

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 145/ 2025**

IN THE MATTER OF:-

M/s Calstar Sponge Ltd.

...Applicant

Versus

MOEFCC &Ors

... Respondent(s)



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Kolkata

Respondent No.1

Date: th 8 September, 2025

Through

Rashmi Singhee

18 SEP 2025

SL. NO. 946 120 25 -X-

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONAL BENCH AT KOLKATA**

ORIGINAL APPLICATION NO. 145/ 2025



IN THE MATTER OF:-

M/s Calstar Sponge Ltd.

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**BEFORE THE NOTARY PUBLIC
AT BIDHANAGAR
DIST. NORTH 24 PARGANAS**

**REPLY AFFIDAVIT ON BEHALF OF MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE (RESPONDENT NO.1)**

MOST RESPECTFULLY SHOWETH: -

I, Dr. Shahida Parvin Quazi, daughter of Late Quazi Sirazul Haque, aged about 47 years, presently working as 'Scientist - E' at the Sub Office Kolkata, Regional office Bhubaneswar under the of Ministry of Environment, Forest and Climate Change having its office at IB-198, Sector - III, Salt Lake City, Kolkata- 700 106 the deponent herein does hereby solemnly affirm and state as under: -

1. That I am duly authorized and competent to swear the present reply affidavit on behalf of Ministry of Environment, Forest and Climate Change (hereinafter referred as MoEFCC).
2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. That the instant reply is being filed by the Answering Respondent without prejudice to his right to file a fuller and more detailed reply at a later stage, if so necessary.
4. That the present application has been filed alleging against the inaction of Ministry of Environment, Forest and Climate Change (hereinafter "MoEF&CC") and the West Bengal Pollution Control Board (hereinafter "WBPCB") in keeping the proposal dated 05.04.2024 of the Applicant, seeking expansion of its existing Sponge Iron Plant by

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installation of a Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 Induction Furnaces, 400 TPD Rolling Mill & 8 MW Capacity WHRB based Captive Power Plant of the Applicant pending and causing undue delays in its consideration without any justifiable reason.

5. That it is humbly submitted that the Answering Respondent in exercise of the powers conferred by Section 3 of the Environment (Protection) Act, 1986 (hereinafter "EP Act") read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, had notified the Environment Impact Assessment Notification, 2006 on 14.09.2006. Copy of S.O.1533 (E) dated 14.09.2006 is annexed as Annexure R/1.

6. That under the provision of the Environment Impact Assessment Notification (hereinafter referred to as EIA), 2006, construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the schedule annexed to the said notification entailing capacity addition with change in process and/ or technology shall be undertaken in any part of India, as applicable, only after receipt of the prior environment clearance from the Central Government or by the State Level Environment Impact Assessment Authority (hereinafter referred to as SEIAA), as the case may be. It is submitted that, the Central Government under sub Section (3) of section 3 of the Environment Protection Act, 1986 in accordance with the procedures specified in the EIA Notification, 2006, duly constitutes SEIAA.

7. That the EIA Notification, 2006 in Paragraph 7, stipulates four stages in the process of obtaining Environmental Clearance. Stage (1) is screening wherein the Expert Appraisal Committee ((hereinafter referred to as "EAC") or the State Expert Appraisal Committee (hereinafter referred to as "SEAC") takes the decision whether or not Environmental Impact Assessment Report has to be prepared for the proposed projects. Stage (2) is Scoping wherein the EAC for category 'A' projects and the SEAC for category 'B' projects determines detailed and comprehensive ToR addressing all relevant environmental concern for the preparation of an EIA/EMP Report in respect of the proposed project or activity for which the prior environmental clearance is sought. Stage (3) relates to Public Consultation and has two components- (i) a public hearing, which is conducted by the concerned State Pollution Control Board, in coordination with District Authority, at the project site or in its close



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proximity, explaining all possible environment impacts and measures proposed in EMP and (ii) obtaining written responses from other concerned persons who have a plausible stake in the environment aspects of the project or activity. The EIA Notification 2006 clearly outlines procedure for conduct of Public hearing, including its supervision and presiding process. Lastly, Stage (4) relates to Appraisal of the Project wherein the detailed scrutiny by the EAC or the SEAC of the application and other documents like the Final EIA Report and outcome of public consultations relating including public hearing proceedings, submitted by the Project Proponent to regulatory authority concerned for grant of environment clearance is conducted.

8. That it is respectfully submitted that EIA Notification, 2006 has decentralized the environmental clearance process by categorizing the developmental projects in two categories, i.e., Category 'A' project and Category B. The 'Category 'A' projects are appraised at Central level by the Expert Appraisal Committee and Category 'B' projects are appraised at SEAC. State Level Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") and SEAC are constituted to provide clearance to Category B projects.

9. That it is most respectfully submitted that under Schedule- I to the EIA Notification, 2006 relating to the list of projects requiring Environmental Clearance from the Central Government, Metallurgical industries (ferrous & non-ferrous) comes within the purview of entry 3 (a), and at the time of seeking EC, the following stipulations were in force: -

	Project Activity	or Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & nonferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing industry ≥ 200TPD	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry	General Condition shall apply. Note: (i)The recycling industrial units registered under the HSM Rules are exempted. (ii)In case of secondary

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		<p>c)Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units</p> <p>□ 20,000 tonnes /annum</p>	<p>i) All toxic and heavy metal producing units <20,000 tonnes /annum</p> <p>ii.) All other non-toxic secondary metallurgical processing industries >5000 tonnes/annum</p>	<p>metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electric arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance.</p> <p>(iii)Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.</p>
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10. That the brief background of the project submitted by Project Proponent during the Environmental Appraisal is as follows:

- i. The Project Proponent (PP), M/s Calstar Sponge Ltd., was initially accorded Consent to Establish from WBPCB vide Memo No. 1002-2N 175/2006(E) letter dated 21.02.2007 for installed 2 X 100 TPD Sponge Iron plant.
- ii. Subsequently, The PP was granted EC to it on 07.08.2009 and 03.02.2010 covering all the existing units including 2X100 TPD DRI kiln and 1X8 ton induction furnace by SEIAA. The PP made an application to MOEF for further expansion on 09.09.2010, following due process of law the Ministry issued the environmental clearance vide F. No. J-11011 / 655 / 2009- IA II (I) dated 20.05.2011 .

11. The PP made online proposal for ToRs vide proposal no. IA/WB/IND/77147/2018 dated 30.08.2018, the cited proposal was considered in 36th EAC meeting held during 9th -10th October, 2018 and

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further reconsidered in the 2nd meeting of Reconstituted EAC(Industry-I) held on 10th -12th December, 2018 with certain conditions. It is pertinent to mention that the EIA Notification, 2006 was notified by MOEF on 14.9.2006 and a subsequent circular was issued on 21.11.2006. As per the circular dated 21.11.2006, the project proponent requires to obtain the environmental clearances from relevant authority by 30th June 2007 as per the categorization of project mentioned in the EIA Notification. In the present case, this project proponent obtained the environmental clearance from the SEIAA as it was a Category 'B' project, on 07.08.2009 and 03.02.2010. Thus, the project proponent failed to obtain the environmental clearance before the stipulated date of 30th June 2007.

12. That the Reconstituted EAC (Industry-I) Committee after deliberations, arrived at the view to recommend that the Ministry may consider to issuance of ToRs. The proposal was processed at Ministry and decided to place before the violation committee and was considered in 17th meeting of Expert Appraisal Committee for the proposal involving violation of EIA Notification, 2006 to be held on 29-31 January 2019. The Ministry processed the recommendation and decided to initiate action under section 19 of EPA Act 1986 (for violation in between 1/07/2007 to 06/08/2009) and Issue ToR to PP as per recommendation of EAC with specific condition (xi) in respect of cited action under EP act. Copy of ToR vides F. No. J-11011/655/2009-IA-II(I) dated 27.06.2019 is annexed herewith as Annexure R/2.

13. It is further submitted that M/s Calstar Sponge Limited had made an online EC application vide proposal no. IA/WB/IND1/453340/2023 dated 05.04.2024 along with copy of EIA report and Forms (Part A, B and C) and certified compliance report seeking EC under the provisions of the EIA Notification, 2006 for the project as mentioned previously. The proposed project activity is listed at S. No. 3(a) Metallurgical industries (ferrous & non-ferrous) and 1(d) Thermal Power Plants under Category "A" of the schedule of the EIA Notification, 2006 and appraised at Central Level.

14. That the proposal was initially considered during the 58th meeting of the EAC for Industry-I sector held on 14th-15th May, 2024 wherein the Committee recommended to defer the proposal and advised the Ministry to first obtain the comments of the Policy Sector of IA Division or Legal Monitoring Cell w.r.t. appraisal of said proposal as per MoEF&CC notification dated 14/03/2017 pertaining to violation due to

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the recorded facts. Copy of minutes of 58th meeting of the EAC for Industry-I sector held on 14th-15th May, 2024 is annexed herewith as Annexure R/3.

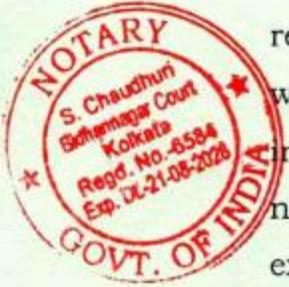
15. The matter was examined in the Ministry, in consultation with Policy Cell (IA) and Legal Cell, and based on such examination, it was held that further action on the proposal, for the past violation committed during 01.07.2007 to 06.08.2009, needs to be initiated. The proposal of PP was reconsidered by the EAC in 64th meeting of the EAC-Industrial Projects-1 held on 21.08.2024 to 23.08.2024 wherein committee recommended to defer the proposal. The EAC opined that compliance with this requirement is crucial for the consideration of the EC proposal in this case. Therefore, the proposal should only be listed once the necessary action has been initiated by the concerned authority. To expedite this process, the EAC advised the Ministry to write a letter to the SPCB, requesting them to initiate the action as soon as possible. Copy of 64th meeting of the EAC-Industrial Projects-1 held on 21.08.2024 to 23.08.2024 is annexed as Annexure R/4.

16. That, subsequent to the judgment of Hon'ble Supreme Court in the matter of WP 1394/2023 (Vanshakti Vs Union of India), the Ministry has issued a letter dated 10.09.2025 to West Bengal SPCB requesting therein to initiate action under the provisions of Notification No. S.O. 4790(E) dated 4.11.2024 published Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, which is annexed herewith as Annexure R/5.

17. It is further submitted that no further action for processing/grant of EC can be taken on the proposal submitted by the Project Proponent, in compliance with the judgment of Hon'ble Supreme Court dated 16.05.2025 in the matter of W.P.1394/2023, Vanshakti Vs. Union of India where in the apex court has restrained the Central Government from issuing any circulars/orders/OMs/notifications that provide for grant of ex-post facto EC in any form or manner, or that seek to regularise actions in contravention of the EIA Notification. Copy of the order dated 16.05.2025 in W.P. (C) No. 1394/2023 titled Vanashakti vs. Union of India is annexed herewith as Annexure R/6.

18. That, in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s)/

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directions as the Hon'ble Tribunal may deem fit and appropriate in the interest of justice.

S. Shahida Parvin

DEPONENT



VERIFICATION

Verified at Kolkata on this th18 day of September, 2025 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

S. Shahida Parvin

DEPONENT

S. Chaudhuri
S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
 Regd. No.-6584/08
 Bidhannagar Court
 Dist.-North 24 Pgs

18 SEP 2025

रजिस्ट्री सं. डी. एल.-33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 1067]

नई दिल्ली, बुध्स्पतिवार, सितम्बर 14, 2006/भाद्र 23, 1928
NEW DELHI, THURSDAY, SEPTEMBER 14, 2006/BHADRA 23, 1928

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 14 सितम्बर, 2006

का.आ. 1533(अ).—केंद्रीय सरकार या केन्द्रीय सरकार द्वारा राज्य सरकार या संबंधित संघ राज्यक्षेत्र प्रशासन के परामर्श से गठित किए जाने वाले राज्य या संघ राज्यक्षेत्र स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा इस अधिसूचना के प्रयोजन के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन संघ मंत्रिमंडल द्वारा 18 मई, 2006 को अनुमोदित राष्ट्रीय पर्यावरण नीति और अधिसूचना में विनिर्दिष्ट प्रक्रिया के उद्देश्यों के अनुसार जब तक पूर्व पर्यावरणीय अनापत्ति अभिलिखित नहीं हो जाती है, भारत के किसी भाग में, नई परियोजनाओं या क्रियाकलापों पर या इस अधिसूचना की अनुसूची में यथा उपवर्णित उनके सक्षम पर्यावरणीय समाघातों पर विद्यमान परियोजनाओं या क्रियाकलापों के विस्तार या आधुनिकीकरण पर कतिपय निर्बंधन और प्रतिषेध अधिरोपित करने के लिए, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के अधीन एक प्रारूप अधिसूचना भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में, का0आ10 सं0 1324(अ), तारीख 15 सितंबर, 2005 द्वारा प्रकाशित की गई थी जिसमें उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना है, उस तारीख से, जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थीं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे ;

और उक्त अधिसूचना की प्रतियां 15 सितंबर, 2005 को जनता को उपलब्ध करा दी गई थीं ;

और उम्पर उल्लिखित प्रारूप अधिसूचना के उत्तर में प्राप्त सभी आपेक्षों और सुझावों पर केन्द्रीय सरकार ने सम्यक् रूप से विचार कर लिया है ।

अतः, अब केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और अधिसूचना सं० का.आ. 60(अ), तारीख 27 जनवरी, 1994 को उन बातों के सिवाए अधिकांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, यह निर्देश देती है कि इसके प्रकाशन की तारीख से ही, नई परियोजनाओं या क्रियाकलापों का अपेक्षित संनिर्माण या इस अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार या आधुनिकीकरण प्रक्रिया और या प्रौद्योगिकी में परिवर्तन सहित क्षमता में परिवर्धन करते हुए भारत के किसी भाग में, यथास्थिति, केंद्रीय सरकार द्वारा या इस अधिसूचना में इसमें इसके पश्चात् विनिर्दिष्ट प्रक्रिया के अनुसार उक्त अधिनियम की धारा 3 के

¹ भारत का राज्यक्षेत्रीय सागर खंड और अन्य अधिनियम जोन सम्मिलित है।

अधीन केंद्रीय सरकार द्वारा सम्यक् रूप से गठित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण द्वारा पूर्व पर्यावरण अनापत्ति के पश्चात् ही किया जाएगा।

2. पूर्व पर्यावरणीय अनापत्ति की अपेक्षाएं (ई.सी.) :-

निम्नलिखित परियोजनाओं या क्रियाकलापों के लिए, परियोजना प्रबंधन द्वारा भूमि को अभिप्राप्त करने के सिवाय, कोई संनिर्माण कार्य या भूमि तैयार करने से पूर्व उक्त अनुसूची में प्रवर्ग 'ख' के अंतर्गत आने वाले विषयों के लिए संबंधित विनियामक प्राधिकरण से, जिसे अनुसूची में 'क' के अंतर्गत आने वाले विषयों के लिए इसमें इसके पश्चात् केंद्रीय सरकार में पर्यावरण और वन मंत्रालय कहा गया है, और राज्य स्तर पर राज्य पर्यावरण समाघात निर्धारण प्राधिकरण कहा गया है, पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी जब परियोजना या क्रियाकलाप आरंभ किया जाता है।

- (i) इस अधिसूचना की अनुसूची में सूचीबद्ध सभी नई परियोजनाएं या क्रियाकलाप ;
- (ii) इस अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या क्रियाकलापों का, संबंधित क्षेत्र के लिए अर्थात् परियोजनाओं या क्रियाकलापों के लिए जो विस्तार या आधुनिकीकरण के पश्चात् अनुसूची में दी गई अधिकतम सीमाओं को पार कर लेते हैं, क्षमता में परिवर्धन सहित विस्तार या आधुनिकीकरण ;
- (iii) विनिर्दिष्ट रेंज से परे अनुसूची में सम्मिलित किसी विद्यमान विनिर्माणकर्ता यूनिट में उत्पाद मिश्रण में कोई परिवर्तन।

3. राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण :- (1) कोई राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण, जिसे इसमें इसके पश्चात् एसईआईएए कहा गया है, केंद्रीय सरकार द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन गठित किया जाएगा जिसमें तीन सदस्य होंगे जिसके अंतर्गत एक अध्यक्ष और एक सदस्य-राजिव, राज्य सरकार या संबंधित संघ राज्यक्षेत्र प्रशासन द्वारा नामनिर्देशित किए जाएंगे।

- (2) सदस्य-सचिव संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन का सेवारत अधिकारी होगा जो पर्यावरण विधियों से परिचित होगा ।
- (3) अन्य दो सदस्य या तो वृत्तिक या विशेषज्ञ होंगे जो इस अधिसूचना के परिशिष्ट VI में दी गई पात्रता कसौटी को पूरा करते हों ।
- (4) उम्र उपपैरा (3) में विनिर्दिष्ट सदस्यों में से एक सदस्य जो पर्यावरण समाघात निर्धारण प्रक्रिया में विशेषज्ञ हो, एसईआईएए का अध्यक्ष होगा ।
- (5) राज्य सरकार या संघ राज्यक्षेत्र प्रशासन उपपैरा (3) से उपपैरा (4) में निर्दिष्ट सदस्यों और अध्यक्ष के नामों को केन्द्रीय सरकार को अग्रेषित करेगी और केन्द्रीय सरकार नामों के प्राप्ति की तारीख से तीस दिन के भीतर इस अधिसूचना के प्रयोजनों के लिए एसईआईएए को एज प्राधिकरण के रूप में गठित करेगी ।
- (6) गैर पदाधारी सदस्य और अध्यक्ष की (प्राधिकरण को केन्द्रीय सरकार द्वारा गठित करने वाली अधिसूचना के प्रकाशन की तारीख से) तीन वर्षों की नियत पदावधि होगी ।
- (7) एसईआईएए के सभी विनिश्चय एकमत से होंगे और किसी बैठक में लिए जाएंगे ।

4. परियोजना और क्रियाकलापों का प्रवर्गीकरण :-

- (i) सभी परियोजनाएं या क्रियाकलाप मुख्यतः दो प्रवर्गों में प्रवर्गीकृत हैं- प्रवर्ग 'क' और प्रवर्ग 'ख' सक्षम समाघात की स्थानिक सीमा और मानव स्वास्थ्य और प्राकृतिक तथा मानव निर्मित संसाधनों पर आधारित हैं ।
- (ii) अनुसूची में प्रवर्ग 'क' के रूप में सम्मिलित सभी परियोजनाओं या क्रियाकलापों, जिसके अंतर्गत विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार और आधुनिकीकरण तथा उत्पाद मिश्रण में परिवर्तन सम्मिलित है, के लिए, इस अधिसूचना के प्रयोजनों के लिए केन्द्रीय सरकार द्वारा गठित की जाने वाली किसी विशेषज्ञ आंकलन समिति की सिफारिशों पर भारत सरकार में पर्यावरण और वन मंत्रालय से पूर्व पर्यावरण अनापत्ति अपेक्षित होगी ;
- (iii) अनुसूची में प्रवर्ग 'ख' के रूप में सम्मिलित सभी परियोजनाओं या क्रियाकलापों, जिसके अंतर्गत पैरा 2 के उपपैरा (ii) में यथाविनिर्दिष्ट विद्यमान परियोजनाओं या क्रियाकलापों का विस्तार और आधुनिकीकरण या पैरा 2 के उपपैरा (iii) में यथाविनिर्दिष्ट उत्पाद मिश्रण में परिवर्तन भी हैं, किन्तु जिसमें वे सम्मिलित नहीं हैं जो अनुसूची में निश्चित की गई साधारण शर्तों को पूरा करते हैं, राज्य/संघ राज्यक्षेत्र पर्यावरण समाघात निर्धारण प्राधिकरण से पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी । एसईआईएए का अपना विनिश्चय, इस इस अधिसूचना में गठित की जाने वाली किसी राज्य या संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समिति (एसईएसी) की सिफारिशों पर आधारित होगा । एसईआईएए सम्यक् रूप से गठित एसईआईएए या एसईएसी की अनुपस्थिति में, कोई प्रवर्ग 'ख' परियोजना प्रवर्ग 'क' परियोजना समझी जाएगी ;



5. **स्क्रीनिंग, विस्तारण और आंकलन समिति :-** केंद्रीय सरकार के स्तर पर वही विशेषज्ञ आंकलन समिति और राज्य या संघ राज्य स्तर पर राज्य विशेषज्ञ आंकलन समिति (जिन्हें इसमें इसके पश्चात् ईएसी और एसईएसी कहा गया है) क्रमशः प्रवर्ग 'क' और प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों की स्क्रीनिंग, विस्तारण और आंकलन करेगी। ईएसी और एसईएसी की प्रत्येक मात में कम से कम एक बार बैठक होगी।

- (क) ईएसी की संरचना परिशिष्ट VI में दी जाएगी। राज्य या संघ राज्यक्षेत्र स्तर पर एसईएसी का गठन संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के परामर्श से समान संरचना सहित गठन किया जाएगा।
- (ख) केंद्रीय सरकार, संबद्ध राज्य सरकार या संघ राज्यक्षेत्र प्रशासन की पूर्व सहमति से प्रशासनिक सुविधा और लागत के कारणों से एक या अधिक राज्य या संघ राज्यक्षेत्र के लिए एक एसईएसी का गठन कर सकेगी।
- (ग) विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति तीन वर्ष की अवधि के लिए गठित की जाएगी।
- (घ) संबंधित विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति के प्राधिकृत सदस्य उस परियोजना या क्रियाकलाप के संबंध में जिसके लिए पूर्व पर्यावरणीय अनापत्ति मांगी गई है, को स्क्रीन करने या विस्तार करने या आंकलन के प्रयोजनों के लिए आवेदक को जो निरीक्षण के लिए आवश्यक सुविधाएं देगा, कम से कम सात दिन की पूर्व सूचना देगा।
- (ङ) विशेषज्ञ आंकलन समिति और राज्य विशेषज्ञ आंकलन समिति संयुक्त दायित्व के सिद्धांत पर कृत्य करेगी। अध्यक्ष प्रत्येक मामले में सहमति बनाने का प्रयास करेगा और सहमति नहीं बन पाती है तो बहुमत का विचार माना जाएगा।

6. **पूर्व पर्यावरणीय अनापत्ति के लिए आवेदन (ईसी) :-** सभी मामलों में पर्यावरणीय अनापत्ति मांगने के लिए कोई आवेदन, परियोजना और/या क्रियाकलापों के लिए, जिससे आवेदन संबंधित है, आवेदक द्वारा स्थल पर किसी सन्निर्माण क्रियाकलाप या भूमि की तैयारी के प्रारंभ के पूर्व, पूर्वक्षित स्थल (स्थलों) की पहचान के पश्चात् परिशिष्ट 2 में दिये गए हैं, यदि लागू हों, इससे संलग्न प्ररूप 1 और अनुपूरक प्ररूप 1क में किया जाएगा। आवेदक, उसके सिवाय, संनिर्माण परियोजनाओं या क्रियाकलापों (अनुसूची की मद 8) के मामले में प्ररूप 1 और अनुपूरक प्ररूप 1क के अतिरिक्त पूर्व साध्यता परियोजना रिपोर्ट की एक प्रति, पूर्व साध्यता रिपोर्ट के स्थान पर धारणा योजना की एक प्रति आवेदन के साथ पेश करेगा।

7. (i) **नई परियोजनाओं के लिए पूर्व पर्यावरणीय अनापत्ति (ईसी) प्रक्रिया के प्रक्रम :-** नई परियोजनाओं के लिए पर्यावरणीय अनापत्ति प्रक्रिया में अधिकतम चार प्रक्रम समाविष्ट होंगे, जिनमें से सभी इस अधिसूचना में नीचे ब्यक्त/पर्यर्णित विशिष्ट मामलों में लागू नहीं होंगे। ये चार प्रक्रम श्रृंखलाबद्ध क्रम में होंगे :-

- प्रक्रम (1) स्क्रीनिंग (केवल प्रवर्ग 'ख' परियोजनाओं और क्रियाकलापों के लिए)
- प्रक्रम (2) विस्तारण
- प्रक्रम (3) लोक परामर्श
- प्रक्रम (4) आंकलन

I. प्रक्रम (1) - स्क्रीनिंग :

प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों के मामले में, यह प्रक्रम परियोजना की प्रकृति और अवस्थिति विनिर्देश पर आधारित पर्यावरणीय अनापत्ति मंजूर करने से पूर्व उसके आंकलन के लिए कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट तैयार करने के लिए यह अवधारण करने के लिए कि परियोजना या क्रियाकलाप के लिए आगे पर्यावरणीय अध्ययन करना अपेक्षित है या नहीं संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति (एसईएसी) द्वारा प्रक्रम 1 में पूर्व पर्यावरणीय अनापत्ति मांगने के लिए किसी आवेदन की संवीक्षा होगी। कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट की अपेक्षा करने वाली परियोजनाओं को प्रवर्ग "ख1" कहा जाएगा और शेष परियोजनाओं को प्रवर्ग "ख2" कहा जाएगा और उसके लिए कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट अपेक्षित नहीं होगी। मद 8ख के सिवाय परियोजनाओं के ख 1 या ख2 में प्रवर्गीकरण के लिए पर्यावरण और वन मंत्रालय समय-समय पर समुचित मार्गदर्शक सिद्धांत जारी करेगा।

II. प्रक्रम (2) विस्तारण :

(i) उस प्रक्रिया को निर्दिष्ट करता है जिसके द्वारा प्रवर्ग 'क' परियोजनाओं या क्रियाकलापों के मामले में विशेषज्ञ आंकलन समिति, और प्रवर्ग 'ख1' परियोजनाओं या क्रियाकलापों के मामले में, राज्य स्तर विशेषज्ञ आंकलन समिति, जिसके अंतर्गत विद्यमान परियोजनाओं या क्रियाकलापों के विस्तार और/या आधुनिकीकरण और/या उत्पाद मिश्रण में परिवर्तन के विस्तार, सौंपे जाने वाले विस्तृत और व्यापक कार्य अवधारित करने के लिए, उस परियोजना या क्रियाकलाप के संबंध में कोई पर्यावरणीय समाघात निर्धारण रिपोर्ट तैयार करने के लिए सभी सुसंगत पर्यावरणीय समुत्थानों को, जिसके लिए पूर्व पर्यावरणीय अनापत्ति ईप्सित की गई है, आवेदन सम्मिलित हैं। विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति विहित आवेदन प्रक्रम 1/प्रक्रम 1क में दी गई जानकारी के आधार पर सौंपे जाने वाले कार्य अवधारित करेगी, जिसके अंतर्गत आवेदक द्वारा सौंपे जाने वाले प्रस्थापित कार्य, किसी विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर आंकलन समिति के किसी सब ग्रुप द्वारा देखा गया कोई स्थल, यदि विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा आवश्यक समझा जाए, आवेदक द्वारा सुझाए गए सौंपे जाने वाले कार्य और अन्य सूचना जो विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति के पास उपलब्ध हो, सम्मिलित हैं। अनुसूची की मद 8 में प्रवर्ग ख के रूप में सूचीबद्ध सभी परियोजनाओं और क्रियाकलापों (संनिर्माण, नगरी/वाणिज्यिक काम्लेक्स/आवासन) के लिए विस्तार अपेक्षित नहीं होगा और उनका आंकलन प्रक्रम 1/प्रक्रम 1क और धारणा योजना के आधार पर किया जाएगा।

(ii) सौंपे गए कृत्यों को प्ररूप 1 की प्राप्ति के साठ दिनों के भीतर विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा आवेदक को प्रेषित किया जाएगा। अनुसूची के प्रवर्ग क हाइड्रोक्लेक्ट्रिक परियोजना मद 1 (ग) (i) के मामले में सौंपे गए कृत्यों को पूर्व संनिर्माण क्रियाकलापों के लिए अनापत्ति सहित प्रेषित किया जाएगा। यदि सौंपे गए कृत्यों को अंतिम रूप नहीं दिया गया है और प्ररूप 1 की प्राप्ति के साठ दिनों के भीतर आवेदक को प्रेषित किया जाता है तो आवेदक द्वारा सुझाए गए सौंपे जाने वाले कृत्य ईआईए अध्ययन के लिए अनुमोदित, अंतिम सौंपे गए कृत्यों के रूप में समझे जाएंगे। अनुमोदित सौंपे गए कृत्य, पर्यावरण और वन मंत्रालय तथा संबंधित राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण के लिए वेबसाइट पर प्रदर्शित किए जाएंगे।

(iii) इसी प्रक्रम पर संबंधित विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिश पर संबंधित विनियामक प्राधिकरण द्वारा पूर्व पर्यावरणीय अनापत्ति के लिए आवेदनों को नामंजूर किया जा सकेगा। ऐसे नामंजूर किए जाने की दशा में, विनिश्चय को उसके कारणों सहित आवेदक को, आवेदन की प्राप्ति के साठ दिनों के भीतर लिखित में संसूचित किया जाएगा।

III प्रक्रम (3) लोक परामर्श

(i) “लोक परामर्श” उस प्रक्रिया को निर्दिष्ट करता है जिसके द्वारा स्थानीय प्रभावी व्यक्तियों और ऐसे अन्य व्यक्तियों की चिंताओं को, जिनका परियोजना या क्रियाकलापों के पर्यावरणीय समाघातों में न्यायसंगत आधार है, समुचित रूप में अभिकल्पित परियोजना या क्रियाकलाप में संबंधित सभी सामग्री को ध्यान में रखते हुए सुनिश्चित किया जाएगा। सभी प्रवर्ग “क” और प्रवर्ग “ख1” परियोजनाएं या क्रियाकलाप निम्नलिखित के सिवाय लोक परामर्श करेंगे :-

(क) सिंचाई परियोजनाओं का आधुनिकीकरण (अनुसूची की मद 1(ग) (ii))।

(ख) संबंधित प्राधिकारियों द्वारा अनुमोदित औद्योगिक संपदाओं या पार्कों के भीतर अवस्थित सभी परियोजनाएं या क्रियाकलाप (अनुसूची की मद 7(ग)) और जिन्हें ऐसे अनुमोदन में अननुज्ञात नहीं किया जाता है।

(ग) सड़कें और राजमार्गों का विस्तार (अनुसूची की मद 7(घ)) जिनमें भूमि का कोई और अर्जन अंतर्वलित नहीं है।

(घ) सभी भवन/संनिर्माण परियोजनाएं/क्षेत्र विकास परियोजनाएं और नगरीय योजनाएं (मद 8)।

(ङ) सभी प्रवर्ग ख 2 परियोजनाएं और क्रियाकलाप।

(च) केन्द्रीय सरकार द्वारा यथा अवधारित राष्ट्रीय रक्षा और सुरक्षा से संबंधित सभी परियोजनाएं और क्रियाकलाप या जिसमें अन्य युक्तगत विचार अंतर्वलित हैं।

