना के तैयार होने और राज्य सरकार के सक्षम प्राधिकारी से अनुमोदित होने तक, मानीटरी समिति प्रासंगिक अधिनियमों और उनके तहत बनाए गए नियमों एवं विनियमों के अनुसार सड़क-यातायात के अनुपालन की मानीटरी करेगी।

(15) वाहन जनित प्रदूषण.- वाहन जनित प्रदूषण की रोकथाम और नियंत्रण लागू विधियों के अनुसार किया जाएगा। स्वच्छतर ईंधन के उपयोग के लिए प्रयास किए जाएंगे।

(16) औद्योगिक ईकाइयां.- (i) सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख को या उसके बाद पारिस्थितिकी संवेदी जोन में किसी नए प्रदूषणकारी उद्योग की स्थापना अनुज्ञात नहीं होगी।

(ii) जब तक इस अधिसूचना में विनिर्दिष्ट न हो, पारिस्थितिकी संवेदी जोन में केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा फरवरी, 2016 में जारी दिशानिर्देशों में किए गए उद्योगों के वर्गीकरण के अनुसार केवल गैर-प्रदूषणकारी उद्योगों की स्थापना अनुज्ञात होगी। इसके अतिरिक्त, गैर-प्रदूषणकारी कुटीर उद्योगों को बढ़ावा दिया जाएगा।

(17) पहाड़ी ढलानों का संरक्षण.- पहाड़ी ढलानों का संरक्षण निम्नानुसार किया जाएगा:-

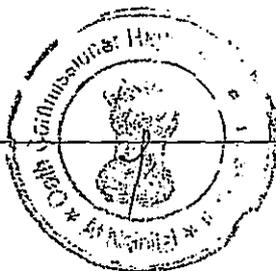
(क) आंचलिक महायोजना में पहाड़ी ढलानों के उन क्षेत्रों को दर्शाया जाएगा जिनमें किसी भी संनिर्माण की अनुज्ञा नहीं होगी;

(ख) जिन ढलानों या विद्यमान खड़ी पहाड़ी ढलानों में अत्यधिक भू-क्षरण होता है उनमें किसी भी संनिर्माण की अनुज्ञा नहीं होगी।

4. पारिस्थितिकी संवेदी जोन में प्रतिषिद्ध या विनियमित किए जाने वाले क्रियाकलापों की सूची- पारिस्थितिकी संवेदी जोन में सभी क्रियाकलाप, पर्यावरण अधिनियम के उपबंधों और तटीय विनियमन जोन अधिसूचना, 2011 एवं पर्यावरणीय प्रभाव आकलन अधिसूचना, 2006 सहित उसके अधीन बने नियमों और वन (संरक्षण) अधिनियम, 1980 (1980 का 69), भारतीय वन अधिनियम, 1927 (1927 का 16), वन्यजीव (संरक्षण) अधिनियम, 1972 (1972 का 53) सहित अन्य लागू नियमों तथा उनमें किए गए संशोधनों के अनुसार शासित होंगे और नीचे दी गई सारणी में विनिर्दिष्ट रीति से विनियमित होंगे, अर्थात्:-

सारणी

क्र. सं.	क्रियाकलाप	टिप्पणी
(1)	(2)	(3)
क. प्रतिषिद्ध क्रियाकलाप		
1.	वाणिज्यिक खनन, पत्थर उत्खनन और अपघर्षण इकाइयां।	(क) सभी प्रकार के नए और विद्यमान खनन (लघु और वृहत खनिज), पत्थर की खानों और उनको तोड़ने की इकाइयां वास्तविक स्थानीय निवासियों की घरेलू आवश्यकताओं जिसमें निजी उपयोग के लिए मकानों के संनिर्माण या मरम्मत के लिए धरती को खोदना और मकान बनाने के लिए देशी टाइल्स या ईंटों का निर्माण करना भी सम्मिलित है, के सिवाय नहीं होंगी; (ख) खनन संक्रियाएं, माननीय उच्चतम न्यायालय के 1995 की रिट याचिका (सिविल) सं. 202 में टी.एन. गौडाबर्मन थिरुमूलपाद बनाम भारत संघ के मामले में आदेश तारीख 4 अगस्त, 2006 और 2012 की रिट याचिका (सी) सं. 435 में गोवा फाउंडेशन बनाम भारत संघ के मामले में तारीख 21 अप्रैल, 2014 के आदेश के अनुसरण में प्रचालित होंगी।



गुरुदेवप्रसाद

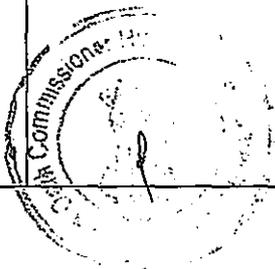
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2.	प्रदूषण (जल, वायु, मृदा, ध्वनि, आदि) उत्पन्न करने वाले उद्योगों की स्थापना।	पारिस्थितिकी संवेदी जोन में कोई नया उद्योग लगाने और वर्तमान प्रदूषणकारी उद्योगों का विस्तार करने की अनुमति नहीं होगी: जब तक कि इस अधिसूचना में विनिर्दिष्ट न हो, पारिस्थितिकी संवेदी जोन में फरवरी, 2016, में केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी दिशानिर्देशों में किए गए उद्योगों के वर्गीकरण के अनुसार केवल गैर-प्रदूषणकारी उद्योगों की स्थापना होगी। इसके अतिरिक्त, गैर-प्रदूषणकारी कुटीर उद्योगों को प्रोत्साहन दिया जाएगा।
3.	बड़ी जल विद्युत परियोजनाओं की स्थापना।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) होंगे।
4.	किसी परिसंकटमय पदार्थ का प्रयोग या उत्पादन या प्रसंस्करण।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) होंगे।
5.	प्राकृतिक जल निकायों या भूमि क्षेत्र में अनुपचारित बहिस्त्रावों का निस्सारण।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) होंगे।
6.	नई आरा मिलों की स्थापना।	पारिस्थितिकी संवेदी जोन के भीतर नई और विद्यमान आरा मिलों का विस्तार अनुज्ञात नहीं होगा।
7.	जलावन लकड़ी का वाणिज्यिक	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) होंगे।

8.	पापलाना अथवा नए नए	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) होंगे।
9.	ईट भट्टों की स्थापना करना।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) होंगे।

ख. विनियमित क्रियाकलाप

10.	होटलों और रिसोर्टों की वाणिज्यिक स्थापना।	पारिस्थितिकी पर्यटन क्रियाकलापों हेतु लघु अस्थायी संरचनाओं के निर्माण के सिवाय, संरक्षित क्षेत्र की सीमा से एक किलोमीटर के भीतर या पारिस्थितिकी संवेदी जोन की सीमा तक, इनमें जो भी अधिक निकट हो, नए वाणिज्यिक होटलों और रिसोर्टों की स्थापना अनुज्ञात नहीं होगी: परंतु, संरक्षित क्षेत्र की सीमा से एक किलोमीटर बाहर या पारिस्थितिकी संवेदी जोन की सीमा तक, पर्यटन महायोजना और लागू दिशानिर्देशों के अनुसार इनमें जो भी अधिक निकट हो, सभी नए पर्यटन क्रियाकलाप करने या विद्यमान क्रियाकलापों का विस्तार करने की अनुज्ञात होगी।
11.	संनिर्माण क्रियाकलाप।	(क) संरक्षित क्षेत्र की सीमा से एक किलोमीटर के भीतर या पारिस्थितिकी संवेदी जोन के विस्तार तक जो भी निकट हो, किसी भी प्रकार का वाणिज्यिक संनिर्माण अनुज्ञात नहीं किया जाएगा: परंतु स्थानीय लोगों को पैराग्राफ 3 के उप पैराग्राफ (1) में सूचीबद्ध क्रियाकलापों सहित उनके उपयोग के लिए उनकी भूमि में स्थानीय निवासियों की आवासीय आवश्यकताओं को पूरा करने लिए संनिर्माण करने की अनुमति भवन उपविधियों के अनुसार दी जाएगी। परन्तु ऐसे लघु उद्योगों जो प्रदूषण उत्पन्न नहीं करते हैं, से संबंधित संनिर्माण क्रियाकलाप विनियमित किए जाएंगे और लागू नियमों और विनियमों, यदि कोई हों, के अनुसार सक्षम प्राधिकारी की पूर्व अनुमति



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		से ही न्यूनतम पर रखे जाएंगे। (ख) एक किलोमीटर से आगे आंचलिक महायोजना की अनुसार विनियमित होंगे।
12.	गैर प्रदूषणकारी लघु उद्योग।	फरवरी, 2016 में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी उद्योगों के वर्गीकरण के अनुसार गैर-प्रदूषणकारी उद्योग तथा अपरिसंकटमय लघु और सेवा उद्योग, कृषि, पुष्प कृषि, बागवानी या कृषि आधारित उद्योग, जो पारिस्थितिकी संवेदी जोन से देशी सामग्रियों से उत्पाद बनाते हैं, सक्षम प्राधिकारी द्वारा अनुज्ञात होंगे।
13.	वृक्षों की कटाई।	(क) राज्य सरकार के सक्षम प्राधिकारी की पूर्व अनुमति के बिना वन भूमि या सरकारी या राजस्व या निजी भूमि पर वृक्षों की कटाई नहीं होगी। (ख) वृक्षों की कटाई केंद्रीय या संबंधित राज्य के अधिनियम या उसके अधीन बनाए गए नियमों के उपबंधों के अनुसार विनियमित होगी।
14.	वन उत्पादों और गैर काष्ठ वन उत्पादों का संग्रहण।	लागू विधियों के अधीन विनियमित होगा।
15.	विद्युत और संचार टॉवर लगाने, तार-बिछाने तथा अन्य बुनियादी ढांचे की व्यवस्था।	लागू विधियों के अधीन विनियमित होगा। (भूमिगत केवल बिछाने को बढ़ावा दिया जाएगा)।
16.	नागरिक सुविधाओं सहित बुनियादी ढांचा।	लागू विधियों नियम और विनियमन और उपलब्ध दिशानिर्देशों के अनुसार न्यूनीकरण उपाय किए जाएंगे।
17.	विद्यमान सड़कों को चौड़ा करना, उन्हें सुदृढ़ बनाना और नई सड़कों का निर्माण।	लागू विधियों नियम और विनियमन और उपलब्ध दिशानिर्देशों के अनुसार न्यूनीकरण उपाय किए जाएंगे।
18.	पर्यटन से संबंधित अन्य क्रियाकलाप जैसे कि पारिस्थितिकी संवेदी जोन क्षेत्र के ऊपर से गर्म वायु के गुब्बारे, हेलीकाप्टर, ड्रोन, माइक्रोलाइट्स उड़ाना आदि।	लागू विधियों के अधीन विनियमित होगा।
19.	पहाड़ी ढालों और नदी तटों का संरक्षण।	लागू विधियों के अधीन विनियमित होगा।
20.	रात्रि में वाहन यातायात का संचलन।	लागू विधियों के अधीन वाणिज्यिक प्रयोजन के लिए विनियमित होगा।
21.	स्थानीय जनता द्वारा अपनायी जा रही वर्तमान कृषि और बागवानी पद्धतियों के साथ डेयरियां, दुग्ध उत्पादन, जल कृषि और मत्स्य पालन।	स्थानीय जनता के प्रयोग के लिए लागू विधियों के अधीन अनुज्ञात होंगे।
22.	फर्मों, कारपोरेट, कंपनियों द्वारा बड़े पैमाने पर वाणिज्यिक पशुधन संपदा और कुक्कुट फार्मों की स्थापना।	स्थानीय आवश्यकताओं को पूरा करने के सिवाय लागू विधियों के अधीन विनियमित (अन्यथा प्रदान किए गए) होंगे।



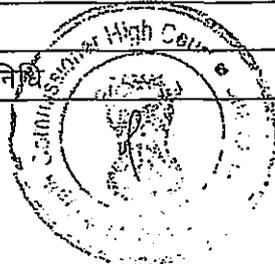
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23.	प्राकृतिक जल निकायों या भू क्षेत्र में उपचारित अपशिष्ट जल/बहिर्वाह का निस्सारण।	जल निकायों में उपचारित अपशिष्ट जल/बहिर्वाह के निस्सारण से बचा जाएगा। उपचारित अपशिष्ट जल के पुनर्चक्रण और पुनःउपयोग के प्रयास किए जाएंगे अन्यथा उपचारित अपशिष्ट जल/बहिर्वाह का निस्सारण लागू विधियों के अनुसार विनियमित किया जाएगा।
24.	सतही और भूजल का वाणिज्यिक प्रयोग हेतु निष्कर्षण।	लागू विधियों के अधीन विनियमित होगा।
25.	ठोस अपशिष्ट का प्रबंधन।	लागू विधियों के अधीन विनियमित होगा।
26.	विदेशी प्रजातियों को लाना।	लागू विधियों के अधीन विनियमित होगा।
27.	पारिस्थितिकी पर्यटन।	लागू विधियों के अधीन विनियमित होगा।
28.	वाणिज्यिक संकेत बोर्ड और होर्डिंग का प्रयोग।	लागू विधियों के अधीन विनियमित होगा।
ग.संवर्धित क्रियाकलाप		
29.	वर्षा जल संचय।	सक्रिय रूप से बढ़ावा दिया जाएगा।
30.	जैविक खेती।	सक्रिय रूप से बढ़ावा दिया जाएगा।
31.	सभी गतिविधियों के लिए हरित प्रौद्योगिकी का अंगीकरण।	सक्रिय रूप से बढ़ावा दिया जाएगा।
32.	ग्रामीण कारीगरी सहित कुटीर उद्योग।	सक्रिय रूप से बढ़ावा दिया जाएगा।
33.	नवीकरणीय ऊर्जा और ईंधन का प्रयोग।	बायोगैस, सौर प्रकाश इत्यादि को सक्रिय बढ़ावा दिया जाएगा।
34.	कृषि वानिकी।	सक्रिय रूप से बढ़ावा दिया जाएगा।
35.	बागान लगाना और जड़ी बूटियों का रोपण।	सक्रिय रूप से बढ़ावा दिया जाएगा।
36.	पारिस्थितिकी अनुकूल यातायात का प्रयोग।	सक्रिय रूप से बढ़ावा दिया जाएगा।
37.	कौशल विकास।	सक्रिय रूप से बढ़ावा दिया जाएगा।
38.	अवक्रमित भूमि/वनो/ पर्यावासों की बहाली।	सक्रिय रूप से बढ़ावा दिया जाएगा।
39.	पर्यावरण के प्रति जागरूकता।	सक्रिय रूप से बढ़ावा दिया जाएगा।

5. पारिस्थितिकी-संवेदी जोन अधिसूचना की निगरानी के लिए निगरानी समिति.- इस अधिसूचना के प्रावधानों की प्रभावी निगरानी के लिए प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986, की धारा 3 की उपधारा (3) द्वारा, इस अधिसूचना के अंतर्गत एक निगरानी समिति का गठन करेगी जो निम्नलिखित से मिलकर बनेगी, अर्थात् :-

क्र.स.	निगरानी समिति का गठन	पद
(i)	कलेक्टर, नैनीताल	पदेन, अध्यक्ष;
(ii)	चंपावत के कलेक्टर के प्रतिनिधि	सदस्य;



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(iii)	पर्यावरण विभाग, उत्तराखण्ड सरकार के प्रतिनिधि	सदस्य;
(iv)	उत्तराखण्ड सरकार के शहरी विकास विभाग के प्रतिनिधि	सदस्य;
(v)	क्षेत्रीय अधिकारी, उत्तराखण्ड राज्य प्रदूषण नियंत्रण बोर्ड	सदस्य;
(vi)	राज्य सरकार द्वारा नामित किए जाने वाले वन्यजीव संरक्षण के क्षेत्र में काम करने वाले गैर-सरकारी संगठन का प्रतिनिधि	सदस्य;
(vii)	प्रत्येक मामले में एक वर्ष की अवधि के लिए राज्य सरकार द्वारा पारिस्थितिकी और पर्यावरण के क्षेत्र में एक विशेषज्ञ को नामित किया जाना है	सदस्य;
(viii)	संभागीय वन अधिकारी, हल्द्वानी वन प्रभाग	सदस्य-सचिव।

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6. विचारार्थ विषय:- (1) निगरानी समिति इस अधिसूचना के उपबंधों के अनुपालन की निगरानी करेगी।

(2) निगरानी समिति का कार्यकाल तीन वर्ष तक या राज्य सरकार द्वारा नई समिति का पुनर्गठन किए जाने तक होगा और इसके बाद निगरानी समिति राज्य सरकार द्वारा गठित की जाएगी।

(3) पारिस्थितिकी संवेदी जोन में भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006, की अनुसूची में सम्मिलित क्रियाकलापों और इस अधिसूचना के पैरा 4 के अधीन सारणी में यथा विनिर्दिष्ट प्रतिषिद्ध गतिविधियों के सिवाय आने वाले ऐसे क्रियाकलापों की दशा में वास्तविक विनिर्दिष्ट स्थलीय दशाओं के आधार पर निगरानी समिति द्वारा संवीक्षा की जाएगी और उक्त अधिसूचना के उपबंधों के अधीन पूर्व पर्यावरण अनापत्ति के लिए केन्द्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को निर्दिष्ट की जाएगी।

(4) भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 की अधिसूचना के अनुसूची के अधीन ऐसे क्रियाकलापों, जिन्हें सम्मिलित नहीं किया गया है, परंतु पारिस्थितिकी संवेदी जोन में आते हैं, इस अधिसूचना के पैरा 4 के अधीन सारणी में यथा विनिर्दिष्ट प्रतिषिद्ध क्रियाकलापों के सिवाय, ऐसे क्रियाकलापों की वास्तविक विनिर्दिष्ट स्थलीय दशाओं के आधार पर निगरानी समिति द्वारा संवीक्षा की जाएगी और उसे संबद्ध विनियामक प्राधिकरणों को निर्दिष्ट किया जाएगा।

(5) निगरानी समिति का सदस्य-सचिव या संबद्ध उपायुक्त या संबंधित उपायुक्त ऐसे व्यक्ति के विरुद्ध, जो इस अधिसूचना के किसी उपबंध का उल्लंघन करता है, पर्यावरण अधिनियम, की धारा 19 के अधीन परिवाद दायर करने के लिए सक्षम होगा।

(6) निगरानी समिति संबंधित विभागों के प्रतिनिधियों या विशेषज्ञों, औद्योगिक संघों के प्रतिनिधियों या संबंधित पक्षों को, प्रत्येक मामले में आवश्यकता के अनुसार, अपने विचार-विमर्श में सहायता के लिए आमंत्रित कर सकेगी।

(7) निगरानी समिति प्रत्येक वर्ष 31 मार्च की स्थिति के अनुसार अपनी वार्षिक कार्रवाई रिपोर्ट राज्य के मुख्य वन्यजीव वार्डन को, उपाबंध V में दिए गए प्रपत्र के अनुसार, उस वर्ष की 30 जून तक प्रस्तुत करेगी।

(8) केन्द्रीय सरकार का पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय निगरानी समिति को उसके कृत्यों के प्रभावी निर्वहन के लिए ऐसे निदेश दे सकेगा जो वह उचित समझे।

7. इस अधिसूचना के उपबंधों को प्रभावी बनाने के लिए केन्द्रीय सरकार और राज्य सरकार, अतिरिक्त उपाय, यदि कोई हों, विनिर्दिष्ट कर सकेंगी।

8. इस अधिसूचना के उपबंध भारत के माननीय उच्चतम न्यायालय या माननीय उच्च न्यायालय या माननीय राष्ट्रीय हरित अधिकरण द्वारा पारित किए गए या पारित किए जाने वाले आदेश, यदि कोई हो, के अधीन होंगे।

[फा. सं. 25/113/2015-ईएसजेड-आरई]

डॉ. सतीश चन्द्र गडकोटी, वैज्ञानिक 'जी'



गुरदेव सिंह

उपाबंध- I

246

उत्तराखण्ड राज्य में नंधौर वन्यजीव अभयारण्य के चारों ओर पारिस्थितिकी संवेदी जोन की सीमा का विवरण

पूर्व दिशा - सारदा उत्तर 22,23, मतीअबांझ 3,4, छीनी 53, पश्चिम बस्तीअ 1,2,3, पूर्व बस्तीअ 1,2,3,4, नागहन 8, बरमदेव ए2,ए1, ककराली बी, ए, डी, उत्तर गुलीअपानी 4बी, दक्षिण गुलीअपानी 1,2,3, पूर्व किलपुरा ए, बी, सी;

