

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

Appeal No. 49 / 2022

K. Rukmangada Reddy & 2 others.

... Appellants

Vs.

Union of India and others

... Respondents

TYPED SET OF PAPERS FILED BY THE 7th RESPONDENT

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Dated at Chennai on this the 13th day of November, 2022.

COUNSEL FOR 7TH RESPONDENT

**(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)
MINISTRY OF ENVIRONMENT AND FORESTS
New Delhi 14th September, 2006
Notification**

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 (E) 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (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).

¹“(7) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous:

Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and copy thereof sent to MoEF.”

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. ^{II} “In the absence of a duly constituted SEIAA

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

or SEAC, a Category 'B' project shall be considered at Central Level as a Category 'B' 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, constitutes 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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

I. 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form 1/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 1/ 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 1. 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 1, 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).

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (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.
- III “(cc) maintenance dredging provided the dredged material shall be disposed within port limits.”;
- III “(d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8(a) and 8(b) in the Schedule to the notification).”
- 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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 I 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

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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

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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:

- ^{IV} (i)(a) In respect of Category 'A' project, it shall be mandatory for the project proponent to make public the environment clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent's website permanently.
- (b) In respect of Category 'B' projects, irrespective of its clearance by MoEF / SEIAA, the project proponent shall prominently advertise in the newspapers indicating that the project has been accorded environment clearance and the details of the MoEF website where it is displayed.
- (c) The Ministry of Environment and Forests and the State/Union Territory Level Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Governmental portal.
- (d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.”;
- ^{IV} (ii) 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.
- ^{IV} (iii) 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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)
^v 1(a)	(i) Mining of minerals. (ii) Slurry pipelines (coal lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	<p>≥ 50 ha. of mining lease area in respect of non-coal mine lease.</p> <p>> 150 ha of mining lease area in respect of coal mine lease.</p> <p>Asbestos mining irrespective of mining area</p> <p>All projects.</p>	<p><50 ha ≥ 5 ha .of mining lease area in respect of non-coal mine lease.</p> <p>≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.</p>	General Condition shall apply Note: Mineral prospecting is exempted.”;
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		Note Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	^v “General Condition shall apply. Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
1(d)	Thermal Power Plants	^v " ≥ 500 MW (coal / lignite / naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW (based on biomass or non hazardous municipal waste as fuel).";	< 500 MW (coal / lignite / naphtha & gas based); <50 MW ≥ 5MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW > 15 MW (based on biomass or non hazardous municipal waste as fuel).";	^v "General Condition shall apply. Note: (i) Power plant up to 15 MW, based on biomass and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (ii) Power plant up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.";
1(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)

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

3				
Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200 TPD c) Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum	Sponge iron manufacturing <200 TPD Secondary metallurgical processing industry i.) All toxic and heavy metal producing units $<20,000$ tonnes /annum ii.) All other non –toxic secondary metallurgical processing industries >5000 tonnes/annum	^v “General condition shall apply. Note: (i) The recycling industrial units registered under the HSM Rules, are exempted. (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electrical arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance. (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.”
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	$\geq 2,50,000$ tonnes/annum	$<2,50,000$ & $\geq 25,000$ tonnes/annum	^v “General Condition shall apply.”
4(c)	Asbestos milling and asbestos based products	All projects	-	-

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
4(d)	Chlor-alkali industry	≥300 TPD production Capacity or a unit located out side the notified industrial area/ estate	^v “(i) All projects irrespective of the size, if located in a Notified Industrial Area/ Estate. (ii) <300 tonnes per day (TPD) and located outside a Notified Industrial Area/ Estate.”	^v “General as well as 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 out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	^v “General as well as specific condition shall apply.”
5		Manufacturing / Fabrication		
5(a)	Chemical fertilizers	^v “All projects except Single Super Phosphate.”	^v “Single Super Phosphate.”	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibers 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	^v “General as well as specific condition shall apply.”

