

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 392/2025

IN THE MATTER OF:

Dev Bhoomi Manav Sansadhan Vikas Samiti

...Applicant

Versus

Union of India & Ors.

...Respondents

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THROUGH COUNSEL



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Email Id: adarshchamoli93@gmail.com

PLACE: NEW DELHI

DATE: 17.09.2025

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IN THE MATTER OF:

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**REPLY ON BEHALF OF RESPONDENT NO. 3 i.e. STATE OF
UTTARAKHAND**

Affidavit of Mis. Kalyani (Female), aged about 48 years, D/o Shri Devraj Singh, presently posted as Additional Secretary, Department of Environment Conservation and Climate Change, Government of Uttarakhand, Dehradun



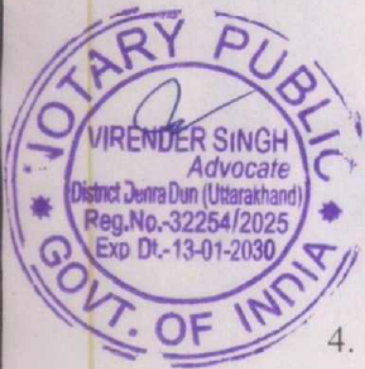
17-09-2025

[Signature]
Deponent

I, the above-named deponent, do hereby solemnly affirm and State:

[Signature]

1. That the deponent is presently posted as Additional Secretary, Department of Environment Conservation and Climate Change, Government of Uttarakhand and therefore is competent to swear the present affidavit.
2. That this Hon'ble Tribunal vide its order dated 05.08.2025 has granted opportunity to Respondent No. 3 to file its reply and therefore, in compliance of such directions in order dated 05.08.2025, the present reply is being filed.
3. That the deponent has gone through the contents of the above-noted Application (hereinafter referred to as 'the said application') along with the annexures and affidavit filed by the applicant and has fully understood the contents thereof and is in a position to reply to the same.
4. That the contents of the Original Application are denied in its entirety except for the information which forms part of the official record. The present Application is misconceived and therefore is liable to be dismissed as this very threshold.
5. It is submitted that the motive behind the Amendment of the Doon Valley Notification 1989 is to streamline the procedure for maintaining environmental standards rather than declining the same.

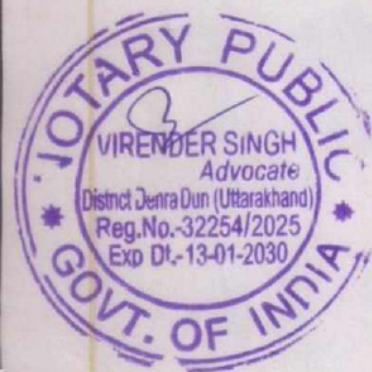


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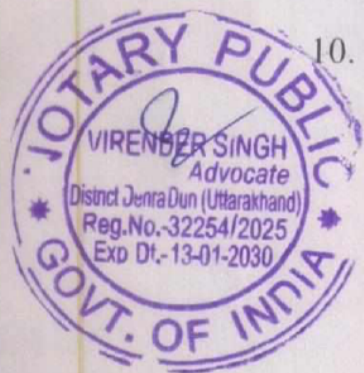
It is submitted that at the time when Doon Valley Notification came into effect, the sole authority to check the State's activity was the Central Government, through Ministry of Environment & Forest and Climate Change. That further, the notification came into existence specifically for curbing illegal mining and with passage of time, the illegal mining in the Doon Valley area ended and the areas were afforested.

6. That subsequently, the EIA Notification of 1994 and 2006 came into effect, which granted power to the Environment Impact Assessment Authority at the Central and State level to overlook and give permissions to carry out projects. Provisions are in place under the EIA Notification 2006 for getting prior Environmental Clearance (EC) from the either the Central or the State Environment Impact Assessment Authority for establishing new projects and Expert Appraisal Committee at the Centre and State Level for expansion of existing projects depending upon the category under the EIA Notification to which the industry will fall into.
7. In addition to the aforesaid EIA Notification 2006, there are multiple CPCB Guidelines that are binding and there is constant monitoring by the State Pollution Control Board, of all State-level activities related to its environmental impact.

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8. Therefore, in light of the EIA Notification 2006 and multiple guidelines of the CPCB that have come into existence after the Doon Valley Notification 1989, the provision for taking approval from the Central Government becomes an unnecessary hurdle to cross for sustainable development in the Doon Valley Area.
9. It is because of the aforesaid reasons, Respondent No. 3, vide its letter dated 02.02.2022, had requested Respondent No. 1, to repeal the Doon Valley Notification 1989. Similar request letters were issued by Respondent No. 3 vide its letter dated 13.07.2022, 23.12.2022, 31.01.2023 and 04.07.2023 to Respondent No. 1. Copy of the letters dated 02.02.2022, 13.07.2022, 23.12.2022, 31.01.2023, 04.07.2023, 29.10.2024 are annexed as **Annexure 1(Colly.)**.
10. It is submitted that the amendment to the Doon Valley Notification is not arbitrary in nature and is in tandem with the principles of sustainable development. It is further submitted that the Uttarakhand Pollution Control Board i.e. Respondent No. 4 is the competent authority of Respondent No. 1 to overlook environmental impact of state's development activities and the Uttarakhand Pollution Control Board are bound by guidelines issued by the Central Pollution Control Board i.e. Respondent No. 2 which is statutory body functioning at the central level. Therefore, the Amended Doon

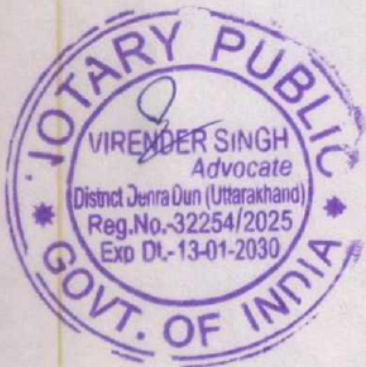


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Valley Notification 1989, does not, effectively, take away the powers of the Central Government to overview state activities. Rather, the repetitive and time-consuming process of taking permissions from the Central Government by Respondent No. 3 could be avoided by following the CPCB Guidelines for the relevant activity thus, overall, making the whole process more streamlined and efficient.