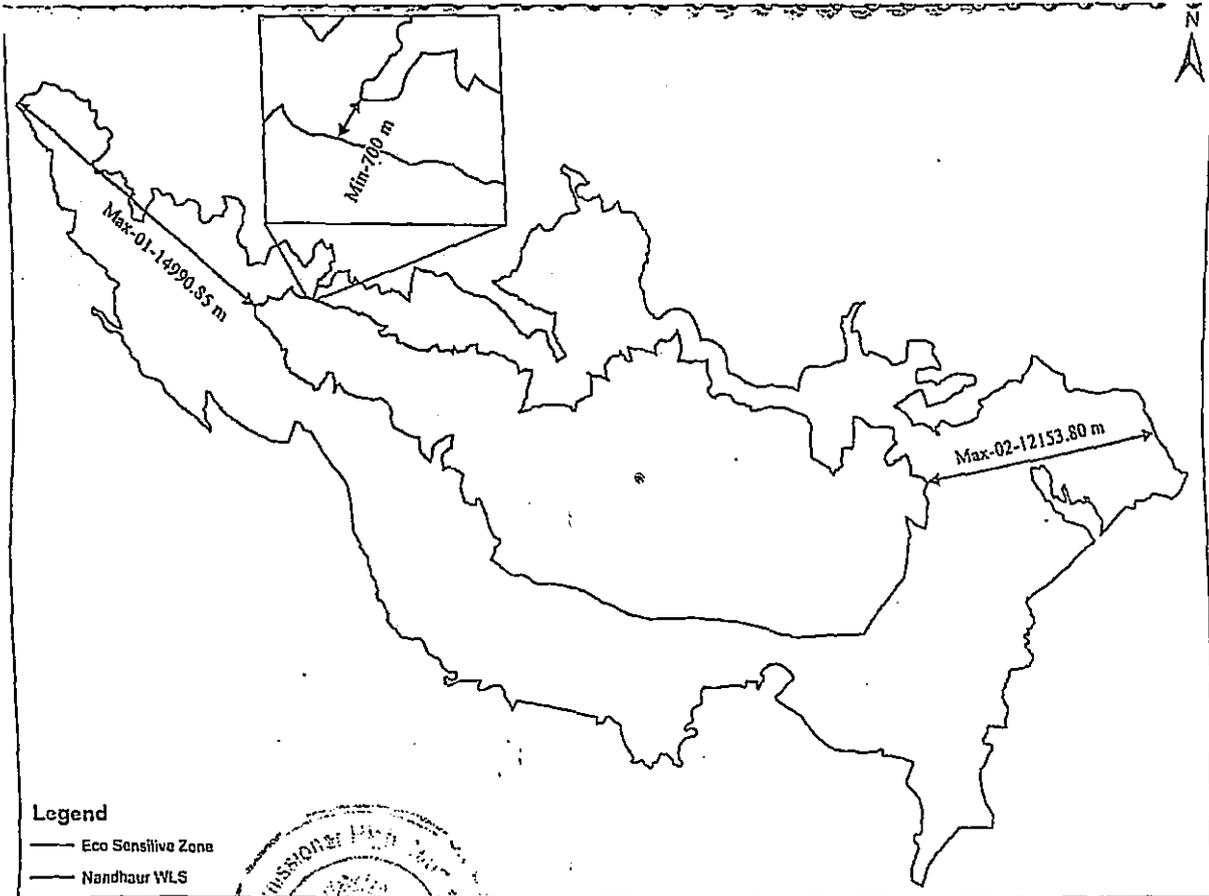
पश्चिम दिशा- केलेगा-6,1, नंधौर-1 सुमंथपला-2, लखनमांदी-5ए, 4सी, 4ए, 4बी, 3, 2ए, 1ए, 8बी, दोलपुखरा- 5, 8बी, 8सी, 8ए, 7ए, 7बी, 6बी, 6ए, कलुखेरा- 5,6,3 रतीघाट- 3ए, 1ए, 1बी, 2बी, 2ए, 3बी, 3ए,4, 5, 6ए, 6बी गरखेराक खंड सी.सं.-1, 2, 3, 4, 5ए, 5बी शिमलिया खंड सी.सं.-5बी, 4सी, 4ए, 3, 2, 1 पटरानी खंड सी.सं.- 4, पश्चिम लोबचुला 1ए, 2बी, 2ए, 3ए,4ए;

उत्तर दिशा- पूर्व लोबचुला 1,2,3, गयनीयारोअ 1,13, उत्तर खोलघर 1, उपराउला गयनीयारोअ 1,2, दक्षिण लोवेरानाला 1,4,5, उत्तर लोवेरानाला 4बी, 3बी, 2बी कुंदाल 1,4,5,8 अलीगर 1बी, 1ए, बेटलाड 5ए, 5बी (भाग), 2ए(भाग), 1ए(भाग), 1बी(भाग), दुरगापिपल 11(भाग), शारदा उत्तर 4(भाग), 5(भाग), 6(भाग);

दक्षिण दिशा -उत्तर बंदासा खंड 5,8,7, पश्चिम किलपुरा ए, डोगरी खंड-1 एवं 2, सुदलीमाथ खंड I, 11बी, सुदलीमाथ खंड-II-2बी,2ए,1बी,1ए, बेडा आरक्षित -3 पूर्व जौलासाल- 16,15,14,13,12, पश्चिम जौलासाल - 6बी, हंसपुर खंड-सी, कालेगा-7

उपाबंध- IIक

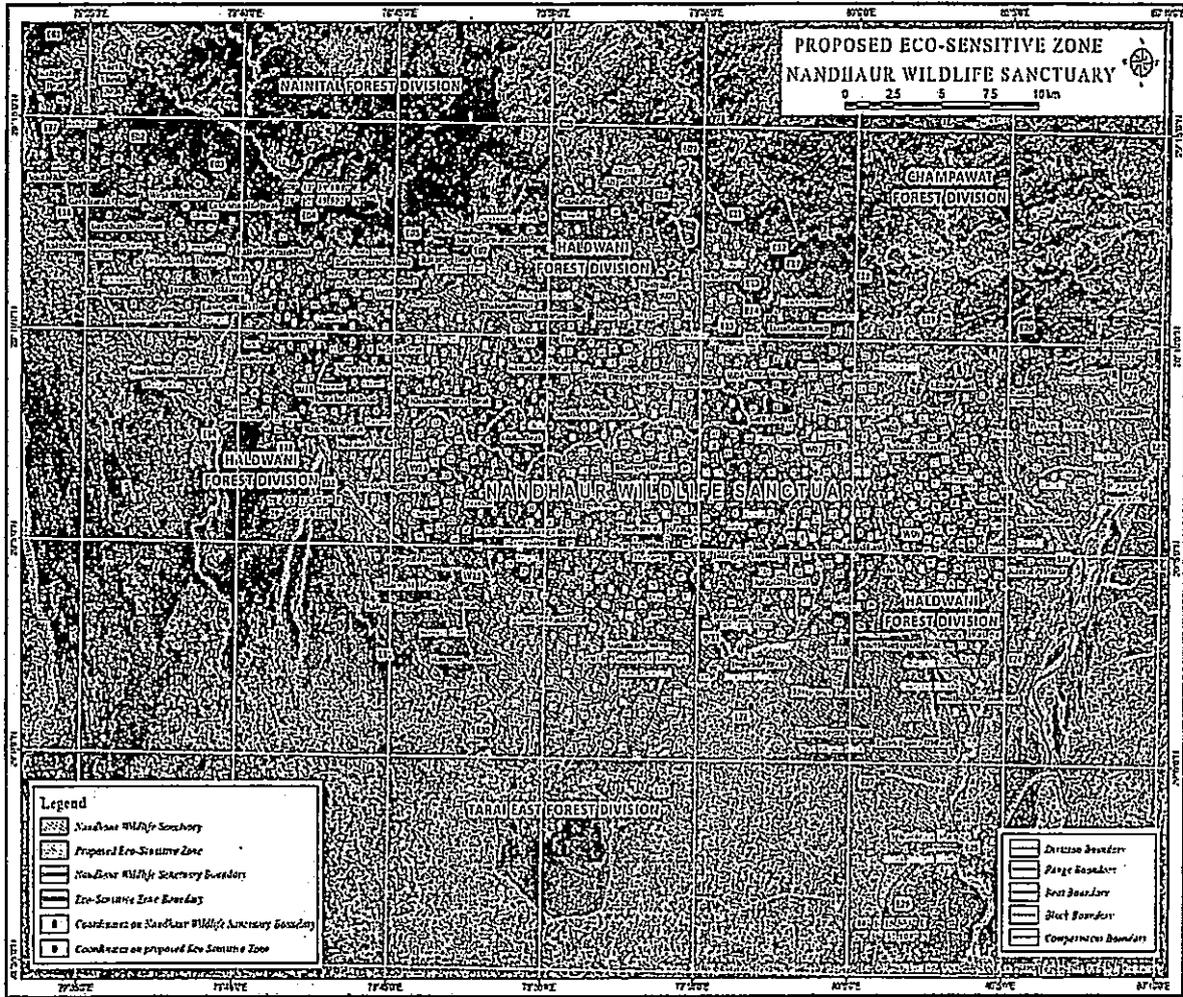
मुख्य अवस्थानों के अक्षांश और देशांतर के साथ नंधौर वन्यजीव अभयारण्य और इसके पारिस्थितिकी संवेदी जोन का मानचित्र



गु र दे व सि द

उपाबंध-11ख

मुख्य अवस्थानों के अक्षांश और देशांतर के साथ नंदौर वन्यजीव अभयारण्य के पारिस्थितिकी संवेदी जोन का गूगल मानचित्र

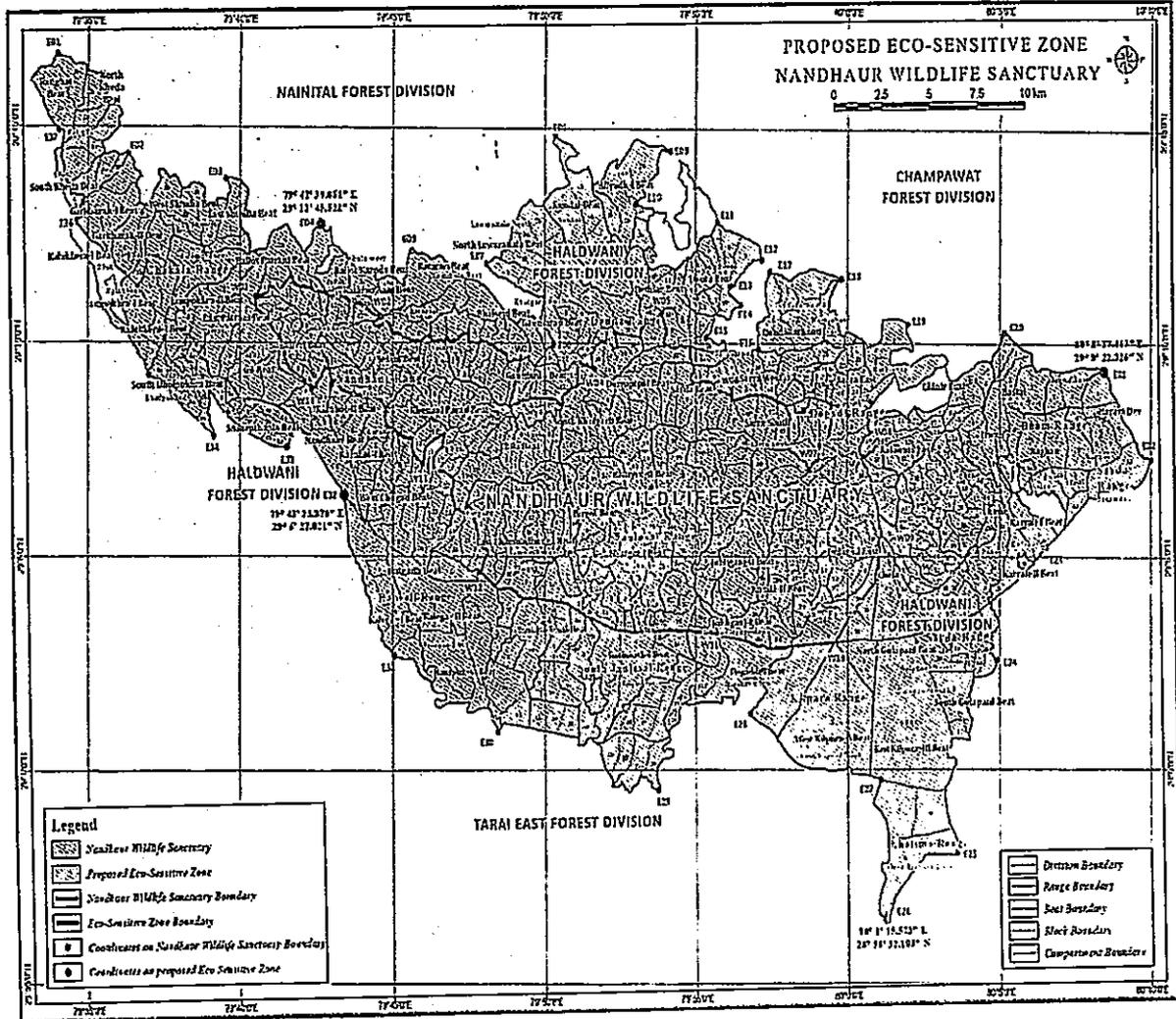


गुरद्वारा

उपाबंध- IIग

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भारतीय सर्वेक्षण (एस ओ आई) टोपोशीट पर मुख्य अवस्थानों के अक्षांश और देशांतर के साथ नंधौर वन्यजीव अभयारण्य के पारिस्थितिकी संवेदी जोन का मानचित्र

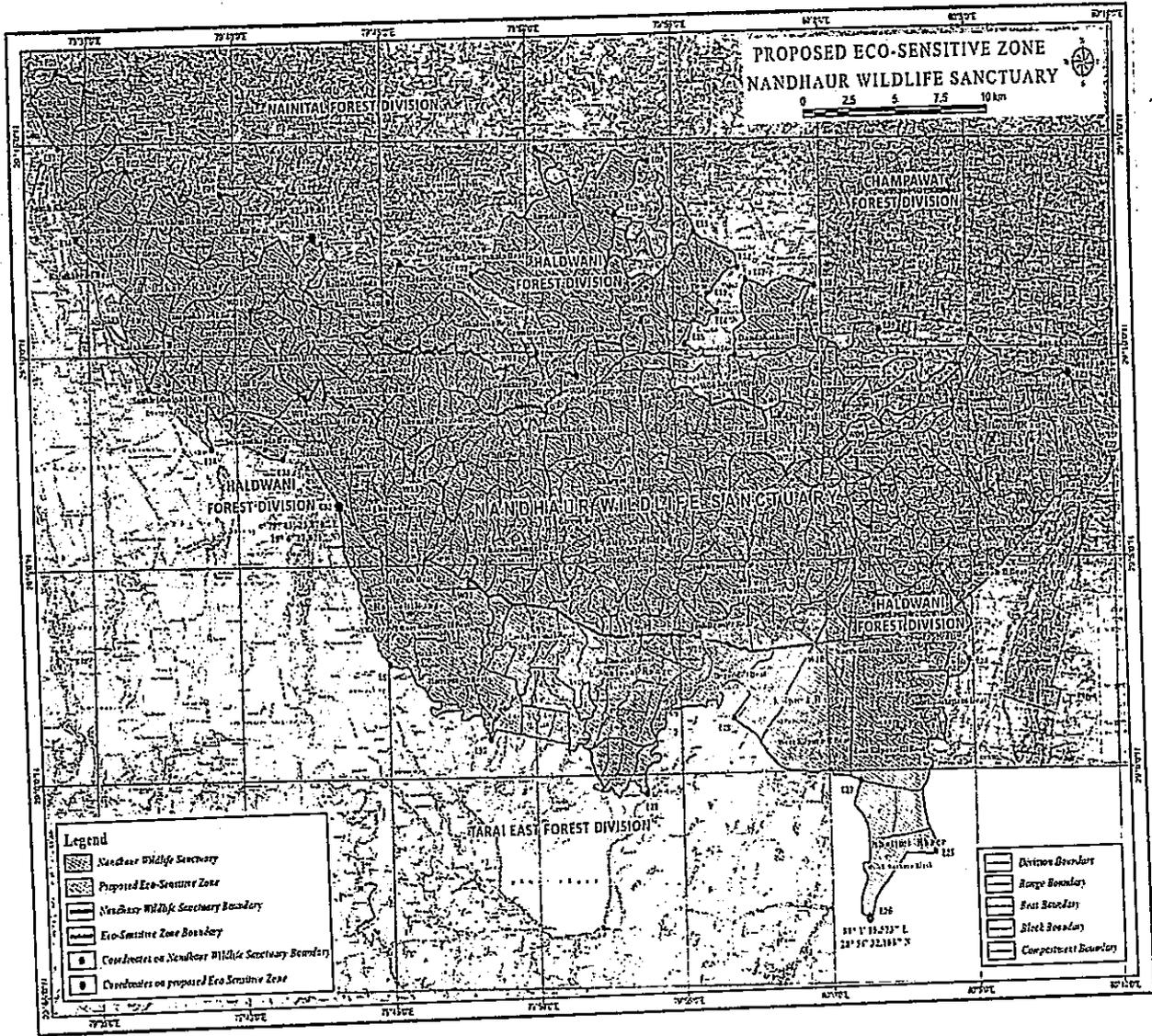


उपस्थिति

उपाबंध- IIघ

भारतीय सर्वेक्षण (एस ओ आई) टोपोग्राफिक पर मुख्य अवस्थानों के अक्षांश और देशांतर के साथ नंदौर वन्यजीव अभयारण्य के पारिस्थितिकी संवेदी जोन का मानचित्र

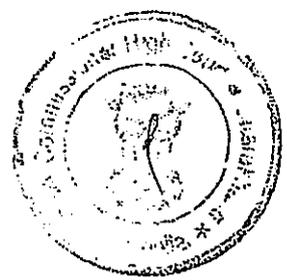
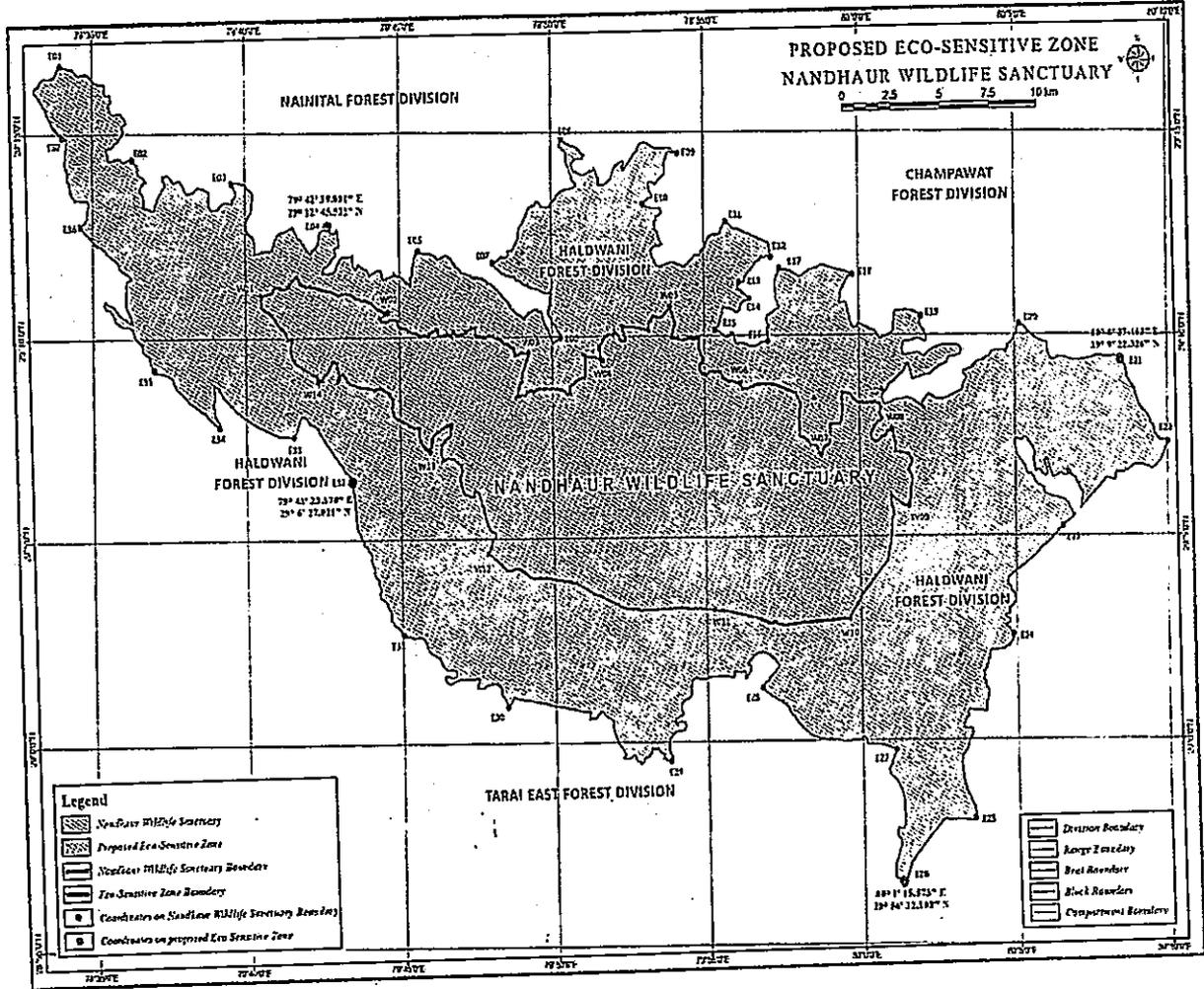
249