(ii) लोक परामर्श में साधारणतया दो घटक समाविष्ट होंगे :-

(क) स्थानीय प्रभावित व्यक्तियों की चिंताओं को सुनिश्चित करने के लिए परिशिष्ट 4 में विहित रीति में की जाने वाली स्थल पर या उसके निकट परिसर में जिला वार कोई लोक सुनवाई ;

(ख) परियोजना या क्रियाकलाप के पर्यावरणीय पहलुओं में कोई न्यायसंगत आधार रखने वाले अन्य संबंधित व्यक्तियों से लिखित में प्रतिक्रियाएं प्राप्त करना।



(iii) स्थल (स्थलों) पर या उसके निकट परिसर में सभी मामलों में लोक सुनवाई विनिर्दिष्ट रीति में संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा की जाएगी और कार्यवाहियों को आवेदक से प्राप्त अनुरोध के पैंतालीस दिनों के भीतर संबंधित विनियामक प्राधिकरण को अग्रप्रेषित किया जाएगा।

(iv) यदि संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति लोक सुनवाई नहीं करती है और लोक सुनवाई को विनिर्दिष्ट अवधि के भीतर पूरी नहीं करती है और/या लोक सुनवाई की कार्यवाहियां को विहित अवधि के भीतर यथाउपर्युक्त संबंधित विनियामक प्राधिकरण को प्रेषित नहीं करती है तो विनियामक प्राधिकरण अन्य लोक अभिकरण या प्राधिकरण को, जो विनियामक प्राधिकरण का अधीनस्थ नहीं है, प्रक्रिया को पैंतालीस दिनों की और अवधि के भीतर पूरा करने के लिए लगाएगी।

(v) यदि उम्र उपपैरा (iii) के अधीन नामनिर्दिष्ट लोक अभिकरण या प्राधिकरण, संबंधित विनियामक प्राधिकरण को यह रिपोर्ट करता है, कि स्थानीय अवस्थिति के कारण लोक सुनवाई करना संभव नहीं है, तो किसी रीति में स्पष्ट रूप से अभिव्यक्त किए जाने वाले संबंधित स्थानीय व्यक्तियों के विचारों का समर्थन करेंगे। वह उस तथ्य की रिपोर्ट संबंधित विनियामक प्राधिकरण को ब्यौरेवार देगा जो रिपोर्ट पर और अन्य विश्वसनीय सूचना पर सम्यक् रूप से विचार करने के पश्चात्, जिसका लोक परामर्श के लिए विनिश्चय किया गया है, उस दशा में जिसे लोक सुनवाई में सम्मिलित करने की आवश्यकता है, रिपोर्ट करेगा।

(vi) परियोजना या क्रियाकलापों के पर्यावरणीय पहलुओं में कोई न्यायसंगत आधार रखने वाले अन्य संबंधित व्यक्तियों से लिखित में प्रक्रिया अभिप्राप्त करने के लिए, संबंधित विनियामक प्राधिकरण और राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, आवेदक द्वारा परिशिष्ट 3क में दिए गए प्ररूप में तैयार की गई संक्षिप्त ईआईए रिपोर्ट को उनके वेबसाइट पर देते हुए ऐसे संबंधित व्यक्तियों से लोक सुनवाई की व्यवस्था के लिए किसी लिखित अनुरोध की प्राप्ति के सात दिनों के भीतर प्रतिक्रियाएं प्राप्त करेंगी। गोपनीय सूचना, जिसके अंतर्गत प्रकट न करने योग्य या विधिक रूप से विशेषाधिकार प्राप्त सूचना, जिसमें बौद्धिक संपदा अधिकार अंतर्बलित हैं, आवेदन में विनिर्दिष्ट स्रोत, वेबसाइट पर नहीं रखे जाएंगे। संबंधित विनियामक प्राधिकरण, परियोजना या क्रियाकलाप की बाबत विस्तृत प्रचार को सुनिश्चित करने के लिए अन्य समुचित मीडिया का उपयोग भी कर सकेगा। विनियामक प्राधिकरण, तथापि लोक सुनवाई की तारीख तक निरीक्षण के लिए प्रारूप ईआईए रिपोर्ट किसी संबंधित व्यक्ति से, सामान्य कार्यालय घंटों के दौरान अधिसूचित स्थान पर किसी लिखित अनुरोध पर उपलब्ध कराएगा। इस लोक परामर्श प्रक्रिया के भाग के रूप में प्राप्त सभी प्रतिक्रियाएं शीघ्रतम उपलब्ध साधन से आवेदक को अग्रप्रेषित की जाएगी।

(vii) लोक परामर्श पूरा करने के पश्चात्, इस प्रक्रिया के दौरान अभिव्यक्त सभी सारवान पर्यावरणीय चिंताओं को संबोधित करेगा और प्रारूप ईआईए और ईएमपी में समुचित परिवर्तन करेगा। इस प्रकार तैयार की गई अंतिम ईआईए रिपोर्ट आवेदक के लिए संबंधित विनियामक प्राधिकरण को प्रस्तुत की जाएगी। आवेदक, लोक परामर्श के दौरान अभिव्यक्त की गई सभी चिंताओं को संबोधित करते हुए, प्रारूप ईआईए और ईएमपी की एक संक्षिप्त रिपोर्ट अनुकल्पतः प्रस्तुत करेगा।

IV प्रक्रम(4) - आंकलन :

(i) आंकलन से आवेदन और अन्य दस्तावेजों, ऐसे अंतिम ईआईए रिपोर्ट, लोक परामर्शों का निष्कर्ष, जिसके अंतर्गत लोक सुनवाई की कार्यवाहियां हैं, पर्यावरणीय अनापत्ति मंजूर करने के लिए संबंधित विनियामक प्राधिकरण को

आवेदक द्वारा प्रस्तुत की गई विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा विस्तृत संवीक्षा अभिप्रेत है। यह आंकलन विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा किसी कार्यवाही को, जिसमें आवेदक को आवश्यक स्पष्टीकरण प्रस्तुत करने के लिए व्यक्तिगत रूप से या किसी प्राधिकृत प्रतिनिधि को आमंत्रित किया जाता है, एक पारदर्शी रीति में किया जाएगा। इस कार्यवाही के निष्कर्ष पर विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति संबंधित विनियामक प्राधिकरण को निश्चित निबंधनों और शर्तों पर पूर्व पर्यावरणीय अनापत्ति मंजूर करने के लिए या पूर्व पर्यावरणीय अनापत्ति के लिए आवेदन को नामंजूर करने के लिए उसके कारणों सहित स्पष्ट सिफारिशें करेगी।

(ii) सभी परियोजनाओं या क्रियाकलापों का आंकलन जो लोक परामर्श के लिए अपेक्षित नहीं है या कोई पर्यावरण समाघात निर्धारण रिपोर्ट प्रस्तुत करना अपेक्षित नहीं है, जैसा लागू हो विहित आवेदन प्ररूप 1 और प्ररूप 1क के आधार पर उपलब्ध सभी अन्य सुसंगत विधिमान्य सूचना और दौर किए स्थल को, जहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा ऐसा करना आवश्यक समझा जाता है, कार्यान्वित किया जाएगा।

(iii) किसी आवेदन का आंकलन, विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा अंतिम पर्यावरण समाघात निर्धारण रिपोर्ट और अन्य दस्तावेजों की प्राप्ति या प्ररूप 1 या प्ररूप 1क के साठ दिनों के भीतर पूरा किया जाएगा, जहां लोक परामर्श आवश्यक नहीं है, वहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों को सक्षम प्राधिकारी के समक्ष अगले पन्द्रह दिनों के भीतर अंतिम विनिश्चय के लिए रखा जाएगा। आंकलन की विहित प्रक्रिया परिशिष्ट V में दी गई है।

7. (ii) विद्यमान परियोजनाओं का विस्तार या आधुनिकीकरण या उत्पाद मिश्रण में परिवर्तन के लिए पूर्व पर्यावरणीय अनापत्ति प्रक्रिया,-

उस क्षमता के परे जिसके लिए इस अधिसूचना के अधीन पूर्व पर्यावरणीय अनापत्ति मंजूर की गई है, उत्पादन क्षमता में वृद्धि सहित या तो पट्टा क्षेत्र या खनन परियोजनाओं की दशा में उत्पादन क्षमता में वृद्धि सहित या इस अधिसूचना की अनुसूची में विहित अंतिम सीमा के परे कुल उत्पादन क्षमता में वृद्धि सहित विद्यमान यूनिट के आधुनिकीकरण के लिए, प्रक्रिया और/या प्रौद्योगिकी में परिवर्तन के माध्यम से या उत्पाद मिश्रण में किसी परिवर्तन के लिए पूर्व पर्यावरणीय अनापत्ति ईप्सित करने वाले सभी आवेदन प्ररूप 1 में किए जाएंगे और उन पर संबंधित विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा साठ दिनों के भीतर विचार किया जाएगा, जो सम्यक् आवश्यक तत्परता से जिसके अंतर्गत ईआईए का तैयार किया जाना और लोक परामर्श भी है, विनिश्चय करेगी और आवेदन का तदनुसार पर्यावरणीय अनापत्ति मंजूर करने के लिए आंकलन किया जाएगा।

8. पूर्व पर्यावरणीय अनापत्ति मंजूर किया जाना या उसको खारिज किया जाना,-

(i) विनियामक प्राधिकरण, संबंधित ई ए सी या एस ई ए सी की सिफारिशों पर विचार करेगा और अपने विनिश्चय को आवेदक को विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों की प्राप्ति के पैंतालिस दिनों के भीतर प्रेषित करेगा या अन्य शब्दों में अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति के एक सौ पांच दिनों के भीतर प्रेषित करेगा और जहां पर्यावरणीय समाघात निर्धारण पूरे आवेदन की प्राप्ति के एक सौ पांच दिनों के भीतर अपेक्षित नहीं है वहां अपेक्षित दस्तावेज, नीचे उपबंधित के सिवाय प्रेषित करेगा।

(ii) विनियामक प्राधिकरण, सामान्यतः विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों को स्वीकार करेगा। उन दशाओं में जहां विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों से असहमत है, वहां विनियामक प्राधिकरण विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की सिफारिशों की प्राप्ति के पঁतालिस दिनों के भीतर असहमति के कारणों का कथन करते हुए पुनर्विचार का अनुरोध करेगा। इस विनिश्चय की सूचना आवेदक को साथ-साथ प्रेषित की जाएगी। उसके पश्चात् विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति, विनियामक प्राधिकरण के संप्रेक्षणों पर विचार करेगी और उस पर अपने विचार साठ दिनों की और अवधि के भीतर पेश करेगी। विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति के विचारों को ध्यान में रखने के पश्चात् विनियामक प्राधिकरण का विनिश्चय अंतिम होगा और संबंधित विनियामक प्राधिकरण को अगले तीस-दिनों के भीतर आवेदक को प्रेषित किया जाएगा।

(iii) उस दशा में जहां विनियामक प्राधिकरण का विनिश्चय आवेदक को, उमर उपपैरा (i) या (ii) में, जहां लागू हो विनिर्दिष्ट अवधि के भीतर संसूचित नहीं किया जाता है, वहां आवेदक इस प्रकार अग्रसर हो सकेगा मानो मांगी गई पर्यावरण अनापत्ति मंजूर कर दी गई है या विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की अंतिम सिफारिशों के निबंधनों में विनियामक प्राधिकरण द्वारा नामंजूर कर दी गई है।

(iv) उमर पैरा (i) और (ii) के अधीन, जहां लागू हो, विनियामक प्राधिकरण द्वारा विनिश्चय के लिए विनिर्दिष्ट अवधि के अवसान पर, विनियामक प्राधिकरण का विनिश्चय और विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति की अंतिम सिफारिशें लोक दस्तावेज होंगे।

(v) अन्य विनियामक प्राधिकरणों से परियोजनाओं या क्रियाकलापों, या संबंधित विनियामक प्राधिकरण द्वारा स्क्रीनिंग, विस्तारण या आंकलन या विनिश्चय पूर्व पर्यावरण अनापत्ति के लिए आवेदनों की प्राप्ति के पूर्व तब तक अपेक्षित नहीं होगी जब तक या तो ऐसी अनापत्ति किसी विधि की अपेक्षा का आवश्यक तकनीकी कारणों से कोई श्रृंखलाबद्ध आधार न हो।

(vi) जान बूझ कर छिपाना और/या मिथ्या प्रस्तुतीकरण या भ्रामक सूचना या आंकड़े देना जो स्क्रीनिंग, विस्तारण या आंकलन या आवेदन पर विनिश्चय के लिए सारवान हो, आवेदन को नामंजूर किए जाने या उस आधार पर मंजूर की गई पूर्व पर्यावरणीय अनापत्ति के रद्दकरण के लिए दायी बनाएगी। किसी आवेदन को नामंजूर करना या इस आधार पर पहले मंजूर की गई किसी पूर्व पर्यावरणीय अनापत्ति के रद्दकरण का विनिश्चय विनियामक प्राधिकरण द्वारा आवेदक की व्यक्तिगत सुनवाई करने के पश्चात् किया जाएगा और उसमें नैसर्गिक न्याय के सिद्धांतों का पालन किया जाएगा।

9. पर्यावरणीय अनापत्ति की विधिमान्यता,-

“पर्यावरणीय अनापत्ति की विधिमान्यता” से वह अवधि अभिप्रेत है जिससे विनियामक प्राधिकरण द्वारा मंजूर की गई पूर्व पर्यावरणीय अनापत्ति मंजूर की जाती है या आवेदक द्वारा यह समझा जा सकेगा कि वह उमर पैरा 7 के उपपैरा (iv) के अधीन परियोजना या क्रियाकलाप द्वारा उत्पादन प्रचालन आरंभ करने या संनिर्माण परियोजनाओं की दशा में (अनुसूची की मद 8) सभी संनिर्माण प्रचालन पूरा करने, जिसके के लिए पूर्व पर्यावरण अनापत्ति के लिए

आवेदक का निर्देश करता है, मंजूर की गई है। किसी परियोजना या क्रियाकलाप के लिए नदी घाटी परियोजनाओं (अनुसूची की मद 1(ग)) की दशा में दस वर्ष की अवधि के लिए, विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा यथा प्राक्कलित परियोजना की अवधि खनन परियोजनाओं के लिए अधिकतम तीस वर्षों के लिए और सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में पांच वर्ष होगी। तथापि क्षेत्र विकास परियोजनाओं और नगरीय की दशा में (मद 8(ख)) विधिमान्य अवधि केवल ऐसे क्रियाकलापों तक सीमित होगी जहां तक किसी विकासकर्ता के रूप में आवेदक का उत्तरदायित्व है। इस विधिमान्यता की अवधि को संबंधित विनियामक प्राधिकरण द्वारा पांच वर्ष की अधिकतम अवधि तक बढ़ाया जा सकेगा, परन्तु यह तब जब कि कोई आवेदन आवेदक द्वारा विनियामक प्राधिकरण को संनिर्माण परियोजनाओं या क्रियाकलापों के लिए (अनुसूची की मद 8) अद्यतन प्ररूप 1 और अनुपूरक प्ररूप 1क सहित विधिमान्य अवधि के भीतर किया जाता है। इस बाबत विनियामक प्राधिकरण, यथास्थिति, विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति से भी परामर्श कर सकेगा।

10. पश्च पर्यावरणीय अनापत्ति को मानीटर करना,-

(i) परियोजना प्रबंधन के लिए प्रत्येक कलेंडर वर्ष की 1 जून और 1 दिसंबर को संबंधित विनियामक प्राधिकरण को निश्चित पूर्व पर्यावरणीय अनापत्ति के निबंधनों और शर्तों के संबंध में अनुपालन रिपोर्टों को अर्धवार्षिक रूप में हार्ड और साफ्ट प्रतियों में प्रस्तुत करना आज्ञापक होगा।

(ii) परियोजना प्रबंधन द्वारा प्रस्तुत की गई सभी ऐसी अनुपालन रिपोर्टें लोक दस्तावेज होंगी, उसकी प्रतियां संबंधित विनियामक प्राधिकरण को आवेदन पर किसी व्यक्ति को दी जाएंगी। ऐसी अंतिम अनुपालन रिपोर्टें संबंधित विनियामक प्राधिकरण की वेबसाइट पर भी दर्शित की जाएगी।

11. पर्यावरणीय अनापत्ति की अंतरणीयता,-

किसी आवेदक को किसी विनिर्दिष्ट परियोजना या क्रियाकलाप के लिए मंजूर की गई कोई पूर्व पर्यावरणीय अनापत्ति अंतरक द्वारा या अंतरिकी द्वारा आवेदन पर परियोजना या क्रियाकलाप को करने के हकदार किसी अन्य विधिक व्यक्ति को अंतरक द्वारा लिखित "अनापत्ति सहित" जो इसकी विधिमान्यता की अवधि के दौरान संबंधित विनियामक प्राधिकरण द्वारा उन्हीं निबंधनों और शर्तों के अधीन पूर्व पर्यावरणीय अनापत्ति आरंभ में मंजूर की गई थी और उसी विधिमान्यता अवधि के लिए अंतरित की जा सकेगी। ऐसे मामलों में विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति को कोई निर्देश आवश्यक नहीं है।

12. लंबित मामलों के निपटान तक ई.आई.ए. अधिसूचना का प्रवर्तन,-

इस अधिसूचना के अंतिम प्रकाशन की तारीख से पर्यावरणीय समाघात निर्धारण की अधिसूचना सं० का.आ. 60(अ), तारीख 27 जनवरी, 1994 को, उन बातों के सिवाय, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने से लोप किया गया है, उस सीमा तक अधिक्रान्त किया जाता है कि पूर्व पर्यावरणीय अनापत्ति के लिए किए गए और इस अधिसूचना के अंतिम प्रकाशन की तारीख को लंबित सभी या कुछ प्रकार के आवेदनों को, परियोजनाओं या क्रियाकलापों को, उस सूची के सिवाय जिनमें अनुसूची 1 में पूर्व पर्यावरणीय अनापत्ति अपेक्षित है, इस अधिसूचना के किसी एक या सभी उपबंधों से छूट दे सकेगी या उक्त अधिसूचना के कुछ या सभी उपबंधों के प्रवर्तन को इस अधिसूचना के जारी करने की तारीख से एक वर्ष से अनधिक अवधि के लिए जारी रख सकेगी।

अनुसूची

(पृष्ठ 2 और 7 देखें)

पूर्व पर्यावरणीय अनापत्ति की अपेक्षा वाली परियोजनाओं या क्रियाकलापों की सूची

क्र. सं.	परियोजना या क्रियाकलाप	अवसीमा सहित प्रवर्ग		शर्तें, यदि कोई हों
		क	ख	
1	खनन, प्राकृतिक संसाधन का निष्कर्षण और विद्युत उत्पादन विनिर्दिष्ट उत्पादन क्षमता के लिए)			
1	2	3	4	5
1(क)	खनिज का खनन	खनन पट्टा क्षेत्र का ≥ 50 हे० किसी भी खनन क्षेत्र का ध्यान दिए बिना ऐस्बीस्टज खनन	< 50 हेक्टेयर ≥ 5 हेक्टेयर खनन पट्टा क्षेत्र	साधारण शर्तें लागू होंगी टिप्पण खनिज पदार्थों के पूर्वक्षण (जिसमें ड्रिलिंग न हो) को छूट दी गई है बशर्त कि वास्तविक सर्वेक्षण के लिए छूट वाले क्षेत्रों की पूर्व अनुमति ली गई है।
1(ख)	अपतट और तटवर्ती तेल तथा गैस की खोज, विकास और उत्पादन	सभी परियोजनाएं		टिप्पण सार खोज सर्वेक्षण (जिसमें ड्रिलिंग न हो) को छूट दी गई है बशर्त कि वास्तविक सर्वेक्षण के लिए छूट वाले क्षेत्रों की पूर्व अनुमति ली गई है।
1(ग)	नदी घाटी परियोजनाएं	(i) ≥ 50 मे०वा० जल विद्युत उत्पादन (ii) $\geq 10,000$ हे०खेती योग्य प्रभावित क्षेत्र	(i) $< 50 \geq 25$ मे०वा० जल विद्युत उत्पादन (ii) $< 10,000$ हे० खेती योग्य प्रभावित क्षेत्र	साधारण शर्तें लागू होंगी
1(घ)	तापीय विद्युत संयंत्र	(कोयला लिग्नाइट और नेपथा गैस आधारित) ≥ 500 मे.वा. ≥ 50 मे.वा. (पेटकोक, डीजल और सभी अन्य ईंधन)	(कोयला/लिग्नाइट/नेपथा एवं गैस आधारित) < 500 मे.वा. (पेटकोक, डीजल और सभी अन्य ईंधन) < 50 मे.वा ≥ 5 मे.वा.	साधारण शर्तें लागू होंगी
1(ङ)	आणविक विद्युत परियोजनाएं और आणविक ईंधन का प्रसंस्करण	सभी परियोजनाएं		
2	प्राथमिक प्रसंस्करण			
2(क)	कोयला धोवनशालाएं	≥ 1 मिलियन टन/ वार्षिक कोयले का उत्पादन	< 1 मिलियन टन/ वार्षिक कोयले का उत्पादन	साधारण शर्तें लागू होंगी (यदि खनन क्षेत्र के अंदर स्थित है तो प्रस्ताव का मूल्यांकन खनन प्रस्ताव के साथ किया जाना चाहिए)

2(ख)	खनिज सज्जीकरण	≥ 0.1 मिलियन टन/ वार्षिक कोयले का उत्पादन	< 0.1 मिलियन टन/ वार्षिक कोयले का उत्पादन	साधारण शर्त लागू होगी अनापत्ति प्रदान करने के लिए खनन प्रस्ताव का खनिज सज्जीकरण के साथ ही मूल्यांकन किया जाना चाहिए
3	पदार्थ उत्पादन			
3(क)	धातुकर्म उद्योग (फेरस और गैर फेरस)	क) प्राथमिक धातुकर्म उद्योग सभी परियोजनाएं ख) स्पर्ज आयरन विनिर्माण ≥ 200 टन पी डी ग) गौण धातु कर्म प्रसंस्करण उद्योग सभी विषाक्त और भारी धातु उत्पादित करने वाली इकाइयां $\geq 20,000$ टन/ वार्षिक	स्पर्ज आयरन विनिर्माण < 200 टन पी डी गौण धातु कर्म प्रसंस्करण उद्योग 1) सभी विषाक्त और भारी धातु उत्पादित करने वाली इकाइयां $< 20,000$ टन/ वार्षिक 2) अन्य सभी विषरहित गौण धातुकर्म प्रसंस्करण उद्योग > 5000 टन / वार्षिक	स्पर्ज आयरन विनिर्माण के लिए साधारण शर्त लागू होगी
3(ख)	सीमेंट संयंत्र	वार्षिक उत्पादन क्षमता ≥ 1.0 मिलियन टन	वार्षिक उत्पादन क्षमता < 1.0 मिलियन टन यह सभी ग्राइंडिंग इकाइयों के लिए लागू है	साधारण शर्त लागू होगी
4	पदार्थ प्रसंस्करण			
4(क)	पेट्रोलिम रिफाइनिंग उद्योग	सभी परियोजनाएं	-	-
4(ख)	कोक भट्टी संयंत्र	$\geq 2,50,000$ टन वार्षिक	$< 2,50,000$ एवं $\geq 25,000$ टन वार्षिक	-
4(ग)	एस्बेस्टास मिलिंग और एस्बेस्टास आधारित उत्पाद	सभी परियोजनाएं	-	-
4(घ)	क्लोस्कार उद्योग,	उत्पादन क्षमता ≥ 300 टन पी डी या अधिसूचित औद्योगिक क्षेत्र/संपदा से अलग अवस्थित इकाई	उत्पादन क्षमता < 300 टन पी डी और अधिसूचित औद्योगिक क्षेत्र/संपदा में अवस्थित इकाई	विनिर्दिष्ट शर्त लागू होगी किसी नए पारा प्रकोष्ठ आधारित संयंत्र को अनुज्ञा नहीं दी जाएगी और इस अधिसूचना द्वारा क्लिंटीमय प्रकोष्ठ प्रौद्योगिकी में परिवर्तन करने वाली विद्यमान इकाई को छूट प्राप्त है।

4	सोडा भस्म उद्योग	सभी परियोजनाएं	-	-
4(ब)	घमड़ा/त्वचा/खाल प्रसंस्करण उद्योग	औद्योगिक क्षेत्र से बाहर सभी नई परियोजनाएं या औद्योगिक क्षेत्र के बाहर विद्यमान इकाइयों का विस्तार	अधिसूचित औद्योगिक क्षेत्र/संपदा में अवस्थित सभी नई परियोजनाएं या परियोजनाओं का विस्तार	विनिर्दिष्ट शर्त लागू होगी
5	उत्पादन/फैब्रिकेशन			
5(क)	रासायनिक उर्वरक	सभी परियोजनाएं	-	-
5(ख)	कीटनाशक उद्योग और कीटनाशक विशिष्ट मध्यक जीवमार (विनिर्मिति को छोड़कर)	तकनीकी श्रेणी के कीटनाशकों को उत्पादन करने वाली सभी इकाइयां	-	-
5(ग)	पेट्रो रसायन परिसर (पेट्रोलियम के अंश और प्राकृतिक गैस और/या सुगन्धितों में सुघार प्रसंस्करण आधारित उद्योग)	सभी परियोजनाएं	-	-
5(घ)	मानव निर्मित फाइबर का उत्पादन	रेयन	अन्य	साधारण शर्त लागू होगी
5(ङ)	पेट्रो रसायन आधारित प्रसंस्करण (भंजन से भिन्न अन्य प्रसंस्करण तथा सुघार और जो परिसर के भीतर समाविष्ट नहीं है)	अधिसूचित औद्योगिक क्षेत्र/संपदा के बाह्य अवस्थित	अधिसूचित औद्योगिक क्षेत्र/संपदा के भीतर अवस्थित	विनिर्दिष्ट शर्त लागू होगी
5(च)	संश्लिष्ट कार्बनिक रसायन उद्योग (रंजक और रंजक मध्यक; थोक औषधि और औषधि विनिर्मितियों को छोड़कर मध्यक; संश्लिष्ट खड़ मूल कार्बनिक रसायन, अन्य संश्लिष्ट कार्बनिक रसायन और रसायन मध्यक)	अधिसूचित औद्योगिक क्षेत्र/संपदा के बाह्य अवस्थित	अधिसूचित औद्योगिक क्षेत्र/संपदा के भीतर अवस्थित	विनिर्दिष्ट शर्त लागू होगी
5(छ)	आसवनी	(i) सभी शीरा आधारित आसवनी । (ii) सभी गन्ने का रस/गीर -शीरा आधारित आसवनी ≥ 30 कि०ली० दैनिक	सभी गन्ने का रस/गीर शीरा आधारित आसवनी < 30 कि०ली० दैनिक	साधारण शर्त लागू होगी
5(ज)	समेकित पेट उद्योग	-	सभी परियोजनाएं	साधारण शर्त लागू होगी
5(झ)	अपशिष्ट कागज से कागज का निर्माण और तैयार लुग्दी और विरंजन किए बिना तैयार लुग्दी से कागज निर्माण के अलावा लुग्दी एवं कागज	लुग्दी विनिर्माण और लुग्दी और कागज विनिर्माण उद्योग	लुग्दी विनिर्माण के बिना कागज विनिर्माण उद्योग	साधारण शर्त लागू होगी



	उद्योग			
5(अ)	चीनी उद्योग		गन्ना पेरने की क्षमता \geq 5000 टन दैनिक	साधारण शर्त लागू होगी
5(ट)	प्रेरण/आर्क मट्टी/कुपोला मट्टी 5 टन प्रति घंटा या ज्यादा		सभी परियोजनाएं	साधारण शर्त लागू होगी
6	सेवा सेक्टर			
6(क)	राष्ट्रीय उद्यानों/ अभयारण्यों/ प्रवाल भित्तियों/ एल एन जी टर्मिनल सहित पारिस्थिकीय संवेदनशील क्षेत्रों से गुजरने वाली तेल और गैस परिवहन पाइप लाइनें (अपरिष्कृत और परिष्करणी /पेट्रो रसायन उत्पाद)	सभी परियोजनाएं		
6(ख)	एकल भंडारकरण और परिसंकटमय रसायन को संभालना (एमएसआईएचसी नियम, 1989 और 2000 की संशोधित अनुसूची 2 और 3 के स्तंभ 3 में उपदर्शित अवसीमा योजना परिमाण के अनुसार		सभी परियोजनाएं	साधारण शर्त लागू होगी
7	पर्यावरणीय सेवाओं सहित भौतिक अवसंरचना			
7(क)	विमानपत्तन	सभी परियोजनाएं		
7(ख)	सभी पोत मंजन यार्ड जिसमें पोत मंजन इकाई भी सम्मिलित है	सभी परियोजनाएं		
7(ग)	औद्योगिक संपदा/पार्क/परिसर/ क्षेत्र/निर्यात प्रसंस्करण जोन(नि.प्र.जो.), विशेष आर्थिक जोन(वि.आ.जो.) जैव प्रीद्योगिकी पार्क चमड़ा परिसर	प्रस्तावित औद्योगिक संपदा में यदि एक भी उद्योग श्रेणी क के अंतर्गत आता है तो पूरे औद्योगिक क्षेत्र को श्रेणी क ही समझा जाएगा चाहे वह किसी भी क्षेत्र में हो 500 हेक्टेयर से ज्यादा क्षेत्र की औद्योगिक संपदाएं और जिनमें कम से कम एक श्रेणी ख का उद्योग स्थित हो	औद्योगिक संपदाएं और जिनमें कम से कम एक श्रेणी ख का उद्योग स्थित है और क्षेत्र < 500 हेक्टेयर हो औद्योगिक संपदाएं क्षेत्र > 500 हेक्टेयर और जिसमें श्रेणी क या ख श्रेणी का कोई उद्योग नहीं है	विशेष शर्त लागू होगी टिप्पण 500 हेक्टेयर से कम क्षेत्र की औद्योगिक संपदाओं जिनमें क या ख श्रेणी का कोई उद्योग नहीं है को मंजूरी की आवश्यकता नहीं है
7(घ)	सामान्य परिसंकटमय अपशिष्ट उपचार भंडारकरण और निपटान सुविधाएं (उ.भ.नि.सु.)	सभी एकीकृत सुविधाएं जिनमें भस्मीकरण और भूमिभरण या केवल भस्मीकरण शामिल है	केवल भूमि भरण वाली सभी सुविधाएं	साधारण शर्त लागू होगी

7(क)	पत्तन, बंदरगाह	≥ 5 मिलियन टन वार्षिक स्थोरा की उठाई-धराई की क्षमता (मत्स्य बंदरगाह से भिन्न)	< 5 मिलियन टन वार्षिक स्थोरा की उठाई-धराई की क्षमता और पत्तन/बंदरगाह में ≥ 10,000 टन वार्षिक मछली पकड़ने की क्षमता	साधारण शर्त लागू होगी
7(घ)	राजमार्ग	1) नए राष्ट्रीय राजमार्ग: और 2) 30 कि.मी. से ज्यादा लंबाई के राष्ट्रीय राजमार्गों का विस्तार जिनमें मार्ग के दोनों ओर अतिरिक्त भूमि अधिग्रहण 20 मीटर से ज्यादा है और एक से अधिक राज्यों से गुजरते हैं।	1) नए राज्य राजमार्ग: और 2) 30 कि.मी. से ज्यादा लंबे राष्ट्रीय/राज्य राजमार्गों का विस्तार जिनमें मार्ग के दोनों ओर अतिरिक्त भूमि अधिग्रहण 20 मीटर से ज्यादा है।	साधारण शर्त लागू होगी
7(छ)	आकाशी यात्री रज्जुमार्ग		सभी परियोजनाएं	साधारण शर्त लागू होगी
7(ज)	सामान्य स्त्राव उपचार संयंत्र (स.स.उ.सं.)		सभी परियोजनाएं	साधारण शर्त लागू होगी
7(झ)	नगरपालिका ठोस अपशिष्ट प्रबंधन सुविधा (स.न.अ.प्र.स.)		सभी परियोजनाएं	साधारण शर्त लागू होगी
8	भवन/संनिर्माण परियोजनाएं/क्षेत्र विकास परियोजनाएं और शहरीकरण			
8(क)	भवन एवं संनिर्माण परियोजनाएं		≥ 20000 वर्ग मी. के निर्मित क्षेत्र और < 1,50,000 वर्ग मीटर के निर्मित क्षेत्र #	# आवृत संनिर्माण के लिए निर्मित क्षेत्र आकाश की ओर खुली सुविधाओं की दशा में यह क्रियाकलाप क्षेत्र भी होगा।
8(ख)	नगरीय और क्षेत्र विकास परियोजनाएं		≥ 50 हे. क्षेत्र को सम्मिलित करते हुए और या निर्मित क्षेत्र ≥ 1,50,000 वर्ग मीटर ++	++ 8 (ख) के अंतर्गत सभी परियोजनाओं को ख 1 प्रवर्ग के अनुसार निर्बंधित किया जाएगा।

टिप्पण

साधारण शर्त (सा.श.)