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
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	^v "General as well as 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
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 tcd cane crushing capacity	General Condition shall apply
5(k)	^v Omitted			
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		-

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(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	^v "All projects including airstrips, which are for commercial use."	-	^v "Note: Air strips, which do not involve bunkering/ refueling facility and or Air Traffic Control, are exempted."
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7©	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.	^v "Genral as well as special conditions shall apply. Note: 1. Industrial Estate of area below 500 ha. and not housing any industry of Category 'A' or 'B' does not require clearance. 2. If the area is less than 500 ha. but contains building and construction projects > 20,000 Sq. mts. And or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be."
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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
7(e)	^v "Ports, harbours, break waters, dredging."	≥ 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	^v "General Condition shall apply. Note: 1. Capital dredging inside and outside the ports or harbors and channels are included; 2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained."
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.	^v " i) All State Highway Project; and ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas."	General Condition shall apply. Note: Highways include expressways."
7(g)	Aerial ropeways	^{v(xvi)(a)} "(i) All projects located at altitude of 1,000 mtr. And above. (ii) All projects located in notified ecologically sensitive areas."	^{v(xvi)(b)} "All projects except those covered in column (3)."	General Condition shall apply
7(h)	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
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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

Note:-**V^(xvii) “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 identified by the Central Pollution Control Board from time to time, (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

Provided that the requirement regarding distance of 10 km of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or U.Ts sharing the common boundary in case the activity does not fall within 10 kilometres of the areas mentioned at item (i), (ii) and (iii) above.”

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 (I)]

(R.CHANDRAMOHAN)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

APPENDIX I
(See paragraph – 6)
FORM 1

VI(a) “(I) Basic Information

Serial Number	Item	Details
1.	Name of the project/s	
2.	S. No. in schedule	
3.	Proposed capacity/area/length/tonnage to be handled/command area/lease area/number of wells to be drilled	
4.	New/Expansion/Modernization	
5.	Existing Capacity/Area etc.	
6.	Category of Project i.e. ‘A’ or ‘B’	
7.	Does it attract the general condition? If Yes, please specify.	
8.	Does it attract the specific condition? If Yes, please specify.	
9.	Location	
	Plot/Survey/Khasra No.	
	Village	
	Tehsil	
	District	
	State	
10.	Nearest railway station/airport along with distance in kms.	
11.	Nearest Town, city, District Headquarters along with distance in kms.	
12.	Village Panchayats, Zilla Parishad, Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given)	
13.	Name of the applicant	
14.	Registered Address	
15.	Address for correspondence:	
	Name	
	Designation (Owner/Partner/CEO)	
	Address	
	Pin Code	
	E-mail	
	Telephone No.	
	Fax No.	
16	Details of Alternative Sites examined, if any. Location of these sites should be shown on a topo sheet.	Village-District-State 1. 2. 3.
17.	Interlinked Projects	
18	Whether separate application of interlinked project has been submitted?	

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

19.	If yes, date of submission	
20.	If no, reason	
21.	Whether the proposal involves approval/ clearance under: If yes, details of the same and their status to be given. (a) The Forest (Conservation) Act, 1980 ? (b) The Wildlife (Protection) Act, 1972 ? (c) The C.R.Z. Notification, 1991 ?	
22.	Whether there is any Government Order/Policy relevant/ relating to the site ?	
23.	Forest land involved (hectares)	
24.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up ? (a) Name of the Court. (b) Case No. (c) Orders/directions of the Court, if any and its relevance with the proposed project.	

(II) Activity

- 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		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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?		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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, sand / 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		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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
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?		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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	Lead to development of supporting. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: <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		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(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		
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, esting, 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>)		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(IV). Proposed Terms of Reference for EIA studies

^{VI(b)} “I hereby given undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance give, if any to the project will be revoked at our risk and cost.”

Date: _____

Place: _____

Signature of the applicant
With Name and Full Address
(Project Proponent/Authorised Signatory)

NOTE:

1. The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C.R.Z. map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z. (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z. Notification, 1991 for the activities to be located in the CRZ.
2. The projects to be located within 10 km of the National Prks, Sancturies, Biosphere Reserves, Migratory Corridors of Wile Animals, the project proponenet 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 (at the stage of EC).”
3. All correspondence with the Ministry of Environment & Forests including aubmission of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponenet shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being and authorized signatory for the specific project.”

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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.)

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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 (dependable 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.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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) • 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

		<ul style="list-style-type: none"> • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits
9.	Environmental Cost Benefit Analysis	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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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 covering more than one District or State or Union Territory, the public hearing is mandated in each District, State or Union Territory in which the project is located 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 official language of the state/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 following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/District collector/Deputy commissioner/s
- (b) Zila Parishad or Municipal Corporation or Panchayats Union
- (c) District Industries Office
- (d) Urban Local Bodies (ULBs) / PRIs Concerned / Development authorities.
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the abovementioned authorities except the Regional Office of 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.