उपलब्ध

उपाबंध-11ड 256

मुख्य अवस्थानों के अक्षांश और देशांतर के साथ नंधौर वन्यजीव अभयारण्य और इसके पारिस्थितिकी संवेदी जोन का मानचित्र



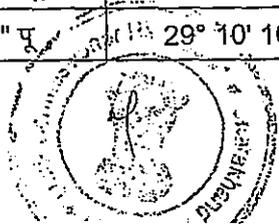
भारद्वयिड

सारणी क : नंधौर वन्यजीव अभयारण्य के मुख्य अवस्थानों के भू-निर्देशांक

बिंदु	देशांतर	अक्षांश	विवरण
डब्ल्यू 01	79° 40' 31.695" पू	29° 11' 3.884" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 02	79° 44' 37.284" पू	29° 10' 38.038" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 03	79° 49' 12.193" पू	29° 9' 37.718" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 04	79° 51' 38.832" पू	29° 9' 25.676" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 05	79° 53' 53.049" पू	29° 10' 44.254" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 06	79° 56' 10.269" पू	29° 8' 49.470" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 07	79° 58' 45.739" पू	29° 7' 3.473" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 08	80° 1' 2.823" पू	29° 7' 40.210" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 09	80° 1' 34.977" पू	29° 5' 44.964" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 10	79° 59' 37.921" पू	29° 3' 1.139" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 11	79° 55' 15.137" पू	29° 3' 15.607" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 12	79° 47' 50.944" पू	29° 4' 39.597" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 13	79° 45' 57.253" पू	29° 7' 11.210" उ	नंधौर वन्यजीव अभयारण्य
डब्ल्यू 14	79° 42' 19.679" पू	29° 8' 57.363" उ	नंधौर वन्यजीव अभयारण्य

सारणी ख: पारिस्थितिकी संवेदी जोन के मुख्य अवस्थानों के भू-निर्देशांक

बिंदु	देशांतर	अक्षांश	विवरण
ई 01	79° 33' 57.762" पू	29° 16' 39.994" उ	पारिस्थितिकी संवेदी जोन
ई 02	79° 36' 19.052" पू	29° 14' 23.009" उ	पारिस्थितिकी संवेदी जोन
ई 03	79° 39' 33.453" पू	29° 13' 48.082" उ	पारिस्थितिकी संवेदी जोन
ई 04	79° 42' 39.081" पू	29° 12' 45.522" उ	पारिस्थितिकी संवेदी जोन
ई 05	79° 45' 36.564" पू	29° 12' 8.292" उ	पारिस्थितिकी संवेदी जोन
ई 06	79° 50' 17.169" पू	29° 10' 0.514" उ	पारिस्थितिकी संवेदी जोन
ई 07	79° 48' 4.071" पू	29° 11' 51.318" उ	पारिस्थितिकी संवेदी जोन
ई 08	79° 50' 20.665" पू	29° 14' 50.935" उ	पारिस्थितिकी संवेदी जोन
ई 09	79° 52' 1.722" पू	29° 13' 58.015" उ	पारिस्थितिकी संवेदी जोन
ई 10	79° 53' 13.318" पू	29° 11' 2.581" उ	पारिस्थितिकी संवेदी जोन
ई 11	79° 54' 38.887" पू	29° 10' 30.784" उ	पारिस्थितिकी संवेदी जोन
ई 12	79° 57' 43.191" पू	29° 9' 15.266" उ	पारिस्थितिकी संवेदी जोन
ई 13	79° 59' 48.190" पू	29° 11' 30.730" उ	पारिस्थितिकी संवेदी जोन
ई 14	80° 1' 59.701" पू	29° 10' 27.968" उ	पारिस्थितिकी संवेदी जोन
ई 15	80° 5' 8.790" पू	29° 10' 16.371" उ	पारिस्थितिकी संवेदी जोन



गुरद्वैतसिंह

ई 16	80° 8' 27.463" पू	29° 9' 22.326" उ	पारिस्थितिकी संवेदी जोन
ई 17	80° 10' 0.297" पू	29° 7' 18.207" उ	पारिस्थितिकी संवेदी जोन
ई 18	80° 6' 32.886" पू	29° 5' 13.986" उ	पारिस्थितिकी संवेदी जोन
ई 19	80° 4' 52.771" पू	29° 2' 35.607" उ	पारिस्थितिकी संवेदी जोन
ई 20	80° 3' 35.373" पू	28° 58' 4.653" उ	पारिस्थितिकी संवेदी जोन
ई 21	80° 1' 15.573" पू	28° 56' 32.108" उ	पारिस्थितिकी संवेदी जोन
ई 22	80° 1' 4.867" पू	28° 59' 46.918" उ	पारिस्थितिकी संवेदी जोन
ई 23	79° 56' 47.563" पू	29° 1' 19.672" उ	पारिस्थितिकी संवेदी जोन
ई 24	79° 53' 46.660" पू	28° 59' 33.923" उ	पारिस्थितिकी संवेदी जोन
ई 25	79° 48' 26.818" पू	29° 0' 54.202" उ	पारिस्थितिकी संवेदी जोन
ई 26	79° 45' 2.150" पू	29° 2' 42.193" उ	पारिस्थितिकी संवेदी जोन
ई 27	79° 43' 23.870" पू	29° 6' 27.021" उ	पारिस्थितिकी संवेदी जोन
ई 28	79° 41' 31.539" पू	29° 7' 34.821" उ	पारिस्थितिकी संवेदी जोन
ई 29	79° 39' 7.687" पू	29° 7' 49.656" उ	पारिस्थितिकी संवेदी जोन
ई 30	79° 36' 59.523" पू	29° 9' 14.706" उ	पारिस्थितिकी संवेदी जोन
ई 31	79° 34' 35.786" पू	29° 12' 46.539" उ	पारिस्थितिकी संवेदी जोन
ई 32	79° 34' 0.471" पू	29° 14' 55.206" उ	पारिस्थितिकी संवेदी जोन

उपाबंध-IVक

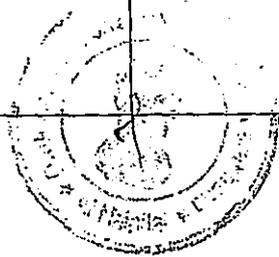
भू-निर्देशांकों के साथ नद्यौर वन्यजीव अभयारण्य के पारिस्थितिकी संवेदी जोन के अंतर्गत आने वाले ग्रामों की सूची

नाम	ग्राम	देशांतर	अक्षांश
कथोल	बी1	79° 58' 32.561" पू	29° 8' 27.937" उ
बकरीयालकीपाटली	बी2	80° 0' 44.337" पू	29° 8' 39.672" उ

उपाबंध-IVख

राजस्व क्षेत्र और सीमा विवरण के साथ नद्यौर वन्यजीव अभयारण्य के पारिस्थितिकी संवेदी जोन के अंतर्गत आने वाले ग्रामों का विवरण

क्र.सं.	ग्राम का नाम	तहसील	ग्राम के अन्तर्गत पंचायती वन का क्षेत्र (हेक्टेयर)	राजस्व ग्राम का क्षेत्र (हेक्टेयर)	सीमा
1	कथोल	पूर्णागिरी	-	50.040	उत्तर - सारदा उत्तर 16, दक्षिण - कथोल 1 एवं 2, पूर्व - कथोल 3, पश्चिम-दक्षिण सारदा 13



उपर दस्तावेज

2	बकरीयाल की पत्ती (निकटतम ग्राम)		15.741	145.144	उत्तर-बकरीयाल सिविल वन, दक्षिण - मतीअबंझ 2, पूर्व - मतीअबंझ 3, पश्चिम- बडम
		कुल	15.741	195.184	

उपाबंध-V

की गई कार्रवाई सम्बन्धी रिपोर्ट का प्रपत्र:

1. बैठकों की संख्या और तारीख ।
2. बैठकों का कार्यवृत्त : (कृपया मुख्य उल्लेखनीय बिंदुओं का वर्णन करें । बैठक के कार्यवृत्त को एक पृथक उपाबंध में प्रस्तुत करें) ।
3. पर्यटन महायोजना सहित आंचलिक महायोजना की तैयारी की स्थिति ।
4. भू-अभिलेखों की स्पष्ट त्रुटियों के सुधार के लिए निबटाए गए मामलों का सार(पारिस्थितिकी-संवेदी जोन वार) । विवरण उपाबंध के रूप में संलग्न करें।
5. पर्यावरण प्रभाव मूल्यांकन अधिसूचना, 2006 के अधीन आने वाली गतिविधियों से संबंधित संवीक्षा किए गए मामलों का सार।(विवरण एक पृथक उपाबंध के रूप में संलग्न करें)।
6. पर्यावरण प्रभाव मूल्यांकन अधिसूचना, 2006 के अधीन न आने वाली गतिविधियों से संबंधित संवीक्षा किए गए मामलों का सार । (विवरण एक पृथक उपाबंध के रूप में संलग्न करें)।
7. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन दर्ज की गई शिकायतों का सार ।
8. कोई अन्य महत्वपूर्ण मामला ।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd May, 2020

S.O. 1616(E).— In supersession of Ministry's draft notification S.O. 3882 (E), dated 13th December, 2017, the following draft of the 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) and sub-section (3) 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; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi-110 003, or send it to the e-mail address of the Ministry at esz-mef@nic.in



द्वारा

Draft Notification

WHEREAS, the Nandhaur Wildlife Sanctuary is located in two districts namely, Nainital and Champawat districts of Uttarakhand, which derives its name from Nandhaur valley and Nandhaur river which flows inside the valley and the Nandhaur Wildlife Sanctuary lies between North latitudes 28°56'29.35" to 29°16'39.79" and between East longitudes 79°33'3.82" to 80°10'0.03" and spread over an area of 269.95 square kilometers;

AND WHEREAS, this large landscape is flanked by river Yamuna towards the west to river Bhagmati in Nepal towards east;

AND WHEREAS, this landscape is a representative of Tarai-Duar Savana Eco-region, flanking the Himalayas in the southern slopes and the whole area of the landscape is recognized as an important center of biodiversity, both at national and global level;

AND WHEREAS, major flora available in the Sanctuary are *Cassia fistula* (amaltash), *Ailanthus excelsa* (aru), *Mangifera indica* (aam), *Spondias pinnata* (aamra), *Embllica officinalis* (aavala), *Wrightia tomentosa* (indrajao), *Tamarindus indica* (emli), *Sterculia villosa* (udal), *Bauhinia variegata* (kachmar), *Flacourtia indica* (katail [kandaii]), *Zizyphus xyloyna* (kathber), *Haplohragma adenophyllum* (kath sagaon), *Marica sapida* (kafal), *Buchanania lanzan* (kathbhalava), *Buchanania latifolia* (pyalcharoji), *Gmelina arborea* (kamhar [gamhar]), *Albizzia odoratissima* (kalasiras), *Acacia farnesiana* (kinkar), *Careya arborea* (kumbhi), *Ficus cunia* (kumiya), *Schleichera oleosa* (kusum), *Holarrhena antidysenterica* (kuda), *Phoebe lanceolata* (kakra), *Muchilus odoratissima* (kaola), *Holoptelea integrifolia* (kanju), *Celtis tetrandra* (kharik), *Bauhinia malabarica* (khatava), *Berdelia retusa* (khaza), *Ficus infectoria*, *Ficus rumphii* (khabar, pakar), *Sapium insigne* (kheena), *Acacia Catechu* (kher), *Bauhinia purpurea* (kherwall), *Trewia nudiflora* (kutel), *Ficus racemosa* (gular), *Boehmaria rugulosa* (gethi), *Bridelia ratusa* (goli [ekdanya]), *Ehretia laevis* (chamror [ichoda]), *Casearia elliptica* (chilla), *Wendlandia exserta* (chila [tirchunya]), *Diploknema butyracea* (chura), *Pinus roxburghii* (chir), *Alstonia Schelaris* (chitvan [chiun]), *Syzygium cumini* (jamun), *Trema orientalis* (jeevanti), *Putranjiva roxburghii* (jooti), *Tamarix dioica* (jhau), *Lennea coromandelica* (jhingan), *Cinnamomum tamala* (dalchini [trjpat]), *Garuga pinnata* (titmira [kharpat]), *Miliusa velutina* (domsaal), *Butea monosperma* (dhak), *Elaeotendron glaucum* (dhibri), *Sapium sebiferum* (tarcharbi), *Oroxylum indicum* (tarloo [tasriya]), *Cocculus laurifolius* (tilfora), *Ficus roxburghii* (timla), *Toona ciliata*, *Cedrela toona* (tun), *Diospyros tomentose* (tandu), *Gardenia turgida* (thanela), *Grewia elastica* (thaman), *Woodfordia fruticosa* (dhaula), *Erythrina suberosa* (dhauladhak), *Lagerstroemia parviflora* (dhor), *Azadirachta indica* (neem), *Stereospermum suaveolens* (padal), *Bischoffia javanica* (panisemal), *Dalbergia lonceolaria* (passi [bandhar]), *Ficus religiosa* (pipal), *Kydia calycina* (pula [patta]), *Broussonetia papyrifera* (paper malvari), *Mitragyna pravifolia* (faldu), *Grewia hainesina* (farasen), *Acacia nilotica* (babool), *Terminalia bellerica* (bahera), *Melia azedarach* (bakein), *Crataeva religiosa* (barna [baruna]), *Ficus bengalensis* (banratha [bargad]), *Anogeissus latifolia* (baakali), *Pterocarpus marsupium* (bijaysaal), *Ficus scandens* (betuli), *Rhododendron arboreum* (burash), *Quercus leucotrichophora* (baanj), *Aegle marmelos* (bel), *Zizyphus mauritiana*, *Zizyphus jujuba* (ber), *Hymenodictyon excelsum* (borang), *Semecarpus anacardium* (bhilava), *Grewia oppositifolia* (bhimal), *Madhuca indica* (mahuva), *Zizyphus xyloyna* (makida), *Litsea ghutinose* (maida), *Randia dumetorum* (maninfall), *Eucalyptus hybrid* (eucalyptus [safeda]), *Mallotus philipensis* (rohani), *Cordia dichotoma*, *Cordia myxa* (lasora), *Casearia graveolens* (alchila), *Morus alba* (sahtut [tutari]), *Dalbergia sissoo* (shisu [shisam]), *Xylosma longifolium* (shallu), *Shorea robusta* (saal), *Ougeinia oojeinensis* (saadan), *Tectona grandis* (saogaon), *Albizzia chinensis* (siras [kala]), *Albizzia procera* (siris [safed]), *Moringa oleifera* (seazna), *Bombax ceiba* (semal), *Terminalia alata* (sain [ashna]), *Nyctanthes arbortistis* (hersringar), *Adina cordifolia* (haldu), *Terminalia chebula* (harra [harad]), etc;

AND WHEREAS, among the mega-fauna found in this region, the most important ones are tigers, elephants, leopards, sloth bears, and numerous herbivores and the diverse fauna of this area enjoys equally diverse floral diversity, which can be estimated considering the fact that the area has twenty-seven types and sub-types of Champion and Seth classified forests;

AND WHEREAS, the fauna recorded from the Nandhaur Wildlife Sanctuary are Rhesus macaque (*Macaca mulatta*), common langur (*Presbytis entellus*), jungle cat (*Felis chaus*), tiger (*Panthera tigris*), common mongoose (*Hertestes edwardsi*), small indian mongoose (*Hertestes auropunctatus*), jackal (*Canis aureus*), Indian fox (*Vulpes bengalensis*), sloth bear (*Melursus ursinus*), small Indian civet (*Veveericula indica*), blue bull (*Boselaphus tragocamelus*), barking deer (*Muntiacus muntjak*), spotted deer (*Axis axis*),



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sambhar (*Cervus unicolor*), wild pig (*Sus scrofa*), five striped palm squirrel (*Funambulus pannanti*), Indian field mouse (*Musbooduga*), common house rat (*Rattus rattus*), house mouse (*Mus musculus*), porcupine (*Hystrix indica*), the grey musk shrew (*Suncus murinus*), Rufoustailed hare (*Lepus nigricollis ruficaudatus*), flying fox (*Pteropus giganteus*), fruit bat (*Rousettus leschenaulti*), goral (*Naemorhedus goral*), Indian pangolin (*Manis creschodonta*), Asian elephant (*Elephas maximus*), common palm civet (*Paradoxurus hermaphroditus*), red giant flying squirrel (*Petaurista petaurista*), hispid hare (*Caprolagus hiseldus*), Indian hare (*Lepus nigricollis*), serow (*Capricornis sumatraensis*), etc;

AND WHEREAS, it is necessary to conserve and protect the area, the extent and boundaries of Nandhaur Wildlife Sanctuary which are specified in paragraph 1 as Eco-sensitive Zone from ecological, environmental and biodiversity point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of Section 3 of the Environment (Protection) Act 1986 (29 of 1986) (hereafter in this notification referred to as the Environment Act) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area to an extent varying from 0.7 kilometres to 15.0 kilometres around the boundary of Nandhaur Wildlife Sanctuary, in Nainital and Champawat districts in the State of Uttarakhand as the Eco-sensitive Zone (hereafter in this notification referred to as the Eco-sensitive Zone) details of which are as under, namely: -

1. **Extent and boundaries of Eco-sensitive Zone.** - (1) The Eco-sensitive Zone shall be to an extent of 0.7 kilometres to 15.0 kilometres around the boundary of Nandhaur Wildlife Sanctuary and the area of the Eco-sensitive Zone is 540.267 square kilometres. The detail area of the Eco-sensitive Zone are given as:

Haldwani Forest Division	: 270.175 square kilometers;
Champawat Forest Division	: 100.880 square kilometers;
Tarai East Forest Division	: 167.103 square kilometers;
Revenue Area of 2 villages	: 1.9518 square kilometers;
Van panchayat area	: 0.1574 square kilometers.

- (2) The boundary description of Nandhaur Wildlife Sanctuary and its Eco-sensitive Zone is appended in Annexure-I.
 - (3) The maps of the Nandhaur Wildlife Sanctuary demarcating Eco-sensitive Zone along with boundary details and latitudes and longitudes are appended as Annexure-IIA, Annexure-IIB, Annexure-IIC, Annexure-IID and Annexure-IIIE.
 - (4) List of geo-coordinates of the boundary of Nandhaur Wildlife Sanctuary and Eco-sensitive Zone are given in Table A and Table B of Annexure III.
 - (5) The list of villages falling in the proposed Eco-sensitive Zone along with their geo co-ordinates at prominent points is appended as Annexure-IVA and Annexure-IVB.
2. **Zonal Master Plan for Eco-sensitive Zone.**- (1) The State Government shall, for the purposes of the Eco-sensitive Zone prepare a Zonal Master Plan within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for approval of the competent authority of State.
 - (2) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.
 - (3) The Zonal Master Plan shall be prepared in consultation with the following Departments of the State Government, for integrating the ecological and environmental considerations into the said plan:-
 - (i) Environment;
 - (ii) Forest and Wildlife;
 - (iii) Agriculture;



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- (iv) Revenue;
- (v) Urban Development;
- (vi) Tourism;
- (vii) Rural Development;
- (viii) Irrigation and Flood Control;
- (ix) Municipal;
- (x) Panchayati Raj; and
- (xi) Public Works Department.
- (4) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.
- (5) 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.
- (6) The Zonal Master Plan shall demarcate all the existing worshipping places, villages and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies with supporting maps giving details of existing and proposed land use features.
- (7) The Zonal Master Plan shall regulate development in Eco-sensitive Zone and adhere to prohibited and regulated activities listed in the Table in paragraph 4 and also ensure and promote eco-friendly development for security of local communities' livelihood.
- (8) The Zonal Master Plan shall be co-terminus with the Regional Development Plan.
- (9) The Zonal Master Plan so approved shall be the reference document for the Monitoring Committee for carrying out its functions of monitoring in accordance with the provisions of this notification.
3. **Measures to be taken by the State Government.**— The State Government shall take the following measures for giving effect to the provisions of this notification, namely:—
- (1) **Land use.**— (a) Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or residential or industrial activities:
- Provided that the conversion of agricultural and other lands, for the purpose other than that specified at part (a) above, within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of Central Government or State Government as applicable and vide provisions of this Notification, to meet the residential needs of the local residents and for activities such as:—
- (i) widening and strengthening of existing roads and construction of new roads;
- (ii) construction and renovation of infrastructure and civic amenities;
- (iii) small scale industries not causing pollution;
- (iv) cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stay; and
- (v) promoted activities given under paragraph 4:
- Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the competent authority under Regional Town Planning Act and other rules and regulations of the State Government and without compliance of the provisions of Article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):



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Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the correction of error shall not include change of land use in any case except as provided under this sub-paragraph.

