

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**NOTIFICATION**

New Delhi, the 22nd April, 2016

S.O. 1485(E).—Whereas, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 2540(E), dated 17th September, 2015 inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from 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 the 17th September, 2015;

And whereas, 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 Kalesar National Park and Kalesar Wildlife Sanctuary of about 100.88 square kilo meter are located on the junction of the four states, viz., Uttar Pradesh, Himachal Pradesh, Uttrakhand and Haryana, it falls in Shiwalik foot hills, and shares boundaries with two protected areas of two different states, namely, the Simbalbarha Wildlife sanctuary of Himachal Pradesh towards the North and the Rajaji National Park of Uttrakhand towards the East and Kalesar Wildlife Sanctuary is just towards the East-West of Kalesar National Park and as such there does not exist any physical barrier between the two and the entire area is very rich in plant and animal species and have historical, economic and medicinal significance and the Kalesar National Park and Kalesar Wildlife Sanctuary are rich in reptilian fauna which includes large monitor lizard, India rock python, King cobra, common krait, Red snake, Russel viper, Pit viper etc.;

And whereas, it is necessary to conserve and protect the area the extent and boundaries of which is specified in paragraph 1 of this notification around the protected area of the Kalesar National Park and Kalesar Wildlife Sanctuary as Eco-sensitive Zone from ecological and environmental 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) 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 to the extent of upto 1900 meters from the boundary of the protected area of Kalesar National Park and Kalesar Wildlife Sanctuary within the State of Haryana as the Kalesar Eco-sensitive Zone (hereinafter 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 varies from zero to 1900 meters from the boundary of Kalesar National Park and Kalesar Wildlife Sanctuary within the State of Haryana and the area of Eco-sensitive zone is 38.92 square kilo meter approximately. The co-ordinates of Kalesar National Park and Wildlife Sanctuary are given at Annexure-I.

(2) The Eco-sensitive Zone is bounded by 30°18'49.861"N latitude and 77°35'7.269"E longitude towards East-South (point No.14 of Annexure I map); 30°24'35.016"N latitude and 77°24'37.293"E longitude towards west (point No.1 of Annexure IA map); 30°18'2.561"N latitude and 77°32'26.990"E longitude towards South (point No. 12 of Annexure I map) and Simbalbara National Park of Himachal Pradesh is falling on the Northern side and on Eastern side of Yamuna River.

(3) The map of Eco-sensitive Zone boundary together with its latitudes and longitudes is appended as **Annexure IA**.

(4) The coordinates of Eco-sensitive Zone with its latitudes and longitudes are appended as **Annexure II**.

(5) The villages whose area or parts thereof falling within the Eco-sensitive Zone are, Ibrahimpur, Taharpur Kalan, Taharpur Khurd, Fakir Majra, Fatehgarh, Kot Mushtarka, Bachchon, Shahabuddinpur Kalan, Shahabuddinpur Khurd, Yarah, Sipianwala, Jatanwala, Darpur, Baniwala, Kansli, Chikan, Khilanwala, Bagpat, Khizri, Ambwali, Tibriyon, Nagalpatti Milak, Baumbewala, Chandpur, Rayanwala, Jhandu Oad, Faizpur, Kalesar, Garhi, Banjarwas, Mamduwas.

2. Zonal Master Plan for the Eco-sensitive Zone.- (1) The State Government shall, for the purpose 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 in accordance with this notification.

(2) The Zonal Master Plan shall be approved by the competent authority in the State Government.

(3) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in accordance with this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

(4) The Zonal Master Plan shall be prepared in consultation with all concerned State Departments, namely:-

- (i) Environment;
- (ii) Forest;
- (iii) Urban Development;
- (iv) Tourism;
- (v) Municipal;
- (vi) Revenue;
- (vii) Agriculture; and
- (viii) Haryana State Pollution Control Board,

for integrating environmental and ecological considerations into it.

(5) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, as on the date of publication of this notification in the Official Gazette, 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.

(6) 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.

(7) The Zonal Master Plan shall demarcate all the existing worshipping places, village 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.

(8) The Zonal Master Plan shall regulate development in Eco-sensitive Zone so as to ensure Eco-friendly development and livelihood security of local communities.

3. Measures to be taken by State Government.—The State Government 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 local residents, and for the activities listed against serial numbers 27, 35 and 40 in column (2) of the table in paragraph 4, namely:-

- (i) small scale industries not causing pollution;
- (ii) rainwater harvesting; and
- (iii) cottage industries including village artisans:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval 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):

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 the 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:

Provided also that there shall be no consequential reduction in green area, such as forest area and agricultural area and efforts shall be made to reforest the unused or unproductive agricultural areas.

