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Sub-section (ii)]

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the August, 2015

S.O.------(E).- Whereas, a draft notification, for declaration of Eco-sensitive Zone (ESZ) around Okhla Bird Sanctuary in the National Capital Territory of Delhi and the State of Uttar Pradesh was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification of the Government of India in the Ministry of Environment, Forest and Climate Change number SO 2499 (E), dated the 24th September, 2014, inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the Gazette containing the said notification were made available to the public on 24th September, 2014;

And whereas, all objections and suggestions received from all persons and stakeholders in response to the draft notification have been duly considered by the Central Government;

And whereas, the Central Government considers that the Okhla Bird Sanctuary is located in the National Capital Region (NCR) at the point where the river Yamuna leaves the territory of the National Capital Territory of Delhi and enters the State of Uttar Pradesh;

And whereas, the boundaries of Okhla Bird Sanctuary are as follows: -

North: The Okhla Weir and Okhla Weir Bund forms the Northern boundary of the Sanctuary; River Yamuna and Hindon Cut enter the sanctuary from the section close to Delhi Noida Direct flyover but there is no entry to the flyover from this side;

South: The Okhla barrage Tie Bund, Amrapali Marg (a road that connects Delhi and Noida) and Shahdara drains forms the Southern boundary, and most of this boundary is fenced;

East: Left afflux bund forms the Eastern boundary. The left afflux Bund is the dyke that prevents water from entering the nearby areas, and it is 2.5 kilometers long and is used as a road;

West: The right Marginal Bund forms the western boundary of the sanctuary and this bund is protected partly by a fence and partly by a wall;

And whereas, the Okhla Bird Sanctuary is known for its aquatic habitat of large number and variety of migratory and resident birds (about 324 species of about 6000 birds) have been listed during winters and the important birds that visit the sanctuary includes different species of Cormorants, Herons, Egrets, Darter, Koot, Ducks, etc.;

And whereas, it is necessary to conserve and protect the area around the sanctuary and to propagate improvement of and develop the different species of birds therein and its environment;

And whereas, it has become necessary to conserve and protect the area up to one hundred meter from the eastern, western and southern boundary and up to 1.27 kilometers from the northern boundary of the Okhla Bird Sanctuary as an Eco-sensitive Zone from ecological and environmental point of view and to prohibit any commercial mining activities within one kilometer area from the eastern, western and

southern boundary and within 1.27 kilometers area from the northern boundary of the Okhla Bird Sanctuary.

Now, therefore, 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), read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area up to one hundred meter from the eastern, western and southern boundary and an area up to 1.27 kilometers from the northern boundary of the Okhla Bird Sanctuary in the State of Uttar Pradesh and the National Capital Territory of Delhi, as Okhla Bird Sanctuary Eco-sensitive Zone (hereinafter called as the Eco-sensitive Zone), details of which are as under, namely: -

1. Extent and boundaries of Eco-sensitive Zone.-(1) The extent of Eco-sensitive Zone ranges from 100 meters to 1.27 kilometers from the boundary of the Okhla Bird Sanctuary in the district of Gautam Budh Nagar of Uttar Pradesh and South East District of the National Capital Territory of Delhi.

(2) The Eco-sensitive Zone is the area up to one hundred meter from the eastern, western and southern boundary and up to 1.27 kilometers from the northern boundary of the Okhla Bird Sanctuary up to Delhi Noida Direct fly over across the river bed, situated in Gautam Budh Nagar district of Uttar Pradesh and South East district of National Capital Territory of Delhi.

(3) The map of the Eco-sensitive Zone around Okhla Bird Sanctuary is appended to this notification as Annexure-I.

(4) The coordinates showing prominent points of the outer boundary of Eco-sensitive Zone is appended to this notification as Annexure-II.

(5) The list of ten urban areas or villages falling within the Eco-sensitive Zone along with their longitudes and latitudes at prominent points is appended to this notification as Annexure-III:

Provided that the Annexure-III shall be subject to confirmation by the State Governments in the respective Zonal Master Plans of the Eco-Sensitive Zone.