- (b) Efforts shall be made to reforest the unused or unproductive agricultural areas with afforestation and habitat restoration activities.
- (2) **Natural water bodies.**-The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.
- (3) **Tourism or Eco-tourism.**- (a) All new eco-tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be as per the Tourism Master Plan for the Eco-sensitive Zone.
- (b) The Eco-Tourism Master Plan shall be prepared by the State Department of Tourism in consultation with State Departments of Environment and Forests.
- (c) The Tourism Master Plan shall form a component of the Zonal Master Plan.
- (d) The Tourism Master Plan shall be drawn based on the study of carrying capacity of the Eco-sensitive Zone.
- (e) The activities of eco-tourism shall be regulated as under, namely:-
- (i) new construction of hotels and resorts shall not be allowed within one kilometre from the boundary of the protected area or upto the extent of the Eco-sensitive Zone whichever is nearer:

Provided that beyond the distance of one kilometre from the boundary of the protected area till the extent of the Eco-sensitive Zone, the establishment of new hotels and resorts shall be allowed only in pre-defined and designated areas for eco-tourism facilities as per Tourism Master Plan;

- (ii) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the eco-tourism guidelines issued by National Tiger Conservation Authority (as amended from time to time) with emphasis on eco-tourism, eco-education and eco-development;
- (iii) until the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee and no new hotel, resort or commercial establishment construction shall be permitted within Eco-sensitive Zone area.
- (4) **Natural heritage.**- All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and a heritage conservation plan shall be drawn up for their preservation and conservation as a part of the Zonal Master Plan.
- (5) **Man-made heritage sites.**- Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be identified in the Eco-sensitive Zone and heritage conservation plan for their conservation shall be prepared as part of the Zonal Master Plan.
- (6) **Noise pollution.** - Prevention and control of noise pollution in the Eco-sensitive Zone shall be complied in accordance with the provisions of the Noise Pollution (Regulation and Control) Rules, 2000 under the Environment Act.
- (7) **Air pollution.**- Prevention and control of air pollution in the Eco-sensitive Zone shall be compiled in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.



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- (8) **Discharge of effluents.**- Discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the General Standards for Discharge of Environmental Pollutants covered under the Environment Act and the rules made thereunder or standards stipulated by State Government whichever is more stringent.
- (9) **Solid wastes.**- Disposal and Management of solid wastes shall be as under:-
- (a) the solid waste disposal and management in the Eco-sensitive Zone shall be carried out in accordance with the Solid Waste Management Rules, 2016, published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number S.O. 1357 (E), dated the 8th April, 2016; the inorganic material may be disposed in an environmental acceptable manner at site identified outside the Eco-sensitive Zone;
 - (b) safe and Environmentally Sound Management (ESM) of Solid wastes in conformity with the existing rules and regulations using identified technologies may be allowed within Eco-sensitive Zone.
- (10) **Bio-Medical Waste.**- Bio Medical Waste Management shall be as under:-
- (a) the Bio-Medical Waste disposal in the Eco-sensitive Zone shall be carried out in accordance with the Bio-Medical Waste Management, Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R. 343 (E), dated the 28th March, 2016;
 - (b) safe and Environmentally Sound Management of Bio-Medical Wastes in conformity with the existing rules and regulations using identified technologies may be allowed within the Eco-sensitive Zone.
- (11) **Plastic waste management.**- The plastic waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the Plastic Waste Management Rules, 2016, published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R. 340(E), dated the 18th March, 2016, as amended from time to time.
- (12) **Construction and demolition waste management.**- The construction and demolition waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the Construction and Demolition Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* notification number G.S.R. 317(E), dated the 29th March, 2016, as amended from time to time.
- (13) **E-waste.**- The e - waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the E-Waste Management Rules, 2016, published by the Government of India in the Ministry of Environment, Forest and Climate Change, as amended from time to time.
- (14) **Vehicular traffic.**- The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master plan is prepared and approved by the Competent Authority in the State Government, the Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.
- (15) **Vehicular pollution.**- Prevention and control of vehicular pollution shall be in compliance with applicable laws and efforts shall be made for use of cleaner fuels.
- (16) **Industrial units.**- (i) On or after the publication of this notification in the Official Gazette, no new polluting industries shall be permitted to be set up within the Eco-sensitive Zone.
- (ii) Only non-polluting industries shall be allowed within Eco-sensitive Zone as per the classification of Industries in the guidelines issued by the Central Pollution Control Board in February, 2016, unless so specified in this notification, and in addition, the non-polluting cottage industries shall be promoted.
- (17) **Protection of hill slopes.**- The protection of hill slopes shall be as under:-
- (a) the Zonal Master Plan shall indicate areas on hill slopes where no construction shall be permitted;
 - (b) construction on existing steep hill slopes or slopes with a high degree of erosion shall not be permitted.

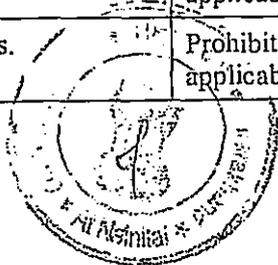


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4. **List of activities prohibited or to be regulated within Eco-sensitive Zone.-** All activities in the Eco sensitive Zone shall be governed by the provisions of the Environment Act and the rules made there under including the Coastal Regulation Zone, 2011 and the Environmental Impact Assessment Notification, 2006 and other applicable laws including the Forest (Conservation) Act, 1980 (69 of 1980), the Indian Forest Act, 1927 (16 of 1927), the Wildlife (Protection) Act 1972 (53 of 1972), and amendments made thereto and be regulated in the manner specified in the Table below, namely:-

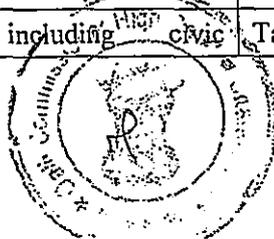
TABLE

S. No.	Activity	Description
(1)	(2)	(3)
A. Prohibited Activities		
1.	Commercial mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units are prohibited with immediate effect except for meeting the domestic needs of bona fide local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing and for personal consumption; (b) The mining operations shall be carried out in accordance with the order of the Hon'ble Supreme Court dated the 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. UOI in W.P.(C) No.202 of 1995 and dated the 21 st April, 2014 in the matter of Goa Foundation Vs. UOI in W.P.(C) No.435 of 2012.
2.	Setting of industries causing pollution (Water, Air, Soil, Noise, etc.).	New industries and expansion of existing polluting industries in the Eco-sensitive Zone shall not be permitted: Provided that non-polluting industries shall be allowed within Eco-sensitive Zone as per classification of Industries in the guidelines issued by the Central Pollution Control Board in February, 2016, unless otherwise specified in this notification and in addition the non-polluting cottage industries shall be promoted.
3.	Establishment of major hydro-electric project.	Prohibited (except as otherwise provided) as per the applicable laws.
4.	Use or production or processing of any hazardous substances.	Prohibited (except as otherwise provided) as per the applicable laws.
5.	Discharge of untreated effluents in natural water bodies or land area.	Prohibited (except as otherwise provided) as per the applicable laws.
6.	Setting up of new saw mills.	New or expansion of existing saw mills shall not be permitted within the Eco-sensitive Zone.
7.	Commercial use of firewood.	Prohibited (except as otherwise provided) as per the applicable laws.
8.	Use of polythene bags.	Prohibited (except as otherwise provided) as per the applicable laws.
9.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per the applicable laws.



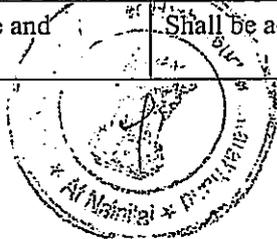
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S. No.	Activity	Description
(1)	(2)	(3)
B. Regulated Activities		
10.	Commercial establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted within one kilometer of the boundary of the protected area or upto the extent of Eco-sensitive Zone, whichever is nearer, except for small temporary structures for eco-tourism activities: Provided that, beyond one kilometer from the boundary of the protected area or upto the extent of Eco-sensitive Zone whichever is nearer, all new tourist activities or expansion of existing activities shall be in conformity with the Tourism Master Plan and guidelines as applicable.
11.	Construction activities.	(a) New commercial construction of any kind shall not be permitted within one kilometer from the boundary of the protected area or upto extent of the Eco-sensitive Zone, whichever is nearer: Provided that, local people shall be permitted to undertake construction in their land for their use including the activities mentioned in sub-paragraph (1) of paragraph 3 as per building bye-laws to meet the residential needs of the local residents. Provided further that the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any. (b) Beyond one kilometer it shall be regulated as per the Zonal Master Plan.
12.	Small scale non polluting industries.	Non polluting industries as per classification of industries issued by the Central Pollution Control Board in February, 2016 and non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous materials from the Eco-sensitive Zone shall be permitted by the competent Authority.
13.	Felling of trees.	a) There shall be no felling of trees in the forest or Government or revenue or private lands without prior permission of the Competent Authority in the State Government. b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Act and the rules made thereunder.
14.	Collection of Forest produce or Non-Timber Forest produce.	Regulated as per the applicable laws.
15.	Erection of electrical and communication towers and laying of cables and other infrastructures	Regulated under applicable laws (underground cabling may be promoted).
16.	Infrastructure including civic	Taking measures of mitigation as per the applicable



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S. No.	Activity	Description
(1)	(2)	(3)
	amenities.	laws, rules and regulations available guidelines.
17.	Widening and strengthening of existing roads and construction of new roads.	Taking measures of mitigation as per the applicable laws, rules and regulation and available guidelines.
18.	Undertaking other activities related to tourism like flying over the Eco-sensitive Zone area by hot air balloon, helicopter, drones, Microlites, etc.	Regulated as per the applicable laws.
19.	Protection of hill slopes and river banks.	Regulated as per the applicable laws.
20.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
21.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.	Permitted as per the applicable laws for use of locals.
22.	Establishment of large-scale commercial livestock and poultry farms by firms, corporate and companies.	Regulated (except otherwise provided) as per the applicable laws except for meeting local needs.
23.	Discharge of treated waste water or effluents in natural water bodies or land area.	The discharge of treated waste water or effluents shall be avoided to enter into the water bodies and efforts shall be made for recycle and reuse of treated waste water. Otherwise the discharge of treated waste water or effluent shall be regulated as per the applicable laws.
24.	Commercial extraction of surface and ground water.	Regulated as per the applicable laws.
25.	Solid waste management.	Regulated as per the applicable laws.
26.	Introduction of exotic species.	Regulated as per the applicable laws.
27.	Eco-tourism.	Regulated as per the applicable laws.
28.	Commercial sign boards and hoardings.	Regulated as per the applicable laws.
C. Promoted Activities		
29.	Rain water harvesting.	Shall be actively promoted.
30.	Organic farming.	Shall be actively promoted.
31.	Adoption of green technology for all activities.	Shall be actively promoted.
32.	Cottage industries including village artisans, etc.	Shall be actively promoted.
33.	Use of renewable energy and fuels.	Bio-gas, solar light etc. shall be actively promoted.
34.	Agro-Forestry.	Shall be actively promoted.
35.	Plantation of Horticulture and Herbals.	Shall be actively promoted.



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S. No.	Activity	Description
(1)	(2)	(3)
36.	Use of eco-friendly transport.	Shall be actively promoted.
37.	Skill Development.	Shall be actively promoted.
38.	Restoration of degraded land/ forests/ habitat.	Shall be actively promoted.
39.	Environmental awareness.	Shall be actively promoted.

5. **Monitoring Committee for Monitoring the Eco-sensitive Zone Notification.**— For effective monitoring of the provisions of this notification under sub-section (3) of section 3 of the Environment (Protection) Act, 1986, the Central Government hereby constitutes a Monitoring Committee, comprising of the following, namely:—

SN	Constituent of the Monitoring Committee	Designation
(i)	Collector, Nainital	Chairman, ex officio
(ii)	Representative of Collector of Champawat	Member;
(iii)	Representative of the Department of Environment, Government of Uttarakhand	Member;
(iv)	Representative of the Department of Urban Development, Government of Uttarakhand	Member;
(v)	Regional officer, Uttarakhand State Pollution Control Board	Member;
(vi)	A representative of Non-governmental Organisation working in the field of wildlife conservation to be nominated by the State Government	Member;
(vii)	One expert in the area of ecology & environment to be nominated by the State Government for a term of one year in each case	Member;
(viii)	Divisional Forest Officer, Haldwani Forest Division	Member-Secretary.

6. **Terms of reference.** — (1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.

- (2) The tenure of the Monitoring committee shall be for three years or till the re-constitution of the new Committee by the State Government and subsequently the Monitoring Committee shall be constituted by the State Government.
- (3) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
- (4) The activities that are not covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned regulatory authorities.



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- (5) The Member-Secretary of the Monitoring Committee or the concerned Deputy Commissioner(s) shall be competent to file complaints under section 19 of the Environment Act, against any person who contravenes the provisions of this notification.
 - (6) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from industry associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
 - (7) The Monitoring Committee shall submit the annual action taken report of its activities as on the 31st March of every year by the 30th June of that year to the Chief Wildlife Warden in the State as per proforma appended at Annexure V.
 - (8) The Central Government in the Ministry of Environment, Forest and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.
7. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.
8. The provisions of this notification shall be subject to the orders, if any passed or to be passed by the Hon'ble Supreme Court of India or High Court or the National Green Tribunal.

[F. No. 25/113/2015-ESZ-RE]

Dr. SATISH C. GARKOTI, Scientist 'G'

ANNEXURE- I

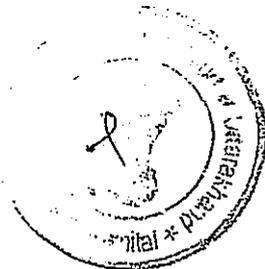
**BOUNDARY DESCRIPTION OF ECOSENSITIVE ZONE AROUND NANDHAUR WILDLIFE
SANCTUARY IN THE STATE UTTARKHAND**

East Side - Sarda North 22,23, Mathiabanjh 3,4, Chhini 53, West Bastia 1,2,3, East Bastia 1,2,3,4, Naghan 8, Baramdeo A2,A1, Kakrali B, A, D, North Guliapani 4b, South Guliapani 1,2,3, East Kilpura A, B, C;

West Side - Kalega-6,1, Nandhour-1 Sumanthapla-2, Lakhanmandi-5a, 4c, 4a,4b,3,2a,1a,8b, Dolpokhara- 5, 8b, 8c, 8a, 7a, 7b, 6b, 6a, Kalukhera- 5,6,3 Ratighat- 3a, 1a, 1b, 2b, 2a, 3b, 3a,4, 5, 6a, 6b Garhkharak block c.no.-1, 2, 3, 4, 5a, 5b Simlia block c.no.-5b, 4c, 4a, 3, 2, 1 Patrani block c.no.- 4, West Lobchula 1a, 2b, 2a, 3a,4a;

North Side - East Lobchula 1,2,3, Gauniyaroa 1,13, North Kholgarh 1, Upraula Gauniyaroa 1,2, South Loweranala 1,4,5, North Loweranala 4b, 3b, 2b Kundal 1,4,5,8 Aaligarh 1b, 1a, Betlad 5a, 5b (part),2a(part),1a(part),1b(part), Durgapipal 11(part), Sarda North 4(part),5(part),6(part);

South Side - North Banbasa Block 5,8,7, West Kilpura A, Dogari block-1 & 2, Sudlimath Block I, 11b, Sudlimath Block-II-2b,2a,1b,1a, Beda Reserve -3 East Jaulasal- 16,15,14,13,12, West Jaulasal- 6b, Hanspur block-C , Kalega-7

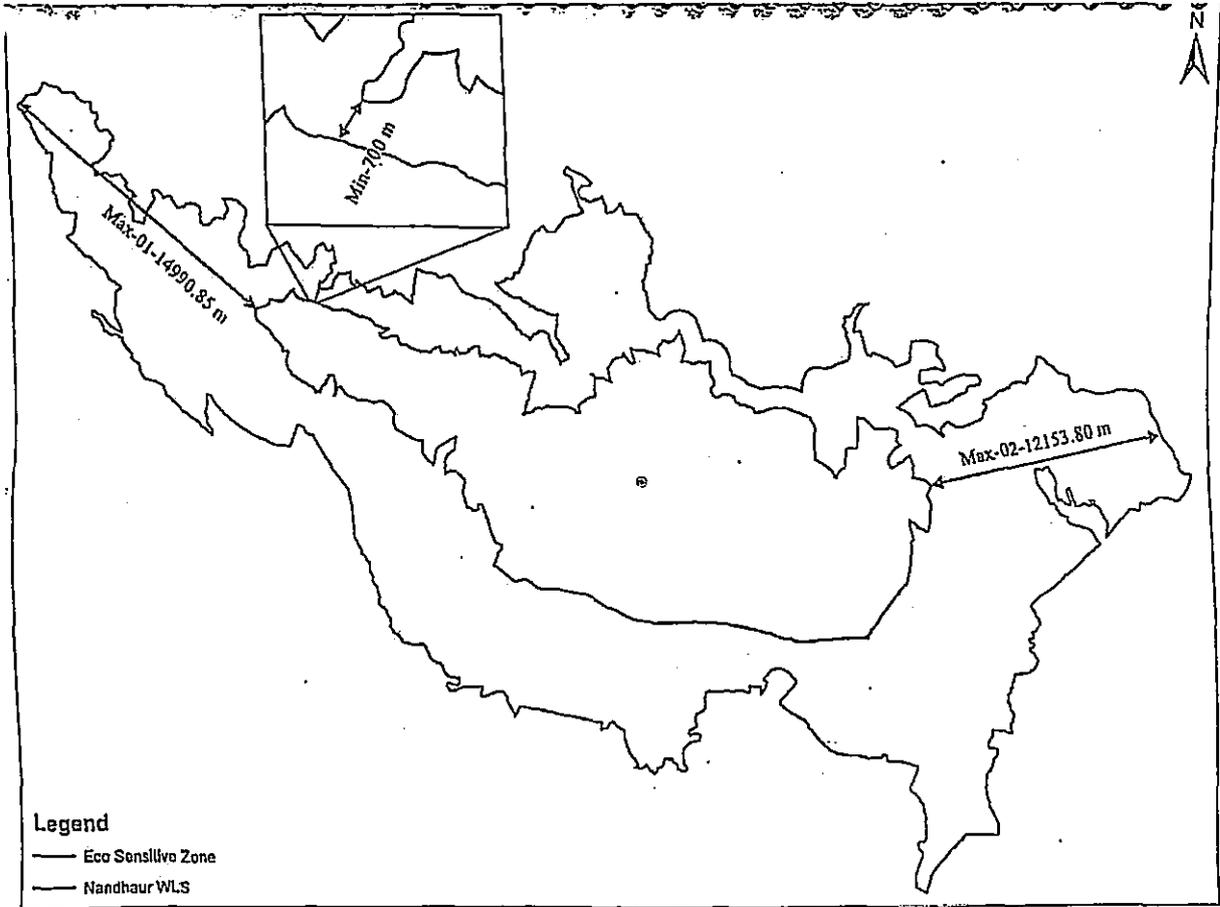


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ANNEXURE- IIA

MAP OF NANDHAUR WILDLIFE SANCTUARY AND ITS ECO-SENSITIVE ZONE ALONG WITH LATITUDE AND LONGITUDE OF PROMINENT LOCATIONS

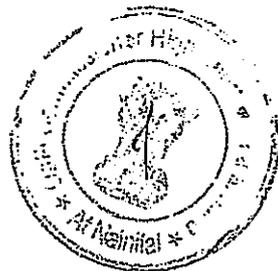
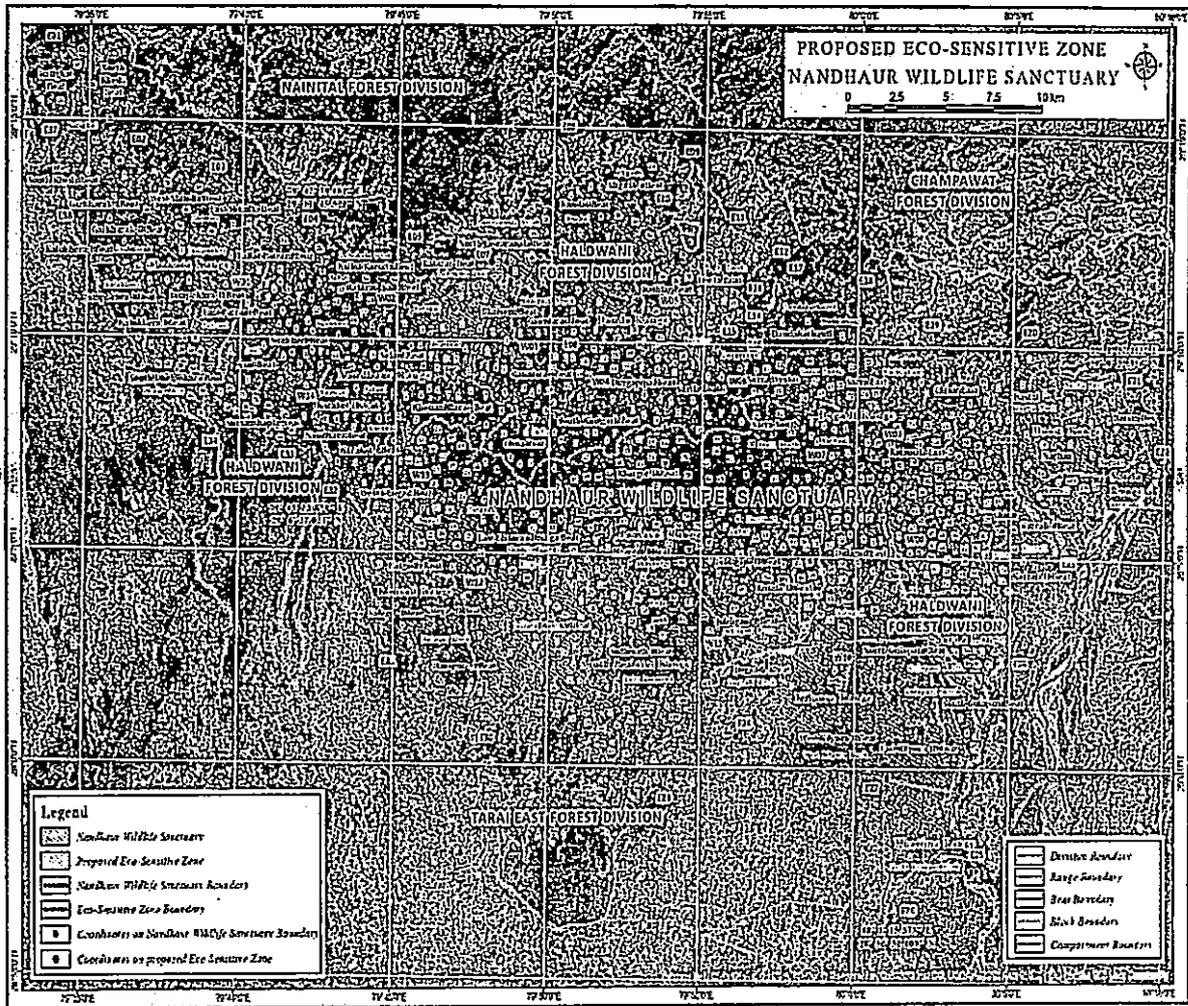