प्रवर्ग "ख" में विनिर्दिष्ट किसी परियोजना या क्रियाकलाप को प्रवर्ग "क" माना जाएगा, यदि वह : (i) पन्य जीव (संरक्षण) अधिनियम, 1972 के अधीन अधिसूचित संरक्षित क्षेत्र; (ii) उसकी समय-समय पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा गंभीर रूप से प्रदूषित क्षेत्र के रूप में पहचान की गई है; (iii) परिस्थितिकी संवेदनशील क्षेत्र अधिसूचित है; और (iv) अंतरराज्यिक सीमाओं और अंतरराष्ट्रीय सीमाओं से दस किलोमीटर के भीतर संपूर्ण रूप से या आंशिक रूप में अवस्थित है।

विनिर्दिष्ट शर्त (वि.श.)

यदि कोई मद 4(घ), 4(च), 5(क), 5(ख) जैसी समयुग्म की प्रकार का उद्योगों वाला औद्योगिक संपदा/कांप्लेक्स/निर्यात प्रसंस्करण जोन/विशेष आर्थिक जोन/जैव प्रौद्योगिकी उद्यान/चमरूप परिसर या पूर्व निर्धारित गतिविधियों वाले उद्योग (आवश्यक नहीं कि वे समयुग्म हों) पूर्व पर्यावरणीय अनापत्ति प्राप्त करते हैं, तो ऐसी संपदाओं/कांप्लेक्सों के भीतर प्रस्तावित उद्योगों सहित निजी उद्योगों को तब तक पूर्व पर्यावरणीय अनापत्ति लेना अपेक्षित नहीं है जब तक कि औद्योगिक कांप्लेक्स/संपदा के लिए निबंधनों और शर्तों का अनुपालन नहीं करते (ऐसी संपदा/कांप्लेक्सों की पूर्व पर्यावरणीय अनापत्ति की निबंधनों और शर्तों के लिए सहमता सुनिश्चित करने के विधिक उत्तरदायित्व से स्पष्ट रूप से पहचान करने का प्रबंध होना चाहिए जिसे कांप्लेक्स/संपदा के सारे जीवन में उसके अतिक्रमण के लिए उत्तरदायी ठहराया जा सकेगा)।

[सं. जे-11013/56/2004-आईए-II(1)]

आर. चन्द्रमोहन, संयुक्त सचिव

परिशिष्ट -I
(पैरा 6 देखें)
प्ररूप 1

(1) आधारभूत जानकारी

परियोजना का नाम :

विचाराधीन अनुकल्पी अवस्थिति/स्थान :

परियोजना का आकार * :

परियोजना की प्राक्कलित लागत

संपर्क जानकारी :

संवीक्षा प्रवर्ग :

- अंचलीय क्रियाकलाप के लिए तत्स्थानी क्षमता (जैसे विनिर्माण करने के लिए उत्पादन क्षमता, खनिज उत्पादन के लिए खनन पट्टा क्षेत्र और उत्पादन क्षमता, खनिज पूर्वेक्षण के लिए क्षेत्र, अनुरेख परिवहन अवसंरचना के लिए लंबाई, विद्युत उत्पादन आदि के उत्पादन क्षमता)

(II) क्रियाकलाप

1. परियोजना का संनिर्माण, प्रवालन या न निकालना जिसमें ऐसी कार्रवाई भी सम्मिलित है जो परिक्षेत्र में भौतिक परिवर्तनों का कारण होगी (स्थलाकृति, भूमि उपयोग, जल निकायों में परिवर्तन आदि)

क्र.सं.	जानकारी/जांच सूची पुष्टिकरण	हां/नहीं	उनके ब्यारे (लगभग मात्रा/दरों, सहित, जो संभव हो, सहित) आंकड़ों की जानकारी के स्रोत सहित ।
1.1	भूमि उपयोग, समावेश भूमि या स्थलाकृति में स्थायी या अस्थायी जिसमें भूमि उपयोग की मात्रा(स्थानीय भूमि उपयोग योजना के बारे में वृद्धि भी सम्मिलित है)		
1.2	विद्यमान भूमि, वनस्पति और भवनों की अनापत्ति		
1.3	नई भूमि उपयोगों का सृजन		
1.4	संनिर्माण पूर्व अन्वेषण अर्थात् बोर, गृह, मिट्टी का परिक्षण करना		
1.5	संनिर्माण कार्य		
1.6	विध्वंस कार्य		



1.7	संनिर्माण कार्य या संनिर्माण कर्मकारों के घर के प्रवेश के लिए उपयोग किए गए अस्थायी स्थल		
1.8	उपर्युक्त भू-भ्रमण, संरचनाएँ या बुद्धि जिसमें अनुरेखीय संरचनाएँ, काटनी और भ्रमण या खुदाई भी सम्मिलित है।		
1.9	भूमिगत कोठे जिसमें छानन या सुरंग बनाना भी सम्मिलित है।		
1.10	भूमि उद्धार कार्य		
1.11	तलकर्वक		
1.12	अपतृप्त संरचनाएँ		
1.13	उत्पादन और विनिर्माण प्रक्रियाएँ		
1.14	सामग्रियों या माल के भंडार की सुविधाएँ		
1.15	ठोस अवशिष्ट या तरल बहिष्कारों के उपचार या निपटान के लिए सुविधाएँ		
1.16	परिचालन कर्मकारों के दीर्घकालिक घर का प्रवेश के लिए सुविधाएँ		
1.17	संनिर्माण या प्रचालन के दौरान नई सड़क, रेल या समुद्री यातायात		
1.18	नई सड़क, रेल, वायु जल वाहिन या अन्य परिवहन अवसंरचना जिसमें नए या परिवर्तित मार्ग और स्टेशन, पत्तन, विमानपत्तन आदि भी सम्मिलित है।		
1.19	विद्यमान परिवहन मार्गों को बंद करना या अक्षय्य या यातायात परिचालन में परिवर्तनों के लिए प्रमुख अवसंरचना		
1.20	नई या अपवर्तित प्रेषण लाईनें या भाइपलाइनें		
1.21	अवरुद्ध करना, बाध बनाना, पुलिया बनाना, पुनःरेखांकन या जलमार्गों या एक्वीकरों के जल विज्ञान के लिए अन्य परिवर्तन		
1.22	प्रवाह पार		
1.23	भूजल या भूतल से जल का अंतरण या पृथक्करण		
1.24	नालियों या प्रवाह को प्रभावित करने वाले जलनिष्पादों या भूमि स्तर में परिवर्तन		
1.25	संनिर्माण, परिचालन या न निकालने के लिए कार्मिक या सामग्रियों का परिवहन		
1.26	दीर्घकालिक रूप में तोड़ना, प्रारंभ करना या कार्य पुनः आरंभ करना।		
1.27	आरंभ के दौरान जारी ऐसे क्रियाकलाप जो पर्यावरण पर समाघात कर सकेंगे।		
1.28	जमता का किसी क्षेत्र के लिए या तो अस्थायी रूप से या स्थायी रूप से आना।		
1.29	अन्य देशीय प्रजातियों का आना		
1.30	मूल निवासी प्रजातियों या आनुवंशिक विविधता की हानि		
1.31	अन्य कोई कार्यवाहियाँ		



2. परियोजना के सन्निर्माण या प्रचालन के लिए प्राकृतिक संसाधनों का उपयोग (जैसे भूमि, जल सामग्री या ऊर्जा विशेष रूप से ऐसा कोई संसाधन जो नवीकरणीय नहीं है या जिसका प्रदाय कम है)

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यारे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
2.1	विशेष रूप से अविकसित भूमि या कृषि भूमि (हे0)		
2.2	जल (अनुमानित स्रोत और प्रतियोगी उपयोगकर्ता) इकाई : के.एल.डी.		
2.3	खनिज (एम.टी.)		
2.4	सन्निर्माण सामग्री — पत्थर, औरात, बालू/मृदा (अनुमानित स्रोत एम.टी.)		
2.5	वन और इमारती लकड़ी (स्रोत — एम.टी.)		
2.6	ऊर्जा जिसके अंतर्गत विद्युत और ईंधन (स्रोत, प्रतियोगी उपयोगकर्ता) इकाई : ईंधन (एम.टी.) ऊर्जा (एम.क्यू.)		
2.7	कोई अन्य प्राकृतिक संसाधन, (समुचित मानक इकाइयों का उपयोग करें)		

3. पदार्थों या सामग्रियों का उपयोग, परिवहन, उत्पन्न धराई या उत्पादन, जो मानव स्वास्थ्य या पर्यावरण के लिए खतरनाक या जिनके मानव स्वास्थ्य की जोखिम की वास्तविकता के बारे में चिंताएं उठती हैं ।

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यारे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
3.1	पदार्थों या सामग्रियों का उपयोग जो मानव स्वास्थ्य या पर्यावरण (फ्लोरा, फोना और जल प्रदाय के लिए परिसंकेतगत) (एम एस आई एव.सी. नियमों के अनुसार) हैं		
3.2	रोग के होने में परिवर्तन या रोग वाहकों के रोग का प्रभाव (उदहरणाथ्य कीट या जल-जन्य रोग)		
3.3	लोगों के कल्याण पर प्रभाव उदहरणाथ्य जीवन दशाओं में परिवर्तन करके		
3.4	लोगों के संवेदनशील समूह जो परियोजना अर्थात् अस्पताल रोगियों, बालकों, वृद्धों आदि द्वारा प्रभावित हो सकते हैं		
3.5	कोई अन्य कारण		

4. निर्माण या प्रचालन या प्रारंभ न करने के दौरान टोस अपशिष्टों का उत्पादन (एम.टी./मास)

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
4.1	मृदा, अधिक भार या खान अपशिष्ट		
4.2	नगरपालिक अपशिष्ट (घरेलू और या वाणिज्यिक अपशिष्ट)		
4.3	परिसंकटमय अपशिष्ट (परिसंकटमय अपशिष्ट प्रबंध तंत्र नियमों के अनुसार)		
4.4	अन्य औद्योगिक प्रक्रिया अपशिष्ट		
4.5	अधिशेष उत्पाद		
4.6	मल बही-खाव उपचार से मल गाद या अन्य गाद		
4.7	निर्माण या ढाये गए अपशिष्ट		
4.8	बेकार मशीनरी या उपस्कर		
4.9	संदूषित मृदाएं या अन्य सामग्रियां		
4.10	कृषि अपशिष्ट		
4.11	अन्य टोस अपशिष्ट		

5. वायु में संदूषकों या किसी परिसंकटमय विषैले या जहरीले पदार्थों का विसर्जन

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
5.1	लेखन सामग्री या चल संसाधनों से जीवाणु ईंधनों के दहन से उत्सर्जन		
5.2	उत्पादन प्रक्रियाओं से उत्सर्जन		
5.3	सामग्रियों की उठाई धराई से जिसके अंतर्गत भंडारण या परिवहन भी है, उत्सर्जन		
5.4	निर्माण क्रियाकलापों से जिसके अंतर्गत संयंत्र और उपस्कर भी हैं, उत्सर्जन		
5.5	सामग्रियों की उठाई धराई से जिसके अंतर्गत निर्माण सामग्री, मल और अपशिष्ट भी हैं, धूल या गंध		
5.6	अपशिष्ट के भस्मीकरण से उत्सर्जन		
5.7	खुली वायु में अपशिष्ट को जलने से उत्सर्जन (उदाहरणार्थ स्लैश सामग्री, निर्माण सामग्री का ढेर)		
5.8	किन्हीं अन्य स्रोतों से उत्सर्जन		



6. शोर और कंपन का पैदा होना तथा प्रकाश और उष्मा का उत्सर्जन

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
6.1	उपस्कर के प्रचालन से उदाहरणार्थ ईजन, वातायन संयंत्र, संचालनित्र		
6.2	औद्योगिक या उसी प्रकार की प्रक्रियाओं से		
6.3	निर्माण या ढहाने से		
6.4	विस्फोटन या पाइलिंग से		
6.5	निर्माण या प्रचालन संबंधी यातायात से		
6.6	प्रकाशन या प्रशीतन प्रणालियों से		
6.7	किन्हीं अन्य संसाधनों से		

7. भूमि या मल नालियों, सतही जल, भूमिगत जल, तटीय जल या समुद्र में प्रदूषकों के विसर्जन से भूमि या जल के संदूषण के जोखिम

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
7.1	परिसंकटमय सामग्री की उठाई धराई, भंडारण, उपयोग या गाद से		
7.2	जल या भूमि में (अनुमानित ढंग और विसर्जन का स्थान) मल या अन्य बर्ही स्रावों के विसर्जन से		
7.3	वायु से भूमि या जल में उत्सर्जित प्रदूषकों के जमा होने से		
7.4	किन्हीं अन्य संसाधनों से		
7.5	क्या इन संसाधनों से पर्यावरण में प्रदूषकों के जमा होने से दीर्घकालिक जोखिम है ?		

8. परियोजना के निर्माण या प्रचालन के दौरान दुर्घटनाओं का जोखिम जो मानव स्वास्थ्य या पर्यावरण को प्रभावित कर सकते हैं

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
8.1	परिसंकटमय पदार्थों के विस्फोट, गाद, आग, भंडारण, उठाई धराई या उत्पादन से		
8.2	किन्हीं अन्य कारणों से		
8.3	क्या परियोजना प्राकृतिक विपदाओं द्वारा पर्यावरण को नुकसान पहुंचाएंगी (उदाहरणार्थ बाढ़, भूकंप, भू-सखलन, वृष्टिस्फोट आदि) ?		



9. बातें जिन पर विचार किया जाना चाहिए (जैसे पारिणामिक विकास) जिनके कारण पर्यावरणीय प्रभाव होते हैं या जो संचयी प्रभावों को करने के लिए अन्य विद्यमान प्रभावों सहित या परिक्षेत्र में नियोजित क्रियाकलापों के लिए सामर्थवान हैं

क्र.सं.	सूचना/जांच सूची पुष्टीकरण	हां/नहीं	सूचना आंकड़ों के स्रोत सहित उनके ब्यौरे (लगभग मात्राओं/दरों सहित, जहां कहीं संभव हो)
9.1	जिसके कारण आधार का विकास, सहायक विकास या परियोजना द्वारा विकास को बल मिलता है जिसका पर्यावरण पर प्रभाव हो सकता है अर्थात् - <ul style="list-style-type: none"> • आधारीक अवसंरचना (सड़कें, बिजली प्रदाय, अपशिष्ट या अपशिष्ट जल उपचार आदि) • आवासन विकास • निष्कर्षित उद्योग • पूर्ति उद्योग • अन्य 		
9.2	जिसके कारण स्थल का बाद में उपयोग होता है जिसका पर्यावरण पर प्रभाव हो सकता है		
9.3	पश्चात्बर्ती विकासों के लिए उदाहरण स्थापित करना		
9.4	सामिप्य के कारण अन्य विद्यमान परियोजनाओं पर संचयी प्रभाव हैं या उसी प्रकार के प्रभावों सहित नियोजित परियोजनाएं		

(III) पर्यावरणीय संवेदनशीलता

क्र.सं.	क्षेत्र	नाम/पहचान	आकाशी दूरी (15 किलोमीटर के भीतर) प्रस्तावित परियोजना अवस्थान सीमा
1.	उनके पारिस्थितिक मू-दृश्य, सांस्कृतिक या अन्य संबंधित मूल्यों के लिए अंतरराष्ट्रीय कन्वेंशन, राष्ट्रीय या स्थानीय विधान के अधीन संरक्षित क्षेत्र ।		
2.	क्षेत्र जो पारिस्थितिक कारणों के लिए महत्वपूर्ण या संवेदनशील हैं - वेट लैंड्स, जल स्रोत या अन्य जल संबंधी निकाय, तटीय जोन, बायोस्फीयर, पहाड़ियां, वन		
3.	क्षेत्र जो प्रजनन, घोंसला बनाने, चारे के लिए, आराम करने के लिए, सर्दियों के लिए, प्रवास के लिए फ्लोरा और फौना के संरक्षित महत्वपूर्ण या संवेदनशील प्रजातियों द्वारा उपयोग किए जाते हैं		
4.	अंतरदेशीय, तटीय, सामुद्रिक या भूमिगत जल		



5.	राज्य, राष्ट्रीय सीमाएं		
6.	मनोरंजन की या अन्य पर्यटक/यात्रियों वाले क्षेत्रों में पहुंच के लिए जनता द्वारा उपयोग किए जाने वाले मार्ग या सुविधाएं		
7.	रक्षा प्रतिष्ठापन		
8.	सघन रूप से बसे हुए या निर्मित क्षेत्र		
9.	संवेदनशील मानव निर्मित भूमि उपयोगों के अधिभोगाधीन क्षेत्र अस्पताल, पाठशालाएं, पूजा स्थल, सामुदायिक सुविधाएं		
10.	महत्वपूर्ण, उच्च क्वालिटी या दुर्लभ संसाधनों वाले क्षेत्र (भूमिगत जल संसाधन, भूतल संसाधन, वनोद्योग, कृषि, मत्स्य उद्योग, पर्यटन, खनिज)		
11.	क्षेत्र जो पहले से ही प्रदूषण या पर्यावरणीय नुकसान के अधीन हैं (वे जहां विद्यमान विधिक पर्यावरणीय मानक अधिक होते हैं)		
12.	क्षेत्र जहां प्राकृतिक संकट हो सकता है जो वर्तमान पर्यावरणीय समस्याओं की योजनाओं को प्रभावित कर सकते हैं (धंसना, भूस्खलन, भूमि कटाव, बाढ़ या अत्यंत या प्रतिकूल वातावरणीय दशाएं)		

परिशिष्ट 2
(पैरा 6 देखें)

प्ररूप 1क: (केवल अनुसूची की मद 8 के अधीन सूचीबद्ध निर्माण परियोजनाओं के लिए)

पर्यावरणीय प्रभावों की जांच सूची

(पूर्ण जानकारी उपलब्ध कराने के लिए अपेक्षित परियोजना सलाहकार और जहां कहीं आवश्यक हो प्ररूप के साथ स्पष्टीकारक टिप्पण संलग्न करें तथा प्रस्तावित पर्यावरणीय प्रबंधन योजना और मॉनिटरिंग कार्यक्रम के साथ प्रस्तुत करें)

1. भूमि पर्यावरण

(परियोजना स्थल और आसपास का विशाल दृश्य संलग्न करें)

1.1 क्या विद्यमान भूमि के उपयोग में परियोजना से सारवान रूप से परिवर्तन किया जाएगा जो वातावरण आसपास से संगत नहीं है ? (प्रस्तावित भूमि उपयोग सक्षम प्राधिकारी के अनुमोदित मास्टर प्लान/विकास योजना के अनुरूप होना चाहिए। भूमि उपयोग में परिवर्तन यदि कोई हो और सक्षम प्राधिकारी से कानूनी अनुमोदन प्रस्तुत किया जाए)। (i) स्थल अवस्थान, (ii) प्रस्तावित स्थल (पांच सौ मीटर के भीतर आसपास के सक्षमों) और (iii) सामुचित मापमान के स्थल (रस्तर और समोच्च रेखा उपदर्शित करते हुए) के नक्शे संलग्न करें। यदि उपलब्ध नहीं है तो केवल अवधारणा युक्त योजना संलग्न करें।

1.2 भूमि क्षेत्र, निर्मित क्षेत्र, जल उपयोग, विद्युत अपेक्षा, संयोजकता, सामुदायिक सुविधा में परिवर्तन आवश्यकताओं आदि के अनुसार सभी बड़ी परियोजना की आवश्यकताओं को सूचीबद्ध करें।

1.3 प्रस्तावित स्थल से संलग्न विद्यमान सुविधाओं पर प्रस्तावित विकासकार्य के कारणित प्रभाव क्या हैं ? मुख्य खुले स्थल, सामुदायिक सुविधाएं, विद्यमान भूमि उपयोग के ब्योरे, स्थानीय परिस्थिति आदि।

1.4 क्या किसी महत्वपूर्ण भूमि विद्यमान के परिणामस्वरूप भूस्खलन, भूमि कटाव, बाढ़, अत्यंत वातावरणीय किस्म, ढाल विश्लेषण, भूमि कटाव की संवेदनशीलता, भूकंपन आदि के ब्योरे दिए गए हैं?



- 1.5 क्या प्राकृतिक मल निकास प्रणाली के परिवर्तन से संबंधित प्रस्ताव है ? (प्रस्तावित परियोजना स्थल के निकट प्राकृतिक मल निकासी को दर्शित करते हुए किसी समोच्च नक्शे के ब्यारे दें)
- 1.6 निर्माण क्रियाकलाप — कर्तन, भरण, भूमि सुधार आदि में अंतर्वलित भूमि कार्य की मात्राएं क्या हैं ? (अंतर्वलित भूमि कार्य, स्थल आदि के बाहर से सामग्री भरने के परिवहन के ब्यारे दें)
- 1.7 निर्माण अवधि के दौरान जल प्रदाय अपशिष्ट उठाई भराई आदि के संबंध में ब्यारे दें ।
- 1.8 क्या नीचे के क्षेत्रों और वेट लैंड्स में परिवर्तन होंगे ? (वह ब्यारे दें कि किस प्रकार निचले क्षेत्र और वेट लैंड्स प्रस्तावित क्रियाकलापों से उपांतस्ति हो रहे हैं)
- 1.9 क्या निर्माण के दौरान निर्माण के कूड़ा करकट और अपशिष्ट से स्वास्थ्य को खतरा होगा ? (निर्माण के दौरान जिसके अंतर्गत निर्माण श्रम और व्ययन की युक्तियां भी हैं, जनित अपशिष्टों की विभिन्न किस्मों की मात्राएं दें ।)

2. जल पर्यावरण

- 2.1 विभिन्न उपयोगों की अपेक्षाओं के विश्लेषण सहित प्रस्तावित परियोजना के लिए जल अपेक्षा की कुल मात्रा दें । जल अपेक्षा की पूर्ति कैसे होगी । स्रोतों और मात्राओं का कथन करें तथा एक जल अतिशेष विवरण दें ।
- 2.2 जल के प्रस्तावित स्रोत की क्षमता क्या है ? (बहाव या प्राप्ति के आधार पर)
- 2.3 अपेक्षित जल की क्वालिटी क्या है यदि पूर्ति किसी नगर पालिक स्रोत से नहीं है ? (जल की क्वालिटी के वर्ग सहित भौतिक, रासायनिक, जैव वैज्ञानिक लक्षणों को दर्शित करें)
- 2.4 कितनी जल अपेक्षा की उपचारित बेकार जल के पुनः चक्रण से पूर्ति हो सकती है ? (मात्राओं, स्रोतों और उपयोगिताओं के ब्यारे दें ।)
- 2.5 क्या अन्य उपयोक्ताओं से जल का उपयोजन होगा ? (कृपया अन्य विद्यमान उपयोगों और उपभोग की मात्राओं पर परियोजना के प्रभाव का निर्धारण करें)
- 2.6 प्रस्तावित क्रियाकलापों से प्राप्त बेकार जल से प्रदूषण के भार में क्या वृद्धि है ? (प्रस्तावित क्रियाकलापों से प्राप्त बेकार जल की मात्राओं और संघटन के ब्यारे दें)
- 2.7 जल अपेक्षाओं की जल संवयन से हुई पूर्ति के ब्यारे दें । सृजित सुविधाओं के ब्यारे प्रस्तुत करें ।
- 2.8 दीर्घकालिक आधार पर निर्माण चरण के पश्चात् क्षेत्र की प्रस्तावित परियोजना के पूरा होने के लक्षणों (मात्रात्मकता के साथ-साथ क्वालिटी भी) के कारण भूमि उपयोग में हुए परिवर्तनों का क्या प्रभाव होगा ? क्या इससे बाढ़ या जल के जमा होने की किसी रूप में समस्या में वृद्धि होगी ?
- 2.9 भूमिगत जल पर प्रस्ताव के क्या प्रभाव होंगे ? (क्या भूमिगत जल में नल लगाया जाएगा ; भूमिगत जल की सारणी, पुनः प्रभारण क्षमता और सक्षम प्राधिकारी से अभिप्राय अनुमोदन यदि कोई हो के ब्यारे दें)
- 2.10 भूमि और पनिलों को प्रदूषित करने वाले निर्माण क्रियाकलापों से बचने के उपायों के लिए क्या सावधानियां/कदम उठाए जाने हैं ? (प्रतिकूल प्रभावों से बचने के लिए मात्राओं और अणुओं के लिए उपायों के ब्यारे दें)



- 2.11 स्थल के भीतर किस प्रकार तेज जल की व्यवस्था की जाएगी ? (क्षेत्र में बाढ़ से बचने के लिए किए गए उपबंध, समोच्च स्तरों के उपदर्शन के स्थल अभिन्यास सहित उपलब्ध कराई गई जल निकासी सुविधाओं के ब्यौरे का कथन करें)
- 2.12 क्या आवश्यक अवधि में विशेष रूप से निर्माण श्रमिकों के लगाए जाने से परियोजना स्थल के आसपास अस्वच्छता दशाएं उत्पन्न हो जाती हैं ? (उचित स्पष्टीकरण से न्यायोचित ठहराएं)
- 2.13 स्थल सुविधाओं पर संग्रहण, उपचार और जल निकासी के सुरक्षित ध्यान के लिए क्या व्यवस्था की जाती है ? (पुनःचक्रण और ध्यान के लिए प्रौद्योगिकी और सुविधाओं सहित जनन, उपचार क्षमताओं की, चाहे जैसी हों मात्राओं के ब्यौरे दें)
- 2.14 दोहरी नलसाजी प्रणाली के ब्यौरे दें यदि उपयोग किए गए उपचारित अपशिष्ट का प्रसाधनों को बहाने या किसी अन्य उपयोग के लिए उपयोग किया जाता है ।

3 वनस्पति

- 3.1 क्या जैवविविधता पर परियोजना का कोई खतरा है ? (स्थानीय पारिस्थितिक प्रणाली का उसकी विशिष्ट बातों सहित यदि कोई हों वर्णन करें)
- 3.2 क्या निर्माण में वनस्पति की विस्तृत निकासी या उपांतरण अंतर्वलित है ? (परियोजना द्वारा प्रभावित वृक्षों और वनस्पति का विस्तृत लेखा जोखा दें)
- 3.3 महत्वपूर्ण स्थल की बातों पर प्रभावों को कम करने के लिए प्रस्तावित उपाय क्या हैं ? (किसी समुचित मापमान कि किसी अभिन्यास योजना सहित वृक्षारोपण, भूदृश्य, जल निकायों आदि के सृजन के प्रस्ताव के ब्यौरे दें)

4. जीव जन्तु

- 4.1 क्या जीव जन्तुओं, स्थलीय और जलीय रूप से किसी प्रकार हटाने या उनके चलने फिरने के लिए रुकावटें होने की संभावना है ? ब्यौरे दें ।
- 4.2 क्षेत्र के जीव जन्तुओं पर क्या कोई प्रत्यक्ष या अप्रत्यक्ष प्रभाव हैं ? ब्यौरे दें ।
- 4.3 जीवजन्तुओं पर प्रतिकूल प्रभावों को कम करने के लिए कारीडोर, मछली सीड़ियों आदि जैसे उपाय विहित करें ।

5. वायु पर्यावरण

- 5.1 क्या परियोजना से द्वीपों में गैसों के वायुमंडलीय सांद्रण में वृद्धि होगी और उसके परिणामस्वरूप ऊष्मा बढ़ेगी ? (प्रस्तावित निर्माणों के परिणामस्वरूप वर्धित यातायात बढ़ने को ध्यान में रखते हुए विक्षेपण आदर्शों पर आधारित अनुमानित मूल्यों सहित पृष्ठभूमि वायु क्वालिटी स्तरों के ब्यौरे दें)
- 5.2 धूल, जहरीली वाष्पों या अन्य परिसंकटमय गैसों के बनने पर क्या प्रभाव हैं ? सभी मौसम विज्ञान परिभाषों के संबंध में ब्यौरे दें ।
- 5.3 क्या प्रस्ताव से यानों को पार्क करने के स्थल में कमी आएगी ? परिवहन अवसंरचना और सुधार के लिए प्रस्तावित उपायों के, जिसके अंतर्गत परियोजना स्थल के प्रवेश और निर्गम पर यातायात व्यवस्था भी है, विद्यमान स्तर के ब्यौरे दें ।

5.4 प्रत्येक प्रवर्ग के अधीन क्षेत्रों में आंतरिक सड़कों, बाइसिकिल, मार्गों, पैदल यात्री मार्गों, पैदल मार्गों आदि पर चलने के पैदलों के ब्यारे दें।

5.5 क्या घातायात शोर और कंपन में महत्वपूर्ण वृद्धि होगी ? ऊपर वर्णित बातों को कम करने के लिए स्रोतों और प्रस्तावित उपायों के ब्यारे दें।

5.6 परियोजना स्थल के आसपास शोर स्तरों और कंपन तथा घिरी हुई वायु की क्वालिटी पर डीजी सेटों और अन्य उपकरणों पर क्या प्रभाव होगा ? ब्यारे दें।

6. सौन्दर्यबोद्धी

6.1 क्या प्रस्तावित निर्माणों के परिणामस्वरूप किसी दृश्य, दृश्यसुविधा या भूदृश्य में रुकावट होगी ? क्या प्रस्तावकों ने इन बातों पर विचार कर लिया है ?