(2) **Natural Springs.**—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.**—(a) The activity relating to tourism within the Eco-sensitive Zone shall be as per the Tourism Master Plan, which shall form part of the Zonal Master Plan.

(b) The Tourism Master Plan shall be prepared by the Department of Tourism, Government of Haryana in consultation with the Department of Revenue and Forests, Government of Haryana.

(c) The activity of tourism shall be regulated 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 eco-tourism guidelines issued by the National Tiger Conservation Authority, Ministry of Environment, Forest and Climate Change (as amended from time to time) 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 hotels and resorts shall not be permitted 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.

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

(6) **Noise pollution.**—The Environment Department of the State Government shall draw up guidelines or, as the case may be 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) and the rules made thereunder.

(7) **Air pollution.**—The Environment Department of the State Government shall draw up guidelines or, as the case may be 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) and the rules made thereunder.

(8) **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) and the rules made thereunder.

(9) **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, as amended from time to time;

(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 at site identified outside the Eco-sensitive Zone and no burning or incineration of solid wastes shall be permitted in the Eco-sensitive Zone.

(10) **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, as amended from time to time.

(11) **Vehicular traffic.**—(a) 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.

(b) The Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

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 the rules made thereunder and shall be regulated in the manner specified in the table below, namely:-

TABLE

Sl. No.	Activity	Remarks
(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 except for the domestic needs of <i>bona fide</i> 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 Writ Petition (Civil) No. 202 of 1995 and dated the 21 st April, 2014 in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No. 435 of 2012.
2.	Setting up of saw mills.	No new and expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
3.	Setting up of industries causing water or air or soil or noise pollution.	No new or expansion of polluting industries in the Eco-sensitive Zone shall be permitted.
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 new major hydroelectric projects.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Undertaking activities related to tourism like over-flying the sanctuary area by hot-air balloons, etc.	Prohibited (except as otherwise provided) as per applicable laws.
9.	Uses of plastic carry bags.	Prohibited (except as otherwise provided) as per applicable laws.
10.	Discharge of untreated effluents and solid waste in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
11.	Construction activities.	No new construction of any kind shall be permitted within the Eco-sensitive Zone, except for the domestic needs of local residents including the activities listed in sub-paragraph (1) of paragraph 3. In case of the construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum.
12.	Setting-up of medium density fiberboard or particle board units or plants.	Prohibited (except as otherwise provided) as per applicable laws.
13.	Setting-up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
14.	Commercial helicopter services.	Prohibited (except as otherwise provided) as per applicable laws.
B. Regulated Activities:		
15.	Erection of mobile tower.	Regulated under applicable laws.
16.	Felling of trees.	(a) There shall be no felling of trees on the forest land 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.
17.	Drastic change of agriculture system.	Regulated under applicable laws.
18.	Commercial water resources including ground water harvesting.	(a) The extraction of surface water and ground water shall be permitted only for <i>bona fide</i> agricultural use and domestic consumption of the occupier of the land. (b) The extraction of surface water and ground water for industrial or commercial use including the amount that can be extracted, shall require prior written permission from the concerned regulatory authority. (c) No sale of surface water or ground water shall be permitted. (d) Steps shall be taken to prevent contamination or pollution of water from any source including agriculture.
19.	Erection of electrical cables and telecommunication towers.	Promote underground cabling.
20.	Fencing of existing premises of hotels and lodges.	Regulated under applicable laws.

21.	Widening and strengthening of existing roads and construction of new roads.	Shall be done with proper Environment Impact Assessment and mitigation measures, as applicable.
22.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
23.	Introduction of exotic species.	Regulated under applicable laws.
24.	Commercial sign boards and hoardings.	Regulated under applicable laws.
25.	Air and vehicular pollution.	Regulated under applicable laws.
26.	Protection of hill slopes and river banks.	Regulated under applicable laws.
27.	Small scale industries not causing pollution.	Non-polluting, non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous goods from the Eco-sensitive Zone which do not cause any adverse impact on environment shall be permitted.
28.	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.
29.	Collection of Forest produce or Non-Timber Forest Produce.	Regulated under applicable laws.
30.	Security Forces Camp.	Regulated under applicable laws.
31.	Collection of boulders, gravel and sand from the river beds.	Regulated under applicable laws.
32.	Laying of transmission and distribution system above 33KV.	Regulated under applicable laws.
33.	New wood based industry.	No establishment of new wood based industry shall be permitted within the units of Eco-sensitive Zone: Provided that new wood based industry may be set up in the Eco-sensitive Zone using 100% imported wood stock.
C. Promoted Activities:		
34.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming and fisheries.	Permitted under applicable laws.
35.	Rain water harvesting.	Shall be actively promoted.
36.	Organic farming.	Shall be actively promoted.
37.	Adoption of green technology for all activities.	Shall be actively promoted.
38.	Use of renewable energy sources.	Permitted under applicable laws.
39.	Vegetative fencing.	Permitted under applicable laws.
40.	Cottage industries including village artisans, etc.	Shall be actively promoted.
41.	Agriculture operations including plantation, horticulture and orchards.	Permitted under applicable laws.