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ANNEXURE- IIB

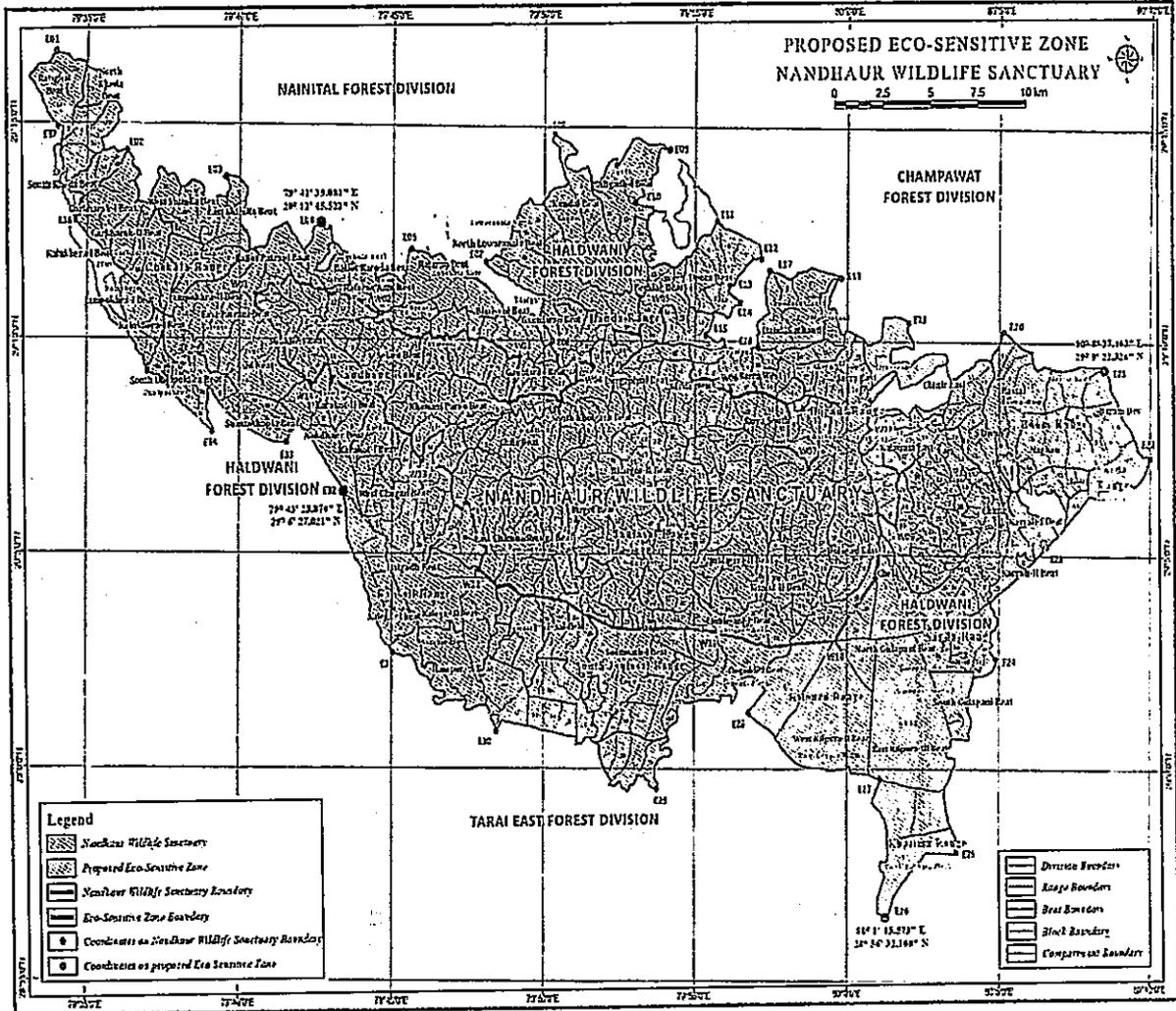
GOOGLE MAP OF ECO-SENSITIVE ZONE OF NANDHAUR WILDLIFE SANCTUARY ALONG WITH LATITUDE AND LONGITUDE OF PROMINENT LOCATIONS



Handwritten signature or name in Devanagari script.

ANNEXURE- IIC

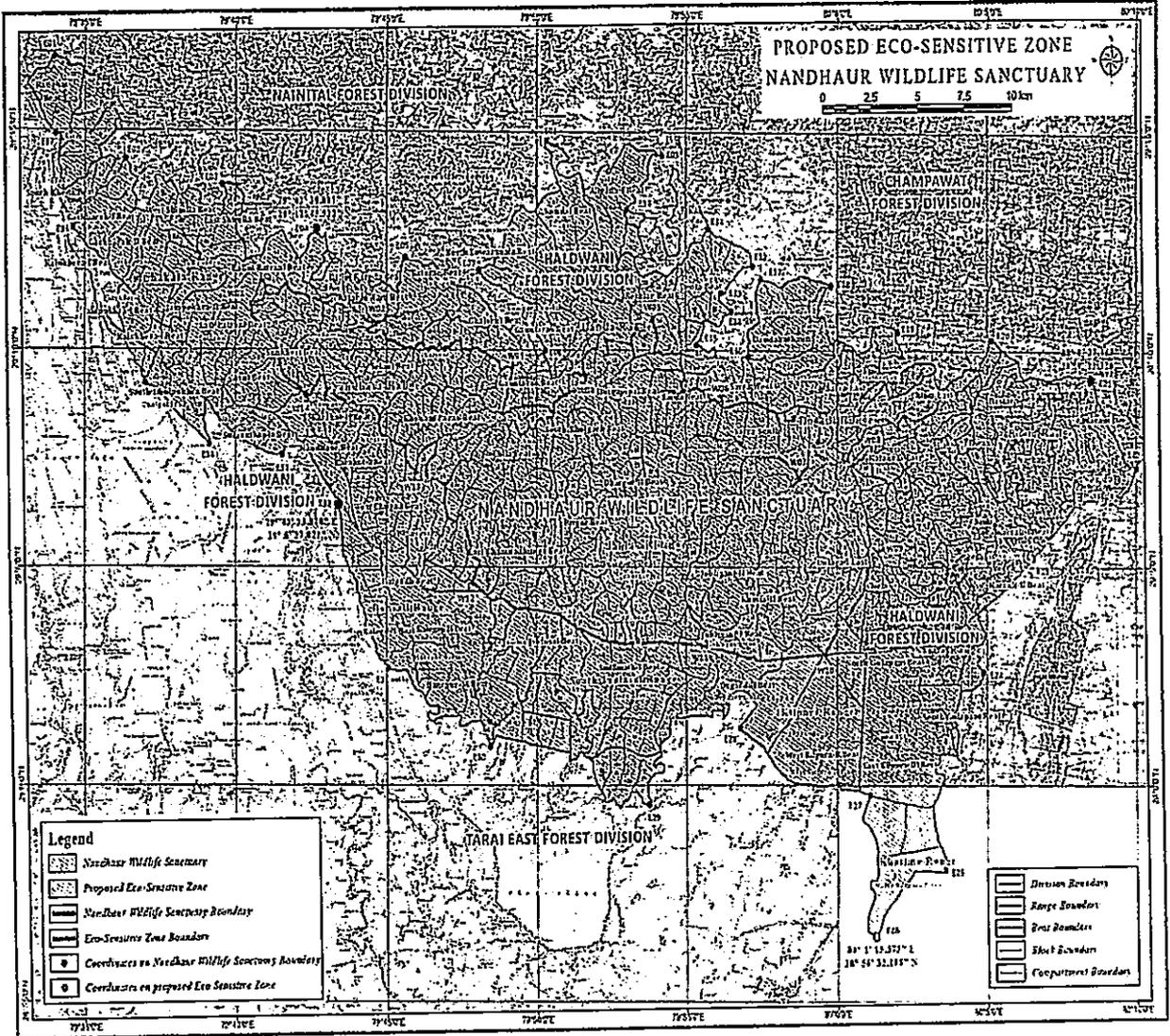
MAP OF ECO-SENSITIVE ZONE OF NANDHAUR WILDLIFE SANCTUARY ALONG WITH LATITUDE AND LONGITUDE OF PROMINENT LOCATIONS ON SURVEY OF INDIA (SOI) TOPOSHEET



Handwritten signature or initials in Devanagari script, possibly reading 'व. र. व. प. सि. द.' (V. R. V. P. S. D.).

ANNEXURE- IID

MAP OF ECO-SENSITIVE ZONE OF NANDHAUR WILDLIFE SANCTUARY ALONG WITH LATITUDE AND LONGITUDE OF PROMINENT LOCATIONS ON SURVEY OF INDIA (SOI) TOPOSHEET

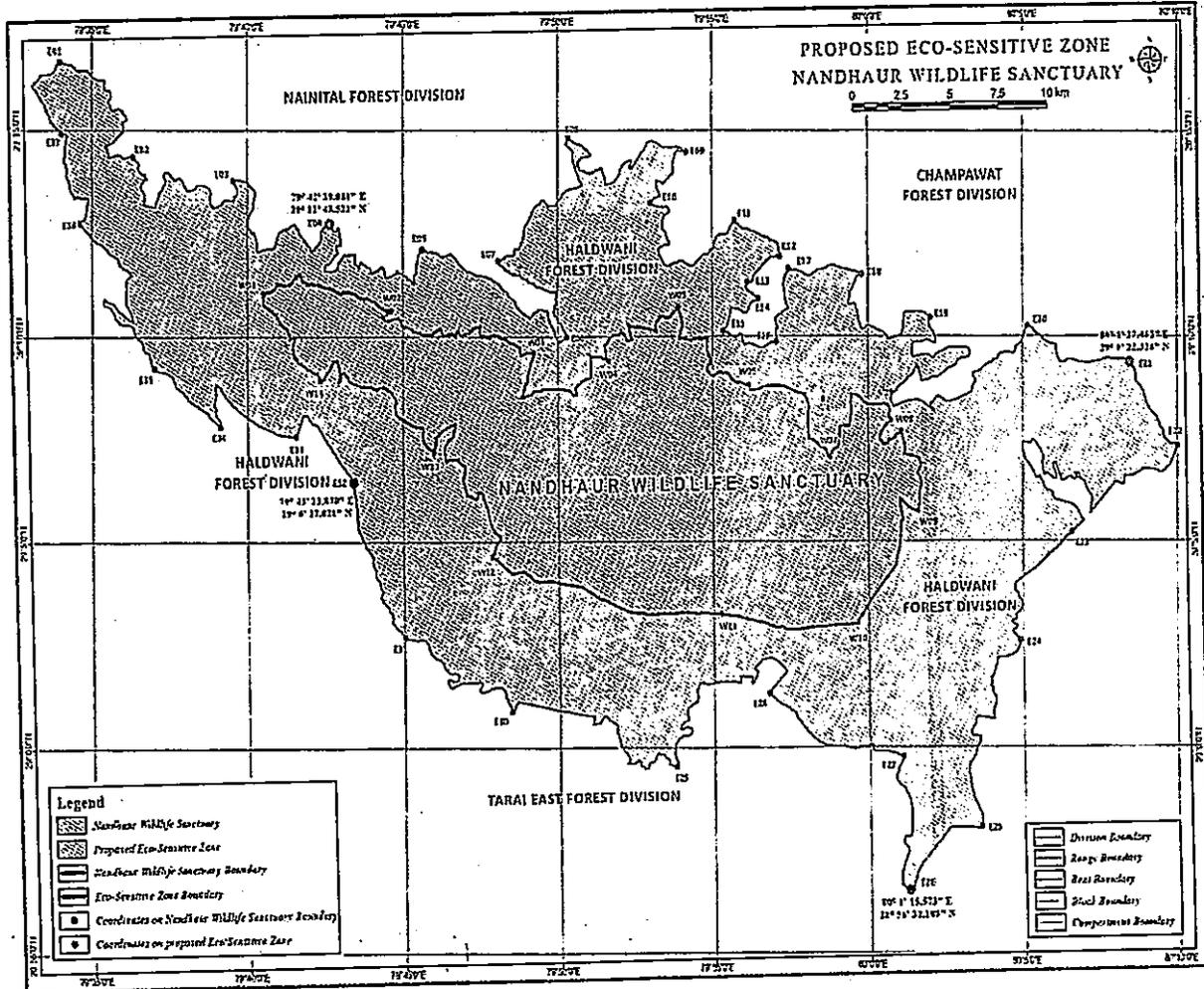


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ANNEXURE-III

MAP OF NANDHAUR WILDLIFE SANCTUARY AND ITS ECO-SENSITIVE ZONE ALONG WITH LATITUDE AND LONGITUDE OF PROMINENT LOCATIONS



ANNEXURE-III

TABLE A: GEO- COORDINATES OF PROMINENT LOCATIONS OF NANDHAUR WILDLIFE SANCTUARY

Point	Longitude	Latitude	Description
W01	79° 40' 31.695" E	29° 11' 3.884" N	Nandhaur WLS
W02	79° 44' 37.284" E	29° 10' 38.038" N	Nandhaur WLS
W03	79° 49' 12.193" E	29° 9' 37.718" N	Nandhaur WLS
W04	79° 51' 38.832" E	29° 9' 25.676" N	Nandhaur WLS
W05	79° 53' 53.049" E	29° 10' 44.254" N	Nandhaur WLS
W06	79° 56' 10.269" E	29° 8' 49.470" N	Nandhaur WLS

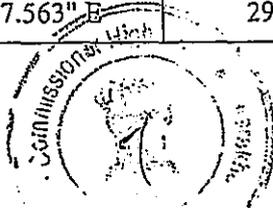


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W07	79° 58' 45.739" E	29° 7' 3.473" N	Nandhaur WLS
W08	80° 1' 2.823" E	29° 7' 40.210" N	Nandhaur WLS
W09	80° 1' 34.977" E	29° 5' 44.964" N	Nandhaur WLS
W10	79° 59' 37.921" E	29° 3' 1.139" N	Nandhaur WLS
W11	79° 55' 15.137" E	29° 3' 15.607" N	Nandhaur WLS
W12	79° 47' 50.944" E	29° 4' 39.597" N	Nandhaur WLS
W13	79° 45' 57.253" E	29° 7' 11.210" N	Nandhaur WLS
W14	79° 42' 19.679" E	29° 8' 57.363" N	Nandhaur WLS

TABLE B: GEO-COORDINATES OF PROMINENT LOCATIONS OF ECO-SENSITIVE ZONE

Point	Longitude	Latitude	Description
E01	79° 33' 57.762" E	29° 16' 39.994" N	Eco Sensitive zone
E02	79° 36' 19.052" E	29° 14' 23.009" N	Eco Sensitive zone
E03	79° 39' 33.453" E	29° 13' 48.082" N	Eco Sensitive zone
E04	79° 42' 39.081" E	29° 12' 45.522" N	Eco Sensitive zone
E05	79° 45' 36.564" E	29° 12' 8.292" N	Eco Sensitive zone
E06	79° 50' 17.169" E	29° 10' 0.514" N	Eco Sensitive zone
E07	79° 48' 4.071" E	29° 11' 51.318" N	Eco Sensitive zone
E08	79° 50' 20.665" E	29° 14' 50.935" N	Eco Sensitive zone
E09	79° 52' 1.722" E	29° 13' 58.015" N	Eco Sensitive zone
E10	79° 53' 13.318" E	29° 11' 2.581" N	Eco Sensitive zone
E11	79° 54' 38.887" E	29° 10' 30.784" N	Eco Sensitive zone
E12	79° 57' 43.191" E	29° 9' 15.266" N	Eco Sensitive zone
E13	79° 59' 48.190" E	29° 11' 30.730" N	Eco Sensitive zone
E14	80° 1' 59.701" E	29° 10' 27.968" N	Eco Sensitive zone
E15	80° 5' 8.790" E	29° 10' 16.371" N	Eco Sensitive zone
E16	80° 8' 27.463" E	29° 9' 22.326" N	Eco Sensitive zone
E17	80° 10' 0.297" E	29° 7' 18.207" N	Eco Sensitive zone
E18	80° 6' 32.886" E	29° 5' 13.986" N	Eco Sensitive zone
E19	80° 4' 52.771" E	29° 2' 35.607" N	Eco Sensitive zone
E20	80° 3' 35.373" E	28° 58' 4.653" N	Eco Sensitive zone
E21	80° 1' 15.573" E	28° 56' 32.108" N	Eco Sensitive zone
E22	80° 1' 4.867" E	28° 59' 46.918" N	Eco Sensitive zone
E23	79° 56' 47.563" E	29° 1' 19.672" N	Eco Sensitive zone



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E24	79° 53' 46.660" E	28° 59' 33.923" N	Eco Sensitive zone
E25	79° 48' 26.818" E	29° 0' 54.202" N	Eco Sensitive zone
E26	79° 45' 2.150" E	29° 2' 42.193" N	Eco Sensitive zone
E27	79° 43' 23.870" E	29° 6' 27.021" N	Eco Sensitive zone
E28	79° 41' 31.539" E	29° 7' 34.821" N	Eco Sensitive zone
E29	79° 39' 7.687" E	29° 7' 49.656" N	Eco Sensitive zone
E30	79° 36' 59.523" E	29° 9' 14.706" N	Eco Sensitive zone
E31	79° 34' 35.786" E	29° 12' 46.539" N	Eco Sensitive zone
E32	79° 34' 0.471" E	29° 14' 55.206" N	Eco Sensitive zone

ANNEXURE-IVA

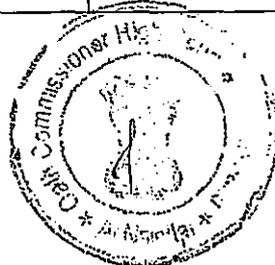
LIST OF VILLAGES COMING UNDER ECO-SENSITIVE ZONE OF NANDHAUR WILDLIFE SANCTUARY ALONG WITH GEO-COORDINATES

Name	Village	Longitude	Latitude
Kathaul	V1	79° 58' 32.561" E	29° 8' 27.937" N
BakrialukiPatli	V2	80° 0' 44.337" E	29° 8' 39.672" N

ANNEXURE-IVB

DETAILS OF THE VILLAGES COMING UNDER ECO-SENSITIVE ZONE OF NANDHAUR WILDLIFE SANCTUARY ALONG REVENUE AREA AND BOUNDARY DESCRIPTION

S. No.	Name of Village	Tehsil	Area of Panchayati Van inside the Village (Ha.)	Area of Revenue Village (Ha.)	Boundary
1	Kathoul	Purnagiri	-	50.040	North – North Sarda 16, South – Kathoul 1 & 2, East – Kathoul 3, West-South Sarda 13
2	Bakriyal ki Pati (Nearest Village)		15.741	145.144	North-Bakriyal Civil Forest, South – Mathiyabanj 2, East – Mathiyabanj 3, West Budam
		Total	15.741	195.184	



गुरदवमिड

Performa of Action Taken Report:

1. Number and date of meetings.
2. Minutes of the meetings: (mention noteworthy points. Attach minutes of the meeting as separate Annexure).
3. Status of preparation of Zonal Master Plan including Tourism Master Plan.
4. Summary of cases dealt with rectification of error apparent on face of land record (Eco-sensitive Zone wise). Details may be attached as Annexure.
5. Summary of cases scrutinised for activities covered under the Environment Impact Assessment Notification, 2006 (Details may be attached as separate Annexure).
6. Summary of cases scrutinised for activities not covered under the Environment Impact Assessment Notification, 2006 (Details may be attached as separate Annexure).
7. Summary of complaints lodged under section 19 of the Environment (Protection) Act, 1986.
8. Any other matter of importance.