6.2 क्या विद्यमान परिनिर्माणों पर नए निर्माण से कोई प्रतिकूल प्रभाव होगा ? किन बातों को ध्यान में रखा गया है ?

6.3 क्या डिजाइन मापमान को प्रभावित करने वाले शहर स्त्री या शहरी डिजाइनों का कोई स्थानीय आकलन है ? उनका स्पष्ट रूप से उल्लेख किया जा सकता है।

6.4 क्या कोई मानव विज्ञान संबंधी या पुरातत्वीय स्थल या बाह्य चीजें आसपास में हैं ? कथन करें यदि कोई अन्य महत्वपूर्ण बात, जिसपर प्रस्तावित स्थल के परिधि में होने पर विचार किया गया है।

7 सामाजिक - आर्थिक पहलू

7.1 क्या प्रस्ताव के परिणामस्वरूप स्थानीय जनता के समाज संबंधी परिनिर्माणों में कोई परिवर्तन होगा ? ब्यारे दें।

7.2 प्रस्तावित परियोजना के आसपास विद्यमान सामाजिक अवसरचना के ब्यारे दें।

7.3 क्या परियोजना से स्थानीय समुदायों पर प्रतिकूल प्रभाव, पवित्र स्थलों या अन्य सांस्कृतिक मूल्यों में विघ्न पड़ेगा ? प्रस्तावित सुझावाय क्या हैं ?

8 निर्माण सामग्री

8.1 अधिक ऊर्जा सहित निर्माण सामग्री का उपयोग हो सकेगा। क्या ऊर्जा दक्ष प्रक्रियाओं सहित निर्माण सामग्री उत्पादित की जाती है ? (निर्माण सामग्री और उनकी ऊर्जा दक्षता का चयन करने में ऊर्जा संरक्षण उपायों के ब्यारे दें)

8.2 निर्माण के दौरान सामग्री का परिवहन और उठाई धराई के कारण प्रदूषण, शोर और लोक अशान्ति हो सकती है। इन प्रभावों को कम करने के लिए क्या उपाय किए जाने हैं ?

8.3 क्या सड़कों और ढांचों में पुनः चकित सामग्री उपयोग की जाती है ? की गई बचतों की सीमा का कथन करें ?

8.4 परियोजना के प्रचालन संबंधी चरणों के दौरान हुए कूड़े के संग्रहण, पृथक्करण और व्ययन की पद्धति के ब्यारे दें।

9 ऊर्जा संरक्षण

9.1 विद्युत अपेक्षा प्रदाय के स्रोत, स्रोत आदि की पृष्ठभूमि आदि के ब्यारे दें। निर्मित क्षेत्र में प्रति वर्ग फुट ऊर्जा खपत कितनी है ? ऊर्जा खपत को कम करने के लिए क्या प्रयास किए गए हैं ?

9.2 विद्युत की पृष्ठभूमि की किस्म और क्षमता, जिसको देने की आपकी योजना है, क्या है ?

9.3 उपयोग किए जाने वाले कांच के अभिलक्षण क्या हैं ? शार्ट वेव और लांग वेव विकिरण दोनों से संबंधित उसके अभिलक्षणों के निर्देश दें।

9.4 भवन में कौन से अप्रत्यक्ष सौर वास्तविक कारक उपयोग किए जा रहे हैं ? प्रस्तावित परियोजना में किए गए उपयोजन को स्पष्ट करें।

9.5 क्या गलियों और भवनों के अभिन्यास सौर ऊर्जा युक्तियों की क्षमता को अधिकतम करते हैं ? क्या आपने भवन कम्प्लैक्स में उपयोग के लिए सड़क प्रकाशन आपात प्रकाशन और सौर ताप्त जल प्रणालियों के उपयोग पर विचार कर लिया है ? ब्यारों का सार दें।

9.6 क्या प्रशीतन/तापन भार को कम करने के लिए शेडिंग का प्रभावी रूप से उपयोग किया जाता है ? पूर्व और पश्चिम की दीवारों और छत पर शेडिंग को अधिकतम करने के लिए उपयोग करने के सिद्धांत क्या हैं ?

9.7 क्या परिनिर्माणों में ऊर्जा दक्ष स्थल शीतन, प्रकाशन और यांत्रिक प्रणालियों का उपयोग किया जाता है ? तकनीकी ब्यारे दें। ट्रांसफार्मरों और मोटर दक्षता प्रकाशन तीव्रता और वायु प्रशीतन भार धारणाओं के ब्यारे दें। क्या आम सीएफसी एचसीएफसी फ्री चिलर्स का उपयोग कर रहे हैं ? विनिर्देश दें।

9.8 सूक्ष्म जलवायु के परिवर्तन में भवन क्रियाकलापों के संभावित प्रभाव क्या हैं ? ताप्त द्वीप और प्रतीपन प्रभावों के सृजन पर प्रस्तावित निर्माण के संभावित प्रभावों पर स्वतः निर्धारण का उल्लेख करें।

9.9 भवन आहाते के तापीय अभिलक्षण क्या हैं ? (क) छत ; (ख) बाह्य दीवारें ; और (ग) झरोखे ? उपयोग की गई सामग्री और व्यष्टिक संघटकों के यू मूल्यों या आर मूल्यों के ब्यारे दें।

9.10 अग्नि संकट के लिए प्रस्तावित सावधानियां और सुरक्षा उपाय क्या हैं ? आपात योजनाओं के ब्यारे दें।

9.11 दिवाल सामग्री के रूप में यदि कांच का उपयोग किया जाता है तो ब्यारे और विनिर्देश जिसके अंतर्गत उत्सर्जनता और तापीय अभिलक्षण भी हैं दें।

9.12 भवन में वायु प्रवेशन की दर क्या है ? प्रवेशन के प्रभावों को कैसे कम कर रहे हैं, उसके ब्यारे दें।

9.13 समग्र ऊर्जा खपत में अपारंपरिक ऊर्जा प्रौद्योगिकियों का किसी सीमा तक उपयोग किया जाता है ? उपयोग की गई नवीकरणीय ऊर्जा प्रौद्योगिकियों के ब्यारे दें।

10 पर्यावरण प्रबंध योजना

पर्यावरण प्रबंध योजना में, निर्माण, प्रचालन और परियोजना के क्रियाकलापों के परिणामस्वरूप प्रतिकूल पर्यावरणीय प्रभावों को न्यूनतम करने के लिए समस्त जीवन चक्र के दौरान किए जाने वाले क्रियाकलापों की प्रत्येक मददवार के लिए सभी न्यूनतम करने वाले उपाय अंतर्विष्ट होंगे। इसमें विभिन्न पर्यावरणीय विनियमों के अनुपालन के लिए पर्यावरणीय मानिदरी योजना का आलेखन भी होगा। आपात की दशा में, जैसे स्थल पर दुर्घटना जिसके अंतर्गत आग लगना भी है, उठाए जाने वाले कदमों का कथन भी होगा।



परिशिष्ट 3
(पैरा 7 देखें)

पर्यावरणीय समाघात निर्धारण दस्तावेज की साधारण संरचना

क्र.सं.	ईआईए संरचना	अंतर्वस्तु
1.	प्राक्कथन	<ul style="list-style-type: none"> रिपोर्ट का प्रयोजन परियोजना और परियोजना प्रस्तावक की पहचान परियोजना की प्रकृति, आकार, अवस्थान का संक्षिप्त वर्णन और देश, प्रदेश में इसका महत्व अध्ययन का विस्तार — किए गए विनियामक विस्तार के ब्यौरे (सॉपे गए कृत्यों के अनुसार)
2.	परियोजना वर्णन	<ul style="list-style-type: none"> परियोजना के उन पहलुओं का संघनित वर्णन (परियोजना साध्यता अध्ययन पर आधारित) जिनकी पर्यावरणीय प्रभाव कारित करने की संभावना है। निम्नलिखित को स्पष्ट करने के लिए ब्यौरे उपबंधित किए जाने चाहिए : परियोजना के किस्म परियोजना की आवश्यकता अवस्थान (साधारण अवस्थान, विनिर्दिष्ट अवस्थान, परियोजना सीमा और परियोजना स्थल अभिन्यास को दर्शित करते हुए नक्शे) प्रचालन का आकार या विस्तार (जिसके अंतर्गत परियोजना द्वारा या उसके लिए अपेक्षित सहयोजित क्रियाकलाप) अनुमोदन और कार्यान्वयन के लिए प्रस्तावित अनुसूची प्रोद्योगिकी और प्रक्रिया वर्णन परियोजना वर्णन, जिसके अंतर्गत परियोजना अभिन्यास, परियोजना आदि के संघटकों को दर्शित करते हुए आरेखन। साध्यता आरेखनों के स्कीमबद्ध प्रतिनिधित्व जो ईआईए परियोजना के लिए महत्वपूर्ण जानकारी दें। पर्यावरणीय मानकों, पर्यावरणीय प्रचालन दशाओं या अन्य ईआईए अपेक्षाओं की पूर्ति के लिए परियोजनाओं में सम्मिलित न्यूनिकरण उपायों का वर्णन (विस्तार द्वारा यथाअपेक्षित) प्रोद्योगिकीय असफलता के जोखिम के लिए नई और अपरीक्षित प्रोद्योगिकी का निर्धारण
3.	पर्यावरण का वर्णन	<ul style="list-style-type: none"> अध्ययन क्षेत्र, अवधि, संघटक और पद्धति विस्तार में पहचान किए गए मूल्यवान पर्यावरणीय संघटकों के लिए आधारिक लेखा की स्थापना सभी पर्यावरणीय संघटकों के आधार नक्शे
4.	अनुमानित पर्यावरणीय समाघात और न्यूनिकरण उपाय	<ul style="list-style-type: none"> परियोजना अवस्थान, संभावित दुर्घटनाओं, परियोजना डिजाइन, परियोजना निर्माण, नियमित प्रचालनों, पूरी की गई परियोजना को अंतिम रूप से बंद करना या पुनर्स्थापन के कारण अन्वेषित पर्यावरणीय समाघातों के ब्यौरे। पहचान किए गए प्रतिकूल समाघातों न्यूनिकृत और/या दूर करने के लिए उपाय पर्यावरणीय संघटकों के असंपरिवर्तनीय और पुनः प्राप्त न किए जा सकने वाले आश्वासन।

		<ul style="list-style-type: none"> समाघातों के महत्व का निर्धारण (महत्व महत्व निर्धारण का अवधारणा करने के लिए मानदण्ड) न्यूनीकरण उपाय
5.	अनुकल्पियों का विश्लेषण (प्रद्योगिकी और स्थल)	<ul style="list-style-type: none"> यदि विस्तारित करने के कार्य के परिणामस्वरूप अनुकल्पियों की आवश्यकता होती है : प्रत्येक अनुकल्पी का वर्णन प्रत्येक अनुकल्पी के प्रतिकूल समाघातों का सार प्रत्येक अनुकल्पी के लिए प्रस्तावित न्यूनीकरण उपाय और अनुकल्पी का चयन
6.	पर्यावरणीय मानिटरि कार्यक्रम	<ul style="list-style-type: none"> न्यूनीकरण उपायों की प्रभावशीलता को मानीटर करने के तकनीकी पहलू (जिसके अंतर्गत माप, पद्धति, आवर्त, अवस्थान, आंकड़े विश्लेषण, रिपोर्ट करने की अनुसूचियां, आपात प्रक्रियाएं, विस्तृत बजट और उपापन अनुसूचियां भी हैं)
7.	अतिरिक्त अध्ययन	<ul style="list-style-type: none"> लोक परामर्श जोखिम निर्धारण सामाजिक समाघात निर्धारण आर और आर अनुवर्ती योजनाएं
8.	परियोजना के फायदे	<ul style="list-style-type: none"> भौतिक अवसंरचना में सुधार सामाजिक अवसंरचना में सुधार नियोजन क्षमता - कुशल ; अर्धकुशल और अकुशल अन्य मूर्त फायदे
9.	पर्यावरणीय लागत फायदा विश्लेषण	यदि विस्तारण प्रक्रम पर सिफारिश की जाती है ।
10.	ईएमपी	<ul style="list-style-type: none"> यह सुनिश्चित करने के लिए कि न्यूनीकरण संबंधी उपाय कार्यान्वित किए गए हैं और ईआईए के अनुमोदन के पश्चात् उनकी प्रभावी मानीटरी की गई है, प्रशासनिक पहलुओं का वर्णन ।
11.	संक्षिप्त सार और निष्कर्ष (यह ईआईए रिपोर्ट का संक्षिप्त सार होगा)	<ul style="list-style-type: none"> परियोजना के कार्यान्वयन के लिए समग्र औचित्य । यह स्पष्टीकरण कि प्रतिकूल प्रभाव किस प्रकार कम किए जाते हैं
12.	नियोजित परामर्शियों का प्रकटन	<ul style="list-style-type: none"> उनके संक्षिप्त कार्य और दिए गए परामर्श की प्रकृति सहित नियोजित किए गए परामर्शियों के नाम.

परिशिष्ट 3क

(पैरा 7 देखें)

संक्षिप्त पर्यावरणीय समाघात निर्धारण की अंतर्घरुतु

पर्यावरणीय समाघात निर्धारण का संक्षिप्त सार अधिकतम ए -4 आकार के दस पृष्ठों पर पूरी पर्यावरणीय समाघात निर्धारण का एक संक्षिप्त सार होगा । इसमें संक्षेप में अनिवार्य रूप से पूर्ण पर्यावरणीय समाघात निर्धारण रिपोर्ट के निम्नलिखित अध्याय होने चाहिए :-

- (1) परियोजना वर्णन ;
- (2) पर्यावरण का वर्णन ;
- (3) अनुमानित पर्यावरणीय समाघात और न्यूनीकरण उपाय ;
- (4) पर्यावरणीय मानीटरी कार्यक्रम ;
- (5) अतिरिक्त अध्ययन ;
- (6) परियोजना के फायदे ;
- (7) पर्यावरण प्रबंधन योजना ;

परिशिष्ट 4

(पैरा 7 देखिए)

लोक सुनवाई को संचालित करने के लिए प्रक्रिया

1.0 लोक सुनवाई की, संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा परियोजना स्थल (स्थलों) में या उसके निकटस्थ परिसर में जिला वार एक प्रणालीबद्ध समयबद्ध और पारदर्शी रीति में अधिकतम संभव लोक भागीदारी को सुनिश्चित करते हुए व्यवस्था की जाएगी।

2.0 प्रक्रिया :

2.1 आवेदक, उस राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के सदस्य सचिव को, जिसकी अधिकारिता में परियोजना अवस्थित है, विहित कानूनी अवधि के भीतर लोक सुनवाई की व्यवस्था करने के लिए एक सादा पत्र के माध्यम से अनुरोध करेगा। यदि परियोजना स्थल का किसी राज्य या संघ राज्यक्षेत्र के परे विस्तार है तो प्रत्येक राज्य या संघ राज्यक्षेत्र में जिसमें परियोजना स्थित है, लोक सुनवाई आज्ञापक है और आवेदक, इस प्रक्रिया के अनुसार लोक सुनवाई करने के लिए प्रत्येक संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को पृथक अनुरोध करेगा।

2.2 आवेदक, अनुरोध पत्र के साथ प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की कम से कम दस हार्ड प्रतियां और उसी के बराबर सॉफ्ट (इलेक्ट्रॉनिक) प्रतियां, परिशिष्ट 3 में दी गई सामान्य संरचना सहित (जिसके अंतर्गत विस्तार (प्रक्रम 2) के पश्चात् संसूचित किए गए सॉफ्ट कृत्यों के अनुसार निर्बाध रूप से अंग्रेजी और स्थानीय भाषा में तैयार की गई संक्षिप्त पर्यावरणीय समाघात निर्धारण रिपोर्ट सम्मिलित है) संलग्न की जाएगी। इसके साथ-साथ आवेदक संक्षिप्त पर्यावरणीय समाघात निर्धारण रिपोर्ट के साथ उमर प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक हार्ड प्रति और एक सॉफ्ट प्रति पर्यावरण और वन मंत्रालय तथा निम्नलिखित प्राधिकारियों या कार्यालयों को प्लिनट्री अधिकारिता में परियोजना अवस्थित होगी, अंग्रेषित करने की व्यवस्था करेगा :

(क) जिला मजिस्ट्रेट

(ख) जिला परिषद या नगर निगम

(ग) जिला उद्योग कार्यालय

(घ) पर्यावरण और वन मंत्रालय का संबंधित प्रादेशिक कार्यालय

2.3 ऊपर उल्लिखित प्राधिकारी, पर्यावरण और वन मंत्रालय के सिवाय, प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति पर, अपनी अधिकारिताओं के भीतर, उसमें हितबद्ध व्यक्तियों से संबंधित विनियामक प्राधिकरणों को अपनी टीका-टिप्पणियां भेजने का अनुरोध करते हुए, विस्तृत प्रचार करने की व्यवस्था करेंगे। वे लोक सुनवाई होने तक सामान्य कार्यालय घंटों के दौरान जनता को इलैक्ट्रॉनिक रूप से या अन्यथा निरीक्षण करने के लिए प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट भी उपलब्ध कराएंगे। पर्यावरण और वन मंत्रालय अपनी वेबसाइट पर प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट का सार तत्परता से प्रदर्शित करेगा और दिल्ली स्थित मंत्रालय में सामान्य कार्यालय घंटों के दौरान किसी अधिसूचित स्थान पर निर्देश के लिए पूरे प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट को भी उपलब्ध करेगा।

2.4 संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य प्रदूषण नियंत्रण समिति भी राज्य/संघ राज्यक्षेत्र के भीतर परियोजना की बाबत प्रचार करने के लिए उसी प्रकार की व्यवस्था करेगी और घयनित कार्यालयों या लोक पुस्तकालयों या पंचायतों आदि में निरीक्षण के लिए प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट (परिशिष्ट 3क) का संक्षिप्त सार उपलब्ध कराएगी। वे उपर्युक्त पांच प्राधिकारियों/कार्यालयों अर्थात् पर्यावरण और वन मंत्रालय, जिला मजिस्ट्रेट आदि को प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक प्रति अतिरिक्त रूप से भी उपलब्ध कराएंगे।

3.0 लोक सुनवाई की सूचना

3.1 संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति का सदस्य सचिव परियोजना सलाहकार से प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति की तारीख से तीस दिनों के भीतर लोक सुनवाई संचालित करने के लिए तारीख, समय और निश्चित स्थान को अंतिम रूप देगा और उसको मुख्य राष्ट्रीय दैनिक में और एक प्रादेशिक भाषा के दैनिक समाचारपत्र में विज्ञापित करेगा। जनता को अपनी प्रतिक्रियाएं देने के लिए कम से कम तीस दिनों की सूचना उपलब्ध कराई जाएगी ;

3.2 विज्ञापन, जनता को उन स्थानों या कार्यालयों की बाबत भी सूचित करेगा जहां प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट और पर्यावरणीय समाघात निर्धारण रिपोर्ट के संक्षिप्त सार तक सुनवाई से पूर्व जनता की पहुंच हो सके ;

3.3 लोक सुनवाई की तारीख, समय और स्थान को तब तक आस्थगित नहीं किया जाएगा जब तक कोई अवांछित आपात स्थिति न आ जाए और केवल संबंधित जिला मजिस्ट्रेट की सिफारिश पर किया आस्थगन को उन्हीं राष्ट्रीय और प्रादेशिक भाषा के समाचार पत्रों के माध्यम से अधिसूचित किया जाएगा तथा संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति द्वारा पहचान किए सभी कार्यालयों में मुख्य रूप से प्रदर्शित भी किया जाएगा ;



3.4 उम्र आपवादिक परिस्थितियों में, केवल जिला मजिस्ट्रेट के परामर्श से संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के सदस्य-सचिव द्वारा लोक परामर्श के लिए नई तारीख, समय और स्थान का विनिश्चय किया जाएगा और उम्र 3.1 के अधीन प्रक्रिया के अनुसार नए सिरे से अधिसूचित किया जाएगा।

4.0 पैनल

जिला मजिस्ट्रेट या किसी अपर जिला मजिस्ट्रेट से अन्यून की पंक्ति का उसका प्रतिनिधि, राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के प्रतिनिधि की सहायता से समस्त लोक सुनवाई प्रक्रिया का पर्यवेक्षण करेगा और उसकी अध्यक्षता करेगा।

5.0 वीडियोग्राफी

राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति, समस्त कार्यवाहियों की वीडियो फिल्म तैयार करने की व्यवस्था करेगी। संबंधित विनियामक प्राधिकरण को इसे अग्रेषित करते समय वीडियो टेप की एक प्रति या एक सीडी लोक सुनवाई कार्रवाईयों के साथ संलग्न की जाएगी।

6.0 कार्यवाहियां

6.1 उन सभी व्यक्तियों की उपस्थिति को जो स्थल पर विद्यमान हैं, अंतिम कार्यवाहियों के साथ संलग्न किया जाएगा।

6.2 कार्यवाहियों को आरंभ करने के लिए उपस्थिति हेतु कोई गणपूर्ति अपेक्षित नहीं होगी।

6.3 आवेदक का कोई प्रतिनिधि, परियोजना और पर्यावरण समाघात निर्धारण रिपोर्ट के संक्षिप्त सार की प्रस्तुति के साथ कार्यवाहियां आरंभ करेगा।

6.4 स्थल पर उपस्थित प्रत्येक व्यक्ति को, आवेदक से परियोजना पर सूचना या स्पष्टीकरण मांगने का अवसर दिया जाएगा। लोक सुनवाई कार्यवाहियों का संक्षिप्त सार ठीक रूप से प्रदर्शित करते हुए अभिव्यक्त सभी विचारों और अभिव्यक्त विंताओं को राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के प्रतिनिधि द्वारा अभिलिखित किया जाएगा और प्रांतीय भाषा में अंतर्वस्तुओं को स्पष्ट करते हुए कार्यवाहियों के अंत में श्रोताओं को पढ़ कर सुनाया जाएगा तथा कथन पाए गए कार्यवृत्त पर उसी दिन जिला मजिस्ट्रेट या उसके प्रतिनिधि द्वारा हस्ताक्षर किए जाएंगे तथा संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति को अग्रेषित किया जाएगा।

6.5 जनता द्वारा उठाए गए मुद्दों का एक विवरण और आवेदक की टीका-टिप्पणियों को भी स्थानीय भाषा में और अंग्रेजी भाषा में तैयार किया जाएगा तथा कार्यवाहियों के साथ संलग्न किया जाएगा।

6.6 लोक सुनवाई की कार्यवाहियों को उस पंचायत घर के कार्यालय पर, जिसकी अधिकारिता में परियोजना अवस्थित है, संबंधित जिला परिषद, जिला मजिस्ट्रेट और राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के कार्यालय में सहजदृश्य रूप से प्रदर्शित किया जाएगा। राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति साधारण जानकारी के लिए अपने वेबसाइट पर कार्यवाहियों को प्रदर्शित भी करेगी। कार्यवाहियों पर टीका-टिप्पणियों को, यदि कोई हों, संबंधित विनियामक प्राधिकरणों और संबंधित आवेदक को प्रत्यक्षतः भेजी जा सकेगी।

7.0 लोक सुनवाई को पूरा करने के लिए कालावधि :

7.1 लोक सुनवाई, आवेदक से अनुरोध पत्र की प्राप्ति की तारीख से पैंतालीस दिन की अवधि के भीतर पूरी की जाएगी। अतः संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति लोक सुनवाई के पूरा होने के आठ दिनों के भीतर संबंधित विनियामक प्राधिकरण को लोक सुनवाई की कार्यवाहियों को भेजेगी। आवेदक, लोक सुनवाई और लोक परामर्श के पश्चात् तैयार की गई अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट या प्रारूप पर्यावरण समाघात निर्धारण रिपोर्ट पर अनुपूरक रिपोर्ट की प्रति के साथ संबंधित विनियामक प्राधिकरण को, अनुमोदित लोक सुनवाई कार्यवाहियों की एक प्रति प्रत्यक्षतः भी अग्रेषित करेगा।

7.2 यदि राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्य क्षेत्र प्रदूषण नियंत्रण समिति, नियत पैंतालीस दिनों के भीतर लोक सुनवाई करने में असफल रहती है तो केन्द्रीय सरकार, पर्यावरण और वन मंत्रालय, प्रवर्ग 'क' परियोजना या क्रियाकलाप के लिए और प्रवर्ग ख परियोजना या क्रियाकलाप के लिए और राज्य सरकार या संघ राज्यक्षेत्र प्रशासन, राज्य पर्यावरणीय समाघात निर्धारण प्राधिकरण के अनुरोध पर, किसी अन्य अभिकरण या प्राधिकरण को इस अधिसूचना में अधिकथित प्रक्रिया के अनुसार प्रक्रिया को पूरा करने के लिए नियोजित करेगी।

परिशिष्ट 5

(पैरा 7 देखिए)

आंकलन के लिए विहित प्रक्रिया

1. आवेदक, संबंधित विनियामक प्राधिकरण को निम्नलिखित दस्तावेजों को संलग्न करते हुए, जहाँ लोक परामर्श आज्ञापक है, एक सादा सूचना के माध्यम से आवेदन करेगा :-

- अंतिम पर्यावरण समाघात निर्धारण रिपोर्ट की बीस हार्ड प्रतियां और एक साफ्ट प्रति
- लोक सुनवाई की कार्यवाहियों की वीडियो टेप की एक प्रति या सी.डी.
- अंतिम अभिन्यास योजना की बीस प्रतियां
- परियोजना साध्यता रिपोर्ट की एक प्रति



2. आवेदक द्वारा प्रस्तुत की गई अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट और अन्य सुसंगत दस्तावेजों की संबंधित विनियामक प्राधिकरण द्वारा उसकी प्राप्ति की तारीख से तीस दिनों के भीतर कार्यालय में तत्पस्ता से टीओआर के प्रतिनिर्देश से समीक्षा की जाएगी और ध्यान में रखी गई अपर्याप्तताओं को प्रत्येक अंतिम पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक प्रति संलग्न करते हुए, जिसके अंतर्गत लोक सुनवाई कार्यवाहियां और प्राप्त की गई अन्य लोक प्रतिक्रियाएं भी हैं, प्ररूप 1 या प्ररूप 1क की एक प्रति और प्रस्तावों पर विचार करने के लिए पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की बैठकों के लिए निश्चित तारीखें सहित पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति के सदस्यों को एकल सेट में इलेक्ट्रॉनिक रूप से या अन्यथा संसूचित किया जाएगा।

3. जहां कोई लोक परामर्श आज्ञापक नहीं है और इसलिए कोई औपचारिक पर्यावरणीय समाघात निर्धारण अध्ययन अपेक्षित नहीं है, वहां आंकलन, विहित आवेदन प्ररूप 1 के आधार पर और अनुसूची की मद 8 से निम्न सभी परियोजनाओं और क्रियाकलापों की दशा में किसी पूर्व साध्यता रिपोर्ट के आधार पर किया जाएगा। अनुसूची की मद 8 की दशा में, इसके विलक्षण परियोजना चक्र को ध्यान में रखते हुए, संबंधित पर्यावरणीय निर्धारण समिति या राज्य पर्यावरणीय निर्धारण समिति, प्ररूप 1, प्ररूप 1क और धारणा योजना के आधार पर सभी प्रवर्ग 'ख' परियोजनाओं या क्रियाकलापों का आंकलन करेगी और पर्यावरणीय अनापत्ति के लिए शर्तें नियत करेगी। जब कभी आवेदक सभी अन्य आवश्यक कानूनी अनुमोदनों सहित निश्चित पर्यावरणीय अनापत्ति शर्तों को पूरा करते हुए अनुमोदित स्कीम/भवन योजना प्रस्तुत करता है तो पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति, सक्षम प्राधिकारी को पर्यावरणीय अनापत्ति मंजूर करने की सिफारिश करेगी।

4. प्रत्येक आवेदन, पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति के समक्ष और इसका पूरा आंकलन, विहित रीति में अपेक्षित दस्तावेजों/ब्यौरेसों सहित इसकी प्राप्ति के साठ दिनों के भीतर रखा जाएगा।

5. आवेदक को परियोजना प्रस्ताव पर विचार करने के लिए पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की निश्चित तारीख से कम से कम पन्द्रह दिन पूर्व सूचित किया जाएगा।

6. पर्यावरणीय निर्धारण समिति/राज्य पर्यावरणीय निर्धारण समिति की बैठक के कार्यवृत्त को बैठक के पांच कार्यकरण दिनों के भीतर अंतिम रूप दिया जाएगा और संबंधित विनियामक प्राधिकरण के वेबसाइट पर प्रदर्शित किया जाएगा। परियोजना या क्रियाकलापों को पर्यावरणीय अनापत्ति को मंजूर किए जाने के लिए सिफारिश की दशा में, कार्यवृत्त में विनिर्दिष्ट पर्यावरणीय सुरक्षापायों और शर्तों को स्पष्ट रूप से सूचीबद्ध किया जाएगा। यदि सिफारिशें नामंजूर करने के लिए हैं तो उसके कारणों को भी स्पष्ट रूप से कथित किया जाएगा।

परिशिष्ट 6

(पैरा 5 देखिए)

केन्द्रीय सरकार द्वारा गठित की जाने वाली प्रवर्ग 'क' परियोजनाओं के लिए सेक्टर/परियोजना विनिर्दिष्ट विशेषज्ञ आंकलन समिति और प्रवर्ग 'ख' परियोजनाओं के लिए राज्य/संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समितियों की संरचना

1. विशेषज्ञ आंकलन समितियां और राज्य/संघ राज्यक्षेत्र स्तर विशेषज्ञ आंकलन समितियां केवल निम्नलिखित पात्रता कसौटी को पूरा करने वाले वृत्तिकों और विशेषज्ञों से मिलकर बनेगी

वृत्तिक : ऐसा व्यक्ति जिसके पास कम से कम (i) एम.ए./एम.एस.सी डिग्री सहित संबंधित विद्या शाखा में पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण या (ii) इंजीनियरी/प्रौद्योगिकी/वास्तुविद विद्या शाखाओं की दशा में, बी.टेक/बी.ई./बी.आर्क. डिग्री सहित क्षेत्र में विहित व्यावहारिक प्रशिक्षण सहित किसी वृत्तिक प्रशिक्षण पाठ्यक्रम में चार वर्षीय औपचारिक प्रशिक्षण या (iii) अन्य वृत्तिक डिग्री (जैसे विधि) जिसमें पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण या विहित व्यावहारिक प्रशिक्षण अंतर्बलित है, या (iv) विहित शिक्षुता/कारीगारी तथा संबंधित वृत्तिक संगम द्वारा संचालित पश्चात् उत्तीर्ण की हो (जैसे चार्टर्ड अकाउंटेंसी) या (v) किसी विश्वविद्यालय डिग्री के पश्चात् किसी विश्वविद्यालय या सेवा अकादमी में दो वर्ष का औपचारिक प्रशिक्षण (जैसे एम.बी.ए./आई.ए.एस./आई.एफ.एस.) व्यक्ति वृत्तिकों का चयन करते समय उनके द्वारा उनके क्षेत्रों में प्राप्त अनुभव को ध्यान में रखा जाएगा ।

विशेषज्ञ : उम्र पात्रता कसौटी को पूरा करने वाला कोई वृत्तिक जिसके पास क्षेत्र में कम से कम पंद्रह वर्ष का सुसंगत अनुभव या संबंधित क्षेत्र में कोई उच्चतर डिग्री हो (जैसे पी.एच.डी. और कम से कम दस वर्ष का सुसंगत अनुभव) ।

आयु : सत्तर वर्ष से नीचे । तथापि, किसी क्षेत्र में विशेषज्ञों की अनुपलब्धता/कमी की दशा में विशेषज्ञ आंकलन समिति के सदस्यों की अधिकतम आयु को पचहतर वर्ष तक अनुज्ञात किया जा सकेगा ।

2. पर्यावरणीय निर्धारण समिति के सदस्य निम्नलिखित क्षेत्रों/विद्या शाखाओं में अपेक्षित विशेषज्ञता और अनुभव वाले विशेषज्ञ होंगे । उस दशा में कि "विशेषज्ञ" की कसौटी को पूरा करने वाले व्यक्ति उपलब्ध नहीं हैं, तो उसी क्षेत्र में पर्याप्त अनुभव रखने वाले वृत्तिकों पर भी विचार किया जा सकेगा ।

- पर्यावरण क्वालिटी विशेषज्ञ : पर्यावरणीय क्वालिटी के संबंध में माप/मानिटरी, विश्लेषण और निर्वचन में विशेषज्ञ ।



- परियोजना प्रबंधन में क्षेत्रीय विशेषज्ञ : परियोजना प्रबंधन या सुसंगत क्षेत्रों में प्रक्रिया /प्रचालन/सुविधा प्रबंधन में विशेषज्ञ ।
 - पर्यावरणीय समाघात निर्धारण प्रक्रिया विशेषज्ञ : पर्यावरणीय समाघात निर्धारण का संचालन और कार्यान्वयन तथा पर्यावरणीय प्रबंधन योजना और अन्य प्रबंधन योजना तैयार करने में विशेषज्ञ और जो पर्यावरणीय समाघात निर्धारण प्रक्रिया में उपयोग की जाने वाली भावी तकनीकों और औजारों में विस्तृत विशेषज्ञता और ज्ञान रखते हों ।
 - जोखिम निर्धारण विशेषज्ञ ।
 - पेड़ - पौधे और जीव- जन्तु प्रबंधन में प्राणी विज्ञान विशेषज्ञ ।
 - वन और वन्य जीव विशेषज्ञ ।
 - परियोजना आंकलन में अनुभव सहित पर्यावरणीय अर्थशास्त्र विशेषज्ञ ।
3. पर्यावरणीय निर्धारण समिति की सदस्यता पंद्रह नियमित सदस्यों से अधिक की नहीं होगी । तथापि, अध्यक्ष, समिति की किसी विशिष्ट बैठक के लिए किसी सुसंगत क्षेत्र में किसी विशेषज्ञ को सदस्य के रूप में सहयोजित कर सकेगा ।
4. अध्यक्ष, सुसंगत विकास क्षेत्र में एक प्रतिष्ठित और पर्यावरणीय निति या प्रबंधन में अथवा लोक प्रशासन में अनुभव प्राप्त विशेषज्ञ होगा ।
5. अध्यक्ष, सदस्यों में से एक सदस्य को उपाध्यक्ष के रूप में नामनिर्देशित करेगा जो अध्यक्ष की अनुपस्थिति में पर्यावरणीय निर्धारण समिति की बैठक की अध्यक्षता करेगा ।
6. पर्यावरण और वन मंत्रालय का एक प्रतिनिधि उसके सचिव के रूप में समिति की सहायता करेगा ।
7. किसी सदस्य की अधिकतम पदावधि, जिसके अंतर्गत अध्यक्ष भी है, प्रत्येक तीन वर्ष की दो पदावधि होगी ।
8. अध्यक्ष/सदस्य को किसी कर्मण और समुचित जांच के बिना पदावधि के अवसान से पूर्व नहीं हटाया जा सकेगा ।

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 14th September, 2006

S.O. 1533(E).—Whereas, a draft notification under Sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18th May, 2006 and the procedure specified in the notification, by the Central Government or the State or Union Territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union Territory Administration concerned under Sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1324(H), dated the 15th September, 2005 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 Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

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

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

¹Includes the territorial waters

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

(2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.