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

inspection in select offices or public libraries or any other suitable location etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices as given in para 2.2.

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 / Official State Language. 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. In places where the newspapers do not reach, the Competent Authority should arrange to inform the local public about the public hearing by other means such as by way of beating of drums as well as advertisement / announcement on radio / television.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and then only on the recommendation of the concerned District Magistrate/District collector/Deputy Commissioner, 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/District collector/Deputy Commissioner and notified afresh as per procedure under 3.1 above.

4.0 Supervision and Presiding over the Hearing:

4.1 The District Magistrate/District collector/Deputy Commissioner 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.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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 Persons 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 local/vernacular language and the agreed minutes shall be signed by the District Magistrate/District collector/Deputy Commissioner 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 or the Official State language, as the case may be, 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/District collector/Deputy Commissioner, 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. Thereafter the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing. Simultaneously, a copy will also be provided to the project proponent. 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 incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item-wise, to address those concerns.”.

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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(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 -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal.
3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA 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 1, Form 1A and the conceptual plan and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance.”
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.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533 (E), dated 14th September, 2006 and amended vide S.O. 1737 (E), dated the 11th October, 2007.

APPENDIX VI

(See paragraph 5)

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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**

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

• **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.

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006



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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय**अधिसूचना**

नई दिल्ली, 15 जनवरी, 2016

का. आ. 141(अ).—एक प्ररूप अधिसूचना, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार अधिसूचना, सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 में कतिपय और संशोधन करने के लिए सं. का.आ. 2588 (अ) तारीख 22 सितम्बर, 2014 द्वारा प्रकाशित की गई थी, उन सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है उक्त अधिसूचना के राजपत्र की प्रतियां जनता को उपलब्ध होने की तारीख से साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 22 सितम्बर, 2015 को उपलब्ध करा दी गई थीं;

और केन्द्रीय सरकार द्वारा पूर्वोक्त वर्णित प्रारूप अधिसूचना पर प्राप्त सुझावों या आक्षेपों पर सम्यक्तः विचार किया गया है;

और दीपक कुमार आदि बनाम हरियाणा राज्य और अन्य आदि के मामले में माननीय उच्चतम न्यायालय के 2009 की विशेष अनुमति याचिका (सि) सं. 19628-19629 तारीख 27 फरवरी, 2012 में आई.ए.सं. 12-13, के आदेश के अनुसरण में खनन पट्टे के क्षेत्र पर विचार किए बिना लघु खनिजों के खनन के लिए पूर्व पर्यावरणीय अनापत्ति अब आज्ञापक हो गई है;

और माननीय उच्चतम न्यायालय के पूर्वोक्त आदेश के अनुसरण में ऐसे मामले जिनके लिए पूर्व पर्यावरणीय अनापत्ति अभिप्राप्त करना अपेक्षित हो गया है, सारवान रूप से बढ़ गए हैं;

और माननीय राष्ट्रीय हरित अधिकरण ने बालू खनन के मामले में 13 जनवरी, 2015 के अपने आदेश द्वारा समूह में लघु खननों के खनन पट्टे की पर्यावरणीय अनापत्ति के लिए नीति बनाने का निदेश दिया है;

और राज्य सरकारों ने लघु खनिजों के खनन के लिए पर्यावरणीय अनापत्ति की प्रक्रिया को सुव्यवस्थित बनाने के लिए अभ्यावेदन दिए हैं;

और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने राज्य सरकारों के साथ परामर्श से भरणीय बालू खनन के लिए मार्गदर्शक सिद्धांत तैयार किए हैं जिसमें क्लस्टर के लिए पर्यावरणीय निकासी के उपबंधों, जिला

पर्यावरण संघात निर्धारण प्राधिकरण के ब्यौरे दिए गए हैं और सूचना प्रौद्योगिकी और सूचना प्रौद्योगिकी समर्थित सेवाओं का स्रोत से गंतव्य तक खनन की गई सामग्रियों को ट्रेक करने में समर्थ होने में उपयोग करने का वर्णन किया गया है ;

अतः, अब, केन्द्रीय 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 (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में,-

(क) पैरा 2 में, "उक्त अनुसूची में" शब्दों के पश्चात् निम्नलिखित शब्द अंतःस्थापित किए जाएंगे, अर्थात् :-