AAKIB AHMED
 Regn. No. UK-648/2019
 Oath Commissioner
 High Court of Uttarakhand
 At Nainital
 Sl. No.13633.....
 Dated10/4/22.....

आर० सीनाझी सुन्दरन,
सचिव,
उत्तराखण्ड शासन।

सेवा में,
जिलाधिकारी,
मैनीताल।

औद्योगिक विकास (खनन) अनुभाग-1

देहरादून, दिनांक: 07 जनवरी, 2022

विषय: उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 के बिन्दु सं० 10(2) के अनुसार राष्ट्रीय महत्त्व की परियोजनाओं के सरकारी कार्यदायी संस्थाओं अथवा उनके द्वारा अधिकृत ठेकेदारों को रिवर ड्रेजिंग कार्य की अनुमति के संबंध में।

सहायक

उपर्युक्त विषयक निर्देशक, भूतत्व एवं खनिकर्म इकाई, उत्तराखण्ड के पत्र संख्या-3982/खनन/आर०सी०ए०/रे०वि०नि०-रि०ट्रे०/2021-22, दिनांक 24 दिसम्बर, 2021 की कार्याप्रति-संलग्नक सहित भेजा करते हुए मुझे यह कहने का निदेश हुआ है कि आपदा प्रबंधन अधिनियम, 2005 की धारा 72 में विहित प्रावधान का समस्त अधिनियमों, विधियों आदि पर अध्यादेशों प्रभाव होने के फलस्वरूप शासन स्तर पर सम्यक विचारोपरान्त लिये गये निर्णय के क्रम में आपदा प्रबंधन अधिनियम, 2005 के उपरोक्त अन्य किसी विधि या अधिनियम से असंगत होते हुए भी प्रभावी होने के दृष्टिगत उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 के बिन्दु सं० 10(2) के प्रावधानानुसार ड्रेजिंग कार्य हेतु नदी के समुचित मैनेलाइजेशन, नदी के बहाव को सुव्यवस्थित करने तथा आड़-घास के गाँव/क्षेत्रों में बाढ़ व जनहानि से बचाव आदि के दृष्टिगत जनपद मैनीताल, तहसील हल्द्वानी के अपर नन्धौर चौरगलिया क्षेत्र (अपर नन्धौर नदी) में जमा मलवा/आर०सी०ए० की निकासी एन०एच० 87 के निर्माण कार्य हेतु ए०पी०एस० इन्फ्रा इन्जीनियर्स प्रा०लि० के पक्ष में 06 माह की अवधि हेतु अनुज्ञा स्वीकृत किये जाने तथा उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 के बिन्दु सं० 11 एवं उत्तराखण्ड उपखनिज परिहार नियमावली, 2001 के नियम 68 के अन्तर्गत नियम 54 का विधिलिखित करते हुए इस कार्य हेतु जमा आर०सी०ए० की मात्रा पर अब शरारती की जनसाधारित व अन्य दय-धनराशि को 06 समान किरतों में जमा किये जाने की अनुमति प्रदान की जाती है।

उक्तानुसार स्वीकृत की जाने वाली अनुज्ञा के क्रम में ए०पी०एस० इन्फ्रा इन्जीनियर्स प्रा०लि० द्वारा निकासी किये जाने वाले मलवा आर०सी०ए० की आपूर्ति एन०एच० निर्माण कार्य हेतु स्थानीय क्रशर का करतु हुए तयार माल का उपयोग सम्बंधित इकाई द्वारा एन०एच० 87 के निर्माण कार्य हेतु किया जायेगा। ए०पी०एस० इन्फ्रा इन्जीनियर्स प्रा०लि० के पक्ष में एन०एच० 87 के निर्माण कार्य हेतु दी जा रही अनुज्ञा अनुमति मात्र एन०एच० परियोजना कार्य हेतु ही प्रदत्त की जा रही है, संबंधित कार्यदायी इकाई द्वारा किसी भी दशा में इसका व्यवसायिक उपयोग नहीं किया जायेगा।
कृपया तदनुसार आवश्यक कार्यवाही करने का कष्ट करें।

दिनांक
07/01/2022

ABUFR/GU
Demolition करवाये
SRS



भवदीय,
(आर० सीनाझी सुन्दरन)
सचिव

Handwritten signature/initials at the bottom right.

प्रेषक,

आर० मीनाक्षी सुन्दरम,

सचिव,

उत्तराखण्ड शासन।

सेवा में,

जिलाधिकारी,

नैनीताल।

औद्योगिक विकास (खनन) अनुभाग-1

देहरादून, दिनांक 07 जनवरी, 2022

विषय:- उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 के बिन्दु सं० 10(2) के अनुसार राष्ट्रीय महत्व की परियोजनाओं के सरकारी कार्यदायी संस्थाओं अथवा उनके द्वारा अधिकृत ठेकेदारों को रिवर ड्रेजिंग कार्य की अनुमति के संबंध में।

महोदय,

उपर्युक्त विषयक निदेशक, भूतत्व एवं खनिकर्म इकाई, उत्तराखण्ड के पत्र संख्या-3932/खनन/भू०खनि०ई०/रे०वि०नि०-रि०ट्रे०/2021-22 दिनांक 24 दिसम्बर, 2021 की छायाप्रति संलग्नक सहित प्रेषित करते हुए मुझे यह कहने का निदेश हुआ है कि आपदा प्रबंधन अधिनियम 2005 की धारा 72 में निहित प्रावधान का समस्त अधिनियमों, विधियों आदि पर अध्यारोही प्रभाव होने के फलस्वरूप शासन स्तर पर सम्यक विचारोपरान्त लिये गये निर्णय के क्रम में आपदा प्रबंधन अधिनियम 2005 के उपबन्ध अन्य किसी विधि या अधिनियम से असंगत होते हुए भी प्रभावी होने के दृष्टिगत उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 के बिन्दु सं० 10(2) के प्रावधानानुसार ड्रेजिंग कार्य हेतु नदी के समुचित चैनलाईजेशन, नदी के बहाव को सुव्यवस्थित करने तथा आस-पास के गाँव/क्षेत्रों में बाढ़ व जनहानि से बचाव आदि के दृष्टिगत जनपद नैनीताल तहसील हल्द्वानी के अपर नन्धौर चोरगलिया क्षेत्र (अपर नन्धौर नदी) में जमा मलवा/आर०बी०एम० की निकासी एन०एच० 87 के निर्माण कार्य हेतु ए०पी०एस० इन्फ्रा इन्जीनियर्स प्रा०लि० के पक्ष में 06 माह की अवधि हेतु अनुज्ञा स्वीकृत किये जाने तथा उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 के बिन्दु सं० 11 एवं उत्तराखण्ड उपखनिज परिहार नियमावली, 2001 के नियम-68 के अन्तर्गत नियम 54



सचिव

को शिथिल करते हुए इस कार्य हेतु जमा आर0बी0एम0 की मात्रा पर देय रायल्टी की धनराशि व अन्य देय धनराशि को 06 समान किशतों में जमा किये जाने की अनुमति प्रदान की जाती है।

2- उक्तानुसार स्वीकृत की जाने वाली अनुज्ञा के क्रम में ए0पी0एस0 इन्फ्रा इन्जीनियर्स प्रा0लि0 द्वारा निकासी किये जाने वाले मलवा, आर0बी0एम0 की आपूर्ति एन0एच0 निर्माण कार्य हेतु स्थानीय केशर को करते हुए तैयार माल का उपयोग संबंधित इकाई द्वारा एन0एच087 के निर्माण कार्य हेतु किया जायेगा। ए0पी0एस0 इन्फ्रा इन्जीनियर्स प्रा0लि0 के पक्ष में एन0एच087 के निर्माण कार्य हेतु दी जा रही अनुज्ञा अनुमति मात्र एन0एच0 परियोजना कार्य हेतु ही प्रदत्त की जा रही है, संबंधित कार्यदायी इकाई द्वारा किसी भी दशा में इसका व्यवसायिक उपयोग नहीं किया जायेगा।

कृपया तदनुसार आवश्यक कार्यवाही करने का कष्ट करें।

भवदीय
-हस्ताक्षर:-
(आर0मीनाक्षी सुन्दरम)
सचिव

Aakib
AAKIB AHMED
Regn. No UK-649/2019
Oath Commissioners
High Court of Madhya Pradesh
Amritsar
Sl. No.13633.....
Dated18/4/22.....



गारुडेवपिड

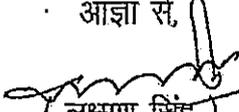
Annexure-10-h

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उत्तराखण्ड शासन
औद्योगिक विकास (खनन) अनुभाग-1
संख्या-1927/VII-A-1/2021/05(28)/2021
देहरादून: दिनांक: 10 नवम्बर, 2021

- संख्या-1073/VII-A-1/2021/05(28)/2021, दिनांक 10 नवम्बर, 2021 द्वारा उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 की प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. सचिव, मा0 मुख्यमंत्री जी, उत्तराखण्ड शासन।
2. निजी सचिव, मुख्य सचिव, उत्तराखण्ड शासन को मुख्य सचिव महोदय के संज्ञानार्थ।
3. मण्डलायुक्त, कुमायूं/गढवाल, नैनीताल/पौड़ी, उत्तराखण्ड।
4. महानिदेशक, भूतत्व एवं खनिकर्म इकाई, उत्तराखण्ड, देहरादून।
5. समस्त जिलाधिकारी, उत्तराखण्ड।
6. अपर निदेशक, राजकीय मुद्रणालय, रुडकी को इस आशय से प्रेषित कि उक्त अधिसूचना को असाधारण, गजट, विधायी परिशिष्ट भाग-4 में मुद्रित कराकर इसकी 200 प्रतियां औद्योगिक विकास (खनन) अनुभाग-1 को यथाशीघ्र उपलब्ध कराना सुनिश्चित करें।
7. निदेशक, एन.आई.सी., सचिवालय परिसर, देहरादून।
8. गार्ड फाईल।

आज्ञा से,

(लक्ष्मण सिंह)
संयुक्त सचिव।



रजि. 1073

उत्तराखण्ड शासन
 औद्योगिक विकास (खनन) अनुभाग-1
 संख्या: 1873/VII-A-1/2021-05(28)/2021
 देहरादून, दिनांक: 10 नवम्बर, 2021

कार्यालय ज्ञाप

राज्यपाल, राज्य के नदी तल क्षेत्रान्तर्गत ऐसे स्थल जो चुगान हेतु स्वीकृत/चिह्नित नहीं है तथा जहां वर्षा ऋतु के उपरान्त अत्यधिक मात्रा में मलवा/आर०बी०एम०/सिल्ट जमा होने से नदी के तट कटाव एवं जान-माल एवं आबादी को क्षति होने की सम्भावना रहती है, से मलवा/आर०बी०एम०/सिल्ट को हटाने/निस्तारित किये जाने हेतु उत्तराखण्ड रिवर ड्रेजिंग नीति, 2020 एवं इस विषय पर विद्यमान समस्त नीतियों, शासनादेश व आदेशों को अधिक्रमित करते हुए नदी/जलाशय/नहरों में अत्यधिक मात्रा में निक्षेपित/जमा मलवा/आर०बी०एम०/सिल्ट, जिससे भू-कटाव एवं जान-माल का खतरा होने की संभावना है, से मलवा/आर०बी०एम०/सिल्ट हटाने/निस्तारित किये जाने हेतु उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 बनाये जाने की सहर्ष स्वीकृति प्रदान करते हैं :-

उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021

- | | |
|---------------------------|---|
| संक्षिप्त नाम और प्रारम्भ | 1. (1) इस नीति का संक्षिप्त नाम उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 है।
(2) यह तुरन्त प्रवृत्त होगी। |
| परिभाषाएं | 2. (1) इस नीति में जब तक इस सन्दर्भ से अन्यथा अपेक्षित न हो-
(क) "राज्यपाल" से उत्तराखण्ड का राज्यपाल अभिप्रेत है;
(ख) "सरकार" से उत्तराखण्ड राज्य सरकार अभिप्रेत है;
(ग) "आयुक्त" से किसी मण्डल के राजस्व प्रशासन का मुख्य भारसाधक अधिकारी अभिप्रेत है;
(घ) "कलेक्टर" से किसी जिले के राजस्व प्रशासन का मुख्य भारसाधक अधिकारी/अध्यक्ष जिला आपदा प्रबन्धन प्राधिकरण अभिप्रेत है;
(ङ) "महानिदेशक" से महानिदेशक, भूतत्व एवं खनिकर्म इकाई, उत्तराखण्ड अभिप्रेत है;
(च) "महानिदेशक द्वारा प्राधिकृत अधिकारी" से जिला स्तर पर तैनात सहायक भूवैज्ञानिक/खान अधिकारी, उप निदेशक/भूवैज्ञानिक, उप निदेशक/ज्येष्ठ खान अधिकारी अभिप्रेत है;
(छ) "स्थानीय अधिकारी" से नगर पंचायत, नगर पालिका, नगर निगम और जिला बोर्ड का निकाय या अन्य प्राधिकारी जो क्रमशः नगर पंचायत, नगर पालिका, नगर निगम और जिला पंचायत के नियंत्रण या प्रबन्ध का सरकार द्वारा न्यस्त कार्य करता है, अभिप्रेत है;
(ज) "व्यक्ति" से कोई कम्पनी या संगम या व्यक्ति निकाय, चाहे निगमित हो या नहीं अभिप्रेत है;
(झ) "रिवर ड्रेजिंग" से नदी के जल प्रवाह को यथा सम्भव प्राकृतिक रूप में नदी/जलाशय/नहर के मध्य में केन्द्रित करने सम्बन्धी कार्य अभिप्रेत है;
(ट) "आर०बी०एम०/सिल्ट निस्तारण" से नदी के जल प्रवाह को नदी के मध्य |



(Signature)
 सुरदेव सिंह

में केन्द्रित करने हेतु नदी/जलाशय/नहर में निक्षेपित मलवा/ आर०बी०एम०/सिल्ट की सफाई/हटाना अभिप्रेत है;

- (ठ) "राष्ट्रीय महत्व की केन्द्र/राज्य सरकार की परियोजनाओं" से राष्ट्रीय राजमार्ग/राज्य मार्ग निर्माण, जल विद्युत परियोजना, रेलवे परियोजना आदि अभिप्रेत है।
- (ड) "केन्द्र/राज्य सरकार की कार्यदायी संस्थाओं" से राष्ट्रीय राजमार्ग प्राधिकरण, बी.आर.ओ., रेल विकास निगम, टी.एच.डी.सी, एन.एच.पी.सी. एन. टी.पी.सी., सी.पी.डब्ल्यू.डी., पी.डब्ल्यू.डी. यू.जे.वी.एन.एल. आदि अभिप्रेत है।
- (2) "शब्द और पद" जो इस नीति में परिभाषित नहीं है परन्तु साधारण खण्ड अधिनियम, 1897 में परिभाषित है, के वही अर्थ होंगे जो उनके लिए उक्त अधिनियम में दिये गये हैं;

रिवर ड्रेजिंग क्षेत्रों का चिन्हीकरण, सत्यापन एवं मात्रा का आंकलन

3. (1) ऐसे क्षेत्र जहां नदी/गदरों/जलाशय/नहर के द्वारा मलवा/ आर०बी०एम०/सिल्ट अत्यधिक मात्रा में निक्षेपित/जमा किया गया है तथा जिसके जमा होने से भू-कटाव एवं जान-माल का खतरा होने की सम्भावना है, का चिन्हीकरण, स्थल का सत्यापन व जमा सिल्ट/ आर०बी०एम० की मात्रा का आंकलन किये जाने हेतु जिलाधिकारी द्वारा सम्बन्धित क्षेत्र के उपजिलाधिकारी की अध्यक्षता में निम्नानुसार समिति गठित की जायेगी:-

- (क) उपजिलाधिकारी - अध्यक्ष
- (ख) प्रभागीय वनाधिकारी के प्रतिनिधि - सदस्य
- (ग) सिंचाई विभाग के सहायक अभियन्ता - सदस्य
- (घ) भू-वैज्ञानिक/खान अधिकारी - सदस्य
- (ङ) अन्य विभाग, जो आवश्यक समझा जाय - सदस्य

(2) चिन्हित क्षेत्रों में निक्षेपित/जमा मलवा/आर०बी०एम०/सिल्ट की मात्रा का आंकलन तथा उक्त मात्रा की निकासी/निस्तारण हेतु समयावधि का निर्धारण गठित समिति के द्वारा अपनी आख्या में किया जायेगा।

चिन्हित स्थलों में जमा मलवा/ आर०बी०एम०/सिल्ट हटाने की प्रक्रिया

4. समिति द्वारा चिन्हित क्षेत्रों में निक्षेपित/जमा मलवा/आर०बी०एम०/सिल्ट को हटाने/निस्तारित किये जाने हेतु जिलाधिकारी के द्वारा जनपद स्तर के इच्छुक व्यक्तियों/संस्थाओं से आवेदन प्राप्त करने हेतु खुली नीलामी (Open Auction) की विज्ञापित जारी की जायेगी। मलवे को हटाने/निस्तारण के लिये खुली नीलामी (Open Auction) में प्रतिभाग करने हेतु आवेदक के पास निम्न अभिलेख होने अनिवार्य होंगे:-

1. स्थायी निवास प्रमाण पत्र।
 2. खान अधिकारी द्वारा निर्गत अद्यतन अदेयता प्रमाण पत्र।
 3. जी०एस०टी० नं०।
 4. ब्लैक लिस्ट न होने सम्बन्धी शपथ पत्र।
 5. मूल्यांकित धनराशि के 25 प्रतिशत राष्ट्रीयकृत बैंक का बैंक ड्राफ्ट।
- परन्तु उक्त प्राविधान राष्ट्रीय महत्व की केन्द्र/राज्य सरकार की परियोजनाओं पर लागू नहीं होगा।



ड्रेजिंग कार्य की समय सीमा

5. (क) आपदा प्रभावित/सम्भावित क्षेत्रों का चिन्हांकन का कार्य प्रत्येक वर्ष संबंधित जिले के जिलाधिकारी द्वारा 15 नवम्बर तक पूर्ण करा लिया जायेगा।

(Handwritten Signature)
कार्यवाही

- (ख) चिन्हित क्षेत्रों से मलवा/आर०बी०एम०/सिल्ट को हटाने/निस्तारित किये जाने के लिये) की कार्यवाही माह दिसम्बर तक अनिवार्य रूप से पूर्ण करके खुली नीलामी (Open Auction) हुए कार्य आदेश निर्गत कर दिया जायेगा।
- (ग) मलवा/आर०बी०एम०/सिल्ट को हटाने/निस्तारित किये जाने का कार्य, कार्य आदेश के पश्चात अनिवार्यतः 30 जून तक पूर्ण करा लिया जायेगा।
- (घ) कार्य आदेश के उपरान्त ड्रेजिंग कार्य आरम्भ होने के पूर्व एवं प्रत्येक 30 दिन के अन्तराल पर ड्रोन सर्वे का कार्य अनुज्ञाधारक के व्यय पर जिला खान अधिकारी द्वारा कराया जायेगा, जिसकी सूचना मय ड्रोन फोटोग्राफ संबंधित जिलाधिकारी एवं महानिदेशक, भूतत्व एवं खनिकर्म को उपलब्ध करायी जायेगी।

रिवर ड्रेजिंग
अनुज्ञा की
स्वीकृति एवं
अनुज्ञा अवधि

6. आपदा प्रबन्धन अधिनियम, 2005 में प्रदत्त अधिकारों के अन्तर्गत जिलाधिकारी द्वारा गठित समिति की संस्तुति के उपरान्त मलवा/आर०बी०एम०/सिल्ट निस्तारित किये जाने हेतु अल्प अवधि की अनुज्ञा संबंधित जिलाधिकारी के द्वारा अधिकतम 06 माह की अवधि हेतु स्वीकृत की जायेगी।