(3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

(4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.

(5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.

(6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

(7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

(i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

- (a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;
- (b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;
- (c) The EAC and SEAC shall be reconstituted after every three years;
- (d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;
- (e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

1. Stage (1) - Screening:

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity

requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form I/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form I/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form I. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form I, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).

- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
 - (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
 - (d) all Building /Construction projects/Area Development projects and Townships (item 8).
 - (e) all Category 'B2' projects and activities.
 - (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
 - (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
 - (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.
 - (iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.
 - (v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.
 - (vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use

other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product -mix shall be made in Form 1 and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence



necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

- (i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.
- (ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.
- (iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.
- (iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.
- (v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.
- (vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant - within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

10. Post Environmental Clearance Monitoring:

- (i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.
- (ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I, or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
I(a)	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p><50 ha</p> <p>≥ 5 ha .of mining lease area.</p>	<p>General Condition shall apply</p> <p><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
I(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
I(c)	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) < 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) < 10,000 ha. of culturable command area</p>	General Condition shall apply
I(d)	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naptha & gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>< 500 MW (coal/lignite/naptha & gas based);</p> <p><50 MW</p> <p>≥ 5MW (Pet coke ,diesel and all other fuels)</p>	General Condition shall apply



[भाग II—खण्ड 3(ii)] .

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(1)	(2)	(3)	(4)	(5)
I(e)	Nuclear power projects and processing of nuclear fuel	All projects		
2		Primary Processing		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)



3				
Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	<p>a) Primary metallurgical industry</p> <p>All projects</p> <p>b) Sponge iron manufacturing ≥ 200TPD</p> <p>c) Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units $\geq 20,000$ tonnes/annum</p>	<p>Sponge iron manufacturing <200TPD</p> <p>Secondary metallurgical processing industry</p> <p>i.) All toxic and heavy metal producing units <20,000 tonnes/annum</p> <p>ii.) All other non-toxic secondary metallurgical processing industries >5000 tonnes/annum</p>	General Condition shall apply for Sponge iron manufacturing
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply



4				
Materials Processing				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-
4(b)	Coke oven plants	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum	-
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/estate	<300 TPD production capacity and located within a notified industrial area/estate	Specific Condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
5				
Manufacturing/Fabrication				
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-



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(1)	(2)	(3)	(4)	(5)
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD	All Cane juice/non-molasses based distilleries - <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	≥ 5000 ted cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	-	All projects	General Condition shall apply
6		Service Sectors		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects		



S)

THE GAZETTE OF INDIA : EXTRAORDINARY

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(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		
7(a)	Air ports	All projects		
7(b)	All ship breaking yards including ship breaking units	All projects		
7(c)	Industrial estates/parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply



(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(b)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
8		Building /Construction projects/Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	**All projects under Item 8(b) shall be appraised as Category B1

Note:-**General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre -defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

[No. J-11013/56/2004-IA-II(D)]
R. CHANDRAMOHAN, Jt. Secy.

APPENDIX I

(See paragraph - 6)

FORM I**(I) Basic Information**

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

- Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.)

(II) Activity

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		

1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		



2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
4.1	Spoil, overburden or mine wastes		



4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		



5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		



9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting, lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other 		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		



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[PART II—SEC. 3(ii)]

2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i>)		
11	Areas already subjected to pollution or environmental damage. (<i>those where existing legal environmental standards are exceeded</i>)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (<i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i>)		

(IV). Proposed Terms of Reference for EIA studies



APPENDIX II

(See paragraph 6)

FORM-1 A (only for construction projects listed under item 8 of the Schedule)

CHECK LIST OF ENVIRONMENTAL IMPACTS

(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)

1. LAND ENVIRONMENT

(Attach panoramic view of the project site and the vicinity)

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.



- 2.2. What is the capacity (depth of the flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)

- 3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)
- 3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

- 4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.
- 4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.
- 4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

- 5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)
- 5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.
- 5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.
- 5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.
- 5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.
- 5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

- 6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?
- 6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?
- 6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.
- 6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

- 7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.



- 7.2. Give details of the existing social infrastructure around the proposed project.
- 7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

- 8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)
- 8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?
- 8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?
- 8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

- 9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?
- 9.2. What type of, and capacity of, power back-up to you plan to provide?
- 9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?
- 9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.
- 9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.
- 9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?
- 9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.
- 9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?



9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX III

(See paragraph 7)

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout)



		<ul style="list-style-type: none"> • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure
3.	Description of the Environment	<ul style="list-style-type: none"> • Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative



6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled. • Other tangible benefits
9.	Environmental Benefit Analysis	Cost If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> • Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11	Summary & Conclusion (This will constitute the summary of the EIA Report)	<ul style="list-style-type: none"> • Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> • The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A
(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan



APPENDIX IV
(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally



make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

4.0 The Panel

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public



hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings.

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate, and the SPCB or UTPCC. The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall send the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

APPENDIX -V (See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC



/SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -I or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form I and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form I, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

APPENDIX VI

(See paragraph 5)

COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years



2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of "Experts" are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**
- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.



F. No. J-11011/655/2009-IA.II(I)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira ParyavaranBhawan
Jor Bagh Road, Aliganj,
New Delhi – 110003

E-mail: dirind-moefcc@gov.in
Tel: 011-24695368

Dated: 27th June, 2019

To

Shri Vikas Agarwal,
Director,
M/s. Calstar Sponge Limited,
18, R.N. Mukerjee Road,
Kolkata – 700001.

Subject: Proposed Expansion of existing Steel Plant by installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant **by M/s Calstar Sponge Limited** located at Jamuria, Mouzalkra, Jamuria Industrial Estate, Dist. Burdwan, West Bengal – **Prescribing Terms of Reference - regarding.**

Sir,

1. This has reference to your online application made vide proposal no. IA/WB/IND/77147/2018 dated 30/08/2018 along with the application in prescribed format (Form-I), copy of pre-feasibility report and proposed ToRs for undertaking detailed EIA study as per the EIA Notification, 2006 for the project mentioned above. The proposed project activity is listed at Sl. No. 3(a) Metallurgical industries (ferrous & non-ferrous) under Category "A" of EIA Notification 2006 and appraised at the Central Level.
2. The proposal cited above was considered in the 36th EAC meeting held during 9-10th October, 2018 and further reconsidered in the 2nd meeting of Reconstituted Expert Appraisal Committee [EAC] (Industry-I) held on 10-12th December, 2018. The EAC proceedings of the proposal cited above is given as below.

Details submitted by the project proponent

3. M/s. Calstar Sponge Ltd. proposes to expand existing manufacturing unit by installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant. It is proposed to set up the plant for production of 1,20,000 TPA Sponge Iron, 1,80,000 TPA liquid steel (1,76,500 TPA

Billets), 1,20,000 TPA (400 TPD) TMT Bars and 8 MW power from WHRB based Captive Power Plant.

4. The existing project was accorded environmental clearance by State Level Environment Impact Assessment Authority (SEIAA), West Bengal vide Memo. No. EN/2098/T-II-1/045/2009 dated 7th August, 2009 and Environmental Clearance from State Level Environment Impact Assessment Authority (SEIAA), West Bengal vide Memo. No. EN/332/T-II-1/045/2009 dated 3rd February, 2010 and Environmental Clearance from Ministry of Environment & Forests, Govt. of India vide F. No. J-11011 / 655 / 2009- IA II (I) dated 20.05.2011. Consent to Operate was accorded by West Bengal State Pollution Control Board vide Memo No. 895-WPBA/Red(Bwn)/Cont(595)/08(Part-II) dated 07.07.2017 having validity upto 30.11.2017. This CTO was renewed vide Memo. No. 1974/WPBA/Red (Bwn)/Cont (595)/08 (Part-II) dated 30.11.2017. Validity of CTO is up to 31.07.2022.
5. The proposed unit is located at J.L. No. – 38, Jamuria, Mouza – Ikra, Jamuria Industrial Estate, P.S. – Jamuria, Dist. Paschim Burdwan, West Bengal.
6. The proposed expansion project will be installed within the existing plant premises occupying total land area of 7.81 hectares (19.29 acres). No forest land involved. The entire land has been acquired for the project.
7. No national park / wildlife sanctuary / biosphere reserve / tiger reserve / elephant reserve etc. are reported to be located in the core and buffer zone of the project. The area also does not report to form corridor for Schedule-I fauna.
8. Total project cost is approx. Rs. 90 Crores. Proposed employment generation from proposed project will be 220 in total in the operational phase.
9. The targeted production capacity of the proposed Sponge Iron Plant with 2x200 TPD DRI Kilns is 1,20,000 TPA Sponge Iron, 4x15 T Induction Furnaces (with matching LRF & CCM) - 1,80,000 TPA liquid steel (1,76,500 TPA Billets), Rolling Mill – 1,20,000 TPA (400 TPD) TMT Bars and 8 MW capacity WHRB based Captive Power Plant. The ore transportation will be done through Rail & Road. The existing as well as proposed capacity for different products are as below:

Unit	Existing Unit under Operation as per NOC dated 21.02.2007	Units under implementation / to be Implemented		Proposed Units Capacity	Total Units Capacity	Product
		As per EC obtained from SEIAA, West Bengal dated 07.08.2009 & 03.02.2010	As per EC obtained from MoEF&CC, New Delhi dated 20.05.2011			
Sponge Iron Plant	2x100 TPD (72,000 TPA)	-	2x100 TPD (60,000 TPA) (Under Construction)	2x200 TPD (1,20,000 TPA)	4x100 TPD + 2x200 TPD (2,52,000 TPA)	Sponge Iron

Proposed Expansion of existing Steel Plant by installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant located at Jamuria, Mouzalkra, Jamuria Industrial Estate, Dist. Burdwan, West Bengal by M/s. Calstar Sponge Limited - Prescribing Terms of Reference - regarding.



Unit	Existing Unit under Operation as per NOC dated 21.02.2007	Units under implementation / to be Implemented		Proposed Units Capacity	Total Units Capacity	Product
		As per EC obtained from SEIAA, West Bengal dated 07.08.2009 & 03.02.2010	As per EC obtained from MoEF&CC, New Delhi dated 20.05.2011			
SMS Induction Furnaces (with matching LRF & CCM)	-	1x8 T (24,000 TPA)	-	4x15 T (1,80,000 TPA)	1x8 T + 4x15 T (2,04,000 TPA)	Liquid Steel
Rolling Mill	-	240 TPD (72,000 TPA)	-	400 TPD (1,20,000 TPA)	640 TPD (1,92,000 TPA)	Rods, Bars, Light Structural
Ferro Alloy Plant	-	-	2 x 9 MVA Submerged Arc Furnaces (30,000 TPA)	-	2 x 9 MVA Submerged Arc Furnaces (30,000 TPA)	Ferro Manganese & Silico Manganese
Captive Power Plant	-	9 MW (4 MW WHRB based & 5 MW AFBC based)	8 MW (4 MW WHRB based & 4 MW AFBC based)	8 MW (WHRB based)	25 MW (16 MW WHRB based & 9 MW AFBC based)	Power

10. The electricity load of 31.5 MW which will be met from the proposed Captive Power Plant and the rest would be sourced from the State grid.

11. Proposed raw material and fuel requirement for major products of the project are as follows:

Sl. No.	Raw Materials	Annual Requirement (In TPA)	Source
SPONGE IRON PLANT (2x200 TPD)			
1.	Iron Ore	2,30,000	Orissa
2.	Imported Coal	1,87,200	South Africa
3.	Lime Stone	4,608	Market
INDUCTION FURNACES (4x15 T)			

Proposed Expansion of existing Steel Plant by installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant located at Jamuria, Mouzalra, Jamuria Industrial Estate, Dist. Burdwan, West Bengal by M/s. Calstar Sponge Limited – Prescribing Terms of Reference - regarding.



Sl. No.	Raw Materials	Annual Requirement (In TPA)	Source
1.	Sponge Iron	1,60,000	In House DRI Plant
2.	Scraps	26,000	In House Plant & Market
3.	Pig Iron	30,000	Market
4.	Ferro Alloys	1550	In House Plant

12. Water Consumption for the proposed project will be 225 kld (Industrial daily make-up water – 215 KLD, domestic water – 10 KLD). Domestic waste water will be treated in septic tank-soak pit system and industrial waste water generated will be treated in water treatment facility and reused completely.
13. The proponent has mentioned that there is no court case or violation under EIA Notification to the project or related activity.
14. Consultant Details: Envirotech East Pvt. Ltd., NABET Accreditation as per QCI NABET list of 5th September, 2018: Sl. No. 54, Page No.: 53, Sector No. 8, Metallurgical Industries (Ferrous & Non-ferrous) - both Primary & Secondary, Category-A
15. The proposal was considered in the 36th meeting of Expert Appraisal Committee held during 9-10th October, 2018. The Committee noted that M/s Calstar Sponge Limited has revised the proposed unit configurations of induction furnaces which are different from the online application submitted to the Ministry. The Committee also noted that existing 2x100 TPD sponge iron units have been installed based on the NOC dated 21/02/2007 and no prior environmental clearance have been obtained from the Competent Authority concerned.
16. After detailed deliberations, the Committee deferred the consideration of the proposal and asked the project proponent to submit revised unit configuration details of induction furnaces along with revised Form-I and pre-feasibility report. Accordingly, the PP submitted revised unit configuration details of induction furnaces along with modified Form-I and pre-feasibility report.

Observations of the committee:

17. The proposal was discussed in detail by the Committee. To start with, the Committee deliberated upon the issue related to past environmental clearances and NOCs obtained by the project proponent. It was found out that the project proponent had initially made an application for NOC to the State Pollution Control Board on 10.5.2006 and, consequently, the NOC was granted to them on 21.2.2007. However, in the meantime, the EIA Notification, 2006 was notified by MOEF on 14.9.2006 and a subsequent circular was issued on 21.11.2006. As per the circular dated 21.11.2006, the project proponent requires to obtain the environmental clearances from relevant authority by 30th June 2007 as per the categorization of project mentioned in the EIA Notification. In the present case, this project proponent obtained the environmental clearance from the SEIAA as it was a Category 'B' project, on 7.8.2009 and

3.2.2010. Thus, the project proponent failed to obtain the environmental clearance before the stipulated date of 30th June 2007. However, the project proponent applied for environmental clearance on 3.6.2009 and obtained clearances on 7.8.2009 and 3.2.2010.

18. Thus the project proponent did not apply timely for seeking environmental clearance as per the circular dated 21/11/2006. In this context, the following issues also emerged for consideration:
- i) The project proponent did apply to the authority for seeking environmental clearance although they applied late.
 - ii) The regulatory authority has taken into cognizance the existing operations and have actually granted environmental clearance to them on 7.8.2009 and 3.2.2010 covering all the existing units including 2x100 TPD DRI kiln and 1x8 ton induction furnace. It is assumed that while granting this environmental clearance, the SEIAA must have taken cognizance of the MOEF circular dated 21.11.2006.
 - iii) The project proponent made an application of MOEF for further expansion on 9th September 2010. The MOEF after following the due process, issued the environmental clearance on 20.5.2011. Thus, environmental clearance has taken into cognizance of the earlier existing units and the NOCs issued by State Authorities in West Bengal.

Recommendations of the Committee

19. In view of the above, it is noticed that the project proponent has been approaching various Regulatory Authorities for environmental clearances from time to time as well indicating that the project proponent had intended to obtain environmental clearances and therefore, the Committee after deliberations as above, arrived at the view to recommend that the Ministry may consider to issuance of ToRs along with following specific ToRs for undertaking detailed EIA and EMP study in addition to the generic ToR enclosed at **Annexure I read with additional ToRs at Annexure-2:**

- i) The project proponent shall plan 100% utilization of solid waste and the action plan shall be submitted along with EIA/EMP report.
- ii) The project proponent shall envisage 100 hot charging and the details shall furnish along with the EIA/EMP report.
- iii) The project proponent shall also ensure that no reheating furnace shall be proposed as a standby.
- iv) The project proponent shall explore the possibility of optimizing the configuration of induction furnaces proposed.
- v) The project proponent shall design the pollution control equipment to achieve the particulate emission less than 30mg/Nm³.



- vi) The project proponent shall plan for extraction from surface sources but not from the ground water extraction.
 - vii) Public Hearing to be conducted by the concerned State Pollution Control Board.
 - viii) The issues raised during public hearing and commitment of the project proponent on the same along with time bound action plan to implement the commitment and financial allocation thereto should be clearly provided.
 - ix) Detailed Road traffic study for inside and outside the plant shall be conducted and furnished in the EIA/EMP report.
 - x) Certificate compliance of earlier ECs from the Regional officer of the MoEF&CC shall be submitted along with EIA/EMP.
20. Thereafter, the proposal cited above was referred it to Expert Appraisal Committee of Violation sector for their views with respect to installation and operation of 2x100 TPD sponge iron units without obtaining the requisite environmental clearance from the Competent Authority concerned. This was considered by the EAC – Violation sector in its 17th meeting held during 29-31st January, 2019 wherein EAC opined the following:
- i) Since the violation falls in between 1/07/2007 to 6/08/2009, it would be appropriate to initiate action under section 19 of Environment (Protection) Act, 1986 as prevailing that time.
 - ii) Alternatively, since the PP has applied for expansion and sought for ToR, specific ToR can be issued as per the MoEF&CC notification dated 14/03/2017 pertaining to violation.
21. The Ministry of Environment, Forest and Climate Change has considered the application based on the recommendations of the Expert Appraisal Committee of Industry-I & Violation and hereby decided to accord below -said specific ToRs, in addition to the standard ToRs and Sector Specific ToRs as enclosed **at Annexure I read with additional ToRs at Annexure-2** for carrying out detailed EIA/EMP for the above project.
- i) The project proponent shall plan 100% utilization of solid waste and the action plan shall be submitted along with EIA/EMP report.
 - ii) The project proponent shall envisage 100 hot charging and the details shall furnish along with the EIA/EMP report.
 - iii) The project proponent shall also ensure that no reheating furnace shall be proposed as a standby.
 - iv) The project proponent shall explore the possibility of optimizing the configuration of induction furnaces proposed.

- v) The project proponent shall design the pollution control equipment to achieve the particulate emission less than 30mg/Nm³.
 - vi) The project proponent shall plan for extraction from surface sources but not from the ground water extraction.
 - vii) Public Hearing to be conducted by the concerned State Pollution Control Board.
 - viii) The issues raised during public hearing and commitment of the project proponent on the same along with time bound action plan to implement the commitment and financial allocation thereto should be clearly provided.
 - ix) Detailed Road traffic study for inside and outside the plant shall be conducted and furnished in the EIA/EMP report.
 - x) Certificate compliance of earlier ECs from the Regional officer of the MoEF&CC shall be submitted along with EIA/EMP.
 - xi) The project proponent shall comply with the directions/orders of the Competent Authority /body/Court issued in respect of violation during 01/07/2007 to 6/08/2009 and initiated action under section 19 of the Environment (Protection) Act, 1986.
22. It is requested that the draft EIA Report may be prepared in accordance with the above mentioned specific ToRs and enclosed generic ToRs and additional ToRs and thereafter further necessary action including conduct of public consultation may be taken for obtaining Environment Clearance in accordance with the procedure prescribed under the EIA Notification, 2006 as amended.
23. The ToRs are valid for a period of three years from today i.e. 27.06.2019 and will expire on 26.06.2022. However, this period could be further extended by a maximum period of one year provided an application is made by the project proponent at least three months before the expiry of the validity period, together with updated Form-I, based on proper justification.

This issues with the approval of Competent Authority.

Yours faithfully,



(A.K. Agrawal)
Director

**Copy to:-**

1. **The Secretary**, Department of Environment, Government of West Bengal, Secretariat Kolkata.
2. **The Additional Director General(C)**, Ministry of Environment, Forest and Climate Change, Regional Office (EZ), A/3, Chandrasekharpur, Bhubneshwar-751 023.
3. **The Chairman**, West Bengal State Pollution Control Board, Paribesh Bhawan, 10A-Block LA, Sector -III, Salt Lake City, KOLKATTA – 700 098.
4. **The Member Secretary**, Central Ground Water Authority, West Block -II, Wing -3, Sector I, R.K.Puram, New Delhi – 110086.
5. **The District Collector, Burdwan District**, State of West Bengal.
6. **Guard File / Record file / Monitoring file.**
7. **MOEF&CC Website.**


(A.K.Agrawal)
Director



ANNEXURE -I

GENERIC TERMS OF REFERENCE (ToR) IN RESPECT OF INDUSTRY SECTOR

1. Executive Summary
2. Introduction
 - i. Details of the EIA Consultant including NABET accreditation
 - ii. Information about the project proponent
 - iii. Importance and benefits of the project
3. Project Description
 - i. Cost of project and time of completion.
 - ii. Products with capacities for the proposed project.
 - iii. If expansion project, details of existing products with capacities and whether adequate land is available for expansion, reference of earlier EC if any.
 - iv. List of raw materials required and their source along with mode of transportation.
 - v. Other chemicals and materials required with quantities and storage capacities
 - vi. Details of Emission, effluents, hazardous waste generation and their management.
 - vii. Requirement of water, power, with source of supply, status of approval, water balance diagram, man-power requirement (regular and contract)
 - viii. The project proponent shall furnish the requisite documents from the competent authority in support of drawl of ground water and surface water and supply of electricity.
 - ix. Process description along with major equipment and machineries, process flow sheet (Quantitative) from raw material to products to be provided
 - x. Hazard identification and details of proposed safety systems.
 - xi. Expansion/modernization proposals:
 - a. Copy of all the Environmental Clearance(s) including Amendments thereto obtained for the project from MoEF&CC/SEIAA shall be attached as an Annexure. A certified copy of the latest Monitoring Report of the Regional Office of the Ministry of Environment, Forest and Climate Change as per circular dated 30th May, 2012 on the status of compliance of conditions stipulated in all the existing environmental clearances including Amendments shall be provided. In addition, status of compliance of Consent to Operate for the ongoing /existing operation of the project from SPCB/PCC shall be attached with the EIA-EMP report.
 - b. In case the existing project has not obtained environmental clearance, reasons for not taking EC under the provisions of the EIA Notification 1994 and/or EIA Notification 2006 shall be provided. Copies of Consent to Establish/No Objection Certificate and Consent to Operate (in case of units operating prior to EIA Notification 2006, CTE and CTO of FY 2005-2006) obtained from the SPCB shall be submitted. Further, compliance report to the conditions of consents from the SPCB shall be submitted.
4. Site Details
 - i. Location of the project site covering village, Taluka/Tehsil, District and State, Justification for selecting the site, whether other sites were considered.



- ii. A toposheet of the study area of radius of 10km and site location on 1:50,000/1:25,000 scale on an A3/A2 sheet. (including all eco-sensitive areas and environmentally sensitive places)
- iii. Co-ordinates (lat-long) of all four corners of the site.
- iv. Google map-Earth downloaded of the project site.
- v. Layout maps indicating existing unit as well as proposed unit indicating storage area, plant area, greenbelt area, utilities etc. If located within an Industrial area/Estate/Complex, layout of Industrial Area indicating location of unit within the Industrial area/Estate.
- vi. Photographs of the proposed and existing (if applicable) plant site. If existing, show photographs of plantation/greenbelt, in particular.
- vii. Landuse break-up of total land of the project site (identified and acquired), government/private - agricultural, forest, wasteland, water bodies, settlements, etc shall be included. (not required for industrial area)
- viii. A list of major industries with name and type within study area (10km radius) shall be incorporated. Land use details of the study area
- ix. Geological features and Geo-hydrological status of the study area shall be included.
- x. Details of Drainage of the project upto 5km radius of study area. If the site is within 1 km radius of any major river, peak and lean season river discharge as well as flood occurrence frequency based on peak rainfall data of the past 30 years. Details of Flood Level of the project site and maximum Flood Level of the river shall also be provided. (mega green field projects)
- xi. Status of acquisition of land. If acquisition is not complete, stage of the acquisition process and expected time of complete possession of the land.
- xii. R&R details in respect of land in line with state Government policy

5. **Forest and wildlife related issues (if applicable):**

- i. Permission and approval for the use of forest land (forestry clearance), if any, and recommendations of the State Forest Department. (if applicable).
- ii. Land use map based on High resolution satellite imagery (GPS) of the proposed site delineating the forestland (*in case of projects involving forest land more than 40 ha*).
- iii. Status of Application submitted for obtaining the stage I forestry clearance along with latest status shall be submitted.
- iv. The projects to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden-thereon.
- v. Wildlife Conservation Plan duly authenticated by the Chief Wildlife Warden of the State Government for conservation of Schedule I fauna, if any exists in the study area.

- vi. Copy of application submitted for clearance under the Wildlife (Protection) Act, 1972, to the Standing Committee of the National Board for Wildlife

6. Environmental Status

- i. Determination of atmospheric inversion level at the project site and site-specific micro-meteorological data using temperature, relative humidity, hourly wind speed and direction and rainfall.
- ii. AAQ data (except monsoon) at 8 locations for PM₁₀, PM_{2.5}, SO₂, NO_x, CO and other parameters relevant to the project shall be collected. The monitoring stations shall be based CPCB guidelines and take into account the pre-dominant wind direction, population zone and sensitive receptors including reserved forests.
- iii. Raw data of all AAQ measurement for 12 weeks of all stations as per frequency given in the NAQQM Notification of Nov. 2009 along with – min., max., average and 98% values for each of the AAQ parameters from data of all AAQ stations should be provided as an annexure to the EIA Report.
- iv. Surface water quality of nearby River (60m upstream and downstream) and other surface drains at eight locations as per CPCB/MoEF&CC guidelines.
- v. Whether the site falls near to polluted stretch of river identified by the CPCB/MoEF&CC.
- vi. Ground water monitoring at minimum at 8 locations shall be included.
- vii. Noise levels monitoring at 8 locations within the study area.
- viii. Soil Characteristic as per CPCB guidelines.
- ix. Traffic study of the area, type of vehicles, frequency of vehicles for transportation of materials, additional traffic due to proposed project, parking arrangement etc.
- x. Detailed description of flora and fauna (terrestrial and aquatic) existing in the study area shall be given with special reference to rare, endemic and endangered species. If Schedule-I fauna are found within the study area, a Wildlife Conservation Plan shall be prepared and furnished.
- xi. Socio-economic status of the study area.