11. It is further submitted that the amended Doon Valley Notification 1989 does not dilute the standards of the environment protection. In fact, the amendment, creates elaborative categories of activities and provides separate procedural requirement of environmental categories which are explained as follows:

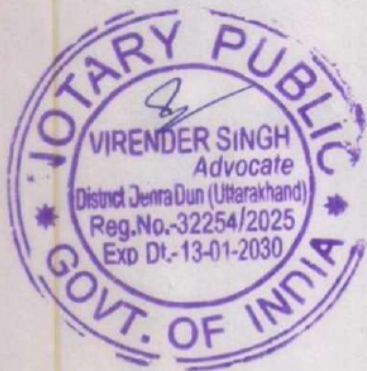
- a) Unamended clauses (iii), (iv) and (v) of the Doon Valley Notification 1989 have been clubbed together in the amended clause (iii) and the procedural requirement have been stated to be an approval by the competent authority in the State of Uttarakhand. It is submitted that Uttarakhand Pollution Control Board is the competent authority for State of Uttarakhand to look after subjects of environmental issues, which, in turn, follows the guidelines issued by Central Pollution Control Board from time to time.



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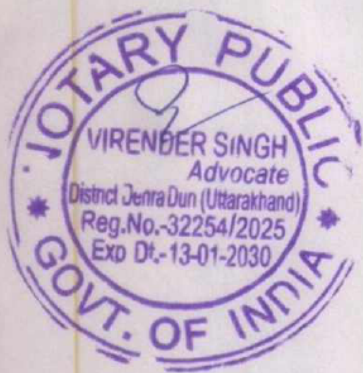
- b) Amended clauses (ii) of the Doon Valley Notification 1989 creates a new category wherein the activities which does not fall under the EIA Notification 2006, but falls under orange category of the Doon Valley Notification 1989 will follow the procedure established by State Pollution Control Board following the due process. The said amended clause (ii), in effect prevents overlapping application of the Doon Valley Notification 1989 and the EIA Notification 2006 on an activity, thus making the process for environmental clearance more streamlined and avoids multiplicity of proceedings.
- c) The amended clause (iii) of the Doon Valley Notification creates another category of the activities which, if are covered under the EIA Notification 2006, shall only be dealt with under the said EIA Notification 2006 which. Again streamlines the process and avoids multiplicity of proceedings.

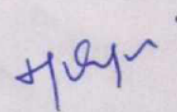
12. Therefore, from the above, it is apposite, that the amended Doon Valley Notification 1989 is more streamlined, adheres to the latest practices of environmental clearances and assessment procedures, and formulates well-defined categories to avoid multiplicity of proceedings.

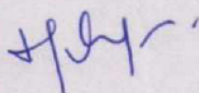


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13. That the deponent is a responsible government servant having the highest regard for the Hon'ble Tribunal and orders passed by them. The deponent has always made his sincerest efforts to carry out the orders passed by this Hon'ble tribunal in its letter and spirit and shall continue to do so in response
14. That the grounds taken by the applicant in the above noted Original Application no. 1308 of 2024 are not tenable. In view of the aforesaid facts, the original application along with the prayer deserves to be dismissed.
15. That the contents of the present affidavit has been drafted by my counsel under my instructions and the contents of the same are true and correct to the best of my knowledge and nothing material has been concealed therefrom.




DEPONENT

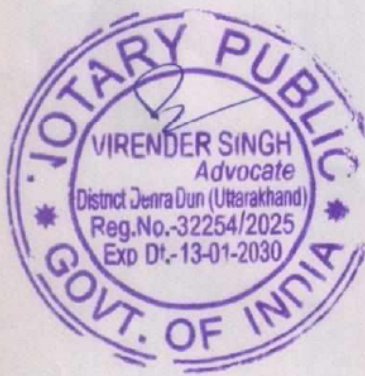


VERIFICATION

Verified at Dehradun, Uttarakhand on 17 day of September 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

[Signature]
DEPONENT

Identified by
[Signature]
(Manish Kumar)
Computer Operator



SR. No. 579
Date. 17-09-2025

This affidavit is sworn before me by
smt. Mis Kalyani
who is identified by Smt. Manish Kumar
at Dehradun on

[Signature]
17-09-2025
Virender Singh
Advocate & Notary, Dehradun
Time 10.14 A.M.

No.- 55 /XXXVIII-1-22-13(04)/2018

From

Anand Bardhan,
Additional Chief Secretary,
Government of Uttarakhand.

To

Secretary,
Ministry of Environment, Forest and Climate Change,
Government of India.

Environment Conservation & Climate Change Section Dehradun: Dated: -02 February, 2022

Sub: Regarding Repeal of Doon Valley Notification 1989 as amended 2020.