"और जिला स्तर पर उक्त अनुसूची में लघु खनिजों के खनन के लिए 'ख2' प्रवर्ग के अधीन आने वाले मामलों के लिए जिला पर्यावरण संघात निर्धारण प्राधिकरण (डीईआईएए)";

(ख) पैरा 3 के पश्चात् निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"3क. जिला स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण :-

(1) केन्द्रीय सरकार द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (3) के अधीन जिला स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण (जिसे इसमें इसके पश्चात् डीईआईएए कहा गया है) का गठन किया जाएगा जो चार सदस्यों के मिलकर बनेगा जिसके अंतर्गत अध्यक्ष और सदस्य सचिव है।

(2) जिला मजिस्ट्रेट या जिला कलक्टर डीईआईएए का अध्यक्ष होगा।

(3) राज्य के संबंधित जिला मुख्यालय का उप प्रभागीय मजिस्ट्रेट या उप प्रभागीय अधिकारी डीईआईएए का सदस्य सचिव होगा।

(4) डीईआईएए के अन्य दो सदस्य सबसे ज्येष्ठ प्रभागीय वन अधिकारी और एक विशेषज्ञ होंगे। विशेषज्ञ को, यथास्थिति, प्रभाग के प्रभागीय आयुक्त या मुख्य वन परिरक्षक द्वारा नामनिर्दिष्ट किया जाएगा। पात्रता मानदंड को पूरा करने वाले विशेषज्ञ की पदावधि और अर्हताएं इस अधिसूचना के परिशिष्ट 7 में दी गई हैं।

(5) डीईआईएए के ऐसे सदस्य जो संबंधित राज्य सरकार या संघ राज्य क्षेत्र प्रशासन के सेवारत अधिकारी हैं सिवाय विशेषज्ञ सदस्य के पदेन सदस्य होंगे।

(6) जिला स्तरीय विशेषज्ञ निर्धारण समिति जिसे इसमें इसके पश्चात् डीईएसी कहा गया है ग्यारह सदस्यों से मिलकर बनेगी जिसके अंतर्गत एक अध्यक्ष और एक सदस्य सचिव है।

(7) संबंधित राज्य सरकार के जिले या संघ राज्यक्षेत्र प्रशासन में सबसे ज्येष्ठ कार्यपालक इंजीनियर, सिंचाई विभाग डीईएसी का अध्यक्ष होगा।

(8) खनन और भूविज्ञान विभाग में सहायक निदेशक या उप निदेशक या जिले का भूविज्ञानी डीईएसी का उस क्रम में सदस्य सचिव होगा।

(9) राज्य प्रदूषण नियंत्रण बोर्ड या समिति का प्रतिनिधि, जिले में सबसे ज्येष्ठ उप प्रभागीय अधिकारी (वन) सुदूर संवेदन विभाग या भूविज्ञान विभाग या राज्य भूजल विभाग का प्रतिनिधि, एक व्यवसायिक स्वास्थ्य विशेषज्ञ या चिकित्सा अधिकारी को जिला मजिस्ट्रेट या जिला कलक्टर द्वारा नामनिर्दिष्ट किया जाएगा, जिला परिषद् से इंजीनियर और, यथास्थिति, प्रभागीय आयुक्त या मुख्य वन परिरक्षक द्वारा नामनिर्दिष्ट किए जाने वाले तीन विशेषज्ञ सदस्य डीईएसी के अन्य सदस्य होंगे। पात्रता मानदंड को पूरा करने वाले विशेषज्ञ की पदावधि और अर्हताएं इस अधिसूचना के परिशिष्ट 7 में दी गई हैं।

(10) डीईएसी के ऐसे सदस्य जो संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के सेवारत अधिकारी हैं सिवाय विशेषज्ञ सदस्य के पदेन सदस्य होंगे।

(11) जिला मजिस्ट्रेट या जिला कलक्टर किसी अभिकरण को डीईआईएए के सचिवालय के रूप में कार्य करने के लिए अधिसूचित करेंगे और डीईएसी उनको कानूनी कृत्यों के लिए सभी वित्तीय और लोजिस्टिक सहायता प्रदान करेगी।

(12) डीईआईएए और डीईएसी समय-समय पर यथासंशोधित इस अधिसूचना में विनिर्दिष्ट प्रक्रिया का अनुसरण करेंगे और शक्तियों का प्रयोग करेंगे।