7. Impact Assessment and Environment Management Plan

- i. Assessment of ground level concentration of pollutants from the stack emission based on site-specific meteorological features. In case the project is located on a hilly terrain, the AQIP Modelling shall be done using inputs of the specific terrain characteristics for determining the potential impacts of the project on the AAQ. Cumulative impact of all sources of emissions (including transportation) on the AAQ of the area shall be well assessed. Details of the model used and the input data used for modelling shall also be provided. The air quality contours shall be plotted on a location map showing the location of project site, habitation nearby, sensitive receptors, if any.
- ii. Water Quality modelling – in case, if the effluent is proposed to be discharged in to the local drain, then Water Quality Modelling study should be conducted for the drain water taking into consideration the upstream and downstream quality of water of the drain.

- iii. Impact of the transport of the raw materials and end products on the surrounding environment shall be assessed and provided. In this regard, options for transport of raw materials and finished products and wastes (large quantities) by rail or rail-cum road transport or conveyor-cum-rail transport shall be examined.
 - iv. A note on treatment of wastewater from different plant operations, extent recycled and reused for different purposes shall be included. Complete scheme of effluent treatment. Characteristics of untreated and treated effluent to meet the prescribed standards of discharge under E(P) Rules.
 - v. Details of stack emission and action plan for control of emissions to meet standards.
 - vi. Measures for fugitive emission control
 - vii. Details of hazardous waste generation and their storage, utilization and disposal. Copies of MOU regarding utilization of solid and hazardous waste shall also be included. EMP shall include the concept of waste-minimization, recycle/reuse/recover techniques, Energy conservation, and natural resource conservation.
 - viii. Proper utilization of fly ash shall be ensured as per Fly Ash Notification, 2009. A detailed plan of action shall be provided.
 - ix. Action plan for the green belt development plan in 33 % area i.e. land with not less than 1,500 trees per ha. Giving details of species, width of plantation, planning schedule etc. shall be included. The green belt shall be around the project boundary and a scheme for greening of the roads used for the project shall also be incorporated.
 - x. Action plan for rainwater harvesting measures at plant site shall be submitted to harvest rainwater from the roof tops and storm water drains to recharge the ground water and also to use for the various activities at the project site to conserve fresh water and reduce the water requirement from other sources.
 - xi. Total capital cost and recurring cost/annum for environmental pollution control measures shall be included.
 - xii. Action plan for post-project environmental monitoring shall be submitted.
 - xiii. Onsite and Offsite Disaster (natural and Man-made) Preparedness and Emergency Management Plan including Risk Assessment and damage control. Disaster management plan should be linked with District Disaster Management Plan.
8. Occupational health
- i. Details of existing Occupational & Safety Hazards. What are the exposure levels of above mentioned hazards and whether they are within Permissible Exposure level (PEL). If these are not within PEL, what measures the company has adopted to keep them within PEL so that health of the workers can be preserved,
 - ii. Details of exposure specific health status evaluation of worker. If the workers' health is being evaluated by pre-designed format, chest x rays, Audiometry, Spirometry, Vision testing (Far & Near vision, colour vision and any other ocular defect) ECG, during pre-placement and periodical examinations give the details of the same. Details regarding last month analysed data of abovementioned parameters as per age, sex, duration of exposure and department wise.



- iii. Annual report of health status of workers with special reference to Occupational Health and Safety.
 - iv. Plan and fund allocation to ensure the occupational health & safety of all contract and casual workers.
9. Corporate Environment Policy
- i. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
 - ii. Does the Environment Policy prescribe for standard operating process / procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms / conditions? If so, it may be detailed in the EIA.
 - iii. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the environmental clearance conditions? Details of this system may be given.
 - iv. Does the company have system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism shall be detailed in the EIA report
10. Details regarding infrastructure facilities such as sanitation, fuel, restroom etc. to be provided to the labour force during construction as well as to the casual workers including truck drivers during operation phase.
11. Corporate Environment Responsibility (CER)
- i. To address the Public Hearing issues, an amount as specified under Ministry's Office Memorandum vide F.No. 22-65/2017-IA.III dated 1st May 2018 amounting to Rs.crores, shall be earmarked by the project proponent, towards Corporate Environment Responsibility (CER). Distinct CER projects shall be carved out based on the local public hearing issues. Project estimate shall be prepared based on PWD schedule of rates for each distinct Item and schedule for time bound action plan shall be prepared. These CER projects as indicated by the project proponent shall be implemented along with the main project. Implementation of such program shall be ensured by constituting a Committee comprising of the project proponent, representatives of village Panchayat & District Administration. Action taken report in this regard shall be submitted to the Ministry's Regional Office. No free distribution/donations and or free camps shall be included in the above CER budget
12. Any litigation pending against the project and/or any direction/order passed by any Court of Law against the project, if so, details thereof shall also be included. Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, details thereof and compliance/ATR to the notice(s) and present status of the case.
13. A tabular chart with index for point wise compliance of above ToRs.



14. The ToRs prescribed shall be valid for a period of three years for submission of the EIA-EMP reports along with Public Hearing Proceedings (wherever stipulated).

The following general points shall be noted:

- i. All documents shall be properly indexed, page numbered.
- ii. Period/date of data collection shall be clearly indicated.
- iii. Authenticated English translation of all material in Regional languages shall be provided.
- iv. The letter/application for environmental clearance shall quote the MOEF&CC file No. and also attach a copy of the letter.
- v. The copy of the letter received from the Ministry shall be also attached as an annexure to the final EIA-EMP Report.
- vi. The index of the final EIA-EMP report must indicate the specific chapter and page no. of the EIA-EMP Report
- vii. While preparing the EIA report, the instructions for the proponents and instructions for the consultants issued by MOEF&CC vide O.M. No. J-11013/41/2006-IA.II (I) dated 4th August, 2009, which are available on the website of this Ministry shall also be followed.
- viii. The consultants involved in the preparation of EIA-EMP report after accreditation with Quality Council of India (QCI)/National Accreditation Board of Education and Training (NABET) would need to include a certificate in this regard in the EIA-EMP reports prepared by them and data provided by other organization/Laboratories including their status of approvals etc. Name of the Consultant and the Accreditation details shall be posted on the EIA-EMP Report as well as on the cover of the Hard Copy of the Presentation material for EC presentation.
- ix. ToRs' prescribed by the Expert Appraisal Committee (Industry) shall be considered for preparation of EIA-EMP report for the project in addition to all the relevant information as per the 'Generic Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006. Where the documents provided are in a language other than English, an English translation shall be provided. The draft EIA-EMP report shall be submitted to the State Pollution Control Board of the concerned State for conduct of Public Hearing. The SPCB shall conduct the Public Hearing/public consultation, district-wise, as per the provisions of EIA notification, 2006. The Public Hearing shall be chaired by an Officer not below the rank of Additional District Magistrate. The issues raised in the Public Hearing and during the consultation process and the commitments made by the project proponent on the same shall be included separately in EIA-EMP Report in a separate chapter and summarised in a tabular chart with financial budget (capital and revenue) along with time-schedule of implementation for complying with the commitments made. The final EIA report shall be submitted to the Ministry for obtaining environmental clearance.

ANNEXURE-2**ADDITIONAL ToRs FOR INTEGRATED STEEL PLANT**

1. Iron ore/coal linkage documents along with the status of environmental clearance of iron ore and coal mines
2. Quantum of production of coal and iron ore from coal & iron ore mines and the projects they cater to. Mode of transportation to the plant and its impact
3. For Large ISPs, a 3-D view i.e. DEM (Digital Elevation Model) for the area in 10 km radius from the proposal site. MRL details of project site and RL of nearby sources of water shall be indicated.
4. Recent land-use map based on satellite imagery. High-resolution satellite image data having 1m-5m spatial resolution like quickbird, Ikonos, IRS P-6 pan sharpened etc. for the 10 Km radius area from proposed site. The same shall be used for land used/land-cover mapping of the area.
5. PM (PM₁₀ and P_{2.5}) present in the ambient air must be analysed for source analysis – natural dust/RSPM generated from plant operations (trace elements) of PM₁₀ to be carried over.
6. All stock piles will have to be on top of a stable liner to avoid leaching of materials to ground water.
7. Plan for the implementation of the recommendations made for the steel plants in the CREP guidelines.
8. Plan for slag utilization
9. Plan for utilization of energy in off gases (coke oven, blast furnace)
10. System of coke quenching adopted with justification.
11. Trace metals Mercury, arsenic and fluoride emissions in the raw material.
12. Trace metals in waste material especially slag.
13. Trace metals in water
14. Details of proposed layout clearly demarcating various units within the plant.
15. Complete process flow diagram describing each unit, its processes and operations, along with material and energy inputs and outputs (material and energy balance).
16. Details on design and manufacturing process for all the units.
17. Details on environmentally sound technologies for recycling of hazardous materials, as per CPCB Guidelines, may be mentioned in case of handling scrap and other recycled materials.
18. Details on requirement of energy and water along with its source and authorization from the concerned department. Location of water intake and outfall points (with coordinates).
19. Details on toxic metal content in the waste material and its composition and end use (particularly of slag).
20. Details on toxic content (TCLP), composition and end use of slag.

Executive Summary

Executive summary of the report in about 8-10 pages incorporating the following:

- i. Project name and location (Village, Dist, State, Industrial Estate (if applicable))
- ii. Products and capacities. If expansion proposal, then existing products with capacities and reference to earlier EC.
- iii. Requirement of land, raw material, water, power, fuel, with source of supply (Quantitative)
- iv. Process description in brief, specifically indicating the gaseousemission, liquid effluent and solid and hazardous wastes. Materials balance shall be presented.
- v. Measures for mitigating the impact on the environment and mode of discharge or disposal.
- vi. Capitalcost of the project, estimated time of completion
- vii. Site selected for the project – Nature of land – Agricultural (single/double crop), barren, Govt/private land, status of is acquisition, nearby (in 2-3 km.) water body, population, with in 10km other industries, forest, eco-sensitive zones, accessibility, (note – in case of industrial estate this information may not be necessary)
- viii. Baseline environmental data – air quality, surface and ground water quality, soil characteristic, flora and fauna, socio-economic condition of the nearby population
- ix. Identification of hazards in handling, processing and storage of hazardous material and safety system provided to mitigate the risk.
- x. Likely impact of the project on air, water, land, flora-fauna and nearby population
- xi. Emergency preparedness plan in case of natural or in plant emergencies
- xii. Issues raised during public hearing (if applicable) and response given
- xiii. CSR plan with proposed expenditure.
- xiv. Occupational Health Measures
- xv. Post project monitoring plan



Government of India
Ministry of Environment, Forest and Climate Change
IA Division
(Industrial Projects - 1)



Minutes of AGENDA FOR 58th MEETING OF THE EXPERT APPRAISAL COMMITTEE -(INDUSTRY-1 SECTOR), SCHEDULED TO BE HELD ON 14-15 MAY, 2024 meeting Industrial Projects - 1 held from 14/05/2024 to 15/05/2024 Date: 29/05/2024

MoM ID:	EC/MOM/EAC/888267/4/2024		
Agenda ID:	EC/AGENDA/EAC/888267/4/2024		
Meeting Venue:	N/A		
Meeting Mode:	Virtual		
Date & Time:			
	14/05/2024	10:00 AM	06:00 PM
	15/05/2024	10:00 AM	06:00 PM

1. Opening remarks

Shri Rajive Kumar, Chairman EAC welcomed the Committee members and opened the EAC meeting for further deliberations.

Shri Rajive Kumar also appreciated the efforts of the Ministry's Team (Industry 1 Sector) for preparation and uploading the Agenda of the EAC meetings and draft record of discussion very scientifically, systematically, transparently and timely on Parivesh Portal. The EAC has also appreciated various decision tools available in Parivesh Portal such as KYA, GIS based DSS, Use of different layers for taking informed decision. *****

Note - Due to Editor issue, Final Approved Minutes of the EAC is enclosed herewith in PDF as a ANNEXURE]. Please refer this document and Treat as approved Minutes of the EAC [Industry 1 Sector].

2. Confirmation of the minutes of previous meeting

The EAC, having taken note that final minutes were issued after incorporating comments offered by the EAC (Industry-1 Sector) members on the minutes of its 57th meeting of the EAC for Industry-I sector held on 24th - 25th April, 2024 conducted through Video Conferencing Mode, and noted that there is no modification/factual correction, in the minutes of the 57th EAC meetings.

- xiii. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- xiv. The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory.
- xv. The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.
- xvi. The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
- xvii. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Agenda No. 58.4

58.4 Proposed expansion of existing Steel Plant by installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant by M/s Calstar Sponge Limited, located at Jamuria, Mouza Ikra, Jamuria Industrial Estate, Dist. Burdwan, West Bengal- Consideration of Environmental Clearance.

[Proposal No. IA/WB/IND1/453340/2023; File No. IA-J-11011/655/2009-IA-II(IND-I)]
[Consultant: Envirotech East Pvt. Ltd.; Valid upto: 09/12/2025]

- 58.4.1 M/s Calstar Sponge Limited has made an online EC application vide proposal no. IA/WB/IND1/453340/2023 dated 05.04.2024 along with copy of EIA report and Forms (Part A, B and C) and certified compliance report seeking Environment Clearance (EC) under the provisions of the EIA Notification, 2006 for the project mentioned above. The proposed project activity is listed at S. No. 3(a) Metallurgical industries (ferrous & non-ferrous) and 1(d) Thermal Power Plants under Category "A" of the schedule of the EIA Notification, 2006 and appraised at Central Level.
- 58.4.2 Name of the EIA consultant: M/s. Envirotech East Pvt. Limited [List of ACOs with their Certificate / Extension Letter no. NABET/EIA/2225/RA 0279; valid upto 09.12.2025, as on May 17, 2024].

Details submitted by Project proponent

58.4.3 The details of the ToR are furnished as below:

Date of Application	Consideration	Details	Date of Accord	ToR Validity
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30 th August, 2018	2 nd meeting of EAC, held on 12 th December, 2018	Terms of Reference	27.06.2019	26.06.2024
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- 58.4.4 The project of M/s Calstar Sponge Ltd. is located at Village : Jamuria, Mouza Ikra, Jamuria Industrial Estate, Dist. Paschim Burdwan, West Bengal for expansion of existing Steel Plant by installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant.
- 58.4.5 M/s Calstar Sponge Limited had earlier made an online EC application vide proposal no. IA/WB/IND1/436058/2023 dated 05.09.2023. The proposal was considered during 44th meeting of the EAC for Industry-I sector held on 20th – 21st September, 2023, wherein after detailed deliberation the Committee recommended to return the proposal in its present form due to the shortcomings.
- 58.4.6 M/s Calstar Sponge Limited has again made an online EC application vide proposal no. IA/WB/IND1/453340/2023 dated 05.04.2024 addressing the issues. The proposal has been considered during the 58th meeting of the EAC for Industry-I sector held on 14th-15th May, 2024. The deliberations and recommendations of EAC are as follows:

Deliberations by the Committee

- 58.4.7 The Committee noted the following:
1. The EAC noted that as per ToR dated 27.06.2019, the proposal cited above was referred to EAC (Violation) sector for their views w.r.t. installation and operation of 2x100 TPD sponge iron units without obtaining the requisite environmental clearance from the concerned Competent Authority. The matter was considered by the EAC-Violation sector in its 17th meeting held during January, 2019 wherein EAC opined the following:
 - (i) **Since the violation falls in between 01/07/2007 to 06/08/2009, it would be appropriate to initiate action under section 19 of Environment (Protection) Act, 1986 as prevailing that time.**
 - (ii) **Alternatively, since PP has applied for expansion and sought for ToR, specific ToR can be issued as per MoEF&CC notification dated 14/03/2017 pertaining to violation.**

Accordingly, the Ministry issued the ToR, inter-alia, with a specific condition that the project proponent shall comply with the directions/order of the Competent Authority/body/Court issued in respect of violation during 01/07/2007 to 06/08/2009 and initiated action under section 19 of the Environment (Protection) Act, 1986.
 2. During the earlier consideration in 44th meeting of the EAC for Industry-I sector held on 20th – 21st September, 2023, the EAC also recorded that MoEF&CC has notified a SOP dated 07.07.2021 pertaining to consideration of violation cases and now the instant proposal will be appraised under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedures dated 07/07/2021 pertaining to consideration

of violation cases. Therefore, PP is required to revise the proposal and include the compliance to violation as per the provisions of Ministry's SOP dated 07.07.2021.

3. The EAC further noted that the Hon'ble Supreme Court has stayed Ministry's OM dated 7th July 2021 and 28th January 2022 for ex-post facto clearance for projects without prior environmental clearance mandated under the EIA Notification, 2006 i.e. violation cases. In pursuance to the same, the instant proposal will be kept in abeyance till further orders.
4. However, as per further discussions held, it was emphasized that the ToR was accorded considering the fact that, specific ToR can be issued as per MoEF&CC notification dated 14/03/2017 pertaining to violation. The PP further stated that the Hon'ble Supreme Court has not stayed the notification dated 14.03.2017 based on which the TOR dt. 27.06.2019 was issued.
5. Further, the PP vide letter dated 15.05.2024, has submitted the detailed representation and inter-alia prayed that the PP's Application may not be treated as a violation case and be apprised by the provisions of the EIA Notifications, 2006 as the PP is facing financial loss due to the proposed expansion Application being kept in abeyance. Further the Hon'ble Supreme Court vide its Order dated 02.02.2024 in the case titled "Vanashakti vs. Union of India" WPC No. 1394/2023 has clarified that the Order dated 02.02.2024 would not come in the way of the competent authorities in considering the proposals for modification/alterations in the Environmental Clearance if area of such projects had any valid Environmental Clearances prior to 07.07.2021.
6. In view of above, the EAC opined that the Policy Sector of IA Division or Legal Monitoring Cell in the Ministry may be requested for issuance of the necessary clarification w.r.t. appraisal of said proposal either (i) as per MoEF&CC notification dated 14/03/2017 pertaining to violation, or (ii) No violation as claimed by the PP in this regard.
7. The PP/Consultant also agreed to the suggestions of EAC to obtain the comments of the Policy Sector of IA Division or Legal Monitoring Cell of MoEF&CC.

Recommendations of the Committee:

- 58.4.8 In view of the foregoing and after detailed deliberations, the Committee recommended to **defer the proposal** and advised the Ministry to first obtain the comments of the Policy Sector of IA Division or Legal Monitoring Cell w.r.t. appraisal of said proposal as per MoEF&CC notification dated 14/03/2017 pertaining to violation due to the facts referred in para above. The proposal shall be considered after obtaining the requisite information.



सत्यमेव जयते

Government of India
Ministry of Environment, Forest and Climate Change
IA Division
(Industrial Projects - 1)



Minutes of AGENDA FOR 64th MEETING OF THE EXPERT APPRAISAL COMMITTEE -(INDUSTRY-1 SECTOR), SCHEDULED TO BE HELD ON 21-23 AUG Date: 02/09/2024
UST, 2024 meeting Industrial Projects - 1 held from 21/08/2024 to 23/08/2024

MoM ID:	EC/MOM/EAC/696120/8/2024	
Agenda ID:	EC/AGENDA/EAC/696120/8/2024	
Meeting Venue:	N/A	
Meeting Mode:	Virtual	
Date & Time:		
	21/08/2024	10:00 AM - 06:00 PM
	22/08/2024	10:00 AM - 06:00 PM
	23/08/2024	10:00 AM - 06:00 PM

1. Opening remarks

Shri Rajive Kumar, Chairman EAC welcomed the Committee members and opened the EAC meeting for further deliberations.

Shri Rajive Kumar also appreciated the efforts of the Ministry's Team (Industry 1 Sector) for preparation and uploading the Agenda of the EAC meetings and draft record of discussion very scientifically, systematically, transparently and timely on Parivesh Portal. The EAC has also appreciated various decision tools available in Parivesh Portal such as KYA, GIS based DSS, Use of different layers for taking informed decision.

Note - Due to Editor issue, Final Approved Minutes of the EAC is enclosed herewith in PDF as a ANNEXURE-X. Please refer this document and Treat as approved Minutes of the EAC [Industry 1 Sector].

2. Confirmation of the minutes of previous meeting

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DAY-3: AUGUST 23, 2024 [FRIDAY]**Consideration of Environmental Clearance Proposals****Agenda No. 64.16**

- 64.16 Proposed expansion of existing Steel Plant by installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant by M/s Calstar Sponge Limited, located at Jamuria, Mouza Ikra, Jamuria Industrial Estate, Dist. Burdwan, West Bengal- Consideration of Environmental Clearance.**

Proposal No. IA/WB/IND1/453340/2023; File No. IA-J-11011/655/2009-IA-II(IND-I)]
[Consultant: Envirotech East Pvt. Ltd.; Valid upto: 09/12/2025]

- 64.16.1 M/s Calstar Sponge Limited has made an online EC application vide proposal no. IA/WB/IND1/453340/2023 dated 05.04.2024 along with copy of EIA report and Forms (Part A, B and C) and certified compliance report seeking Environment Clearance (EC) under the provisions of the EIA Notification, 2006 for the project mentioned above. The proposed project activity is listed at S. No. 3(a) Metallurgical industries (ferrous & non-ferrous) and 1(d) Thermal Power Plants under Category "A" of the schedule of the EIA Notification, 2006 and appraised at Central Level.
- 64.16.2 Name of the EIA consultant: M/s. Envirotech East Pvt. Limited [List of ACOs with their Certificate / Extension Letter no. NABET/EIA/2225/RA 0279; valid upto 09.12.2025; as on August 26, 2024].

Details submitted by Project proponent

- 64.16.3 The details of the ToR are furnished as below:

Date of Application	Consideration	Details	Date of Accord	ToR Validity
30 th August, 2018	2 nd meeting of EAC, held on 12 th December, 2018	Terms of Reference	27.06.2019	26.06.2024

- 64.16.4 The project of M/s Calstar Sponge Ltd. is located at Village : Jamuria, Mouza Ikra, Jamuria Industrial Estate, Dist. Paschim Burdwan, West Bengal for expansion of existing Steel Plant by installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant.
- 64.16.5 The proposal was initially considered during the 58th meeting of the EAC for Industry-I sector held on 14th-15th May, 2024 wherein the Committee recommended to **defer the proposal** and advised the Ministry to first obtain the comments of the Policy Sector of IA Division or Legal Monitoring Cell w.r.t. appraisal of said proposal as per MoEF&CC notification dated 14/03/2017

pertaining to violation due to the recorded facts. The deliberations and recommendations of EAC are as follows:

Deliberations by the Committee (EAC during 14th-15th May, 2024)

The Committee noted the following:

1. The EAC noted that as per ToR dated 27.06.2019, the proposal cited above was referred to EAC (Violation) sector for their views w.r.t. installation and operation of 2x100 TPD sponge iron units without obtaining the requisite environmental clearance from the concerned Competent Authority. The matter was considered by the EAC-Violation sector in its 17th meeting held during January, 2019 wherein EAC opined the following:
 - (i) **Since the violation falls in between 01/07/2007 to 06/08/2009, it would be appropriate to initiate action under section 19 of Environment (Protection) Act, 1986 as prevailing that time.**
 - (ii) **Alternatively, since PP has applied for expansion and sought for ToR, specific ToR can be issued as per MoEF&CC notification dated 14/03/2017 pertaining to violation.**

Accordingly, the Ministry issued the ToR, inter-alia, with a specific condition that the project proponent shall comply with the directions/order of the Competent Authority/body/Court issued in respect of violation during 01/07/2007 to 06/08/2009 and initiated action under section 19 of the Environment (Protection) Act, 1986.
2. During the earlier consideration in 44th meeting of the EAC for Industry-I sector held on 20th – 21st September, 2023, the EAC also recorded that MoEF&CC has notified a SOP dated 07.07.2021 pertaining to consideration of violation cases and now the instant proposal will be appraised under violation category as per the provisions contained in the MoEF&CC Standard Operating Procedures dated 07/07/2021 pertaining to consideration of violation cases. Therefore, PP is required to revise the proposal and include the compliance to violation as per the provisions of Ministry's SOP dated 07.07.2021.
3. The EAC further noted that the Hon'ble Supreme Court has stayed Ministry's OM dated 7th July 2021 and 28th January 2022 for ex-post facto clearance for projects without prior environmental clearance mandated under the EIA Notification, 2006 i.e. violation cases. In pursuance to the same, the instant proposal will be kept in abeyance till further orders.
4. However, as per further discussions held, it was emphasized that the ToR was accorded considering the fact that, specific ToR can be issued as per MoEF&CC notification dated 14/03/2017 pertaining to violation. The PP further stated that the Hon'ble Supreme Court has not stayed the notification dated 14.03.2017 based on which the TOR dt. 27.06.2019 was issued.
5. Further, the PP vide letter dated 15.05.2024, has submitted the detailed representation and inter-alia prayed that the PP's Application may not be treated as a violation case and be appraised by the provisions of the EIA Notifications, 2006 as the PP is facing financial loss due to the proposed expansion Application being kept in abeyance. Further the Hon'ble Supreme Court vide its Order dated 02.02.2024 in the case titled "Vanashakti vs. Union of

India" WPC No. 1394/2023 has clarified that the Order dated 02.02.2024 would not come in the way of the competent authorities in considering the proposals for modification/alterations in the Environmental Clearance if area of such projects had any valid Environmental Clearances prior to 07.07.2021.

6. In view of above, the EAC opined that the Policy Sector of IA Division or Legal Monitoring Cell in the Ministry may be requested for issuance of the necessary clarification w.r.t. appraisal of said proposal either (i) as per MoEF&CC notification dated 14/03/2017 pertaining to violation, or (ii) No violation as claimed by the PP in this regard.
7. The PP/Consultant also agreed to the suggestions of EAC to obtain the comments of the Policy Sector of IA Division or Legal Monitoring Cell of MoEF&CC.

Recommendations of the Committee (EAC during 14th-15th May, 2024):

In view of the foregoing and after detailed deliberations, the Committee recommended to defer the proposal and advised the Ministry to first obtain the comments of the Policy Sector of IA Division or Legal Monitoring Cell w.r.t. appraisal of said proposal as per MoEF&CC notification dated 14/03/2017 pertaining to violation due to the facts referred in para above. The proposal shall be considered after obtaining the requisite information.

- 64.16.6 In view of above, the PP vide letter dated 08.08.2024 uploaded on PARIVESH portal on 08.08.2024 informed that they have already submitted their representation to Ministry vide their letter dated 15th May, 2024 as per the minutes of 58th EAC.
- 64.16.7 The proposal was considered during the 64th meeting of the EAC for Industry-I sector held on 21st – 23rd August, 2024. The deliberations and recommendations of EAC are as follows:

Deliberations by the Committee

- 64.16.8 The Committee noted the following:
 1. The EAC was informed that comments from the Policy Sector of the IA Division and the Legal Monitoring Cell have been obtained for this case. It was clarified that the appraisal of this proposal will follow the action under section 19 of Environment (Protection) Act, 1986 as prevailing that time. The EAC acknowledged these comments and emphasized that compliance with same is essential for this proposal.
 2. Accordingly, as per one of the Terms of Reference (ToR) conditions, the project proponent must comply with the directions or orders issued by the Competent Authority, body, or Court regarding violations that occurred between 01/07/2007 and 06/08/2009, including actions initiated under Section 19 of the Environment (Protection) Act, 1986. The PP/Consultant informed the EAC that they have approached the concerned authority to initiate action under Section 19 of the Environment (Protection) Act, 1986, but no action has been taken yet.
 3. The EAC opined that compliance with this requirement is crucial for the consideration of the EC proposal in this case. Therefore, the proposal should only be listed once the necessary action has been initiated by the concerned authority. To expedite this process,

the EAC advised the Ministry to write a letter to the SPCB, requesting them to initiate the action as soon as possible.

4. The EAC agreed to the PP/Consultant's request to reappear after the required compliance has been achieved

Recommendations of the Committee:

- 64.16.9 In view of the foregoing and after detailed deliberations, the committee recommended to **defer the proposal** to address the shortcomings enumerated at para above. The proposal may be considered after submission of the requisite information.

Agenda No. 64.17

- 64.17 Proposed expansion of existing Steel Plant for replacement of existing 2x7 T Induction Furnaces by 2x15 T Induction Furnaces, installation of new 2x15 T Induction Furnaces with 6/11 three strands Continuous Casting Machine (2,00,000 TPA Billets) & 1x15 TPH Slag Crusher unit, 1x30 T capacity AOD and Hot Rolling Mill (450 TPD) for production of TMT Bars, Wire Rod, Structure with 1x15 TPH Reheating Furnace (reheating by Piped-Gas or Coal or 1x45,00,000 Kcal/hr capacity Coal based Gasifier) by M/s CRM Ispat Pvt. Ltd., located at Bamunara Industrial Area, Village Bamunara, P.S. Kanksa, P.O. Gopalpur, District Paschim Bardhaman, West Bengal - Consideration of Environmental Clearance.**

**[Proposal No. IA/WB/IND1/482375/2023; File No. IA-J-11011/73/2023-IA-II(IND-I)]
[Consultant: Envirotech East Pvt. Ltd.; Valid upto: 12.09.2025]**

- 64.17.1 M/s CRM Ispat Pvt. Ltd. has made an online EC application vide Proposal No. IA/WB/IND1/482375/2023 dated 31.07.2024 along with copy of EIA report and Forms (Part A, B and C) and certified compliance report seeking Environment Clearance (EC) under the provisions of the EIA Notification, 2006 for the project mentioned above. The proposed project activity is listed at S. No. 3(a) Metallurgical industries (ferrous & non-ferrous) under Category "B1" of the schedule of the EIA Notification, 2006 and attracts general condition as proposed project site falls within 5 km from the boundary of Durgapur Municipal Area i.e severely polluted area and therefore being appraised at Central Level.
- 64.17.2 Name of the EIA consultant: M/s. Envirotech East Pvt. Ltd. [List of ACOs with their Certificate / Extension Letter vide NABET/EIA/2225/RA 0279; valid upto 12.09.2025, as on August 26, 2024].

Details submitted by Project proponent

- 64.17.3 The details of the ToR are furnished as below:

No. IA-J-11011/655/2009-IA-II(I)
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

10X

Indira Paryavaran Bhawan
Vayu Wing, 3rd Floor,
Jor Bagh Road, Aliganj,
New Delhi – 110003

Dated: 10th September, 2025

To,
The Member Secretary,
West Bengal State Pollution Control Board,
Paribesh Bhawan, 10A- Block LA, Sector –III,
Salt Lake City, Kolkata – 700 098.
Email: ms.wbpcb-wb@bangla.gov.in

Subject: Proposed expansion project of M/s Calstar Sponge Limited involving installation of Sponge Iron Plant with 2x200 TPD DRI Kilns, 4x15 T Induction Furnaces, 400 TPD Rolling Mill & 8 MW capacity WHRB based Captive Power Plant at Jamuria, Mouza Ikra, Jamuria Industrial Estate, Dist. Burdwan, West Bengal- reg.

Ref: WBPCB letter 6L/WPB/2002 dated 05/11/2024

Sir,
This refers to the letter dated 5/11/2024 of West Bengal SPCB (*referred as Board hereafter*) related to initiation of legal action as per Section 15 and Section 19 of the Environment (Protection) Act, 1986. The Board had submitted that the request cannot be complied since MoEFCC has already issued a notification dated 11-08-2023 under Jan Vishwas (Amendment of Provisions) Act, 2023 through which Environment (Protection) Act, 1986 has been amended to include new provisions.