Sir,

It is to bring to your notice that MoEF&CC had issued Doon Valley Notification on 1st February, 1989 under Section 3(2)(V) of the Environment (Protection) Act, 1986 & Rules 5(3)(d) of the Environment (Protection) Rules, 1986, restricting location of industries, mining operations & other development activities in the Doon Valley. Doon Valley Notification mainly came into existence to stop limestone mining at Mussoorie Ridge and to restore natural ecosystem of Doon Valley.

2- As of now, there is no mining in the Mussoorie Ridge and large scale plantations have already been carried out by Eco-task force to restore the natural vegetation of the area.

3- After formation of new State in 2000 and Dehradun becoming capital of the State, a lot of infrastructure development projects and service sector industries have come up. Due to restriction on development activities and lengthy process of approval at SEIAA/MoEF&CC level, there is delay in the implementation of the projects. In all the cases, whether Environment Clearance is issued by MoEF&CC or SEIAA, compliance verification is being done by the State Pollution Control Board.

As per the said notification, red category of industries are not permitted and orange category of industries are allowed only after getting environmental clearance from State Level Environment Impact Assessment Authority. Further, approval from Government of India is also required before any mining activity. Tourism development plan, Grazing plan and Land use plan also require approval from Central Government.

After promulgation of the said notification, Government of India has notified Environment Impact Assessment Notification in 1994 and 2006 wherein environmental appraisal of various projects is being done either at Central Government level or State Government level, as the case may be. In all such cases compliance verification is being done by State Pollution Control Board.



6- Hence, after coming into effect of EIA notification, there does not exist any requirement of Doon Valley Notification. It may be the only place specific notification existing in the entire country. Hence it is requested to repeal the Doon Valley Notification.

Yours faithfully,

(Signature)
02-02-22
(Anand Bardhan)

Additional Chief Secretary,
Government of Uttarakhand.

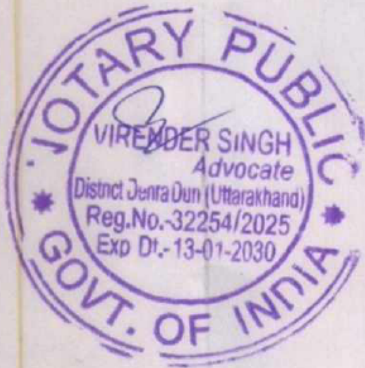
Endorsement No : 55 (1)/XXXVIII-1-22-13(04)/2018, dated as above.

Copy to :- Vice Chairman, NITI Aayog, Government of India for kind perusal.

(Signature)
02-02-22
(Anand Bardhan)

Additional Chief Secretary,
Government of Uttarakhand.

o/c



(Signature)

डा० सुखबीर सिंह सन्धु
Dr. Sukhbir Singh Sandhu



मुख्य सचिव
Chief Secretary

उत्तराखण्ड शासन
Government of Uttarakhand
नेताजी सुभाष चन्द्र बोस भवन
Netaji Subhash Chandra Bose Bhawan
राज्य सचिवालय, देहरादून
Civil Secretariat, Dehradun
Phone (Off.) 0135-2712100, 2712200
(Fax) 0135-2712500
E-mail : cs-uttarakhand@nic.in
chiefsecyuk@gmail.com

D.O. No.: 490 /XXXVIII-1-22
Env Con & Climate Change Section
Dated: 13 July, 2022

Dear Madam,

Please refer to the letter no-55/XXXVIII-1-22-13(04)/2018, Dated 02 February, 2022 (Copy enclosed) of Environment, Conservation & Climate Change Department, Govt. of Uttarakhand, regarding repeal of Doon Valley Notification, 1989 as amended 2020.

2. As you are aware that Doon Valley Notification, 1989 mainly came into existence to stop limestone mining at Mussoorie Ridge and to restore natural ecosystem of Doon Valley. As of now, there is no mining in the Mussoorie Ridge and large scale plantations have already been carried out to restore the natural vegetation of the area.

3. After inception of the new State of Uttarakhand in 2000, a lot of infrastructure development projects and service sector industries have come up in Dehradun. Due to restriction on development activities and lengthy approval process, there is delay in the implementation of the projects. Also as per the said notification, red category of industries are not permitted and orange category of units are allowed only after getting environmental clearance from SEIAA. Further, approval from Government of India is also required before start of any mining activity. Tourism development plan, Grazing plan and Land use plan also require approval from Central Government.

4. It is to submit that after the amendment in Doon Valley Notification in January 2020, categorisation of industries by the CPCB has been adopted in Doon Valley. It is pertinent to mention that as per EIA notification 2006, establishment of industries and other processes requires Environment Impact Assessment followed by Environment Clearance which is common throughout the country. Hence, it seems that Doon Valley Notification in its present amended form is not required so that, infrastructure development projects/ industries could be setup in Doon Valley with the best available Pollution Reduction Technology for which a technical monitoring mechanism could be developed at the State level.

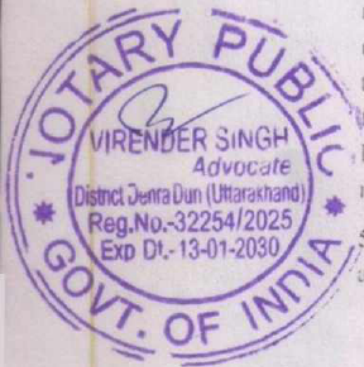
5. Therefore, I would request you to consider this matter as most important and take suitable action in this regard.