(13) डीईएसी सामूहिक उत्तरदायित्व के सिद्धांत पर कार्य करेगी और अध्यक्ष प्रत्येक दशा में एक मत पर पहुंचने का प्रयास करेगा और यदि सहमति नहीं होती है तो बहुमत का मत अभिभावी होगा।";

(ग) पैरा 4 में उप पैरा (iii) के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"(iv) 'ख2' प्रवर्ग की पांच हेक्टेयर से कम या उसके बराबर लघु खनिज के खनन से संबंधित परियोजनाओं के लिए डीईआईए से पूर्व पर्यावरणीय अनापत्ति अपेक्षित होगी। डीईआईए अपने विनिश्चय को इस अधिसूचना के लिए यथागठित डीईएसी की सिफारिशों पर आधारित करेगी।";

(घ) पैरा 5 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :-

"5. स्क्रीनिंग, स्कोपिंग और निर्धारण समितियां :-

केन्द्रीय सरकार में वहीं विशेषज्ञ निर्धारण समितियां (ईएसी) राज्य या संघ राज्य स्तर पर एसईएसी और जिला स्तर पर डीईएसी प्रवर्ग 'क', 'ख1', 'ख2', प्रवर्ग की परियोजनाओं या कार्यकलापों की स्क्रीनिंग, स्कोपिंग और निर्धारण तथा क्रमशः पांच हेक्टेयर से कम या उसके बराबर लघु खनिजों के खनन पट्टे की 'ख2' प्रवर्ग की परियोजनाओं की स्क्रीनिंग, स्कोपिंग और निर्धारण करेगी। ईएसी, एसईएसी और डीईएसी प्रत्येक मास कम से कम एक बार बैठक करेंगी।

(क) ईएसी की संरचना परिशिष्ट 6 में दिए अनुसार होगी। राज्य या संघ राज्य स्तर पर एसईएसी का गठन केन्द्रीय सरकार द्वारा संबंधित राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के परामर्श से उसी प्रकार किया जाएगा। जिला स्तर पर डीईएसी का गठन केन्द्रीय सरकार द्वारा पैरा 3क में दी गई संरचना के अनुसार किया जाएगा।

(ख) केन्द्रीय सरकार संबंधित राज्य सरकारों या संघ राज्यक्षेत्र प्रशासनों की पूर्व सहमति से प्रशासनिक सुविधा और लागत के कारणों से एक से अधिक राज्य या संघ राज्यक्षेत्र के लिए एक एसईएसी का गठन कर सकेगी।

(ग) ईएसी और एसईएसी का प्रत्येक तीन वर्ष के पश्चात् पुनर्गठन किया जाएगा।

(घ) संबंधित ईएसी, एसईएसी और डीईएसी के प्राधिकृत सदस्य उस परियोजना या कार्यकलाप से संबंधित स्थल का जिसके लिए स्क्रीनिंग या स्कोपिंग या निर्धारण के प्रयोजनों के लिए पर्यावरणीय निकासी की ईप्सा की गई है। परियोजना प्रस्तावक जो निरीक्षण के लिए आवश्यक सुविधाएं उपलब्ध कराएगा, को कम से कम सात दिन की पूर्व सूचना देकर निरीक्षण कर सकेंगे।

(ङ) ईएसी, एसईएसी और डीईएसी सामूहिक उत्तरदायित्व के सिद्धांत पर कार्य करेंगे। अध्यक्ष प्रत्येक दशा में एक मत पर पहुंचने का प्रयास करेगा और यदि सहमति नहीं होती है तो बहुमत का मत अभिभावी होगा।";

(ड) पैरा 6 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :-

"(6) पूर्व पर्यावरणीय अनापत्ति (ईसी) के लिए आवेदन :-

कोई संनिर्माण कार्यकलाप करने या भूमि को तैयार करने या परियोजना प्रस्तावक द्वारा स्थल पर खनन करने से पूर्व सभी मामलों में पूर्व पर्यावरणीय अनापत्ति की ईप्सा करने वाला आवेदन परियोजना प्रस्तावक द्वारा परियोजना के लिए प्रस्तावित स्थल (स्थलों) की पहचान या कार्यकलापों जिनसे आवेदन संबंधित है की पहचान करने के पश्चात् इसके साथ उपाबद्ध प्ररूप 1 और अनुपूरक प्ररूप 1क, यदि लागू हों, जैसा परिशिष्ट 2 में दिया गया है, में किया जाएगा और प्रवर्ग 'ख2' परियोजनाओं के अधीन पांच हेक्टेयर तक लघु खनिजों के खनन के लिए प्ररूप1ड में किया जाएगा। परियोजना प्रस्तावक आवेदन के साथ पूर्व साध्यता परियोजना रिपोर्ट की एक प्रति प्ररूप 1, प्ररूप 1क और प्ररूप1ड के साथ प्रस्तुत करेगा; और संनिर्माण परियोजनाओं या कार्यकलापों की दशाओं (अनुसूची की मद 8) अवधारणा योजना की एक प्रति पूर्व साध्यता रिपोर्ट के स्थान पर प्रस्तुत की जाएगी।";