मलवा/
आर०बी०एम०/
सिल्ट निस्तारित
किये जाने हेतु
अनुमत गहराई

7. मलवा/आर०बी०एम०/सिल्ट की निकासी/निस्तारण सतह से अधिकतम 03 मीटर की गहराई अथवा ग्राउण्ड वाटर लेवल जो भी न्यून हो, तक की जायेगी।

मलवा/
आर०बी०एम०/
सिल्ट निस्तारित
किये जाने की
विधि एवं पद्धति

8. मलवा/आर०बी०एम०/सिल्ट का निस्तारण सफाई के कार्य हेतु चिन्हित क्षेत्रों की भौगोलिक स्थिति, पत्थरों/बोल्डर्स के आकार की प्रकृति एवं नदी/नहर के चैनलाईजेशन को वास्तविक रूप देने तथा आपदा प्रबन्धन के दृष्टिगत त्वरित गति से कार्य के निस्तारण के उद्देश्य से नदी/नहर के दोनों किनारों से एक चौथाई भाग छोड़ते हुए गठित समिति की संस्तुति पर नदी पुल से अपस्ट्रीम एवं डाउन स्ट्रीम में 100-100 मीटर छोड़ते हुए, आवश्यकतानुसार मशीनों यथा जे०सी०बी०, पोकलैण्ड आदि का उपयोग अनुमन्य होगा।

मलवा/
आर०बी०एम०/
सिल्ट
निस्तारण के
सापेक्ष देय
धनराशि

9. मलवा/आर०बी०एम०/सिल्ट का निस्तारण उत्तराखण्ड उपखनिज परिहार नियमावली, 2001(समय-समय पर यथासंशोधित) व सुसंगत विधिक प्रावधानों के अनुसार किया जायेगा तथा हटाये गये मलवा/आर०बी०एम०/सिल्ट पर रॉयल्टी के अतिरिक्त राज्य सरकार द्वारा समय-समय पर निर्धारित शुल्क/टैक्स लिया जायेगा। मलवा/आर०बी०एम०/सिल्ट निस्तारण हेतु रायल्टी के अतिरिक्त स्टाम्प शुल्क, जिला खनिज फाउण्डेशन में अंशदान तथा क्षतिपूर्ति हेतु निर्धारित शुल्क अनिवार्य रूप से देय होगा।

विविध



10. (1) ऐसे चिन्हित क्षेत्र, जो ई-निविदा सह ई-नीलामी प्रक्रिया के अन्तर्गत आशय पत्र धारित क्षेत्रों को छोड़कर, जहां प्रति वर्ष मलवा/आर०बी०एम०/सिल्ट निक्षेपित/जमा होने से आबादी व कृषि भूमि प्रभावित हो रही हो, को चिन्हित कर मलवा/आर०बी०एम०/सिल्ट की सफाई उक्त प्रक्रिया के अन्तर्गत की जायेगी।

गुर्देव सिंह

(2) राष्ट्रीय महत्व की केन्द्र/राज्य सरकार की परियोजनाओं के विभिन्न कार्य सरकारी कार्यदायी संस्थाओं के द्वारा निर्धारित समयान्तर्गत पूर्ण कराये जाने के उद्देश्य से उक्त परियोजनाओं के निकटस्थ नदी तल क्षेत्रों में रिवर ड्रेजिंग हेतु समिति द्वारा चिन्हित क्षेत्रों में ड्रेजिंग कार्य हेतु केन्द्र/राज्य सरकार की, सरकारी कार्यदायी संस्थाओं अथवा उनके द्वारा अनुबन्धित/अधिकृत ठेकेदारों के द्वारा अनुरोध करने पर महानिदेशक, भूतत्व एवं खनिकर्म की संस्तुति पर शासन द्वारा प्रदत्त अनुमति के क्रम में सम्बन्धित जिलाधिकारी के द्वारा आपदा प्रबन्धन अधिनियम-2005 में प्रदत्त अधिकारों के अन्तर्गत अधिकतम 06 माह की अवधि हेतु अनुज्ञा स्वीकृत की जायेगी।

एक ही क्षेत्र हेतु एक से अधिक परियोजनाओं की सरकारी कार्यदायी संस्थाओं अथवा उनके द्वारा अनुबन्धित/अधिकृत ठेकेदारों से अनुरोध प्राप्त होने पर निकटस्थ परियोजना की सरकारी कार्यदायी संस्थाओं अथवा उनके द्वारा अनुबन्धित/अधिकृत ठेकेदारों को उक्त क्षेत्र में रिवर ड्रेजिंग कार्य की अनुमति प्रदान किये जाने में प्राथमिकता दी जायेगी।

स्वीकृत क्षेत्र में समिति द्वारा आंकलित उपखनिज मलवा/आर०बी०एम०/सिल्ट की मात्रा पर मैदानी क्षेत्र हेतु निर्धारित रायल्टी दर की दोगुना धनराशि व अन्य देयकों का भुगतान निर्धारित लेखा शीर्षक में सरकारी कार्यदायी संस्थाओं अथवा उनके द्वारा अनुबन्धित/अधिकृत ठेकेदारों द्वारा जमा किया जायेगा तथा उक्त उपखनिजों का परियोजना के लिए उपयोग के इतर व्यवसायिक उपयोग प्रतिबन्धित रहेगा।

(3) अनुज्ञाधारक के द्वारा निकासी किये गये मलवा/आर०बी०एम०/सिल्ट आदि के भण्डारण हेतु विद्यमान उत्तसाखण्ड खनिज (अवैध खनन, परिवहन एवं भण्डारण का निवारण) नियमावली के सुसंगत प्रावधानों के अन्तर्गत भण्डारण की अनुज्ञा प्राप्त की जा सकेगी।

शिथिलीकरण/
स्पष्टीकरण

11.

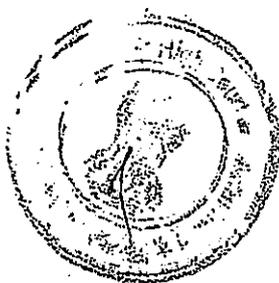
उत्तसाखण्ड रिवर ड्रेजिंग नीति, 2021 के सुसंगत प्राविधानों के सन्दर्भ में किसी भी प्रकार के शिथिलीकरण एवं स्पष्टीकरण का अधिकार शासन में निहित होगा।

आज्ञा से,

AAKIB AHMED (आर. सीनाक्षी सुन्दरम)
सचिव।

Regn. No UK-649/2019
Oath Commissioner
High Court of Madhya Pradesh
At Bhopal
Sl. No.13623.....
Dated

10/4/22



गारुटेवमिदं

Annexure No. 5

Item No.06& 07

Court No. 2

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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 88/2016
(M.A. No. 313/2017)

And

Original Application No. 367/2016
(M.A. No. 712/2016)

Nandan Singh Bora

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

And

Bahadur Singh Karki

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 17.12.2018

CORAM :

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant (s)

For Respondent(s)

Mr. Salik Shafique, Advocate

Mr. Rahul Verma, AAG for
State of Uttarakhand and
Uttarakhand Forest Devp.
Corporation

Mr. Mukesh Verma, Advocate
for UKPCB

Mr. Attin Shankar Rastogi,
Advocate for MoEF

For Applicant (s)

For Respondent(s)

Mr. Salik Shafique, Advocate

Mr. Rahul Verma, AAG for
State of Uttarakhand and
Uttarakhand Forest Devp.
Corporation

Mr. Mukesh Verma, Advocate
for UKPCB

Mr. Rahul Pratap and Mr.
Krishna Kumar Singh,
Advocates for MoEF



गुर्देव सिंह

Mr. Amit Kumar Pathak and
Mr. Ajit Sharma, Advocates for
R-10
Mr. A.K. Babbar, Advocate for
R-11

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ORDER

In these Applications, the primary grievance sought is for declaring 10 kms area from boundaries around the Nandhaur Wildlife Sanctuary, in Nainital District, State of Uttarakhand as an Eco-Sensitive Zone. The State Government had earlier sent a draft Notification for the said purpose, however, when the Ministry held a meeting on 25th June, 2018 with regard to the said declaration, the State Government proposed to send a revised draft Notification, which is still awaited.

As in these areas stone crushers are operating, we direct that no stone crusher shall operate within 10 kms around the Nandhaur Wildlife Sanctuary. In this regard, we are supported by an order passed by Hon'ble Supreme Court of India in Writ Petition (C) 202/1995, in T.N. Godavarman Thirumulpad Vs. UOI & Ors. in which vide order dated 11th December, 2018, the Hon'ble Supreme Court directed as follows:

"Under the circumstances, we direct that an area of 10 kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF."

In these 21 National parks, no proposal about Eco Sensitive Zone had been received from the State. However, liberty is granted to the State Government to



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move an application for modification of this order after submission of the proposal to the MoEF.

With the aforesaid directions, Original Application No. 88 of 2016 and Original Application No. 367 of 2016 stand disposed of, with no order as to cost.

M.A. No. 313 of 2017 and 712 of 2016

These Applications do not survive for consideration as the main Applications itself stand disposed of.

Thus, M.A. No. 313 of 2017 and 712 of 2016 stand disposed of accordingly.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

December 17, 2018
sn



Aakib
AAKIB AHMED
Regn. No UK-649/2019
Oath Commissioner
High Court of Jammu and
Kashmir
Sl. No. 13633
Dated 10/4/22

ITEM NO.4+5+8

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[1] [i] INTERLOCUTORY APPLICATION NO. 1000
[RECOMMENDATION OF CEC DATED 20.11.2003]

[ii] INTERLOCUTORY APPLICATION NO. 982-984
[APPLICATIONS FOR DIRECTIONS, EXEMPTION FROM FILING O.T. AND
IMPLEADMENT]

[iii] INTERLOCUTORY APPLICATION NO. 1026-1028
[APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM
FILING O.T.]

[iv] INTERLOCUTORY APPLICATION NO. 1123-1124
[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]

[v] INTERLOCUTORY APPLICATION NO. 1197-1199
[APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM
FILING O.T.]

[vi] INTERLOCUTORY APPLICATION NO. 1210-1211

[APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.]

[vii] INTERLOCUTORY APPLICATION NO. 1250-1251
[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]

[viii] INTERLOCUTORY APPLICATION NO. 1412
[APPLICATION FOR CLARIFICATION OF ORDER DATED 14.07.2003]

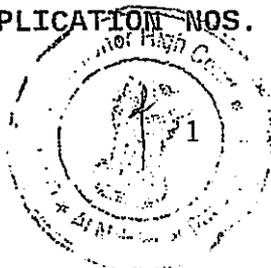
[ix] INTERLOCUTORY APPLICATION NO. 1512
[APPLICATION FOR FURTHER DIRECTIONS]

[x] INTERLOCUTORY APPLICATION NO. 1992
[APPLICATION FOR CLARIFICATION OF ORDER DATED 04.08.2006]

[xi] INTERLOCUTORY APPLICATION NO. 3880
[APPLICATION FOR DIRECTIONS]

Digitally signed by
DEEPAK GUZLANI
Date: 2016.12.11
10:54:11
Reason: TH

[2] INTERLOCUTORY APPLICATION NOS. 170-175, 176-178 and 186-187
IN I.A . NO. 176-177



J.P.P.

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[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN WRIT PETITION
(C) No. 460/2004

[3] INTERLOCUTORY APPLICATION NOS. 108-113 IN W.P. (C) NO.
435/2012

[APPLICATIONS FOR APPROPRIATE DIRECTIONS AND PERMISSION TO FILE
APPLICATION FOR DIRECTION]

Date : 11-12-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE HEMANT GUPTA

Amicus Mr. Harish N. Salve, Sr. Adv. [A.C.][NP]

Mr. A.D.N. Rao, Advocate [A.C.]
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.]

For Petitioner(s) By Courts Motion

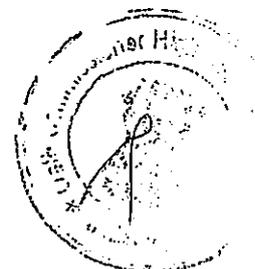
Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, Adv.

Mr. Raj Panjwani, Adv.
Ms. Purnima Bhat, Adv.

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Ms. Kiran Bhardwaj, Adv.
Mr. Anirudh Dwivedi, Adv.
Ms. Suhasini Sen, Adv.
Mr. Ritesh Kumar, Adv.
Mr. R. Bala, Adv.
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.
Mr. Sachin Sharma, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. A.K. Sharma, Adv.
Ms. Aayushi Singh, Adv.
Mr. G.S. Makker, Adv.

For S.No. [1] Mr. Amit Sharma, Adv.
Mr. Ankit Raj, Adv.
Ms. Nidhi Jaswal, Adv.
Ms. Ruchi Kohli, Adv.

Mr. D.K. Garg, Adv.



गारुडामिड

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Mr. Nirnimesh Dubey, Adv.

Smt. Suchitra A. Chitale, Adv.

Ms. Hemantika Wahi, Adv.

Mr. Tarun Johri, Adv

Mr. Arjun Garg, Adv.

Mr. Pragyan Sharma, Adv.

Mr. Mudit Makhijani, Adv.

Mr. Shikhar Garg, Adv.

Mr. P.V. Yogeshwaran, Adv.

Ms. Pratibha Jain, Adv.

Mr. Pravin H. Parekh, Sr. Adv.

Mr. Lalit Chauhan, Adv.

Ms. S. Lakshmi Iyer, Adv.

Mr. Sarthak Gaur, Adv.

Ms. Aishwarya Dash, Adv.

Mr. Vishal Prasad, Adv.

For M/S Parekh And Co.

Mr. Nishant R. Katneshwarkar, Adv.

Ms. Sumita Hazarika, Adv.

Mr. Shuvodeep Roy, Aor

Mr. Jayant Mohan, Adv.

Mr. Ivo D' Costa, Adv.

Mr. Pawan Kishor Singh, Adv.

Ms. Madhusmita Bora, Adv.

Mr. A.N.S. Nadkarni, ASG

Mr. Merusagar Samantray, Adv.

Mr. S.S. Rebello, Adv.

Mr. Leelesh Krishna, Adv.

Ms. Snehapravu Tendulkar, Adv.

Ms. Babita Yadav, Adv.

Mr. Amit Sharma, Adv.

Mr. Ankit Raj, Adv.

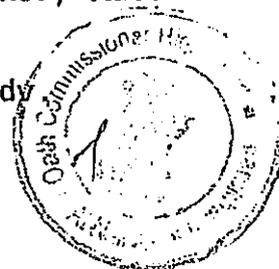
Mr. R.C. Kohli, Adv.

Mr. Nishe Rajen Shonker, Adv.

Mr. Anu K. Joy, Adv.

Mr. Alim Anvar, Adv.

Mr. Reegan S. Bel, Adv



गणेश

Ms. Prabha Swami, Adv.
Ms. Divya Swami, Adv.
Mr. Nikhil Swami, Adv.

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Mr. Rajesh Srivastava, Adv.

Mr. G. Seshagiri Rao, Adv.
Mr. Sridhar Potaraju, Adv.

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.

Mr. Bhavanishankar V. Gadnis, Adv.
Mr. Jayant Mohan, Adv.
Mr. Anil Shrivastava, Adv.
Dr. Prafulla Hegde, Adv.

UPON hearing the counsel the Court made the following

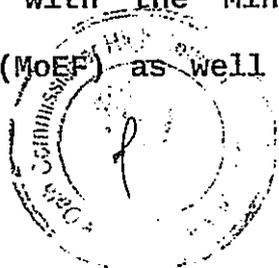
O R D E R

The learned ASG has informed us that there are 104 National Parks and 558 Wildlife Sanctuaries making a total of 662 National Parks and Wildlife Sanctuaries in the country.

The proposals for declaring areas around these National Parks and Wildlife Sanctuaries as Eco Sensitive Zone have been received from State Governments / UT Administrations for 641 National Parks and Wildlife Sanctuaries. No proposals have been received in respect of 21 National Parks and Wildlife Sanctuaries.

The proposals have been accepted and Notification has been issued in respect of 289 National Parks and Wildlife Sanctuaries as on 26.11.2018 and draft Notification has been prepared in respect of 206 National Parks and Wildlife Sanctuaries.

The declaration with regard to Eco Sensitive Zone is under process with the Ministry of Environment, Forests and Climate Change (MoEF) as well as with the State Governments in respect of



श्रीराम

146 National Parks and Wildlife Sanctuaries.

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We expect the Ministry of Environment, Forests and Climate Change to actively pursue the preparation of the draft Notification and to issue a final Notification at the earliest.

The proposals for 21 National Parks and Wildlife Sanctuaries in respect of which proposals have not yet been received by the MOEF are as follows:-

ASSAM

1. Pobitora Sanctuary

JAMMU AND KASHMIR

2. Hemis High Altitude National Park
3. Kishtewar National Park
4. Changthang Sanctuary
5. Hokersar Sanctuary
6. Trikuta Sanctuary

KARNATAKA

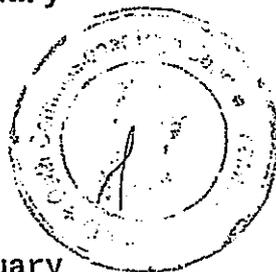
7. Jogimatti Sanctuary
8. Thimlapura Sanctuary
9. Yadahalli Chinkara Sanctuary

MAHARASHTRA

10. Deolgaon Rehekuri Sanctuary
11. Thane Creek Flamingo Sanctuary
12. Malvan Marine Sanctuary

MANIPUR

13. Siroi National Park
14. Khongjaingamba Ching Sanctuary



21/12/2018

MEGHALAYA

15. Baghmara Pitcher Plant Sanctuary

NAGALAND

16. Fakim Sanctuary

17. Puliebadze Sanctuary

18. Rangapahar Sanctuary

UTTAR PRADESH

19. Dr. Bhimrao Ambedkar Bird Sanctuary

20. Pilibhit Sanctuary

WEST BENGAL

21. Jorepokhri Sanctuary

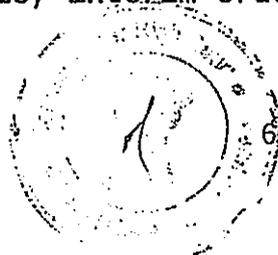
It is submitted by the learned *Amicus* that this issue has been pending since sometime in December, 2006. 12 years have gone-by but no effective steps have been taken by the State Governments in respect of the National Parks and Wildlife Sanctuaries mentioned above.

Under the circumstances, we direct that an area of 10 Kms around these 21 National Parks and Wildlife Sanctuaries be declared as Eco Sensitive Zone by the MoEF. The declaration be made by the MoEF at the earliest.

Liberty is granted to the State Governments to move an application for modification of this order along with proposal only two weeks after submission of the proposals to the MoEF.

List the matters at the end of February, 2019.

In the meanwhile, interim order to continue.



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21/2/2019

I.A . NO. 176-177 IN WRIT PETITION (C) No. 460/2004
[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]

No one is present on behalf of the applicant.

The applications are dismissed.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR

Aakib
AAKIB AHMED
Regn. No UK-649/2019
Oath Commissioner
High Court of Uttarakhand
At Haridwar
SI. No.13633.....
Dated10/4/22.....



Amendment No. 7

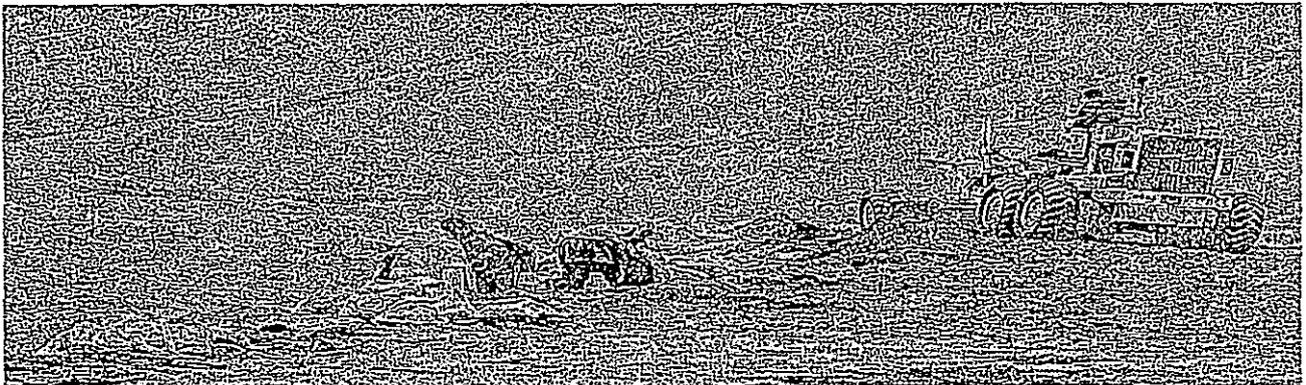
290

ANALYSIS

Is Uttarakhand abusing disaster management laws to allow rampant riverbed mining?

The state's River Training Policy appears designed to allow near unfettered mining of sand and boulders by private contractors, bypassing green clearance and scientific assessment.

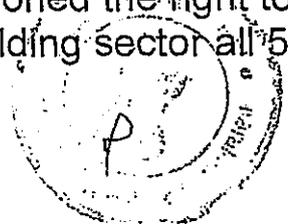
By Mukta Joshi 17 Jun, 2021



Picture for representation.