With regards,

Yours Sincerely,

(Signature)
(Dr. S. S. Sandhu)

Ms. Leena Nandan,
Secretary,
Ministry of Environment, Forest and Climate Change,
Govt. of India, New Delhi.



(Handwritten signature)

प्रेषक,

रमेश कुमार सुधांशु,
प्रमुख सचिव,
उत्तराखण्ड शासन।

सेवा में,

अपर सचिव,
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
भारत सरकार, नई दिल्ली।

पर्यावरण संरक्षण एवं जलवायु परिवर्तन अनुभाग देहरादून: दिनांक: ²³ दिस., 2022

विषय:— Regarding Repeal of Doon Valley Notification 1989 as amended 2020.

महोदय,

उपर्युक्त विषयक कृपया अपने पत्र संख्या-25/06/2012-ESZ-RE, दिनांक 19.10.2022 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा दून वैली नोटिफिकेशन, 1989 (यथासंशोधित 2020) को निरस्त किये जाने के संबंध में औचित्यपूर्ण डॉफ्ट संशोधन प्रस्ताव. (Draft Amendment Proposal) भारत सरकार को उपलब्ध कराये जाने की अपेक्षा की गई है।

2- उक्त के क्रम में दून वैली नोटिफिकेशन, 1989 (यथासंशोधित 2020) को निरस्त किये जाने के संबंध में भारत सरकार स्तर पर अग्रेत्तर आवश्यक कार्यवाही किये जाने हेतु औचित्यपूर्ण संशोधन प्रस्ताव संलग्न कर प्रेषित करने का मुझे निदेश हुआ है।

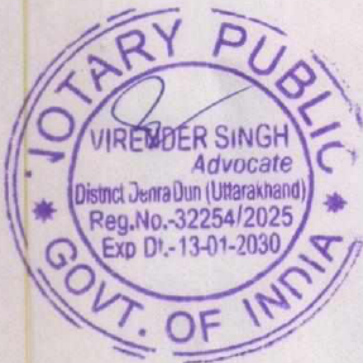
संलग्नक:—यथोक्त।

भवदीय,

Signed by Ramesh Kumar
Sudhanshu

Date: 23-12-2022 16:05:48

(रमेश कुमार सुधांशु)
प्रमुख सचिव।



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लिए deterrent (हतोत्साहित करने वाला) है।

2. दून वैली क्षेत्र में लाल श्रेणी के उद्योगों को पूर्ण रूप से प्रतिबंधित करने के कारण, इस क्षेत्र में नगर निगम, देहरादून द्वारा परिचालित "पशु-वध शाला" जैसे सामुदायिक अवस्थापना सुविधाओं का विकास किया जाना भी सम्भव नहीं हो पा रहा है।

3. खनन व विकास सम्बन्धी गतिविधियों को पर्यावरणीय दृष्टिकोण से नियंत्रित करने के लिए वन, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा वर्ष 2006 में EIA Notification (Environment Impact Assessment, Notification-2006) जारी किया गया है, जिसके अंतर्गत विभिन्न परियोजनाओं का पर्यावरणीय प्रभाव मूल्यांकन कर भारत सरकार अथवा State Environment Impact Assessment Authority (SEIAA) द्वारा अनुमति प्रदान की जाती है। ऐसी स्थिति में दून वैली के लिए अलग प्रावधान किया जाना उस क्षेत्र में विकास के लिए अनुकूल परिस्थिति उत्पन्न नहीं करता है।

3.1 दिनांक 13 दिसम्बर, 2007 को जारी EIA Notification में यह प्राविधानित किया गया है कि, "All those projects which are not covered under the EIA Notification but which fall under the orange category shall be considered by the SEIAA" के क्रम में दून वैली में स्थापित होने वाले नारंगी श्रेणी के समस्त परियोजनाओं को SEIAA से पर्यावरणीय स्वीकृति प्राप्त करनी होती है। इससे छोटी परियोजनाये यथा 20 कमरों से अधिक परन्तु 100 कमरों से कम के होटल आदि को भी पर्यावरणीय स्वीकृति प्राप्त करनी आवश्यक है।

3.2 दून वैली में लाल श्रेणी के उद्योग प्रतिबन्धित है, परन्तु 30 अप्रैल, 2020 को केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा वर्गीकृत Non Industrial Operation (होटल, अस्पताल आदि) प्रतिबन्धित नहीं है। वर्तमान में यह स्पष्ट नहीं है कि, दून वैली में स्थापित होने वाले लाल श्रेणी के Non Industrial Operation परियोजनाओं को पर्यावरणीय स्वीकृति किस स्तर से दी जानी है।

4. वर्तमान में मसूरी क्षेत्र में चूना पत्थर खनन सम्पूर्ण रूप से बंद है एवं विगत कई वर्षों से Eco Task Force एवं वन विभाग द्वारा मसूरी क्षेत्र में किये गये सफल वृक्षारोपण से मसूरी के पहाड़ी क्षेत्र को पुनर्जीवित किया गया है।

अतः उपरोक्त के क्रम में यह उचित प्रतीत होता है कि, दून वैली नोटिफिकेशन, 1989 (यथासंशोधित 2020) को वर्तमान के परिपेक्ष में विलोपित किया जाए।

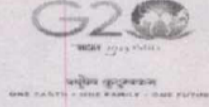
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I/95256/2023