5. Eco-sensitive Zone Monitoring Committee.—(1) The Central Government hereby constitutes a Monitoring Committee, for effective monitoring of the Eco-sensitive Zone, which shall comprise of the following, namely:-

- (a) Deputy Commissioner, Yamunanagar - Chairperson;
 - (b) a representative of Non-governmental Organisations working in the field of environment (including heritage conservation) to be nominated by the Government of Haryana for a term of one year – Member;
 - (c) Regional Officer, Haryana State Pollution Control Board, Yamunanagar- Member;
 - (d) District Town Planner, Yamunanagar - Member;
 - (e) One expert in the area of ecology and environment to be nominated by the Government of Haryana - Member;
 - (f) Divisional Wildlife Officer, Panchkula– Member; and
 - (g) Deputy Conservator of Forests (Territorial) Yamunanagar – Member-Secretary.
- (2) The Monitoring Committee shall monitor the compliance of the provisions of this notification.
 - (3) 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 for the prohibited activities as specified in the table under paragraph 4, 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 Forest 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, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned regulatory authorities.
 - (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 Member-Secretary of the Monitoring Committee or the concerned Deputy Commissioner shall be competent to file complaint under section 19 of the Environment (Protection) Act, 1986 (29 of 1986) against any person who contravenes the provisions of this notification.
 - (7) 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 Chief Wild Life Warden of the State as per proforma appended as **Annexure III**.
 - (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.
- 6.** The Central Government and the State Government may specify additional measures, if any, for giving effect to the provisions of this notification.

[F. No. 25/31/2014-ESZ-RE]

Dr. T. CHANDINI, Scientist 'G'

Annexure-I

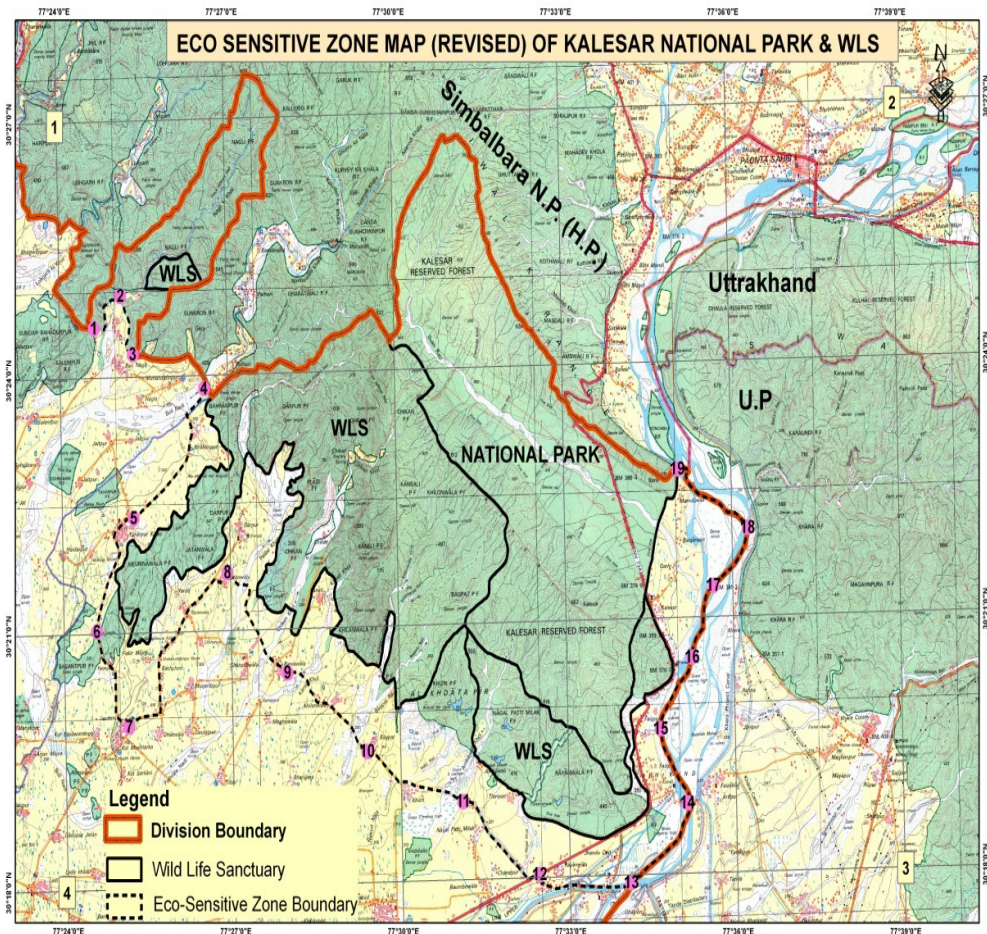
Coordinates of Kalesar National Park and Wildlife Sanctuary