2. The matter was examined in the Ministry, in consultation with Policy Cell (IA) and Legal Cell, and based on such examination, it is held that further action on the proposal, for the past violation committed during 01.07.2007 to 06.08.2009, needs to be initiated under post-amendment provisions of Environment (Protection) Act, 1986 and the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

3. In view of the foregoing, the undersigned is hereby directed to request you to initiate action against the company in line with the provisions of the above-referred Rules. It is further submitted that the Ministry has issued an OM dated 04-11-2024 regarding the 'Appointment of Adjudicating Officer under Section 15C of the Environment (Protection) Act, 1989' to facilitate action under the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 notified on 04-11-2024. The said Rules provide the detailed procedure for inquiry and imposition of penalty. Additionally, vide an OM dated 06-11-2024, the above referred OM and Rules were circulated to all the Principal Secretaries of State/ UTs for information and necessary action. The details of the action taken, in this regard, shall be sent to this Ministry along with relevant supporting document(s). A copy of the notification and OM is enclosed for kind reference and record.

2/.....

-2-

4. In this regard, it is further clarified that no further action for processing/grant of EC can be taken on the proposal submitted by the Project Proponent, in compliance with the judgment of Hon'ble Supreme Court dated 16.05.2025 in the matter of W.P.1394/2023, Vanshakti Vs. Union of India.
5. This issues with the approval of the Competent Authority.

Yours faithfully,



Dr. B. S. Sandeepan
Scientist 'C'

IA-II Division (Industry-I)

Copy to:-

M/S. Calstar Sponge Limited
18, R. N. Mukherjee Road, Kolkata-700001
Email: avranil.calspring@gmail.com


भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-05112024-258458
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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 4409]

नई दिल्ली, सोमवार, नवम्बर 4, 2024/कार्तिक 13, 1946

No. 4409]

NEW DELHI, MONDAY, NOVEMBER 4, 2024/KARTIKA 13, 1946

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 4 नवम्बर, 2024

का.आ. 4790(अ).—केन्द्रीय सरकार, पर्यावरण अधिनियम (संरक्षण), 1986 (1986 का 29) की धारा 6 और 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात्- :

1. संक्षिप्त नाम और प्रारंभ —(1) इन नियमों का संक्षिप्त नाम पर्यावरण संरक्षण (जांच की पद्धति और शास्ति का अधिरोपण) नियम, 2024 कहा जाएगा।

(2) ये राजपत्र में प्रकाशन की तारीख से लागू होंगे।

2. परिभाषाएं —(1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो, —

(क) " अधिनियम" से पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) अभिप्रेत है;

(ख) " न्यायनिर्णायक अधिकारी" से अधिनियम की धारा 15ग के अधीन नियुक्त अधिकारी अभिप्रेत है;

(ग) "रूप" से इन नियमों के साथ संलग्न रूप अभिप्रेत है।

(2) उन शब्दों और पदों को जो इनमें प्रयुक्त हैं, और परिभाषित नहीं हैं, किन्तु अधिनियम में परिभाषित किया गया है, वही अर्थ होंगे जो उस अधिनियम में हैं।

3. शिकायत —केन्द्रीय प्रदूषण बोर्ड, राज्य प्रदूषण नियंत्रण बोर्ड, प्रदूषण नियंत्रण समितियां, वायु गुणवत्ता प्रबंधन आयोग तथा पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के एकीकृत क्षेत्रीय कार्यालय अपने-अपने क्षेत्राधिकार में अपने प्राधिकृत अधिकारियों के माध्यम से, अथवा कोई भी अन्य व्यक्ति, अधिनियम की धारा 7, 8, 9, 10 और 11 के तहत किए गए किसी उल्लंघन के संबंध में न्यायनिर्णायक अधिकारी को इलेक्ट्रॉनिक माध्यम से या स्पीड पोस्ट से या व्यक्तिगत रूप से प्रपत्र-1 में शिकायत दर्ज करा सकते हैं।

4. जांच करना —(1) अधिनियम की धारा 15G के अधीन न्यायनिर्णयन के प्रयोजन के लिए कि क्या किसी व्यक्ति ने उस धारा में यथा विनिर्दिष्ट कोई उल्लंघन किया है, न्यायनिर्णायक अधिकारी शिकायत प्राप्त होने की तारीख से तीस दिन के भीतर ऐसे व्यक्ति को प्रपत्र-II में नोटिस जारी करेगा जिसमें उसे ऐसी अवधि के भीतर कारण बताने की अपेक्षा की जाएगी जो सूचना में विनिर्दिष्ट की जाए (उसकी प्राप्ति की तारीख से पंद्रह दिन से कम नहीं होगी) क्यों उसके विरुद्ध जांच नहीं होनी चाहिए।

(2) उप-नियम (1) के अधीन प्रत्येक नोटिस में कथित रूप से किए गए उल्लंघन की प्रकृति का उल्लेख होगा।

(3) ऐसे व्यक्ति द्वारा बताए गए कारण, यदि कोई हों, पर विचार करने के पश्चात, यदि न्यायनिर्णायक अधिकारी की राय है कि एक जांच की जानी चाहिए, तो वह उस व्यक्ति को व्यक्तिगत रूप से या उसके द्वारा विधिवत अधिकृत विधिक प्रतिनिधि के माध्यम से ऐसी तारीख को पेश होने की अपेक्षा के लिए एक नोटिस जारी करेगा जो नोटिस में तय की जा सकेगी।

(4) नियत तारीख पर, न्यायनिर्णायक अधिकारी उस व्यक्ति या उसके प्राधिकृत विधिक प्रतिनिधि जिसके विरुद्ध कार्यावाही की जा रही है को ऐसे व्यक्ति द्वारा किए गए उल्लंघन और अधिनियम के उपबंध के बारे में बताएगा, जिसके संबंध में उल्लंघन का आरोप लगाया गया है।

(5) न्यायनिर्णायक अधिकारी ऐसे व्यक्ति को रूप-III के अधीन ऐसे दस्तावेज या साक्ष्य प्रस्तुत करने का अवसर देगा जिन्हें वह जांच के लिए सुसंगत समझे और यदि आवश्यक हो तो सुनवाई को भविष्य की तारीख तक स्थगित किया जा सकेगा और ऐसे साक्ष्य लेते समय न्यायनिर्णायक अधिकारी भारतीय साक्ष्य अधिनियम, 2023 (2023 का 47) के उपबंधों का पालन करने के लिए बाध्य नहीं होगा।

(6) इस नियम के अधीन जांच करते समय, न्यायनिर्णायक अधिकारी मामले के तथ्यों और परिस्थितियों से परिचित किसी व्यक्ति से साक्ष्य देने या कोई दस्तावेज प्रस्तुत करने के लिए उपस्थित होने की अपेक्षा कर सकता है और उसे इसके लिए बाध्य कर सकता है जो न्यायनिर्णायक अधिकारी की राय में जांच की विषय-वस्तु के लिए उपयोगी या सुसंगत हो सकता है।

(7) यदि कोई व्यक्ति उपनियम (3) के अधीन यथा अपेक्षित न्यायनिर्णायक अधिकारी के समक्ष उपस्थित होने में असफल होता है, अपेक्षा या उपस्थित होने से इंकार करता है तो न्यायनिर्णायक अधिकारी ऐसा करने के कारणों को अभिलिखित करने के बाद ऐसे व्यक्ति की अनुपस्थिति में जांच को आगे बढ़ा सकेगा।

(8) यदि, न्यायनिर्णायक अधिकारी के समक्ष पेश किए गए साक्ष्य पर विचार करने पर, न्यायनिर्णायक अधिकारी संतुष्ट हो जाता है कि व्यक्ति ने उल्लंघन किया है, तो वह लिखित आदेश द्वारा, अधिनियम के अधीन ऐसी शास्ति अधिरोपित कर सकता है जिसे वह युक्तियुक्त समझता है।

(9) उप-नियम (8) के अधीन जारी किए गए प्रत्येक आदेश में अधिनियम के उस उपबंध को निर्दिष्ट किया जाएगा जिसके संबंध में उल्लंघन किया गया है और इसमें शास्ति अधिरोपण के कारण सम्मिलित होंगे।

(10) इस नियम के अधीन जारी किए गए आदेश की एक प्रति और कार्यवाही की अन्य सभी प्रतियां शिकायतकर्ता और उस व्यक्ति को निःशुल्क आपूर्ति की जाएंगी जिसके विरुद्ध जांच की गई थी।

(11) न्यायनिर्णायक अधिकारी विरोधी पक्ष को नोटिस जारी करने से छह महीने के भीतर कार्यवाही पूरी करेगा।

(12) इन नियमों के अधीन जारी की गई सूचना या आदेश उस व्यक्ति को जिसके विरुद्ध जांच की जाती है, निम्नलिखित में से किसी रीति से तामील की जाएगी-

(i) उस व्यक्ति या उसके अधिकृत प्रतिनिधि को परिदान या निविदान द्वारा; अथवा

(ii) इसे इलेक्ट्रॉनिक माध्यमों से या रजिस्ट्री डाक या स्पीड पोस्ट द्वारा व्यक्ति को उसके निवास स्थान या उसके अंतिम ज्ञात निवास स्थान या उस स्थान पर भेजकर जहां उसने व्यवसाय किया या अंतिम बार व्यवसाय या व्यक्तिगत रूप से काम किया या लाभ के लिए अंतिम बार काम किया हो; अथवा

(iii) यदि इसे खंड (i) या (ii) के अधीन निर्दिष्ट रीति से तामील नहीं किया जा सकता है, तो इसे बाहरी दरवाजे या परिसर के किसी अन्य विशिष्ट हिस्से पर चिपकाकर तामील की जा सकती है, जिसमें वह व्यक्ति रहता है या अंतिम निवास करने या व्यवसाय करने या व्यक्तिगत रूप से काम करने या लाभ के लिए काम करने के लिए जाना जाता है।

5. शिकायत का हस्तांतरण - (1) यदि न्यायनिर्णायक अधिकारी की राय है या यह प्रकट किया जाता है कि उसके पास इन नियमों के अधीन किसी शिकायत पर विचार करने का अधिकार क्षेत्र नहीं है, तो वह ऐसी शिकायत या जानकारी की प्राप्ति के पंद्रह दिनों के भीतर मामले को कारणों को लिखित रूप में अभिलिखित करने के पश्चात् संबंधित न्यायनिर्णायक अधिकारी को हस्तांतरित करेगा।

(2) न्यायनिर्णायक अधिकारी, जिसे ऐसा मामला हस्तांतरित किया जाता है, वह उस जांच को उस चरण से आगे बढ़ाएगा जहां पर उसे हस्तांतरित किया जाता है।

6. शास्ति की मात्रा निर्धारण के दौरान विचार किए जाने वाले कारक - न्यायनिर्णायक अधिकारी, शास्ति की मात्रा का न्याय निर्णय करते समय, अधिनियम की धारा 15ग की उपधारा (4) में वर्णित कारक के अतिरिक्त सभी या किन्हीं निम्नलिखित कारकों को सम्यक रूप से ध्यान में रखेगा, अर्थात्:

(क) परियोजना के परिचालन का स्थान;

(ख) परियोजना का आकार चाहे बड़ा, मध्यम या छोटा;

(ग) उद्योग की श्रेणी;

(घ) उल्लंघन या अतिक्रमण का प्रकार जैसे कि,-

(i) अधिनियम के अंतर्गत जारी अधिसूचना संख्या का.आ. 1533(अ) तारीख 14 सितंबर, 2006 के अधीन संप्रेक्षित पूर्व पर्यावरण मंजूरी के बिना काम करना;

(ii) अधिनियम के अधीन निर्धारित पर्यावरण सुरक्षा उपायों और मानकों का गैर-अनुपालन;

(iii) उपधारा (1) में निर्दिष्ट अधिसूचना के अंतर्गत दी गई पर्यावरण मंजूरी की शर्तों का उल्लंघन;

(iv) आदेशों या निर्देशों का गैर-अनुपालन;

(ङ) अधिनियम के अधीन निर्धारित मानक से भिन्नता या उल्लंघन की मात्रा;

(च) स्वास्थ्य प्रभाव या नुकसान होने की संभावना;

(छ) उल्लंघन या गैर-अनुपालन से प्राप्त अनुचित लाभ या फायदा;

(ज) उल्लंघन या गैर-अनुपालन के परिणामस्वरूप अनुपातहीन लाभ या अनुचित लाभ की बनाई गई राशि, जहां भी मात्रात्मक हो;

(झ) उल्लंघन या गैर-अनुपालन को दोहराए जाने की प्रकृति;

(ञ) कोई अन्य कारक जिसे न्यायनिर्णायक अधिकारी द्वारा पर्यावरण की सुरक्षा के लिए सुसंगत माना जाता है।

7. समयावधि का विस्तार—न्यायनिर्णायक अधिकारी, लिखित में दर्ज किए जाने वाले कारणों के लिए, जहां देरी या कार्य करने में विफलता का उचित कारण है, इन नियमों में निर्दिष्ट किसी भी अवधि को ऐसी अवधि तक बढ़ा सकता है जिसे वह उचित समझता है।

8. आदेश और शास्तियां—(1) इन नियमों के अधीन प्रत्येक आदेश दिनांकित, हस्ताक्षरित और सभी पक्षों को सूचित किया जाएगा।

(2) इन नियमों के अधीन शास्ति के माध्यम से वसूल की गई सभी धनराशियां अधिनियम के 16 के अधीन स्थापित पर्यावरण संरक्षण कोष में जमा की जाएंगी।

रूप 1

(नियम 3 देखिए)

सेवा में,

न्यायनिर्णायक अधिकारी

.....

1. शिकायतकर्ता की विशिष्टियां: -

(क) नाम:

(ख) डाक पता:

(ग) संपर्क सं.:

(घ) ईमेल (संपर्क हेतु):

2. शिकायत की विशिष्टियां: -

(क) कथित उल्लंघन की तारीख, समय और घटना:

(ख) सभी सुसंगत जानकारी की विशिष्टियों को दर्शाते हुए उल्लंघन का विवरण:

(ग) विवरण के समर्थन में साक्ष्य:

(घ) लागत के ब्यौरे सहित क्षति की अनंतिम मात्रा (आर्थिक रूप से)।

मैं/हम....., शिकायतकर्ताइसमें यह घोषित करता हूँ कि यहां बताए गए तथ्य मेरी/हमारी जानकारी के अनुसार सही हैं।

3. शिकायतकर्ता का नाम और हस्ताक्षर:

टिप्पण. —जो लागू नहीं है उसे काट दीजिए।

रूप-II

[नियम 4 का उप-नियम (1) देखिए]

सेवा में

कारण बताओ सूचना

विषय: पर्यावरण संरक्षण अधिनियम, 1986 का उल्लंघन।

महोदय/महोदया,

तारीख _____ को प्रपत्र-1 (प्रतिलिपि संलग्न) में प्राप्त शिकायत के अनुसार
 में पर्यावरण (संरक्षण) अधिनियम, 1986
 की धारा _____ के अंतर्गत उल्लंघन किया गया है।

2. उपर्युक्त उल्लंघन शास्ति के लिए उत्तरदायी है। अतः, आपको यह बताना होगा कि इस सूचना की तामील के ---- दिनों की अवधि के भीतर जुर्माना लगाने के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन आपके विरुद्ध जांच क्यों नहीं शुरू की जानी चाहिए। यदि दी गई अवधि के भीतर कोई जवाब प्राप्त नहीं होता है, तो अधिनियम के अधीन आगे की कार्रवाई की जाएगी।

न्यायनिर्णायक अधिकारी

(कार्यालय का नाम और मोहर)

<p>रूप-III</p> <p>उल्लंघनकर्ता द्वारा या उसकी ओर से दस्तावेज या साक्ष्य प्रस्तुत करना</p> <p>[नियम नियम-का उप 4(5) देखिए]</p>	
<p>सेवा में</p> <p>न्यायनिर्णायक अधिकारी</p> <p>.....</p> <p>.....</p> <p>.....</p>	
1.	<p>मैं/हम,</p> <p>.....</p> <p>.....</p> <p>प्ररूप-1 में की गई शिकायत का प्रतिकथन प्रस्तुत कर रहे हैं</p> <p>जिन आधारों पर प्रतिकथन प्रस्तुत किया गया है वह निम्नानुसार हैं: -</p> <p>.....</p> <p>.....</p>
2.	<p>मोबाइल नंबर और ईमेल के साथ-कोड और/पोस्टल इंडेक्स नंबर राज्य सहित पूरा पता।</p>
3.	<p>उल्लंघनकर्ता या उसके अधिकृत प्रतिनिधि के हस्ताक्षर:</p>
4.	<p>हस्ताक्षर करने वाले व्यक्ति का नाम और मोबाइल नंबर।</p>

[फा. सं. IA-Z-11013/20/2022-IA-II(IND-I)]

वेद प्रकाश मिश्रा, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 4th November, 2024

S.O. 4790(E).—In exercise of the powers conferred by section 6 and 25 of the Environment (Protection) Act, 1986(29 of 1986), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement. —(1) These rules may be called the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. —(1) In these rules, unless the context otherwise requires, —

(a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);

(b) "adjudicating officer" means an officer appointed under section 15C of the Act;

(c) "form" means a form appended to these rules.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the same meanings respectively assigned to them in the Act

3. Complaint. —The Central Pollution Board, State Pollution Control Boards, Pollution Control Committees, Commission for Air Quality Management and Integrated Regional Offices of the Ministry of Environment, Forest and Climate Change, in their respective jurisdictions, through their authorized Officers, or any other persons, may file a complaint in Form-I through electronic means or speed post or by hand to the adjudicating officer regarding any contravention committed under sections 7, 8, 9, 10 and 11 of the Act.

4. Holding of Inquiry. — (1) For the purpose of adjudication under section 15C of the Act whether any person has committed any contravention as specified in that section, the adjudicating officer within thirty days from the date of receipt of the complaint shall, issue a notice in Form-II to such person requiring him to show cause within such period as may be specified in the notice (being not less than fifteen days from the date of service thereof) why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.

(3) After considering the cause, if any, shown by such person, the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice requiring the appearance of that person personally or through a legal representative duly authorised by him on such date as may be fixed in the notice.

(4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his authorised legal representative, the contravention, committed by such person and the provision of the Act, in respect of which contravention is alleged to have been committed.

(5) The adjudicating officer shall, then, give an opportunity to such person to produce such documents or evidence under Form-III as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date and in taking such evidence the adjudicating officer shall not be bound to observe the provisions of the Bhartiya Sakshya Adhinyam, 2023 (47 of 2023).

(6) While holding an inquiry under this rule, the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer may be useful for or relevant to the subject matter of the inquiry.

(7) If any person fails, neglects or refuses to appear as required under sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(8) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may by order in writing, impose such penalty under the Act as he considers reasonable.

(9) Every order made under sub-rule (8) shall specify the provision of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

(10) A copy of the order made under this rule and all other copies of proceedings shall be supplied free of cost to the complainant and the person against whom the inquiry was held.

(11) The adjudicating officer shall complete the proceeding within six months from the issuance of the notice to the opposite party.

(12) A notice or an order issued under these rules shall be served on the person against whom an inquiry is held, in any of the following manner,-

- (i) by delivering or tendering it to that person or his authorised representative; or
- (ii) by sending it to the person through electronic means or by registered post or speed post to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain; or
- (iii) if it cannot be served in the manner specified under clauses (i) or (ii), by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain.

5. Transfer of complaint.- (1) If the adjudicating officer is of the view or it is made to appear that he does not have jurisdiction to entertain any complaint under these rules, he shall transfer the matter to the adjudicating officer concerned within fifteen days of the receipt of such complaint or information made to him after reasons to be recorded in writing.

(2) The adjudicating officer to whom such case is transferred shall proceed with the inquiry from the stage it is transferred to him.

6. Factors to be considered while determining quantum of penalty.- The adjudicating officer, while adjudicating the quantum of penalty shall have due regard to all or any the following factors in addition to factor stated in sub-section (4) of section 15 C of the Act, namely:

- (a) place of operation of project;
- (b) size of the project whether large, medium or Small;
- (c) category of industry;
- (d) type of contravention or violation such as,-
 - (i) working without prior environment clearance as required under the notification number S.O 1533(E) dated the 14th September, 2006 issued under the Act;
 - (ii) non-compliance of environmental safeguards and standards prescribed under the Act;
 - (iii) violation of conditions of environment clearances granted under the notification referred to in sub-section (i);
 - (iv) non-compliances of orders or directions;
- (e) quantum of deviation or contravention from the standard prescribed under the Act;
- (f) health impacts or loss likely to be caused;
- (g) undue gain or benefit derived out of contravention or non-compliance;
- (h) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the contravention or non-compliance;
- (i) the repetitive nature of the contravention or non-compliance;
- (j) any other factor as may be considered by the adjudicating officer to be relevant for the protection of environment.

7. Extension of time. —The adjudicating officer may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in these rules till such period as he considers reasonable.

8. Order and penalties. —(1) Every order under these rules, shall be dated, signed and communicated to all the parties.

(2) All sums realised by way of penalties under these rules shall be credited to the Environment Protection Fund established under 16 of the Act.

FORM I
(see rule 3)

To,

The Adjudication Officer

1. Particular of complainant: -

(a) Name:

(b) Address for service:

(c) Contact No:

(d) Email (for service):

2. Particulars of complaint: -

(a) Date, time and instance of commission of the alleged contravention:

(b) Statement of contravention setting out all relevant material particulars:

(c) Evidence in support of the statement:

(d) Tentative amount of damage (in pecuniary terms) with cost break-up.

I/We....., the complainant.....herein declare that the facts stated herein are correct to the best of my/our knowledge.

3. Name and Signature of the Complainant:

Note. - Strike out whichever is not applicable.

Form -II

[See sub- rule (1) of rule 4]

To

SHOW CAUSE NOTICE

Sub: **Contravention of the Environment Protection Act, 1986.**

Sir/Madam,

As per the complaint received in Form-I dated _____ (copy enclosed), contravention has been committed under section _____ of the Environment(Protection) Act, 1986 in _____

2. The above contravention is liable for penalty. Therefore, you are required to show cause within a period of ----- days of service of this notice, why an inquiry should not be initiated against you under the Environment (Protection) Act, 1986 for imposition of penalty. In case, no reply is received within the given period, the further action shall be taken under the Act.

Adjudicating Officer

(Name and seal of the office)

FORM-III	
Furnishing of document or evidence by or on behalf of the contravener [See sub-rule (5) of rule 4]	
To Adjudication Officer	
1.	I/We, hereby give a counter statement to the complaint made in Form-I The grounds in which the counter statement is made are as follows: -
2.	Complete address including postal index number/code and state along with mobile number and e-mail.
3.	Signature of the contravener or his authorised representative:
4.	Name of the person along with mobile number who has signed.

[F. No. IA-Z-11013/20/2022-IA-II(IND-I)]

VED PRAKASH MISHRA, Jt. Secy.

F. No. IA-Z-11013/20/2022-IA-II(IND-I) [177428]
 Government of India
 Ministry of Environment, Forest and Climate Change
 (Impact Assessment Division)

Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj,
 New Delhi - 110003

Dated: 6th November, 2024

OFFICE MEMORANDUM

Sub: Circulation of Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 and the order for appointment of Adjudicating Officer under section 15C of Environment (Protection) Act, 1986 - reg.

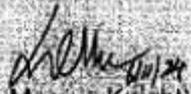
The Central Government has decriminalized the penal provisions of Environment (Protection) Act, 1986 through the Jan Vishwas (Amendment of Provisions) Act, 2023.

2. In continuation, the Central Government has issued the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024 vide notification dated 4th November 2024 and the order dated 4th November 2024 for appointment of Adjudicating Officer under section 15C of Environment (Protection) Act, 1986.

3. The undersigned has been directed to forward the copies of the above mentioned Notification and order for information and necessary action.

4. This is issued with the approval of the Competent Authority.

Encl. As above


 (Dr. J.D. Marcus Knight)
 Scientist E

To

Principal Secretaries of Environment Departments of all States and UTs

Copy for information to:

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MOS, EF&CC
3. PPS to Secretary, MoEF&CC
4. PPS to SS(TK)
5. PPS to AS(NPG)/ PPS to AS(AG)
6. PPS to JS(VPM)
7. Website, MoEF&CC/ Guard file

F. No. IA-Z-11013/20/2022-IA-II(IND-I) [177428]
 Government of India
 Ministry of Environment, Forest and Climate Change
 (Impact Assessment Division)

Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj,
 New Delhi – 110003

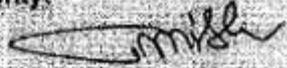
Dated: 4th November, 2024

ORDER

Sub: Appointment of Adjudicating Officer under section 15C of Environment (Protection) Act, 1986 – reg.

In accordance with the powers given under section 15C of the Environment (Protection) Act, 1986, the Central Government hereby appoints the following officers as Adjudicating officers:

- i. The Secretary in-charge, Environment Department of the State Government / Union Territory Administration for their respective jurisdictions.
 - ii. Additional Secretary in charge of the Control of Pollution Division of the Ministry of Environment, Forest and Climate Change for the complaints filed by Commission for Air Quality Management in NCR & Adjoining Areas and Integrated Regional Offices of the Ministry.
2. The Adjudicating Officer shall be provided with requisite manpower assistance, office space and technical assistance by the Central Government / State Government / Union Territory Administration, as the case may be.
 3. This is issued with the approval of the Competent Authority.


 (Ved Prakash Mishra)
 Joint Secretary

To

1. The Secretary in-charge, Environment Department of the State Government / Union Territory Administration of all States/UTs.
2. The Additional Secretary, CP Division, Ministry of Environment Forest and Climate Change, Government of India, New Delhi.

Copy for information to:

1. PPS to Hon'ble MEF&CC
2. PPS to Hon'ble MoS (EF&CC)
3. PPS to Secretary MoEF&CC
4. PPS to SS(TK)
5. PPS to AS(NPG) / PPS to AS (AG)
6. Guard file

F. No. IA3-3/7/2024-IA.III(PartI) [E- 254652]
 Government of India
 Ministry of Environment, Forest and Climate Change
 (Impact Assessment Division)

1X

Indira Paryavaran Bhawan
 Aliganj, Jorbagh Road
 New Delhi-110 003

Dated: 26th May, 2025

OFFICE MEMORANDUM

Subject: Circulation of the Judgement dated 16.05.2025 of Hon'ble Supreme Court in W.P. 1394/2023 in the matter of Vanashakti vs. Union of India. – reg.

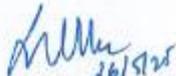
The Ministry issued the Notification S.O.804(E) dated 14/03/2017 providing a window period for the projects which were in violation to apply for the grant of EC.

2. Subsequently, the Ministry issued a Standard Operating Procedure (SoP) dated 07/07/2021 for identification and handling of violation cases under the EIA Notification 2006, in compliance to the order of the Hon'ble National Green Tribunal in Appeal No. 34/2020 (WZ) titled Tanaji B. Gambhire vs. Chief Secretary, Government of Maharashtra.

3. The Hon'ble Supreme Court, vide its judgment dated 16.05.2025, in W.P. 1394/2023 titled Vanashakti vs. Union of India and connected matters, i.e. WP (C) 118 of 2019 titled Ajay Jajodia vs. Union of India, WP(C) 115 of 2024 titled One Earth One Life vs Union of India and Civil Appeal 381-382 of 2025 titled Fatima vs. Union of India has struck down the above mentioned Notification S.O. 804(E) dated 14/03/2017 and SoP dated 07/07/2021.

4. The copy of the order which is self-explanatory is enclosed herewith for compliance.

5. This is issued with the approval of the Competent Authority.


 (Dr. J. D. Marcus Knight)
 Scientist E

Encl: As above.

To

1. The Chief Secretaries of all the States / UTs
2. Chairperson/ Member Secretaries of all Expert Appraisal Committees
3. Chairperson/Member Secretaries of all SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/ UTPCCs
5. All Officers of IA Division

Copy for information to

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (AG)/JS (RA)
5. Website, MoEF&CC /Guard file



2025 INSC 718

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (C) NO.1394 OF 2023

VANASHAKTI**...PETITIONER****Vs.****UNION OF INDIA****...RESPONDENT****WITH****WRIT PETITION (C) NO.118 OF 2019****WRIT PETITION (C) NO.115 OF 2024****AND****CIVIL APPEAL NO.381-382 OF 2025****J U D G M E N T****ABHAY S. OKA, J.**

1. Part IV-A of the Constitution of India containing fundamental duties as set out in Article 51A was incorporated in the Constitution by the 42nd Amendment Act with effect from 3rd January 1977. Clause (g) of Article 51A provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. This Court in several decisions has held that the right to live in a

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ANITA MALHOTRA
Date: 2025.05.18
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Reason: ?

pollution free atmosphere is a part of the fundamental right guaranteed under Article 21 of the Constitution of India.

2. The world changed rapidly after World War II. From the late 1960s and early 1970s, slowly there was a realisation about the drastic consequences of the destruction of environment and pollution of various kinds. In June 1972, at Stockholm, the United Nations Conference on Human Environment was held. In the said conference, several decisions were taken by the world community to protect the environment.

3. In our country, it took fourteen years thereafter for the legislature to come out with a law for protection and improvement of the environment. The Environment (Protection) Act, 1986 (for short, 'the 1986 Act') was brought into force with effect from 19th November 1986. As can be noticed from several orders of this Court and the High Courts, the progress of implementation of the 1986 Act has been very slow.

4. The 1970s and 1980s saw growth of industrialisation in our country. The activities such as mining, gas exploration, thermal power plants, petroleum refining industries, various other industries, building and construction projects, such as, highways started growing.

5. Again, it took twenty years after the 1986 Act came into force to exercise the power under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the 1986 Act read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 (for short, '1986 Rules') for coming out with the Environment Impact Assessment Notification, 2006 (for short, 'the EIA notification'). The EIA notification was issued on 14th September 2006. It provided that the projects or activities mentioned in clause (2) thereof shall require prior Environmental Clearance (for short, 'the EC') from the concerned regulatory authority. The concerned regulatory authority in the Central Government is the Ministry of Environment Forests and Climate Change (for short, 'the MoEFCC') for matters falling under Category 'A' in the Schedule, and at the State level, the State Environment Impact Assessment Authority (for short, 'the SEIAA') for the matters falling in Category 'B'. In the Schedule, Categories 'A' and 'B' were incorporated setting out industries and other development work. The entire controversy in this group of petitions is about ex post facto grant of EC.

6. On 14th March 2017, a notification was issued by the MoEFCC. The said notification is hereafter referred to as 'the 2017 notification'. The said notification was made applicable to the projects or activities that have

started the work on site, expanded the production beyond the limit of the EC, or changed the production mix without obtaining EC. The 2017 notification provided that in case of such works, ex post facto EC can be granted. It provided that the projects or activities which are in violation of the EIA notification as on 14th March 2017 were eligible to apply under the 2017 notification for ex post facto EC within a period of six months from 14th March 2017.