अनुस्मारक पत्र

प्रेषक,

धर्म सिंह मीणा,
अपर सचिव,
उत्तराखण्ड शासन।



सेवा में,

1. अपर मुख्य सचिव/प्रमुख सचिव/सचिव, शहरी विकास/उद्योग/खनन/पर्यटन/पशुपालन विभाग, उत्तराखण्ड शासन।
2. प्रमुख वन संरक्षक (हॉफ), उत्तराखण्ड।
3. अध्यक्ष, मसूरी देहरादून विकास प्राधिकरण, उत्तराखण्ड।
4. प्रबन्ध निदेशक, उत्तराखण्ड वन विकास निगम, देहरादून।

पर्यावरण, संरक्षण एवं जलवायु परिवर्तन अनु. देहरादून:दिनांक: 31 जन., 2023

विषय:- मध्य क्षेत्रीय परिषद की स्टैंडिंग कमेटी की बैठक के संबंध में।

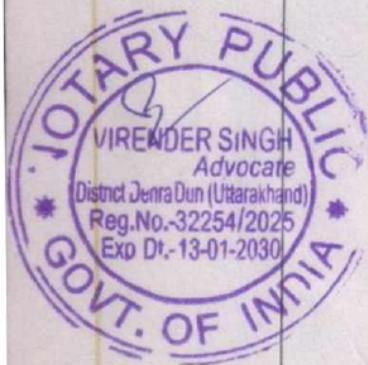
महोदय,

उपर्युक्त विषयक कृपया शासन के पत्र संख्या-1/82981/2022, दिनांक 13.012.2022 का संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से दून वैली नोटिफिकेशन, 1989 यथासंशोधित 2020, को निरस्त किये जाने हेतु अपने विभाग से संबंधित औचित्यपूर्ण प्रस्ताव शासन को उपलब्ध कराने की अपेक्षा की गई थी, जिसकी सूचना अद्यतन अप्राप्त है।

2- अवगत कराना है कि Standing Committee of the Central Zonal Council की दिनांक 02 फरवरी, 2023 को 15वीं बैठक देहरादून में प्रस्तावित है। उक्त Central Zonal Council की दिनांक 22.08.2022 को सम्पन्न 23वीं बैठक की दून वैली नोटिफिकेशन के संबंध में आख्या निम्नवत् है:-

Sl. No.	Subject/Issues	Action Taken/Status	Remarks
6.	<p>Recalling of Doon Valley Notification</p> <p>(Sponsored by Govt. of Uttarakhand)</p> <p>Government of Uttarakhand had informed that various restrictions on development and industrial projects were imposed under the Doon Valley Notification, 1989, issued by the Government of India. While Green category projects are permitted</p>	<p>In the 23rd meeting of the Central Zonal Council held at Bhopal on 22.8.2022, MoEF & CC had conveyed that there are other areas also where similar notifications have been issued, which include Bhagirathi Eco Sensitive Zone and Mahabaleswar Eco Sensitive Zone and the matter needs to be seen holistically keeping in view also the judgement of the Hon'ble Supreme Court.</p> <p>Representative of Government of Uttarakhand mentioned</p>	<p>Govt. of Uttarakhand to update</p>

1



I/95256/2023

<p>without any approval, the red category industries/projects are not allowed in Doon Valley and Orange category projects need approval after recommendation from the State Pollution Control Board & State Environment Impact Assessment Authority (SEIAA).</p>	<p>that when the restrictions were imposed there was no monitoring mechanism available with the State Government but now there is SEIAA for State environment impact assessment, the guidelines of Central Pollution Control Board and monitoring by State Pollution Control Board, etc.</p>
<p>Apart from the State level clearances, permission is also needed from the Government of India for tourism development plan, grazing plan, land planning, etc. The view of the Govt. of Uttarakhand is that the Doon Valley Notification was issued in the year 1989, after the order of the Hon'ble Supreme Court to ban limestone mining and since the situation has now changed and at present there is no limestone mining in Doon Valley area, the restrictions imposed may be reviewed and the notification be recalled.</p>	<p>The Chairman advised that the matter should be considered after getting detailed proposal from the State Government regarding industry-wise (other than mining) specific concessions that are needed for the State.</p> <p>Ministry of Environment, Forests & Climate Change has intimated on 16.1.2023 that it has sought detailed proposal from the State Government on 19.10.2022, 14.11.2022 and 14.12.2022. However, the response of the State Government is still awaited.</p>

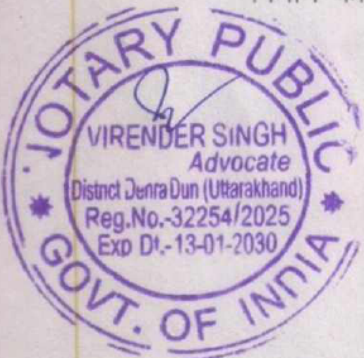
3- अतः इस संबंध में पुनः मुझे यह कहने का निदेश हुआ है कि कृपया दून वैली नोटिफिकेशन, 1989 यथासंशोधित 2020, को निरस्त किये जाने हेतु अपने-अपने विभाग से संबंधित औचित्यपूर्ण प्रस्ताव (लाल श्रेणी के किन-किन उद्योगों को निरस्त किया जाना है) आज ही (ई-मेल forestsection3@gmail.com पर हार्ड एवं साफ्ट कॉपी में) शासन के इस विभाग को उपलब्ध कराने का कष्ट करें।