In November 2020, a few months before floods ravaged Uttarakhand, the deputy collector of Purnagiri in Tanakpur district announced an open auction of tenders to desilt the riverbed in Champawat's villages.

Tenders for government work usually seek the lowest bidder, the contractor willing to do the job at the lowest cost. In this case, however, the highest bidder would get the tender. That is because the tender did not only issue a work contract, as is the usual practice, it also auctioned the right to sell to the construction and building sector all 51,183 tonnes of



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sand, gravel and boulders estimated to be excavated. It was one of several such tenders floated by district administrations in the hill state since January 31 2020 under the government's River Training Policy.

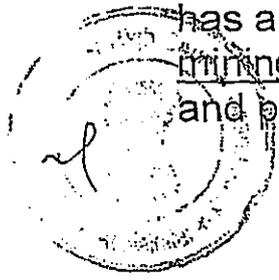
The policy lays down a procedure to "train" Uttarakhand's rivers by excavating silt, gravel and sand from the middle of the riverbeds. Such desilting will direct the flow of the river towards its center and away from the banks, the policy says, and thus "avoid river coast erosion to prevent the loss of lives and infrastructure".

In other words, the policy allows sand and boulder mining from river beds but without following any safeguards and procedures under mining and environmental laws. That is because the policy asks district administrations to invoke powers under the Disaster Management Act 2005 to auction desilting rights to private contractors. The rights are over specific river stretches and for four-month periods.

The DMA empowers district magistrates to take measures to prevent disasters in their jurisdiction. There is little evidence such desilting reduces disasters, however. Quite the contrary, actually. The clearance database of the environment, forests and climate change ministry, or MoEF, doesn't show any records for environment and forest clearances for river training works, and no compliance with the sand mining guidelines issued by the environment ministry in 2020.

Mining in the garb of disaster prevention?

Uttarakhand has a dense network of rivers and is thus a hotspot for mining, legally and illegally, sand and rocks, supplied to construction sites at a reported turnover of over Rs 2,000 crore per year. The state has a history of people's struggle against illegal mining by a powerful mining mafia, involving miners and politicians.



The Uttarakhand government launched its first river training policy in 2016, around the time concerns about rampant and illegal sand mining in the state were rising.

The policy applied to riverbeds where no mining leases for sand and boulders were notified. It stated that desilting of rivers was to be undertaken manually and machines were to be used only in exceptional cases. The policy restricted mining to within 100 meters of each bank as well as downstream and upstream of social spaces along the banks such as burial grounds. From the royalties earned by the government from the leases, 20 percent were to be employed for purposes of river training, forest and wildlife protection and for rebuilding local roads.

The state revised the policy in 2020 with critical changes that relaxed environmental safeguards. The new policy permitted the use of heavy machinery and allowed contractors to dig up half the breadth of the river regardless of its width. The requirement to set aside 20 percent of the royalties was done away with and the restriction on mining close to social spaces lifted.

The policy prioritised private contractors. The excavated material would be awarded to a government entity for non-commercial use only if there was no interest from a private player.

The 2020 policy was amended on January 19 this year, under which more tenders have been issued even though it has not been made public so far.

There are concerns that the river training policy is only facilitating mining of riverbeds with little evidence of its effectiveness in preventing disasters. That the policy was issued by the industrial development department's mining unit even though the state has departments which oversees flood protection and disaster management as well as a State Disaster Management Authority and a



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Technical Advisory Committee for approving proposals for flood control in the state has only given weight to such concerns.

This correspondent sent detailed questions about the policy to the Uttarakhand chief minister's office, director of geology and mining unit of the industrial development department and principal chief conservator of forests. None responded.

They were asked if any study had been conducted to show how siltation in unbounded rivers had led to flooding and if green clearances had been secured by miners under the policy. And how and whether disaster management was employed as a pretext to provide business and profit to miners.

Admittedly, under the Disaster Management Act, states are empowered to take necessary measures in order to prevent disaster. The policy provides for the constitution of a committee to identify areas where there is excess silt or riverbank material such that it poses a threat, and demarcate these areas to inspect and evaluate the accumulated material. But is the removal of silt and riverbank material such a necessary measure as to warrant the creation of the river training policy?

"There must be some assessment done that lends itself to the conclusion that there will be a disaster if the sand and boulders are not removed. Because ecology works the other way around – sand and boulders actually serve to reduce the velocity of water and, in a way, prevent floods. This is the role that nature has given them. Where is the study or assessment which shows that the presence of sand or boulders will lead to disaster?" asked senior environmental lawyer Ritwick Dutta.

As early as 2001, the Mittal committee constituted by the union water resources ministry found desilting to be an unsustainable process. The Sustainable Sand Mining Guidelines issued by the MoEF in 2016 also



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1997 order. The 1997 order makes it clear that the FCA is applicable to all legal forests.

Riverbanks are often *benap* lands and are, therefore, treated as protected forests. Under the FCA, state governments are prohibited from issuing any order allowing non-forest use of forest lands without the union government's prior approval. Any activity, such as mining in protected forest lands, would also require forest clearances under the FCA.

In 2019, the MoEF clarified that the removal of stones and sand from riverbeds was a non-forestry activity, and any leases granted by a state government to undertake such mining would require a forest clearance. However, publicly available forest clearance records show that Uttarakhand has applied for clearances to mine rivers only when the specific stretches to be mined passed through an area classified as "reserved forests".

Moreover, Uttarakhand's mining contracts appear to bypass the Enforcement and Monitoring Guidelines for Sand Mining issued by the environment ministry in January 2020, just four days before the state government revised its river training policy. The guidelines state that an environmental clearance for sand mining shall be given only to leases that detail a mining plan approved by the competent authority designated by the states, and that modification of the mining plan during operation will also need approval of the competent authority. However, since river training works are not being treated as mining leases, they don't have to meet these requirements.

Mining under the river training policy has met with public anger. Citizens have come out in protest against rampant mining to the point that their lands along river banks are threatened with erosion. Allegations of corruption in the river mining tenders under the policy have been reported from across the state. A writ petition claimed, in as many



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words, that the state was permitting illegal mining using heavy equipment under the guise of channelising the riverbed within the four corners of the River Training Policy.

In March 2020, the Uttarakhand High Court stayed mechanised mining in the Sarayu river after a petitioner argued that the use of heavy machinery would cause environmental degradation. Undeterred by such concerns, the state government has continued to issue tenders for mining for river training, including during the national lockdown to contain the pandemic.

Aakib

AAKIB AHMED

Regn. No UK-649/2019

Oath Commissioner

High Court of Uttarakhand

At Haridwar

Sl. No.13633.....

Dated

10/4/22



सेवा में,

Annexure No. 8

297

सचिव,

औद्योगिक विकास (खनन)

अनुभाग-1' उत्तराखण्ड शासन, देहरादून।

महोदय,

दिनांक-29.03.2022 को कुमाऊँ मण्डल के विभिन्न समाचार पत्रों यथा अमर उजाला, दैनिक जागरण आदि में शीर्षक "नन्धौर अभ्यारण्य के ईकोसेन्सिटिव जोन में खनन कराने की तैयारी" खबर प्रकाशित हुई है। उक्त खबर में यह उल्लेख है कि बाढ़ से बचाने की आड़ में अब नन्धौर सेन्चुरी के ईकोसेन्सिटिव जोन में भी खनन की तैयारी हो चुकी है। औद्योगिक विकास (खनन) अनुभाग-1 देहरादून के सचिव श्री आर मीनाक्षी सुन्दरम के हस्ताक्षर से दिनांक-07.01.2022 को आदेश जारी किया गया है, जिसमें यह उल्लेख है कि आपदा प्रबन्धन अधिनियम, 2005 की धारा 72 में निहित प्रावधान का समस्त अधिनियमों, विधियों आदि पर अध्यारोही प्रभाव होने के फलस्वरूप शासन स्तर पर सम्यक विचारोंपरान्त लिये गये निर्णय के क्रम में आपदा प्रबन्धन अधिनियम, 2005 के उपबन्ध अन्य किसी विधि या अधिनियम से असंगत होते हुए भी प्रभावी होने के दृष्टिगत उत्तराखण्ड रिवर ड्रेजिंग नीति, 2021 के बिन्दु संख्या-10 (2) के प्रावधानानुसार ड्रेजिंग कार्य हेतु नदी के समुचित चैनलाईजेशन, नदी के बहाव को सुव्यवस्थित करने तथा आस-पास के गांव/क्षेत्रों में बाढ़ व जनहानि से बचाव आदि के दृष्टिगत जनपद नैनीताल, तहसील हल्द्वानी के अपर नन्धौर चोरगलिया क्षेत्र (अपर नन्धौर नदी) में जमा मलवा/आर.बी.एम. की निकासी एन.एच.-87 के निर्माण कार्य हेतु मै० ए.पी.एस. इन्फ्रा इन्जीनियर्स प्रा० लि० के पक्ष में 06 माह की अवधि हेतु अनुज्ञा स्वीकृत की गयी है।

आपके संज्ञान में लाना है कि नन्धौर नदी का अपर नन्धौर क्षेत्र नन्धौर वन्य जीव अभ्यारण्य के ईको सेन्सिटिव जोन के अन्तर्गत आता है। ईको सेन्सिटिव जोन नोटिफिकेशन के अनुसार ईको सेन्सिटिव जोन में वाणिज्यिक खनन, पत्थर उत्खनन प्रतिबन्धित है। आप द्वारा जो अनुमति जारी की गयी है उसमें मै० ए.पी.एस. इन्फ्रा इन्जीनियर्स प्रा० लि० के पक्ष में 06 माह की अवधि हेतु मलवा/आर.बी.एम. की निकासी स्वीकृत की गयी है, जो कि वाणिज्यिक खनन की श्रेणी में आता है। यह भी अवगत कराना है कि प्रश्नगत क्षेत्र से चोरगलिया की ग्रामीण आबादी लगभग 01 कि०मी. दूर है। यदि आपदा का कार्य ही किया जाना था तो नदी को बीचों-बीच चैनलाईज करते हुए उसके मलवे को नदी के दोनों किनारों पर एकत्र किया जा सकता है। यह भी अवगत कराना है कि उक्त क्षेत्र आरक्षित वन है एवं मा० उच्चतम न्यायालय के आदेशानुसार आर. बी.एम. चुगान/निकासी की अनुमति प्राइवेट संस्था को करने की अनुमति नहीं दी जा सकती। आरक्षित वन होने के कारण वन संरक्षण अधिनियम, 1980 का भी घोर उल्लंघन है। इसके साथ-साथ अनुमति जारी करते समय किसी भी प्रकार से पर्यावरणीय नियमों, वन्य जीव संरक्षण अधिनियम का भी अनुपालन नहीं किया गया है।

गुरदेव सिंह



06/04/22

इस क्षेत्र के जागरूक निवासी होने के कारण हमारा दायित्व है कि आप द्वारा जो गलत आदेश जारी किया गया है, उसके सुधार हेतु प्रकरण आपके संज्ञान में लाया जाय। यदि आप द्वारा अपने आदेश दिनांक-07.01.2022 को निरस्त नहीं किया जाता है तो बाध्य होकर हमें मा० उच्च न्यायालय, उत्तराखण्ड, नैनीताल के समक्ष जनहित याचिका योजित करनी पड़ेगी।

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प्रार्थी

गुरदेव सिंह

गुरदेव सिंह, पुत्र श्री हजुरा सिंह
निवासी ग्राम-गांगी गिधौर
थाना-खटीमा, उधमसिंह नगर।

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. महानिरीक्षक वन पर्यावरण एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार नई दिल्ली।
2. मुख्य सचिव, उत्तराखण्ड शासन, देहरादून।
3. प्रमुख सचिव, वन, उत्तराखण्ड शासन, देहरादून।
4. प्रमुख वन संरक्षक, 17 राजपुर रोड, देहरादून।
5. मुख्य वन्य जीव प्रतिपालक, उत्तराखण्ड, देहरादून।
6. जिलाधिकारी, नैनीताल।

गुरदेव सिंह

गुरदेव सिंह, पुत्र श्री हजुरा सिंह
निवासी ग्राम-गांगी गिधौर
थाना-खटीमा, उधमसिंह नगर।



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From: BUREAU, BHUKHVA SAHIV
Utk: 25.00 (Cash)



Aakib
AAKIB AHMED
Regn. No UK-649/2019
Oath Commissioner
High Court of Uttarakhand
At Nainital.
Sl. No.13653.....
Dated10/4/22.....

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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

300

STAY APPLICATION NO. OF 2022

IN

WRIT PETITION (P.I.L) NO. OF 2022

(Under Article 226 of The Constitution of India)



CNR NO.

District:- Nainital

BETWEEN

Gurdev Singh

..... Petitioner

AND

Union of India and Others

..... Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges
of the aforesaid Court

The humble writ petition of the above named petitioner most
respectfully showeth as under:-

1. That the full facts and circumstances of the case are being disclosed in the accompanying writ petition supported by an affidavit, which may kindly be treated as part and parcel of the instant application.
2. That in view of the facts and circumstances of the case, stated in the accompanying writ petition supported by an affidavit, it is expedient in the interest of justice that this Hon'ble Court may



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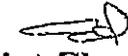
graciously be please to issue an ad-interim Mandamus staying the effect and operation of impugned order dated 07.1.2022 passed by respondent no.2, during the pendency of this writ petition before this Hon'ble Court, otherwise the public at large shall suffer irreparable loss and injury which cannot be compensated at any cost.

P R A Y E R

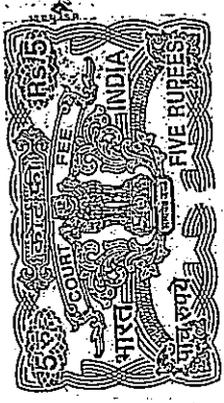
It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to issue an ad interim mandamus staying the effect and operation of impugned order dated 07.1.2022 passed by respondent no.2, during the pendency of this writ petition before this Hon'ble Court, otherwise the public at large shall suffer irreparable loss and injury which cannot be compensated at any cost.

Date:- 10 /04/2022


(Sandeep Tiwari)(G.C. Joshi)
Advocates


(Rajat Chauhan)(Nikhil Pandey)
Advocates
Counsels for the Petitioner





IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
AFFIDAVIT

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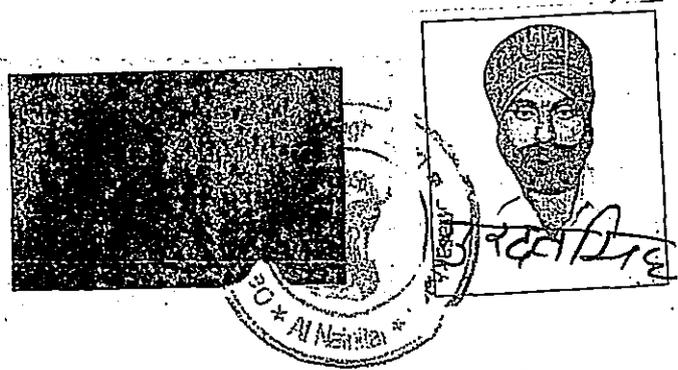
IN
STAY APPLICATION NO. OF 2022

IN
WRIT PETITION (P.L) NO. OF 2022
(Under Article 226 of The Constitution of India)

CNR NO.
District:- Nainital

BETWEEN
Gurdev Singh
AND
Union of India and Others

..... Petitioner
..... Respondents



Affidavit of Gurdev Singh (Male)
aged about 50 years, S/o Shri.
Hajura Singh, R/o Vill- Gangi
Goujhariya, P.S. Khatima, District
Udham Singh Nagar- 262308.

Deponent

I, the deponent above named do hereby solemnly affirm and
state on oath as under.

10/4/22
Certified That Deponent
has Sign. L.I.V.R. T.I. on his
photograph in my presence
10/4/22

That the deponent is the sole petitioner in the above noted writ
petition and doing pairavi on behalf of his own and as such he is
well acquainted with the facts of the case deposed below.

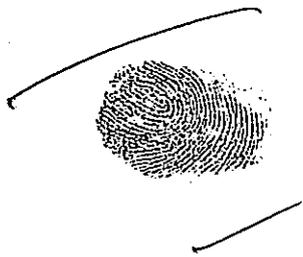


गुरदेव सिंह

303

I, the deponent above named do hereby solemnly affirm on oath and verify that the contents of paragraph no.1, 2..... of the application of the affidavit are based on my personal knowledge and those of paragraph no. of the affidavit are based on perusal of records and those of paragraph no. of the affidavit are based on legal advice, which I believe to be true and no part of this affidavit is false and nothing material has been concealed.

So Help Me God



Handwritten signature of the deponent

Handwritten signature of the deponent
(Deponent)

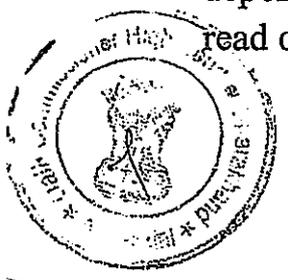
I, Sandeep Tiwari, Advocate, High Court of Uttarakhand, Nainital, do hereby identify the deponent from the papers which he produced before me and I am satisfied that he is the same person making this affidavit.

Handwritten signature of the Advocate

Advocate
Regd. No. UA 264/06
Bar No. S-478

Solemnly affirmed before me on this^{10th}..... day of April, 2022 at about5:33....a.m/p.m. by the deponent, who has been identified by the aforesaid Advocate.

I have satisfied myself by examining the deponent that the deponent has understood the contents of this affidavit, which has been read over and explained to him by me



Not by AAKIE
Regn. No. UK-649/2019
Oath Commissioner
High Court of Uttarakhand
At Nainital
Sl. No.13834.....
Dated10/4/22.....

(Oath Commissioner)

Handwritten signature of the Oath Commissioner

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p><u>WPIL No. 48 of 2022</u></p> <p><u>Shri Sanjaya Kumar Mishra, ACJ.</u> <u>Shri Ramesh Chandra Khulbe, J.</u></p> <p>Mr. Sandeep Tiwari, learned counsel for the petitioner.</p> <p>Mr. Lalit Sharma, learned Standing Counsel for the Union of India / respondent No. 1.</p> <p>Mr. C.S. Rawat, learned Chief Standing Counsel with Mr. Anil Kumar Bisht, learned Additional Chief Standing Counsel for the State of Uttarakhand / respondent Nos. 2 to 6.</p> <p>Let the Chief Standing Counsel take instructions as to whether the Committee has been formed or not? If the Committee has been formed, he shall place a report of the Committee before this Court on the next date of listing.</p> <p>List the matter on 27.04.2022.</p> <p style="text-align: center;">(R.C. Khulbe, J.) (S.K. Mishra, ACJ.)</p> <p style="text-align: center;">20.04.2022</p> <p>Negi</p>

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	27.04.2022		<p>WPPIL No. 48 of 2022 <u>Sri S.K. Mishra, A.C.J.</u> <u>Sri R.C. Khulbe, J.</u></p> <p>Mr. Sandeep Tiwari, learned counsel for the petitioner.</p> <p>Mr. Lalit Sharma, learned Standing Counsel for the Union of India.</p> <p>Mr. S.S. Chauhan, learned Deputy Advocate General for the State.</p> <p>Issue notice to respondent No.7, returnable in four weeks.</p> <p>Postal requisite be filed within one week.</p> <p>Keeping in view the observations made by the National Green Tribunal, Southern Zone, Chennai in O.A. No.75 of 2020 (SZ) on 19.04.2022, in the matter of <i>Tribunal on its own motion vs. Chief Secretary of Kerala</i>, appearing at Page No.70 of the order, <i>vide Clause (v)</i>, we, hereby, permit dredging of river Nandhaur, but we prohibit the removal of any riverbed material (RBM) from the river for any purpose, whatsoever. The same may be kept on the banks of the river, or in the nearby forest.</p> <p>List this case along with Writ Petition (PIL) No.47 of 2022.</p>

			<p>In the meantime, counter-affidavits may be filed by the respondents.</p> <p>Stay Application (IA No.01 of 2022) stands disposed of.</p> <p>(R.C. Khulbe, J.) 27.04.2022</p> <p>(S.K. Mishra, A.C.J.) 27.04.2022</p> <p>NISHANT</p>
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ANNEXURE-CA5

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPPIL No. 47 of 2022 With WPPIL No. 48 of 2022</p> <p><u>Shri Vipin Sanghi, C.J.</u> <u>Shri Ramesh Chandra Khulbe, J.</u></p> <p>Mr. Dushyant Mainali, learned counsel for the petitioner.</p> <p>Mr. C.S. Rawat, learned Chief Standing Counsel along with Mr. Anil K. Bisht, learned Additional Chief Standing Counsel for the State.</p> <p>As prayed by learned Chief Standing Counsel, list on 11.01.2023.</p> <p>(R.C. Khulbe, J.) (Vipin Sanghi, C.J.) 23.12.2022</p> <p>Mamta</p>