2. Zonal Master Plan for the Eco-sensitive Zone.- (1)The State Governments shall, for the purpose of effective management of the Eco-sensitive Zone, prepare Zonal Master Plans with respect to their State, within a period of two years from the date of publication of this notification in the Official Gazette, to be approved by the competent authority in the State of Uttar Pradesh or, as the case may be, the National Capital Territory of Delhi, in consultation with the local people and with the following concerned State Departments, namely: -

- (i) Forest, Environment and Wildlife Management;
- (ii) Uttar Pradesh or Delhi Police;
- (iii) Urban Housing Development;
- (iv) Tourism;
- (v) Rural Management and Development;
- (vi) Irrigation and Flood Control;
- (vii) Public Works Department or Central Public Works Department;
- (viii) Land Revenue;
- (ix) Disaster Management; and
- (x) Uttar Pradesh Pollution Control Board/ Delhi Pollution Control Committee.

(2) The Zonal Master Plan shall provide for restoration of degraded areas, conservation of existing water bodies, management of catchment areas, watershed management, ground water management, soil and

moisture conservation, needs of local community and such other aspects of ecology and environment that need attention.

(3) The Zonal Master Plan shall demarcate all the existing and proposed urban settlements, village settlements, types and kinds of forest, agriculture areas, horticultural areas, lakes, other water bodies and entrepreneurial units.

(4) The Zonal Master Plan shall contain the measures as may be specified by the Central Government or the State Government, for regulation of activities specified under column (2) of the Table specified in paragraph 4.

(5) The Zonal Master Plan so prepared shall be co-terminus with the regional development plan.

(6) The Zonal Master Plan shall be a reference document for the Monitoring Committee referred to in paragraph 5, for carrying out its functions of monitoring under the provisions of this notification.

3. Measures to be taken by State Government.-The State Governments shall take the following measures for giving effect to the provisions of this notification, namely: -

(1) Land Use.-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 industrial related development activities:

Provided that the conversion of agricultural lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the State Government, to meet the residential needs of the local residents, and for

the activities listed at item numbers 24 and 27 specified under column (2) of the table, respectively, in paragraph 4, namely: -

- (i) Security Forces Camp; and
- (ii) Rainwater harvesting:

Provided further 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, only 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 above correction of error shall not include change of land use in any case except as provided under this subparagraph.

(2) Tourism.- The activity relating to tourism within the Eco-sensitive Zone which shall form part of the Zonal Master Plan shall be as under, namely: -

- (i) 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 Ministry of Tourism and by the National Tiger Conservation Authority, with emphasis on eco-tourism, eco-education and eco-development and based on carrying capacity study of the Eco-sensitive Zone;
- (ii) new construction of any kind shall not be allowed within the Eco-sensitive Zone;
- (iii) till 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.

(3) 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 be preserved and proper plan be drawn up for their protection and conservation, within six months from the date of publication of this notification and such plans shall form part of the Zonal Master Plan.

(4) Noise pollution.- The Environment Department or the State Forest Department of Uttar Pradesh or the National Capital Territory of Delhi shall issue guidelines and regulations for the control of noise pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) so as to declare silence zone or no horn zone within Eco-sensitive Zone.

(5) Air pollution.- The Environment Department or the State Forest Department of Uttar Pradesh or the National Capital Territory of Delhi shall issue guidelines and regulations for the control of air pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

(6) Discharge of effluents.- The discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974(6 of 1974).

(7) Solid wastes. - Disposal of solid wastes shall be as under: -

(i) the solid waste disposal in Eco-sensitive Zone shall be carried out as per the provisions of the Municipal Solid Waste (Management and Handling) Rules, 2000 published by the Government of India in the erstwhile Ministry of Environment, and Forests vide notification number S.O. 908 (E), dated the 25th September 2000;

(ii) the local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components;

(iii) the biodegradable material shall be recycled preferably through composting or vermiculture;

(iv) the inorganic material shall be disposed of in an environmentally acceptable manner.

(8) Bio-medical waste.-The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out as per the provisions of the Bio-Medical Waste (Management and Handling) Rules, 1998 published by the Government of India in the erstwhile Ministry of Environment, and Forests vide notification number S.O. 630(E), dated the 20th July, 1998.

(9) 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 Uttar Pradesh or the National Capital Territory of Delhi, the Monitoring Committee shall monitor compliance of vehicular movement as per the rules and regulations in force.

(10) Interior and Exterior Lighting-

(i) Minimise use of bright interior lights during migration season;

(ii) promote dimming of exterior building lights during late night hours;

(iii) promote lesser use of glass in building façade to minimise the reflection of light during day and night; and

(iv) bright lights should be restricted and birds friendly diffused light during night should be promoted during migratory season of the birds (i.e. 15th October to 15th March).

