

Draft RIVER CONSERVATION ZONE (REGULATION OF HARMFUL ACTIVITIES) RULES, 2012

Mankind originated and prospered in river valleys. Rivers are unique and dynamic ecosystems. They have provided key ecological, social, religious and economic services to mankind for ages, but many of these are now compromised due to threats resulting from a number of human activities. These activities can be broadly categorised as being ‘polluting’ of river water and land; ‘destructive’ of river morphology or its biota; ‘extractive’ of river’s living and non living components and ‘drying’ of river systems.

A number of orders issued by various courts have drawn the attention of the government to the plight of the rivers and their dependent people.

United Nations of which India is a Party has on 26 July 2010 resolved unanimously to declare “right to safe and clean drinking water and sanitation as a human right”. Healthy rivers, it may be recalled, are essential to a realisation of the said obligation by India as a Party to the UN

This notification deriving its statutory mandate from Section 3, 5 and 6 of the Environment (Protection) Act, 1986 seeks to regulate such activities that are found to be incompatible with maintaining the health of the river systems as dynamic and life sustaining entities.

It is thus proposed to frame rules to regulate harmful activities in and around the rivers.

Exceptions: Traditional farming practices, fisheries, boating, ‘non invasive’ religious and cultural activities shall not be impacted by these rules.

CATEGORISATION OF RIVER STRETCHES

CATEGORY I stretch (pristine / protected)

shall include stretches (including tributaries) in ecologically sensitive and fragile watersheds, areas of pristine/outstanding beauty, heritage sites, areas rich in genetic diversity or otherwise important for rare and endangered species. This will also include the stretches of rivers within national parks, wildlife sanctuaries, biosphere reserves or similarly protected areas.

CATEGORY II stretch (urbanised)

shall include stretches of rivers (including their tributaries), with or without embankments, in designated urban areas where infrastructure facilities in form of roads, buildings (residential, commercial, recreational), temples, ghats etc exist

CATEGORY III stretch (rural)

shall include stretches of rivers (including their tributaries) in suburban and rural areas, with or without embankments, where infrastructure development if any is moderate and the land is primarily under natural vegetation, forestry, agriculture and grazing.

LATERAL ZONATION OF RIVER BANKS

“Active Flood Plain” as defined by High Flood Line (HFL) which in entrenched /embanked stretches of a river stretch shall be the available space (including the river channel/s) in the valley of entrenched stretch or between two embankments or between existing roads on either side along a river acting as an embankment.

In other stretches of the river HFL / active flood plain shall be the 100 year flood line.

No Development Zone: The competent authority shall determine a NDZ on either bank for each river which shall not be less than the “Active Flood Plain” of the river.

High & Medium Impact Zones: The competent authority shall identify and designate suitable distance/s, from the NDZ, on either bank keeping local topographical conditions in mind, to be called as High impact and Medium impact zones (HIZ and MIZ). In plains where river topography is relatively flat, these distances shall not be less than 1 and 3 Km respectively from the NDZ.

REGULATIONS:

Siting of industries and other polluting influences

NOTE: Industries as well as polluting activities like land fill, dumping of municipal and other solid (including construction debris) and liquid wastes, disposal of hazardous substances etc shall be color coded based upon their pollution potential as being RED (highly polluting); ORANGE (medium polluting) and GREEN (low polluting).

All RED industries/activities with pollution control measures shall be permitted by the Competent Authority for siting only beyond the medium impact zone.

ORANGE industries/activities with pollution control measures could be permitted by the Competent Authority for siting within the medium impact zone.

GREEN industries/activities with pollution control measures could be permitted by the Competent Authority for siting within high impact zone

Removal of sand and gravel from the river beds

Permissions for removal of sand and gravel from the river bed in Category III stretches only shall be given on the basis of the guidelines as prescribed by the MOEF and upheld by the Hon’ble Supreme Court in February 2012.

The Competent authority may consider permission for removal of sand and gravel from the river bed in Category II stretches after a prior environmental impact assessment study

Constructions of permanent nature

No permanent construction of residential, industrial, commercial, recreational and public semi public (PSP) nature shall be permitted within No Development Zones, NDZ of river stretches I, II and III and also the High Impact Zones, HIZ of river stretch I.

Exceptions: Existing constructions in any zones shall not be affected by these rules unless a change in use or expansion or reconstruction is being carried out. Similarly construction of ‘true’ bridges (from one bank to another) over the river shall not attract the provision of these rules.

NOTE: In particular following public facilities shall not be permitted in active flood plain/NDZ:

- Hospitals, nursing homes, and housing likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood
- Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood
- Structures or facilities that produce, use, or store highly volatile, inflammable, explosive, toxic, and/or water-reactive materials;
- Public semi public facilities like sewage and water treatment plants (STP/WTP); power plants and stations; bus depot; metro stations/depot etc which form the life line infrastructures for any city

Extraction of ground water

Commercial extraction of ground water by non government / private agencies shall not be permitted within NDZ in any category of the river.

COMPETENT AUTHORITY

The Ministry of Environment and Forests shall designate the state environment impact assessment (SEIAA) agency or the State Pollution Control Board (SPCB) to act as the Competent Authority for the implementation of these rules.

NOTE: In cases where a river stretch forms either inter state boundary or international boundary, it shall be the MOEF that shall act as the Competent Authority for the implementation of these rules.

VIOLATION

Any violation of these rules shall be deemed to be violation of the Environment (Protection) Act 1986 and punishable accordingly.