भवदीय,

Signed by Dharm Singh
Meena
Date: 31-01-2023 17:57:25

(धर्म सिंह मीणा)
अपर सचिव।

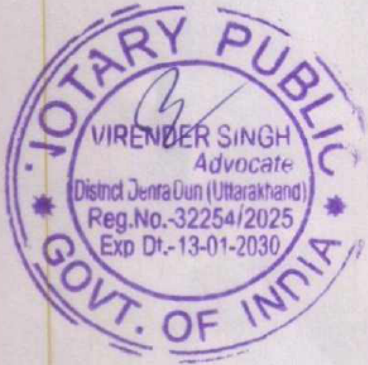
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I/95256/2023

संख्या एवं दिनांक-तदैव।

प्रतिलिपि:- सदस्य सचिव, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को इस आशय से प्रेषित की दून वैली नोटिफिकेशन, 1989 यथासंशोधित 2020, को निरस्त किये जाने के संबंध में संबंधित विभागों से समन्वय स्थापित करते हुए, औचित्यपूर्ण प्रस्ताव शासन को उपलब्ध कराना सुनिश्चित करें।



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प्रेषक,

धर्म सिंह मीणा,
अपर सचिव,
उत्तराखण्ड शासन।

सेवा में,

1. अपर मुख्य सचिव/प्रमुख सचिव/सचिव, शहरी विकास/उद्योग/खनन/पर्यटन/पशुपालन विभाग, उत्तराखण्ड शासन।
2. प्रमुख वन संरक्षक (हॉफ), उत्तराखण्ड।
3. अध्यक्ष, मसूरी देहरादून विकास प्राधिकरण, उत्तराखण्ड।
4. प्रबन्ध निदेशक, उत्तराखण्ड वन विकास निगम, देहरादून।

पर्या. संरक्षण एवं जलवायु परिवर्तन अनु.

देहरादून:दिनांक: 13 दिस., 2022

विषय:- मध्य क्षेत्रीय परिषद् की स्टैडिंग कमेटी की बैठक के संबंध में।

महोदय,

उपर्युक्त विषयक कृपया सचिव (प्रभारी), सामान्य प्रशासन विभाग, उत्तराखण्ड शासन के पत्र संख्या-1396/xxxi(5)G/22-05(भा0स0)/2012, दिनांक 08.12.2022 (छायाप्रति संलग्न) के क्रम में अवगत कराना है कि भारत सरकार स्तर पर मध्य क्षेत्रीय परिषद् की स्टैडिंग कमेटी की माह जनवरी, 2023 में प्रस्तावित बैठक के क्रम में कमेटी के समक्ष उत्तराखण्ड राज्य से संबंधित एजेण्डा बिन्दुओं को प्रस्तावित किये जाने हेतु मुख्य सचिव, उत्तराखण्ड शासन की अध्यक्षता में बैठक प्रस्तावित है, जिसमें दून वैली नोटिफिकेशन, 1989 यथासंशोधित 2020, को निरस्त किये जाने संबंधी बिन्दु को भी सम्मिलित किया जाना प्रस्तावित है।

2- इस संबंध में मुझे यह कहने का निदेश हुआ है कि कृपया दून वैली नोटिफिकेशन, 1989 यथासंशोधित 2020, को निरस्त किये जाने हेतु अपने-अपने विभाग से संबंधित औचित्यपूर्ण प्रस्ताव दिनांक 20.12.2022 की अपरान्ह तक शासन के इस विभाग को उपलब्ध कराने का कष्ट करें।

संलग्नक:- यथोक्त।

भवदीय,

Signed by Dharm Singh

Meena

Date: 13-12-2022 12:08:41

(धर्म सिंह मीणा)

अपर सचिव।

संख्या एवं दिनांक-तदैव।

प्रतिलिपि:- सदस्य सचिव, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को इस आशय से प्रेषित की दून वैली नोटिफिकेशन, 1989 यथासंशोधित 2020, को निरस्त किये जाने के संबंध में औचित्यपूर्ण प्रस्ताव/संगत सूचनाओं सहित उक्तानुसार प्रस्तावित बैठक में प्रतिभाग करने का कष्ट करें।

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संख्या- 363 /XXXVIII-1-23-13(04)/2018

प्रेषक,

रमेश कुमार सुधांशु,
प्रमुख सचिव,
उत्तराखण्ड शासन।

सेवा में,

सचिव,
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
भारत सरकार, नई दिल्ली।

पर्यावरण संरक्षण एवं जलवायु परिवर्तन अनुभाग

देहरादून: दिनांक: 04 जुलाई, 2023

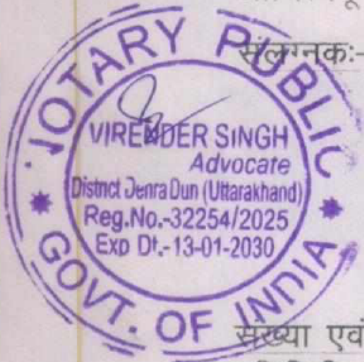
विषय:- Regarding Repeal of Doon Valley Notification 1989 as amended 2020.