(च) पैरा 7 में,-

(i) उप पैरा (i) में शीर्ष "। प्रक्रम (1)-स्क्रीनिंग : ", विद्यमान उप पैरा को उप पैरा "(क)" के रूप में पुनः अक्षरांकित किया जाएगा और इस प्रकार अक्षरांकित उप पैरा के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"(ख) परिशिष्ट 9 में यथाविनिर्दिष्ट मामलों को पूर्व पर्यावरणीय अनापत्ति से छूट प्रदान की जाएगी।";

(ii) उप पैरा 7(ii) के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"7 (iii) बालू खनन या नदी तट खनन और अन्य लघु खनिजों के खनन के लिए जिला सर्वेक्षण रिपोर्ट तैयार करना :

(क) खनन या नदी तट खनन और अन्य लघु खनिजों के खनन के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने की विहित प्रक्रिया परिशिष्ट 10 में दी गई है।

(ख) लघु खनिजों के खनन जिसके अंतर्गत समूह अवस्थिति भी है, के लिए पर्यावरणीय अनापत्ति की विहित प्रक्रिया परिशिष्ट 11 में दी गई है।";

(छ) पैरा 8 में,-

(i) "ईएसी या एसईएसी" अक्षरों और शब्द के स्थान पर "ईएसी या एसईएसी या डीईएसी" शब्द और अक्षर रखे जाएंगे ;

(ii) "विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द जहां-जहां वे आते हैं, के स्थान पर "विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति या जिला स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द रखे जाएंगे ;

(ज) पैरा 9 में, उप पैरा (i) में, -

"विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द जहां-जहां वे आते हैं, के स्थान पर "विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति या जिला स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द रखे जाएंगे ;

(झ) पैरा 10 में, उप पैरा (iii) के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किया जाएगा, अर्थात् :-

"(iv) बालू खनन या नदी तट खनन और मानीटरी की विहित प्रक्रिया परिशिष्ट 12 में दी गई है।";

(ञ) पैरा 11 में,-

"विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द जहां-जहां वे आते हैं, के स्थान पर "विशेषज्ञ मूल्यांकन समिति या राज्य स्तरीय विशेषज्ञ मूल्यांकन समिति या जिला स्तरीय विशेषज्ञ मूल्यांकन समिति" शब्द रखे जाएंगे ;

(ट) अनुसूची में,-

(i) मद 1(क) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएगी, अर्थात् :-

(1)	(2)	(3)	(4)	(5)
"1(क)	(i) खनिजों का खनन	गैर कोयला खनन पट्टे के संबंध में ≥ 50 खनन पट्टा क्षेत्र कोयला खनन पट्टे के संबंध में > 150 खनन पट्टा क्षेत्र खनन क्षेत्र तक विचार किए बिना अज़वेस्टो	गैर कोयला खनन पट्टे के संबंध में < 50 खनन पट्टा क्षेत्र कोयला खनन पट्टे के संबंध में ≤ 150 खनन पट्टा क्षेत्र	सिवाय निम्नलिखित के साधारण शर्तें लागू होंगी: (i) प्रवर्ग 'ख2' लघु खनिजों के खनन (25 हेक्टेयर खनन पट्टा क्षेत्र तक) के लिए परियोजना या कार्यकलाप ; (ii) अंतरराज्यीय सीमा के लेखें नदी