ID	Longitude	Latitude
1A	77 ⁰ 24' 31"	30 ⁰ 24' 38"
2A	77 ⁰ 25' 0"	30 ⁰ 25' 0"
3A	77 ⁰ 25' 18"	30 ⁰ 24' 20"

4A	77° 26' 49"	30° 23' 52"
5A	77° 25' 38"	30° 21' 50"
6A	77° 25' 17"	30° 21' 2"
7A	77° 25' 39"	30° 20' 47"
8A	77° 27' 16"	30° 21' 48"
9A	77° 28' 45"	30° 20' 46"
10A	77° 30' 46"	30° 20' 11"
11A	77° 32' 31"	30° 19' 08"
12A	77° 33' 3"	30° 18' 23"
13A	77° 35' 25"	30° 18' 15"
14A	77° 35' 55"	30° 18' 38"
15A	77° 35' 31"	30° 19' 40"
16A	77° 36' 19"	30° 20' 20"
17A	77° 35' 50"	30° 21' 37"
18A	77° 36' 12"	30° 22' 23"
19A	77° 36' 15"	30° 22' 43"

Annexure IA

Map of Eco-sensitive Zone boundary of Kalesar National Park and Kalesar Wildlife Sanctuary, Haryana.



Annexure II**The coordinates showing prominent points of the outer boundary of Eco-sensitive Zone of Kalesar National Park and Kalesar Wildlife Sanctuary, Haryana**

COORDINATES OF ECO-SENSITIVE ZONE		
Id	Longitude	Latitude
1	77 24' 37.293" E	30 24' 35.016" N
2	77 25' 6.393" E	30 24' 57.320" N
3	77 25' 18.554" E	30 24' 16.169" N
4	77 26' 34.787" E	30 23' 50.954" N
5	77 25' 16.811" E	30 22' 21.037" N
6	77 24' 35.353" E	30 21' 1.855" N
7	77 25' 8.815" E	30 19' 54.613" N
8	77 26' 56.800" E	30 21' 41.103" N
9	77 27' 59.756" E	30 20' 29.488" N
10	77 29' 23.907" E	30 19' 32.691" N
11	77 31' 6.084" E	30 18' 55.520" N
12	77 32' 26.990" E	30 18' 2.561" N
13	77 34' 5.660" E	30 17' 54.999" N
14	77 35' 7.269" E	30 18' 49.861" N
15	77 34' 39.882" E	30 19' 42.542" N
16	77 35' 15.117" E	30 20' 32.220" N
17	77 35' 39.273" E	30 21' 22.114" N
18	77 36' 16.882" E	30 22' 2.117" N
19	77 35' 2.326" E	30 22' 44.625" N

Annexure III**Proforma of Action Taken Report:- Eco-sensitive Zone Monitoring Committee.-**

1. Number and date of meetings.
2. Minutes of the meetings: mention main noteworthy points. Attached minutes of the meeting on 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 scrutinised for activities covered under Environment Impact Assessment notification, 2006.
[Details may be attached as separate Annexure]
6. Summary of cases scrutinised for activities not covered under Environment Impact Assessment notification, 2006.
[Details may be attached as separate Annexure]
7. Summary of complaints ledged under section 19 of Environment (Protection) Act, 1986.
8. Any other matter of importance.