महोदय,

उपर्युक्त विषयक कृपया वैज्ञानिक 'जी', पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के पत्र संख्या-25/06/2021-ESZ-RE, दिनांक 12.04.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा दून वैली नोटिफिकेशन, 1989 (यथासंशोधित 2020) को निरस्त किये जाने के संबंध में औचित्यपूर्ण ड्राफ्ट संशोधित प्रस्ताव (Draft Amendment Proposal) भारत सरकार को उपलब्ध कराये जाने की अपेक्षा की गई है।

2- उक्त के क्रम में दून वैली नोटिफिकेशन, 1989 (यथासंशोधित 2020) को निरस्त किये जाने के संबंध में भारत सरकार स्तर पर अग्रेत्तर आवश्यक कार्यवाही किये जाने हेतु औचित्यपूर्ण संशोधित प्रस्ताव संलग्न कर प्रेषित करने का मुझे निदेश हुआ है।

संलग्नक:- यथोक्त।



भवदीय,
04/07/2023
(रमेश कुमार सुधांशु)
प्रमुख सचिव।

संख्या एवं दिनांक-तदैव।

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. सचिव, अन्तर राज्यीय परिषद सचिवालय, गृह मंत्रालय, भारत सरकार।
2. उप महानिरक्षक, वन, क्षेत्रीय कार्यालय, 25, सुभाष रोड, देहरादून(moef.ddn@gmail.com) भारत सरकार।
3. सचिव, सामान्य प्रशासन विभाग, उत्तराखण्ड शासन।
4. निदेशक, राज्य पर्यावरण संरक्षण एवं जलवायु परिवर्तन निदेशालय, उत्तराखण्ड।
5. सदस्य सचिव, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून।

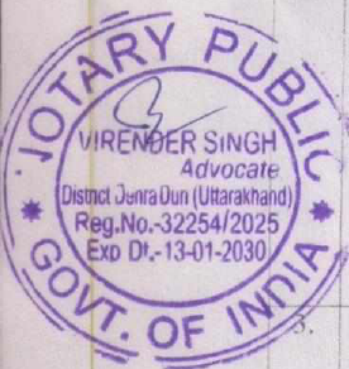
आज्ञा से,

04/07/2023
(धर्म सिंह मीणा)
अपर सचिव।

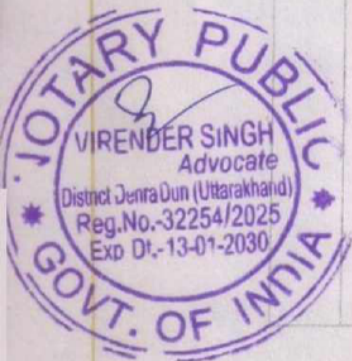
o/c

Proposed amendments in the Notification S.O. 102(E) dated 01.02.1989 (and subsequent amendments) of the Ministry of Environment, Forest and Climate Change, Government of India, in relation to restrictions imposed on certain activities in Doon Valley Area of Uttarakhand.

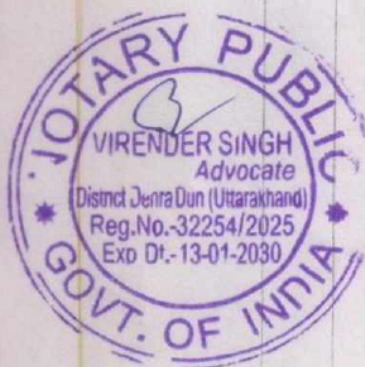
Sr. No.	Related Para/Provision of Notification S.O. 102(E)	Existing Provision	Proposed amendment for provisioning	Remarks
1.	Amendment in the Principal <i>vide</i> Notification number S.O. 102(E) dated 01.02.1989 - through Notification S.O. 94(E) dated 06.01.2020. Note: (a) Red categories of industries shall not be permitted in Doon Valley.	Whereas, the Central Pollution Control Board (CPCB) has issued directions on the categorization of industries <i>vide</i> letter no. B-29012/ESS(CPA)/2015-16, dated the 7 th March, 2016; " Slaughter Houses and meat processing industries, bone mill, processing of animal horn, hoofs and other body parts " has been categorized as Red Category-Industrial Operation.	Slaughter Houses may be classified as Red Category (Non-Industrial Operation) which is to be made permissible.	Amendment in the categorization of industries may be issued by the CPCB.
2.	Notification S.O. 94(E) dated 06.01.2020.	Note: (d) Existing Orange categories industries, which are now in Red categories of industries shall be Continued, however, no expansion shall be allowed".	Expansion to be allowed for financial viability of the operating units.	Amendment in Notification may be issued by the MoEF&CC.
3.	Amendment in the Principal Notification no. S.O. 102(E) dated 01.02.1989 - through Notification S.O. 2125(E) dated 13.12.2007.	(ii) All those projects, which are not covered under the EIA Notification but which fall under the orange category shall be considered by the State Level Environment Impact Assessment Authority.	As on date, requirement of Prior Environmental Clearance (EC) is additional approval required for establishment or expansion of orange category of industries in Doon Valley area.	Amendment in Notification may be issued by the MoEF&CC, GoI.



			<p>However, the State Pollution Control Board (SPCB) is already in action to look after provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and various Rules made under the Environment (Protection) Act, 1986.</p> <p>Therefore, special provision for the requirement of EC to Orange category of industries from SEIAA, is unnecessary and as such is a lengthy process.</p> <p>Hence, the notification dated 13.12.2007 may be repealed.</p>	
4.	<p>Amendment in the Principal Notification S.O. 102(E) dated 01.02.1989 - through amended Notification S.O. 94(E) dated 06.01.2020.</p>	<p>(iii) Tourism - It should as per Tourism Development Plan (TDP). To be prepared by the State Department of Tourism and duly approved by the Union Ministry of Environment, Forest and Climate Change.</p>	<p>Uttarakhand Tourism department (competent authority) has made a Holistic Development Tourism Plan of Uttarakhand for the entire state which also encompasses the Doon Valley notification area. Here, it is also pertinent to mention that, similar power of approval has been delegated to the "Competent Authority of the State Government" in the matter of "Bhagirathi</p>	<p>Amendment in Notification may be issued by the MoEF&CC.</p>