	<p>(ii) पिच्छल पाइप लाईनें (कोयला लिगनाइट और अन्य अयस्क) जो राष्ट्रीय उद्यानों या अभ्यारण्यों या कोरल रीफ, पारिस्थितिकी संवेदी क्षेत्रों से गुजरती है।</p>	<p>का खनन सभी परियोजनाएं।</p>	<p>तट खनन परियोजनाएं।</p> <p>टिप्पण :</p> <p>(1) खनिज के पूर्वेक्षण को छूट दी गई है।”;</p> <p>(2) लघु खनिजों जिसके अंतर्गत समूह अवस्थिति है, के खनन के लिए पर्यावरणीय अनापत्ति की विहित प्रक्रिया परिशिष्ट 11 में दी गई है।”;</p> <p>(3) ऐसे खनन पट्टे जिन्होंने पर्यावरण निकासी, पर्यावरण संघात निर्धारण अधिसूचना, 1994 और पर्यावरण संघात निर्धारण अधिसूचना, 2006 के अधीन अभिप्राप्त की है, के लिए नई पर्यावरणीय अनापत्ति नवीकरण के दौरान प्राप्त करने की अपेक्षा नहीं होगी परंतु यह कि परियोजना के पास विधिमान्य और विद्यमान पर्यावरणीय अनापत्ति हो।</p>
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(ठ) परिशिष्ट 6 के पश्चात् निम्नलिखित परिशिष्ट अंतःस्थापित किए जाएंगे, अर्थात् :-

"परिशिष्ट 7"

(पैरा 3क देखें)

डीईआईए और डीईएसी में विशेषज्ञों की अर्हताएं और निबंधन

- 1. अर्हता :** व्यक्ति के पास कम से कम (i) संबंधित विषय में पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण होना चाहिए जिसकी परिणति एम.ए. या एम.एस.सी. डिग्री के रूप में हों या (ii) इंजीनियरी/प्रौद्योगिकी/अभिन्यास विषय की दशा में उस क्षेत्र में विहित व्यवहारिक प्रशिक्षण के साथ चार वर्ष का औपचारिक प्रशिक्षण पाठ्यक्रम जिसकी परिणति बी.टेक./बी.ई./बी.आर्क. डिग्री के रूप में या (iii) अन्य व्यवसायिक डिग्री (अर्थात् एम.बी.ए. आदि) जिसमें कुल पांच वर्ष का औपचारिक विश्वविद्यालय प्रशिक्षण और विहित व्यवहारिक प्रशिक्षण अंतर्वलित हों या (iv) विहित शिक्षता/आर्टिकल शिप और संबंधित व्यवसायिक संगमों द्वारा संचालित परीक्षा उत्तीर्ण (अर्थात् चार्टर्ड एकाउंटेंसी) या (v) विश्वविद्यालय डिग्री के पश्चात् विश्वविद्यालय या सेवा अकादमी (अर्थात् एम.बी.ए./एम.पी.ए.) आदि के पश्चात् दो वर्ष का औपचारिक प्रशिक्षण। व्यक्ति व्यवसायियों का चयन करते समय उनके द्वारा अपने संबंधित क्षेत्रों में अर्जित अनुभव का ध्यान रखा जाएगा।
- 2. विशेषज्ञ :** पूर्वोक्त पात्रता मानदंड को पूरा करने वाला व्यवसायी जिसके पास संबंधित क्षेत्र में कम से कम दस वर्ष का अनुभव हो या कम से कम पांच वर्ष के सुसंगत अनुभव के साथ संबंधित क्षेत्र में उन्नत डिग्री (अर्थात् पी.एच.डी.)।
- 3. आयु :** सत्तर वर्ष से कम। तथापि किसी दिए गए क्षेत्र में विशेषज्ञों की अनुपलब्धता या कमी की दशा में अधिकतम आयु को पचहत्तर वर्ष तक अनुज्ञात किया जा सकेगा।
- 4. क्षेत्र :** खनन, भूविज्ञान, जल विज्ञान, सुदूर संवेदन पर्यावरण क्वालिटी, पर्यावरण संघात निर्धारण प्रक्रिया, जोखिम निर्धारण, जीव विज्ञान, समुद्र विज्ञान, वाणिकी और वन्य जीवन, पर्यावरण अर्थशास्त्र, जैव विभिन्नता और नदी पारिस्थितिकी।
- 5. पदावधि :** विशेषज्ञ सदस्यों की अधिकतम पदावधि दो पदावधियों में तीन वर्ष होगी।
- 6. विशेषज्ञ सदस्य को उसकी पदावधि की समाप्ति से पूर्व बिना कारण और उचित जांच के नहीं हटाया जाएगा।**

परिशिष्ट 8
(पैरा 6 देखें)
प्ररूप 1ड

पांच हेक्टेयर से कम और उसके बराबर प्रवर्ग 'ख2' के अधीन लघु खनिजों के खनन के लिए आवेदन