4. List of activities prohibited or to be regulated within the Eco-sensitive Zone.-All activities in the Eco-sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986)and be regulated in the manner specified in the Table below, namely: -

Table

S.No.	Activity	Remarks
(1)	(2)	(3)
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 except for the domestic needs of bona fide local residents (b) The mining operations shall strictly be in accordance with the orders of the Hon'ble Supreme Court dated the 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. Union of India in W.P.(C) No.202 of 1995 and order of the Hon'ble Supreme Court dated 21 st April, 2014 in the matter of Goa Foundation Vs. Union of India in W.P.(C) No.435 of 2012.
2.	Setting up of saw	No new or expansion of existing

	mills.	saw mills shall be permitted within the Eco-sensitive Zone.
3.	Setting up of industries causing water or air or soil or noise pollution.	Prohibited (except as otherwise provided) as per applicable laws.
4.	Use or production of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.
5.	Commercial establishment of hotels and resorts	No new or expansion of existing commercial establishments such as hotels and resorts shall be permitted within the Eco-sensitive Zone.
6.	Commercial use of firewood	Prohibited (except as otherwise provided) as per applicable laws.
7.	Establishment of major thermal and hydro-electric projects	Prohibited (except as otherwise provided) as per applicable laws.
8.	New wood based industry	Prohibited (except as otherwise provided) as per applicable laws.
9.	Construction activities	No new construction of any kind shall be allowed within the eco-sensitive zone except for the domestic needs of local residents including the activities listed at item nos. 24 and 28.

10.	Use of plastic bags	Prohibited (except as otherwise provided) as per applicable laws.
11.	Discharge of untreated effluents and solid waste in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
Regulated Activities		
12.	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 Acts and the rules made thereunder.
13.	Drastic Change of agriculture system	Regulated under applicable laws.
14.	Commercial water resources including ground water harvesting	(a) The extraction of surface water and ground water shall be allowed only for bona fide agricultural use and domestic consumption of the occupier of the land. (b) The extraction of surface water and ground water for

		<p>industrial or commercial use including the amount that can be extracted, shall require prior written permission from the concerned Regulatory Authority.</p> <p>(c) No sale of surface water or ground water shall be permitted.</p> <p>(d) Steps shall be taken to prevent contamination or pollution of water from any source including agriculture.</p>
15.	Discharge of treated effluents in natural water bodies or land area.	Recycling of treated effluent shall be encouraged and for disposal of sludge or solid wastes, the existing regulations shall be followed.
16.	Erection of electrical cables and telecommunication towers.	Promote underground cabling
17.	Fencing of existing premises of hotels and lodges	Regulated under applicable laws.
18.	Widening and strengthening of existing roads	Shall be done with proper Environment Impact Assessment and mitigation measures, as applicable.
19.	Movement of vehicular traffic at night	Regulated for commercial purpose, under applicable laws. To declare silence Zone or No

		Horn Zone within Eco-sensitive Zone.
20.	Introduction of exotic species	Regulated under applicable laws and Zonal Master Plan.
21.	Undertaking activities related to tourism like over-flying the National Park Area by aircraft, hot-air balloons etc.	Regulated under applicable laws
22.	Protection of hill slopes and river banks	Regulated under applicable laws
23.	Commercial sign board and hoardings	Regulated under applicable laws
24.	Security Forces Camp	Regulated under applicable laws
25.	Interior and Exterior Lighting	(a) Minimise use of bright interior lights during migration season (b) Promote dimming of exterior building lights during late night hours. (c) Promote lesser use of glass in building façade that reflects minimum light during day and night. (d) Bright lights should be

		restricted and birds friendly diffused light at night should be promoted during migratory season of the birds
Promoted Activities		
26.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming and fisheries	Excessive expansion of some of these activities should however be regulated as per the Zonal Master Plan.
27.	Rain water harvesting	Shall be actively promoted.
28.	Vegetative fencing	Shall be actively promoted.
29.	Organic farming	Shall be actively promoted.
30.	Adoption of green technology for all activities	Shall be actively promoted.