7. The National Green Tribunal (for short, 'the NGT') vide order dated 24th May 2021 directed the MoEFCC to prepare a Standard Operating Procedure (for short, 'the SOP') for grant of EC in the cases of violation so as to address the gap in the binding law and practice being currently followed. In purported compliance with the said direction, Office Memorandum dated 7th July 2021 (for short, 'the 2021 OM') was issued.

8. In the meanwhile, the 2017 notification was challenged by way of a writ petition before the High Court of Madras in the case of Puducherry Environment Protection Association v. Union of India¹, which was decided by order dated 13th October 2017. During the course of hearing of the case before the Madras High Court, when it was pointed out that the outer limit for making applications for grant of ex post facto EC have

¹ 2017 SCC OnLine Mad 7056

been repeatedly extended, the Union of India gave a categorical undertaking that the 2017 notification was only a one-time measure. By recording the said submission made on behalf of the Union of India that the 2017 notification was certainly and clearly only a one time measure, the High Court disposed of the petition. Later on, by order dated 14th March 2018 passed by the High Court of Madras in another case, the time period under the 2017 notification for submission of proposals by project proponents was extended by a further period of thirty days.

9. In Writ Petition (C) No.1394 of 2023, the first prayer is for quashing the 2021 OM on the ground that it was arbitrary, illegal and ultra vires the provisions of the 1986 Act. The second prayer is for issuing a writ of mandamus directing the MoEFCC and SEIAA/SEACs not to process and entertain any application for ex-post facto EC after 13th May 2018. As stated earlier, the time granted under the 2017 notification to apply was lastly extended till 13th April 2018.

10. In Writ Petition (C) No.118 of 2019, the challenge is to the 2017 notification issued by the MoEFCC. A prayer was made seeking directions to the respondents to produce a list of real estate projects and project proponents who have undertaken real estate development

projects without obtaining EC under the 2006 notification.

11. In Writ Petition (C) No.115 of 2024, the challenge is to the 2017 notification and the 2021 OM. A prayer for writ of prohibition is made for restraining the MoEFCC from issuing any notification or office memorandum permitting ex-post facto EC.

12. The High Court of Madras by judgment and order dated 30th August 2024 quashed the 2021 OM and another OM dated 19th February 2021. The challenge in Civil Appeal No.381-382 of 2025 is to this decision of the High Court of Madras. In the judgment and order dated 30th August 2024, the Madras High Court declared that its order will operate only prospectively and applications under consideration will remain unaffected. The challenge in this appeal is only to the extent of giving prospective effect to the impugned judgment.

THE EIA NOTIFICATION

13. Firstly, we come to the EIA notification. It has been issued in exercise of powers under sub-Section (1) and clause (v) of sub-Section (2) of Section 3 of the 1986 Act read with clause (d) of sub-Rule (3) of Rule 5 of the 1986 Rules. Section 3 of the 1986 Act reads thus:

“3. Power of Central Government to take measures to protect and improve environment.—(1) Subject to the provisions

of this Act, **the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.**

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), such measures may include measures with respect to all or any of the following matters, namely:—

(i) co-ordination of actions by the State Governments, officers and other authorities

—
(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of

environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under Section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in subsection (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.”

(emphasis added)

13.1 Sub-section (1) of Section 3 sums up the very object of the 1986 Act. Therefore, the EIA notification has been issued not only for the purposes of protecting and improving the quality of the environment but also for preventing and abating environmental pollution. Sub-section (1) of Section 3 confers general power of taking measures on the Central Government. Sub-section (2) confers specific power for taking measures in the matters set out in clauses (i) to (ix) thereof. Clause (v) of sub-section (2) of Section 3 empowers the Central Government to take measures for putting restrictions of areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to safeguards.

14. Rule 5 of the 1986 Rules reads thus:

“5. Prohibition and restriction on the location of industries and the carrying on of processes and operations in different areas.—(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.

(iv) The topographic and climatic features of an area.

(v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

(viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.

(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the



Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication in the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may [within [seven hundred and twenty-five days],and in respect of the States of Assam, Meghalaya, Arunachal

Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim and Jammu and Kashmir in exceptional circumstance and for sufficient reasons within a further period of one hundred and eighty days,]] from such date of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area:

[Provided that on account of COVID-19 pandemic, for the purpose of this clause, the period of validity of the notification expiring in the financial year 2020-2021 and 2021-2022 shall be extended up to [30th June, 2022] or six months from the end of the month when the relevant notification would have expired without any extension, whichever is later.]

[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]

14.1 For issuing the EIA notification, power has been exercised under clause (d) of sub-rule (3) of Rule 5 which empowers the Central Government to impose prohibition or restrictions on location of such industries and the carrying on any process or operation in an area. There is a power to impose complete prohibition on carrying on any process or operation in an area. Clause (2) of the EIA notification reads thus:

“2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category 'B2' for mining minerals in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion, modernization or any change in the product mix or raw material mix in existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector in the said Schedule, subject to conditions and procedure provided in the sub-paragraph (ii) of paragraph 7.”

14.2 Therefore, without prior EC, construction of new projects or activities, expansion or modernisation of existing projects or activities listed in the Schedule entailing capacity addition with change in process or

technology, cannot be undertaken. Entire procedure for grant of prior EC is laid down in the EIA notification.

LEGALITY OF THE 2017 NOTIFICATION

15. The 2017 notification refers to the OMs dated 12th December 2012 and 27th June 2013 by which a process was sought to be established for grant of EC in the cases of violation of the EIA notification. It also refers to the judgment of the High Court of Jharkhand holding these two OMs as illegal. The same OMs were also quashed by the NGT as mentioned in the said notification. There are three recitals in the said notification which are relevant. Recital Nos.9 to 11 read thus:

“9. And whereas, the Ministry of Environment, Forest and Climate Change and State Environment Impact Assessment Authorities have been receiving certain proposals under the Environment Impact Assessment Notification, 2006 for grant of Terms of References and Environmental Clearance for projects which have started the work on site, expanded the production beyond the limit of environmental clearance or changed the product mix without obtaining prior environmental clearance;

10. Whereas, the Ministry of Environment, Forest and Climate Change deems it necessary for the purpose of protecting and improving

the quality of the environment and abating environmental pollution that all entities not complying with environmental regulation under Environment Impact Assessment Notification, 2006 be brought under compliance with in the environmental laws in expedient manner;

11. And whereas, the Ministry of Environment, Forest and Climate Change deems it necessary to bring such projects and activities in compliance with the environmental laws at the earliest point of time, rather than leaving them unregulated and unchecked, which will be more damaging to the environment and in furtherance of this objective, the Government of India deems it essential to establish a process for appraisal of such cases of violation for prescribing adequate environmental safeguards to entities and the process should be such that it deters violation of provisions of Environment Impact Assessment Notification, 2006 and the pecuniary benefit of violation and damage to environment is adequately compensated for;"

15.1 Thus, what was sought to be done was to protect the project proponents who committed gross illegality by commencing construction or commencing operation or process without obtaining prior EC as provided in the

EIA notification. The 2017 notification was a one-time measure. Moreover, this Court in the case of **Common Cause v Union of India & Ors.**², held in no uncertain terms that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence including the EIA notification. The decision in the case of **Common Cause**² was delivered on 2nd August 2017. Notwithstanding the clear declaration of law which was made on 2nd August 2017, the Central Government did not withdraw the 2017 notification.

16. We may note here that this is not the first time that the concept of prior EC was brought into force. For this purpose, useful reference can be made to a decision of this Court in the case of **Alembic Pharmaceuticals v. Rohit Prajapati**³. It records that there was a notification of 27th January 1994 mandating prior EC for setting up and expansion of industrial projects falling within thirty categories. The issue before this Court was about the legality and validity of the circular dated 14th May 2002, which permitted obtaining of *ex post facto* EC. This Court specifically dealt with the challenge to the circular dated 14th May 2002. In paragraph 12, this Court noted the issue to be decided:

“12. The issue to be adjudicated is whether in view of the requirement of a prior EC

² 2017 (9) SCC 499

³ 2020 (17) SCC 157

under the EIA Notification of 1994, a provision for an ex post facto EC to industrial units could be validly made by means of the Circular dated 14-5-2002.”

16.1 Thereafter, this Court considered Section 3(1) of the 1986 Act. In paragraph 21 this Court held thus:

“**21.** The omission in the appeal to make any attempt to sustain the Circular dated 14-5-2002 with reference to the provisions of Section 3 of the Environment (Protection) Act, 1986 is significant. For an action of the Central Government to be treated as a measure referable to Section 3 it must satisfy the statutory requirement of being necessary or expedient “for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution”. The Circular dated 14-5-2002 in fact does quite the contrary. It purported to allow an extension of time for industrial units to comply with the requirement of an EC. The EIA Notification dated 27-1-1994 mandated that an EC has to be obtained before embarking on a new project or expanding or modernising an existing one. The EIA Notification of 1994 has been issued under the provisions of the Environment (Protection) Act, 1986 and the Environment Protection Rules, 1986, with the object of imposing restrictions and prohibitions on setting up of new projects or expansion or modernisation of existing project. The measures are based on the precautionary principle and aim to protect the interests of

the environment. The Circular dated 14-5-2002 allowed defaulting industrial units which had commenced activities without an EC to cure the default by an ex post facto clearance. Being an administrative decision, it is beyond the scope of Section 3 and cannot be said to be a measure for the purpose of protecting and improving the quality of the environment. The circular notes that there were defaulting units which had failed to comply with the requirement of obtaining an EC as mandated. The circular provided for an extension of time and inexplicably introduced the notion of an ex post facto clearance. In effect, it impacted the obligation of the industrial units to be in compliance with the law. **The concept of ex post facto clearance is fundamentally at odds with the EIA Notification dated 27-1-1994. The EIA Notification of 1994 contained a stipulation that any expansion or modernisation of an activity or setting up of a new project listed in Schedule I "shall not be undertaken in any part of India unless it has been accorded environmental clearance". The language of the notification is as clear as it can be to indicate that the requirement is of a prior EC. A mandatory provision requires complete compliance. The words "shall not be undertaken" read in conjunction with the expression "unless" can only have one meaning : before undertaking a new project or expanding or modernising an existing one, an EC must be obtained. When the EIA Notification of 1994 mandates a prior EC, it**

proscribes a post activity approval or an ex post facto permission. What is sought to be achieved by the administrative Circular dated 14-5-2002 is contrary to the statutory Notification dated 27-1-1994. The Circular dated 14-5-2002 does not stipulate how the detrimental effects on the environment would be taken care of if the project proponent is granted an ex post facto EC. The EIA Notification of 1994 mandates a prior environmental clearance. The circular substantially amends or alters the application of the EIA Notification of 1994. The mandate of not commencing a new project or expanding or modernising an existing one unless an environmental clearance has been obtained stands diluted and is rendered ineffective by the issuance of the administrative Circular dated 14-5-2002. This discussion leads us to the conclusion that the administrative circular is not a measure protected by Section 3. Hence there was no jurisdictional bar on NGT to enquire into its legitimacy or vires. Moreover, the administrative circular is contrary to the EIA Notification 1994 which has a statutory character. The circular is unsustainable in law.”

(emphasis added)

16.2 Ultimately, in paragraph 23, this Court held thus:

The concept of an ex post facto EC is in derogation of the fundamental principles of environmental jurisprudence and is an anathema to the EIA Notification dated 27-1-1994. It is, as the judgment

in Common Cause [Common Cause v. Union of India, (2017) 9 SCC 499] holds, detrimental to the environment and could lead to irreparable degradation. The reason why a retrospective EC or an ex post facto clearance is alien to environmental jurisprudence is that before the issuance of an EC, the statutory notification warrants a careful application of mind, besides a study into the likely consequences of a proposed activity on the environment. An EC can be issued only after various stages of the decision-making process have been completed. Requirements such as conducting a public hearing, screening, scoping and appraisal are components of the decision-making process which ensure that the likely impacts of the industrial activity or the expansion of an existing industrial activity are considered in the decision-making calculus. Allowing for an ex post facto clearance would essentially condone the operation of industrial activities without the grant of an EC. In the absence of an EC, there would be no conditions that would safeguard the environment. Moreover, if the EC was to be ultimately refused, irreparable harm would have been caused to the environment. In either view of the matter, environment law cannot countenance the notion of an ex post facto clearance. This would be contrary to both the precautionary principle as well as the need for sustainable development.”

(emphasis added)

16.3 In fact, as noted in paragraph 22.1, the word ‘prior’ was not used in the EIA notification dated 27th January 1994. However, the words ‘shall not be undertaken’ were used. In the 2006 EIA notification, the word ‘prior’ appears at multiple places.

17. The issue of *ex post facto* EC was dealt with in the case of **Common Cause**². In paragraph 108, a submission was recorded that the possibility of getting *ex post facto* EC was a signal to the mining leaseholders that obtaining an EC was not mandatory or that if it was not obtained, the default was retrospectively condonable. In paragraph 125, this Court held thus:

“125. We are not in agreement with the learned counsel for the mining leaseholders. **There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long-term impact. EIA 1994 is therefore very clear that if expansion or modernisation of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in *M.C. Mehta* [*M.C. Mehta v. Union of India*, (2004) 12 SCC 118] even for the renewal of a mining lease where there is no expansion or modernisation of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an *ex post facto***

environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.”

(emphasis added)

18. Therefore, there is already a concluded finding of this Court that the concept of *ex post facto* or retrospective EC is completely alien to environmental jurisprudence and the EIA notification. This view was reiterated by this Court in the case of ***Electrosteel Steels Ltd. v. Union of India and Ors.***⁴. In paragraph 72, this Court held thus:

“72. There can be no doubt that the need to comply with the requirement to obtain environment clearance is non-negotiable. A project can be set up or allowed to expand subject to compliance of the requisite norms. Environmental clearance is granted on condition of the suitability of the site to set up the project from the environmental angle, and existence of necessary infrastructural facilities and equipment for compliance of environmental norms. To protect future generations, it is imperative that pollution laws be strictly enforced. Under no circumstances, can industries which pollute

⁴ (2023) 6 SCC 615

be allowed to operate unchecked and degrade the environment.”

(emphasis added)

18.1 In this case, as well as in the case of ***Alembic Pharmaceuticals***³, this Court exercised its jurisdiction under Article 142 of the Constitution and permitted *ex post facto* EC in particular cases considering the peculiar factual situation.

19. It is in this context that the legality and validity of the 2017 notification will have to be tested. Interestingly, in paragraph 10 of the notification, it is recorded that the MoEFCC deems it necessary for the purpose of protecting and improving the quality of environment and abating environmental pollution that all the entities not complying with the environmental regulation under EIA notification be brought under compliance within the environmental laws in an expeditious manner. The object of protecting and improving the environment and preventing and abating environmental pollution was achieved by the EIA notification. The object of the 2017 notification appears to be to protect the industries and entities which violated the EIA notification. In fact, paragraph 14 of the 2017 notification is material which reads thus:

“**14.** The projects or activities which are in violation as on date of this notification only will be eligible to apply for environmental

clearance under this notification and the project proponents can apply for environmental clearance under this notification only within six months from the date of this notification.”

20. Moreover, the 2017 notification is completely in violation of the law laid down by this court in the case of **Common Cause**² and **Alembic Pharmaceuticals**³. From the recitals of the 2017 notification, it is apparent that it was a one-time measure to protect those who were in violation as on the date of the 2017 notification. In view of the settled law, even a ‘one-time measure’ or ‘one-time relaxation’ was illegal. The 2021 OM encourages the entities who contributed to pollution by not obtaining prior EC. Whenever EC is granted, it is always conditional. Certain conditions are imposed to abate or reduce the pollution. Such one-time measures add to air and/or water pollution. Such measures infringe the right to live in a pollution free environment guaranteed by Article 21. Thus, the 2017 notification was completely illegal.

21. The Division bench of Madras High Court by judgment dated 13th October 2017, in the case of **Puducherry Environment Protection Association**¹ dealt with the issue regarding the legality of the 2017 notification which was subject matter of challenge in a Public Interest Litigation. A very specific submission was

made before the Madras High Court on behalf of the Central Government by the learned Additional Solicitor General, which is recorded in paragraph 4(i) of the judgment. Relevant portion of paragraph 4(i) reads thus:

“4(i) With regard to precautionary principle, faced with the situation that ex post facto clearance and regularization dates have been repeatedly extended time and again by series of notifications, **learned Additional Solicitor General at the bar, on instructions, submits that this impugned notification shall clearly and certainly be only a one time measure. We record this submission also.**

.....”

(emphasis added)

21.1 This statement was treated as an undertaking of the Central Government, which is clear from paragraph 4(n) of the said judgment:

“4(n) We are convinced that paragraphs 3,4 and 5 of the impugned notification alluded to supra coupled with the two undertakings made on instructions by learned Additional Solicitor General that (a) public hearing can be read into paragraph 5 of the impugned notification and **(b) this shall certainly and clearly be a one time measure, this writ petition can be closed and disposed of recording the above submissions. We do so.**”

(emphasis added)

21.2 It is in view of this undertaking that the High Court did not interfere. The Central Government is bound by this undertaking. It is the duty of the Central Government to comply with the undertaking in its true letter and spirit.

22. The period provided in the 2017 notification to apply for *ex-post facto* EC ended on 13th September 2017. In the case of ***Appaswamy Real Estates Limited v. Puducherry Environment Protection Association***⁵, the request of the MoEFCC for extending the time provided in the 2017 notification was accepted. As a result, the OM dated 16th March 2018 was issued which permitted the project proponents to apply under the 2017 notification within thirty days from the date of the High Court order. What is pertinent to note is that notwithstanding the grant of extension of time to apply, there was no modification made to paragraph 14 of the 2017 notification which clarified that it is applicable only to those projects and activities which were in violation on the date of the said notification. Therefore, any project or activity or process which required EC under the EIA notification commenced after 14th March 2017 was not protected by the 2017 notification.

23. Apart from the fact that the very concept of grant of *ex-post facto* EC is illegal, it is not possible to understand

⁵ 2018 SCC OnLine Mad 1283

why the Central Government made efforts to protect those who committed illegality by not obtaining prior EC in terms of the EIA notification. As the EIA notification was eleven years old when the 2017 notification was issued, there was no equity in favour of those who committed such gross illegality of not obtaining prior EC. The persons who acted without prior EC were not illiterate persons. They were companies, real estate developers, public sector undertakings, mining industries, etc. They were the persons who knowingly committed illegality. We, therefore, make it clear that hereafter, the Central Government shall not come out with a new version of the 2017 notification which provides for the grant of *ex-post facto* EC in any manner.

LEGALITY AND VALIDITY OF THE 2021 OM

SUBMISSIONS

24. The learned senior counsel appearing for the Petitioner submitted that post a series of judgments of this Court in ***Alembic***³ and ***Common Cause***², it is not permissible to grant *ex post facto* EC. He further submits that the 2021 OM is in violation of the 1986 Act and the EIA notification. He submits that EC must be prior and cannot be granted *ex post facto*. While the 2021 OM does not expressly extend the timeline under the 2017 notification or mention *ex post facto*, the 2021 OM and its

application has effectively allowed grant of *ex post facto* EC.

25. The main submission of the learned Additional Solicitor General is that the 2021 OM does not seek to grant *ex-post facto* EC. It is only an SOP. The learned ASG invited our attention to the contents of the SOP. Her submission is that it provides for the demolition of projects not allowable or permissible for want of EC. It also provides for the closure of projects allowable/permissible, if prior EC has not been taken as per the EIA notification. She submitted that even if EC is granted, it will be effective from the date of the issue, and therefore, it is not *ex post facto*. She submitted that before such EC is granted, the project proponent will have to pay certain amounts as provided therein based on Polluter Pays Principle. Moreover, the project proponents will have to undertake activities relating to remedial plan and community accommodation plan. She also pointed out that the projects which are not allowable or permissible, shall be demolished. She also pointed out provisions regarding penalty, project proponents furnishing bank guarantee, etc. Thus, in short, her submission is that the object of the 2021 OM is to protect those projects and industries which could have been granted an EC under EIA notification before the date of commencement of activities, but proceeded to commence

activities without EC. Her submission is that this measure has been taken to ensure that the huge spending on constructions is not lost and wasted.

OUR VIEW

26. The basic submission by learned ASG is based on a premise that what is provided under the 2021 OM is not grant of *ex-post facto* EC. The relevant part of the 2021 OM is in paragraph 10 and 11, which read thus:

“10. Standard Operating Procedure-Guiding Principles:

- i. Without prejudice to any other consequences, **action has to be initiated under section 15 read with section 19** of The Environment (Protection) Act, 1986 **against all violations.**
- ii. Projects not allowable/permissible, for grant of EC, as per extant regulations: **To be demolished.**
- iii. Projects allowable/permissible, if prior EC had been taken as per extant regulations: **To be closed until EC is granted (if no prior EC has been taken) or to revert to permitted production level (in case prior EC has been granted).**
- iv. **Polluter pays:** Violators to pay for violation period proportionate to the scale of project and extent of commercial transaction.
- v. Setting up a mechanism for reporting of violation to the regulatory authority(ies).

11. SOP for dealing with the violation cases:

Step 1: Closure or Revision

Sl no.	Status of EC	Actions
1	If no prior EC has been taken	Order to close its operation
2	If prior EC is available for existing/old unit	Order to revert the activity /production to permissible limits.
3	If prior EC was not required for earlier production level but is now required	Restrict the activity /production to the extent to which prior EC was not required

Step 2: Action under Environment (Projection) Act, 1986

Action under section 15 read with section 19 of the Environment (Protection) Act, 1986 shall be initiated against the violators.

Step: 3: Appraisal under EIA Notification, 2006

The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for the grant of prior EC.

A. If not permissible:

i. The project shall be **ordered for the demolition/closure after issuing show cause notice and providing an opportunity of hearing.**

Ex. If a red industry is functioning in a CRZ-I area which means that the activity was, in the first place, not permitted at the time of

*commencement of project. Therefore, the activity is not permissible and therefore it shall be **closed & demolished**.*

ii. Respective regulatory authorities shall issue directions under section 5 of the Environment (Protection) Act, 1986 for such closure & demolition of the project/activity.

B. If permissible:

i. As per extant regulations at the time of scoping, if it is viewed that the project activity is otherwise permissible, Terms of Reference (TOR) shall be issued with directions to complete the impact assessment studies & submit Environmental Impact Assessment (EIA) report & Environmental Management Plan (EMP) in a time bound manner.

ii. Such cases of violation shall be subject to appropriate

(a) Damage Assessment

(b) Remedial Plan and

(c) Community Augmentation Plan by the Central Level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be.

iii. The Competent Authority shall issue directions to the project proponent, under section 5 of the Environment (Protection) Act, 1986 on case to case basis mandating payment of such amount (as may be determined based on Polluter Pays principle) and undertaking activities relating to Remedial Plan and Community Augmentation Plan (to restore environmental damage caused including its social aspects).

iv. Upon submission of the EIA & EMP report, the project shall be appraised by the Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, as if it was a new proposal. If, on examination of the EIA/EMP report, the project is considered permissible for operation as per extant regulations, the requisite Environmental Clearance shall be issued **which shall be effective from the date of issue.**

v. However, during appraisal after examination if it is found that even though the project may **be permissible but not environmentally sustainable in its present form/configuration/features** then the project shall be directed to be **modified so that the project would be environmentally sustainable.**

vi. If, however, it is not considered appropriate to issue EC, the project shall be directed to be **demolished/ closed. If such proposal is a case of expansion, the project shall be directed to revert back to the extent of activity for which EC had been granted earlier or to revert back to the extent of activity for which EC was not required (as the case may be).**

vii. Central Sectoral Expert Appraisal Committees or the State/Union Territory Level Expert Appraisal Committees, as the case may be, may insist upon public hearing to be conducted for such categories of projects for which the EIA Notification 2006, as amended from time to time, requires the public hearing to be conducted.

viii. The project proponent will be required to **submit a bank guarantee equivalent to the**

amount of Remediation Plan and Natural & Community Resource Augmentation Plan with Central / the State Pollution Control Board (depending on whether it is appraised at Ministry or by SEIAA). The quantification of such liability will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority. The bank guarantee shall be deposited prior to the grant of environmental clearance and **will be released after successful implementation of the Remediation Plan and Natural & Community Resource Augmentation Plan."**

27. In short, it provides for grant of EC to category of 'allowable/permissible' projects. We must remember that the 2021 OM is applicable even to the completed projects. The 2021 OM says that grant of EC to such projects shall be effective from the date of issue. If the project proponent goes ahead with construction which requires EC under the EIA notification, it will amount to violation of the provisions of 1986 Act and 1986 Rules. It will attract penalty under Section 15 of the 1986 Act. Perusal of the provisions of Section 15 shows that even if the penalty is paid by the project proponent, it will not regularise the project. Therefore, even after the payment of penalty, if the project is under construction, the same has to be stopped and demolished and even if operation has already commenced, the same has to be stopped and demolished. Therefore, the construction work has to be demolished.

28. Now, we will consider what is the meaning of “*ex post facto*”. Various dictionary meanings can be summarised as under:

- a) Having retrospective effect or force;
- b) From a thing done afterwards;
- c) Retroactive or affecting something that has already happened.

29. Now, we will take a case of *ex post facto* EC provided under the 2017 notification. The effect of grant of *ex post facto* clearance is that if without obtaining EC, construction is in progress, the same is allowed to continue. If the construction is complete and operation and processes are going on, the same can go on after *ex post facto* EC is granted. Effect of grant of EC under clause (11) of 2021 OM will be grant of permission to complete the construction of the project, though construction had commenced without prior EC. Where the construction is already complete which is being used for processes etc., by grant of EC, the process/activities can continue. Thus, in effect, the EC granted under clause (11) of 2021 OM regularises something which was illegal with retrospective effect. In effect, the EC granted under clause (11) of 2021 OM will regularise the illegality done by commencing the construction or commencing the project without prior EC. Therefore, in substance, what is provided is grant of *ex post facto* EC. In other

words what is granted is EC with retrospective effect as it regularises illegality committed earlier. The grant of EC under the 2021 OM, no doubt, is subject to making payment of compensation determined based on Polluter Pays Principle and undertaking activities relating to remedial plan. Once there is a violation of the EIA notification, the project proponent has to compensate following the Polluter Pays Principle. Even if, EC is not granted to him he has to pay for remedial plan to remedy the damage done to the environment. He has to also pay the penalty under Section 15 of the 1986 Act. Therefore, what is done by the 2021 OM is something which was completely prohibited by this Court in the cases of **Common Cause²** and **Alembic Pharmaceuticals³**. It is an attempt to bring in an *ex-post facto* or retrospective regime by craftily drafting the SOP. The grant of EC under the 2021 OM in substance and in effect amounts to *ex post facto* grant of EC. The Court must come down very heavily on the attempt of the Central Government to do something which is completely prohibited under the law. Cleverly, the words *ex post facto* have not been used, but without using those words, there is a provision to effectively grant *ex post facto* EC. The 2021 OM has been issued in violation of the decisions of this Court in the cases of **Common Cause²** and **Alembic Pharmaceuticals³**. Therefore, we have no manner of

doubt that the 2021 OM which permits grant of EC is completely arbitrary and illegal. Moreover, the 2021 OM does not refer to exercise of any power under the 1986 Act or the 1986 Rules.

30. There is one more aspect which is required to be noted. As per paragraph 14 of the 2017 notification, provision for grant of *ex post facto* EC was made only in relation to projects or activities which were in violation as of 14th March 2017. Therefore, grant of *ex post facto* clearance was not permitted under 2017 notification for the projects and activities which were commenced or continued after 14th March 2017. The window which was initially for a period of six months was eventually extended till completion of 30 days from 14th March 2018. Therefore, the 2021 OM is brought in to do something which was not permissible under the 2017 notification, the law laid down by this Court, and the solemn undertaking given by the Central Government to the Madras High Court. We must deprecate such effort on the part of the Central Government.

31. The EIA notification is of 14th September 2006. When the 2021 OM was issued, it was nearly 15 years old. Therefore, all project proponents were fully aware of the stringent requirements under the EIA notification. The 2021 OM seeks to protect the violations of the EIA notification which have taken place or continue to take

place 15 years after the EIA notification came into force. Thus, the 2021 OM seeks to protect violators who have acted with full knowledge of consequences of violating the EIA notification. Those who violate the law regarding obtaining prior EC are not only committing gross illegality, but they are acting against the society at large. The violation of the condition of obtaining prior EC must be dealt with heavy hands. In environmental matters, the Courts must take a very strict view of the violations of the laws relating to the environment. It is the duty of the Constitutional Courts to do so.

32. Under Article 21 of the Constitution of India, the right to live in a pollution free environment is guaranteed. In fact, the 1986 Act has been enacted to give effect to this fundamental right. In 1977, fundamental duties of all citizens were incorporated in the Constitution which enjoined every citizen of India to protect and improve the environment as provided in clause (g) of Article 51A. Therefore, even the Central Government has a duty to protect and improve the natural environment.

33. Today, in the year 2025, we have been experiencing the drastic consequences of large-scale destruction of environment on human lives in the capital city of our country and in many other cities. At least for a span of two months every year, the residents of Delhi suffocate due to air pollution. The AQI level is either dangerous or

very dangerous. They suffer in their health. The other leading cities are not far behind. The air and water pollution in the cities is ever increasing. Therefore, coming out with measures such as the 2021 OM is violative of fundamental rights of all persons guaranteed under Article 21 to live in a pollution free environment. It also infringes the right to health guaranteed under Article 21 of the Constitution.

34. The 2021 OM talks about the concept of development. Can there be development at the cost of environment? Conservation of environment and its improvement is an essential part of the concept of development. Therefore, going out of the way by issuing such OMs to protect those who have caused harm to the environment has to be deprecated by the Courts which are under a constitutional and statutory mandate to uphold the fundamental right under Article 21 and to protect the environment. In fact, the Courts should come down heavily on such attempts. As stated earlier, the 2021 OM deals with project proponents who were fully aware of the EIA notification and who have taken conscious risk to flout the EIA notification and go ahead with the construction/continuation/expansion of projects. They have shown scant respect to the law and their duty to protect the environment. Apart from violation of Article 21, such action is completely arbitrary

which is violative of Article 14 of the Constitution of India besides being violative of the 1986 Act and the EIA notification.

35. We are, however, conscious of the fact that *ex post facto* EC may have been granted in certain cases both under the 2017 notification and the 2021 OM. ECs already granted under 2017 notification and the 2021 OM, at this stage, should not be disturbed.

36. Hence, we pass the following order:

- a) We hold that the 2017 notification and the 2021 OM as well as all circulars/orders/OMs/notifications issued for giving effect to these notifications are illegal and are hereby struck down;
- b) We restrain the Central Government from issuing circulars/orders/OMs/notifications providing for grant of *ex post facto* EC in any form or manner or for regularising the acts done in contravention of the EIA notification;
- c) We clarify that the ECs already granted till date under the 2017 notification and the 2021 OM shall, however, remain unaffected.

37. The writ petitions and civil appeals are accordingly allowed on the above terms.

.....J.
(Abhay S. Oka)

.....J.
(Ujjal Bhuyan)

**New Delhi;
May 16, 2025**