		<p>Eco-Sensitive Zones Notification, 2012 by the MoEF&CC vide notification S.O. 5253(E) dated 10.11.2022. Copy of Notification dated 10.11.2022 is enclosed.</p> <p>Hence, the approval power may be delegated to the State Government.</p>	
	(v) Grazing – As per the plan to be prepared by the State Government and duly approved by the Union Ministry of Environment, Forest and Climate Change.	As mentioned above, the power to approve Grazing Plan may be delegated to the State Government as Competent Authority in the lines of Bhagirathi Eco-Sensitive Zone.	Amendment in Notification may be issued by the MoEF&CC.
	(vi) Land Use – As per Master Plan of development Land Use Plan of the entire area, to be prepared by the State Government and approved by the Union Ministry of Environment, Forest and Climate Change.	Categorization of land use and preparation of Master Plan is carried out as per Urban and Regional Development Plans formulation and Implementation (URDPFI) Guidelines issued by the Government of India. After detailed consultation with line departments, stakeholders and public in general, Categorization of land use and implementation of Master Plan is done with approval of the State Government under the Uttarakhand Urban and Country	Amendment in Notification may be issued by the MoEF&CC.

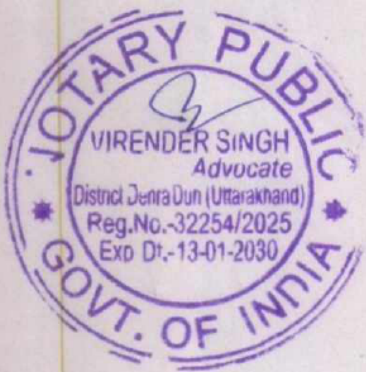


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			<p>Planning and Development Act, 1973 (as amended in 2013).</p> <p>Master plan development and land use plan is the State subject.</p> <p>As mentioned earlier, the power to approve Master Plan and Land Use Plan may be delegated to the State Government as Competent Authority, in the lines of Bhagirathi Eco-Sensitive Zone.</p>	
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प्रेषक,

कहकशां नसीम,
अपर सचिव,
उत्तराखण्ड शासन।

सेवा में,

अपर सचिव,
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,
भारत सरकार।

पर्यावरण संरक्षण एवं जलवायु परिवर्तन देहरादून दिनांक: 29 अक्टूबर, 2024
विषय:—Draft Amendment of Doon Valley Notification, 2023 विषयक।

महोदय,

कृपया उपर्युक्त विषयक दून वैली नोटिफिकेशन, 1989 (यथासंशोधित, 2020) को संशोधित किये जाने संबंधी पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार की प्रारूप अधिसूचना संख्या-5179, दिनांक 21.12.2023 के का संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से उक्त प्रारूप अधिसूचना पर जन आपत्ति/सुझाव प्राप्त किये जाने हेतु Public Domain में प्रसारित किया गया। तदक्रम में भारत सरकार द्वारा उत्तराखण्ड राज्य को उक्त आपत्तियां संदर्भित करते हुए राज्य सरकार का अभिमत भारत सरकार को प्रेषित करने की अपेक्षा की गयी।

2— "Amendment in Doon Valley Notification, 2023" के संबंध में प्राप्त संबंधित public comment पर उत्तराखण्ड शासन के पत्र संख्या-235323/2024 दिनांक 27.08.2024 द्वारा उत्तराखण्ड राज्य की ओर से वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार को आख्या/अभिमत प्रेषित की गया है।

3— भारत सरकार द्वारा प्रकरण में की अपेक्षा के क्रम में "Amendment in Doon Valley Notification, 2023" पर प्राप्त जन आपत्ति/सुझाव के संबंध में आख्या/अभिमत के आधार पर उत्तराखण्ड शासन के पत्र संख्या-245207/2024, दिनांक 09.10.2024 के द्वारा प्रस्तावित दून वैली नोटिफिकेशन, 1989 (यथासंशोधित, 2020) के प्रारूप पर उत्तराखण्ड राज्य की सहमति से वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार को अवगत कराया है।

4 इस संबंध में पुनः दून वैली नोटिफिकेशन, 1989 (यथासंशोधित, 2020) को संशोधित किये जाने संबंधी पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार की प्रारूप अधिसूचना संख्या-5179, दिनांक 21.12.2023 पर प्राप्त जन आपत्तियों/सुझाव पर आख्या/अभिमत सहित उत्तराखण्ड राज्य की सहमति

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प्रदान की जाती है।

अतः आपसे अनुरोध है कि कृपया उपरोक्त से अवगत होते हुए प्रकरण में अग्रेत्तर आवश्यक कार्यवाही करने का कष्ट करें।

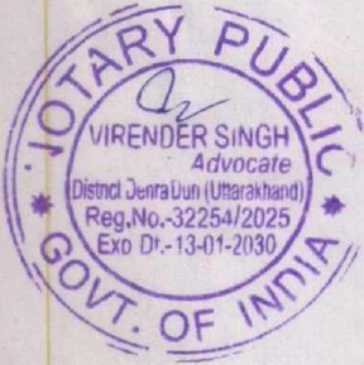
भवदीया,

Signed by

Kahkashan Naseem

(कहकशा नसीम)
Date: 29-10-2024 16:23:10

अपर सचिव।



Handwritten signature