5. Monitoring Committee - (1) The Central Government hereby constitutes a Monitoring Committee each for the State of Uttar Pradesh and for the National Capital Territory of Delhi to be called the Monitoring Committee, for effective monitoring of the Eco-sensitive Zone, as under: -

A. Monitoring Committee for the State of Uttar Pradesh comprising of the following members, namely: -

- (i) Principal Secretary (Environment and Forest) -Chairman
- (ii) Member Secretary, Central Pollution Control Board -Member

- (iii) Member Secretary, Uttar Pradesh Pollution Control Board -Member
- (iv) An expert in the area of ecology and environment to be nominated by the Government of Uttar Pradesh for a period of one year - Member
- (v) One representative of Non-governmental Organisation (working in the field of environment including heritage conservation) to be nominated by the Government of Uttar Pradesh for a period of one year - Member
- (vi) Representative of Housing and Urban Planning Department Government of Uttar Pradesh - Member
- (vii) Representative of Revenue Department Government of Uttar Pradesh - Member
- (viii) Representative of Irrigation Department Government of Uttar Pradesh -Member
- (ix) Concerned District Collector - Member
- (x) Concerned Divisional Forest Officer - Member
- (xi) Representative of Government of National Capital Territory of Delhi - Member
- (xii) Chief Wildlife Warden - Member-Secretary

B. Monitoring Committee for National Capital Territory of Delhi comprising of the following members, namely: -

- (i) Principal Secretary (Environment and Forest) - Chairman
- (ii) Member Secretary, Central Pollution Control Committee -Member
- (iii) Member Secretary, Delhi Pollution Control Committee - Member
- (iv) An expert in the area of ecology and environment - Member

to be nominated by the Government of National Capital Territory of Delhi for a period of one year

- (v) One representative of Non-governmental Organisation - Member (working in the field of environment including heritage conservation) to be nominated by the Government of National Capital Territory of Delhi for a period of one year
- (vi) Representative of Delhi Development Authority - Member
- (vii) Representative of Revenue Department, National Capital Territory of Delhi - Member
- (viii) Concerned District Collector - Member
- (ix) Concerned Divisional Forest Officer - Member
- (x) Representative of Government of Uttar Pradesh - Member
- (xi) Chief Wildlife Warden - Member Secretary

6. Terms of Reference.-

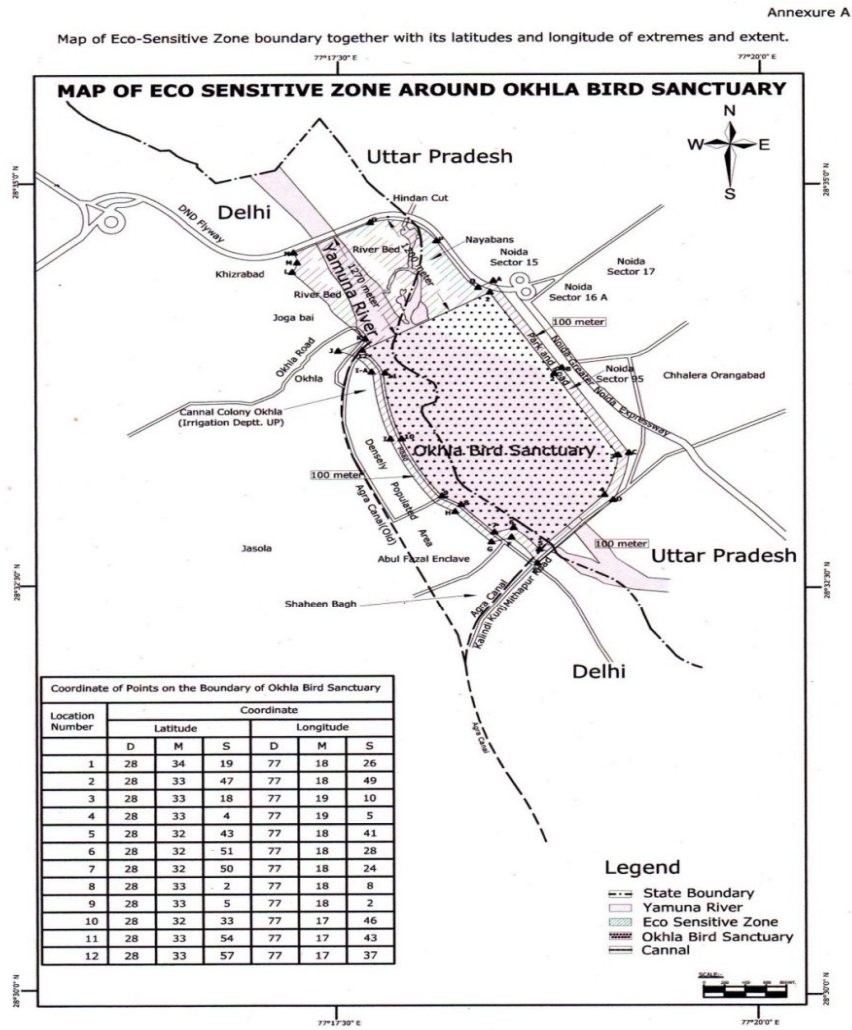
- (1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.
- (2) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forest number S.O. 1533(E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except the prohibited activities as specified in 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.
- (3) 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 but are falling in the Eco-sensitive Zone, except the prohibited activities as specified in paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual

site-specific conditions and referred to the concerned Regulatory Authorities.

- (4) The Member Secretary of the Monitoring Committee or the concerned Collector or the concerned park in-charge shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 (29 of 1986) against any person who contravenes the provisions of this notification.
- (5) 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.
- (6) The Monitoring Committee shall submit the annual action taken report of its activities as on 31st March of every year by 30th June of that year to the Central Government in the Ministry of Environment, Forest and Climate Change as per pro forma given in Annexure-IV.
- (7) 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 provisions of this notification are subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court or National Green Tribunal (NGT).

Map of Eco-sensitive Zone boundary around Okhla Bird Sanctuary, National Capital Region(NCR) together with its latitudes and longitude of extremes and extent.



Annexure II

Coordinates showing prominent points of the outer boundary of Eco-sensitive Zone around Okhla Bird Sanctuary, Uttar Pradesh and National Capital Territory of Delhi.

S. No.	Point	Latitude			Longitude		
		D	M	S	D	M	S
1	A	28	34	24	77	18	27
2	B	28	33	51	77	18	50
3	C	28	33	18	77	19	13
4	D	28	33	1	77	19	7
5	E	28	32	38	77	18	40
6	F	28	32	48	77	18	31
7	G	28	32	46	77	18	22
8	H	28	32	59	77	18	6
9	I	28	33	26	77	17	45
10	J	28	33	59	77	17	34
11	K	28	34	2	77	17	41
12	L	28	34	28	77	17	15
13	M	28	34	32	77	17	17
14	N	28	34	35	77	17	16
15	O	28	34	46	77	17	44
16	P	28	34	38	77	18	7
17	Q	28	34	21	77	18	21

List of Urban Area / Villages falling within the proposed Eco-sensitive Zone of Okhla Bird Sanctuary, Uttar Pradesh and National Capital Territory of Delhi.

S. No.	States	Name of Urban Area/ Village	Point	Latitude			Longitude			Tehsil	District
				D	M	S	D	M	S		
1.	U.P.	Sector-95, NOIDA	B	28	33	51	77	18	50	Dadri	GautamBudh Nagar
2.	U.P.	Chhalera Orangabad	C	28	33	18	77	19	13	Dadri	GautamBudh Nagar
3.	U.P.	Nayabans	P	28	34	38	77	18	7	Dadri	GautamBudh Nagar
4.	Delhi	Shaheen Bagh	G	28	32	46	77	18	22	Mehrauli	South East Delhi
5.	Delhi	Jasola	H	28	32	59	77	18	6	Mehrauli	South East Delhi
6.	Delhi	Abul Fazal Enclave	I	28	33	26	77	17	45	Mehrauli	South East Delhi
7.	Delhi	Okhla	J	28	33	59	77	17	34	Mehrauli	South East Delhi
8.	Delhi	Canal Colony, U.P. Irrigation Deptt.	I-A	28	33	54	77	17	35	Mehrauli	South East Delhi
9.	Delhi	Joga Bai	K	28	34	2	77	17	41	Mehrauli	South East Delhi
10.	Delhi	Khizrabad	L	28	34	28	77	17	15	Mehrauli	South East Delhi

Proforma of Action Taken Report: - Monitoring Committee.-

1. Number and date of Meetings.
2. Minutes of the meetings: Mention main 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 for rectification of error apparent on face of land record.
Details may be attached as Annexure.
5. Summary of cases scrutinized for activities covered under EIA Notifications, 2006 . Details may be attached as separate Annexure.
6. Summary of cases scrutinized for activities not covered under EIA Notification, 2006. Details may be attached as separate Annexure.
7. Summary of complaints lodged under Section 19 of Environment (Protection) Act, 1986.
8. Any other matter of importance.

[No. 25/20/2014-ESZ/RE]

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