(I) मूल सूचना

- (i) खनन पट्टा स्थल का नाम :
- (ii) अवस्थिति/स्थल (जीपीएस समन्वयक):
- (iii) खनन पट्टे का आकार (हेक्टेयर):
- (iv) खनन पट्टे की क्षमता (टीपीए):
- (v) खनन पट्टे की कालावधि :
- (vi) परियोजना की अनुमानित लागत:
- (vii) संपर्क सूचना:

पर्यावरण संवेदनशीलता

क्रम सं.	क्षेत्र	किलोमीटर में दूरी / ब्यौरे
1.	निकटतम रेल या संबंधित नदी, उप नदी, नाले आदि के ऊपर पुल से परियोजना की दूरी	

2.	अवसंरचना प्रसुविधा से दूरी रेलवे लाईन राष्ट्रीय राजमार्ग राज्य राजमार्ग प्रमुख जिला सड़क कोई अन्य सड़क वैद्युत पारेषण लाईन खंभा या टावर नहर या चैक बांध या जलाशय या झील या तालाब पेयजल पंप हाउस के लिए अन्तर्ग्रहण सिंचाई नहर पंपों के लिए अन्तर्ग्रहण	
3.	अंतरराष्ट्रीय अभिसमयों, राष्ट्रीय या स्थानीय विधान के अधीन अपनी पारस्थितिकी, भूदृश्य, सांस्कृतिक या अन्य संबंधित मूल्य के लिए संरक्षित क्षेत्र	
4.	ऐसे क्षेत्र जो पारिस्थितिकी कारणों से महत्वपूर्ण या संवेदनशील हैं—आर्द्रभूमि, जलमार्ग या अन्य जल निकाय, तटीय क्षेत्र, जीव मंडल, पर्वत, वन	
5.	प्राणी या वनस्पति प्रजातियों के उनके प्रजनन, घोंसलों, चराई, आराम के लिए सर्दियों में, प्रवास के लिए इस्तेमाल किए जाने वाले संरक्षित, महत्वपूर्ण या संवेदनशील क्षेत्र	
6.	अंतर्देशीय, तटीय, समुद्री या भूगर्भीय जल	
7.	राज्य, राष्ट्रीय सीमाएं	
8.	पब्लिक द्वारा मनोरंजन या अन्य पर्यटन, धार्मिक स्थलों तक पहुंच के लिए उपयोग किए जाने वाले मार्ग या सुविधाएं	
9.	रक्षा संस्थापन	
10.	गहन जनसंख्या या निर्मित क्षेत्र, निकटतम मानव पर्यावास से दूरी	
11.	मानव निर्मित संवेदनशील भू-उपयोग के अधिभोग में क्षेत्र (अस्पताल, स्कूल, पूजास्थल, सामुदायिक सुविधाएं)	
12.	ऐसे क्षेत्र जिनमें महत्वपूर्ण उच्च क्वालिटी या दुर्लभ स्रोत विद्यमान है (भूजल स्रोत, भू-स्रोत, वानिकी, कृषि, मछली उद्योग, पर्यटन, खनिज)	
13.	ऐसे क्षेत्र जिनमें पहले से ही प्रदूषण या पर्यावरण नुकसान हुआ है (ऐसे क्षेत्र जहां विद्यमान विधि पर्यावरणीय मानकों से परे कार्य किया गया है)	
14.	ऐसे क्षेत्र जो प्राकृतिक संकटों के प्रति अति संवेदनशील हैं जिससे परियोजना द्वारा पर्यावरणीय समस्याएं उपस्थित हो सकती हैं (भूकंप, अवतलन, भूस्खलन, अवक्षयन, बाढ़ या अत्यधिक या प्रतिकूल जलवायु परिवर्तन)	
15.	क्या प्रस्तावित खनन स्थल के लिए भूजल रिचार्ज के लिए विदर/ दरार के पास अवस्थित है	
16.	क्या प्रस्ताव में निम्नलिखित विनियमों या अधिनियमों के अधीन अनुमोदन या निकासी अंतर्वलित है, अर्थात्:— (क) वन (परिरक्षण) अधिनियम, 1980;	

	(ख) वन्यजीव (संरक्षण) अधिनियम, 1972; (ग) तटीय विनियमन जोन अधिसूचना, 2011. यदि हां, तो उनके ब्यौरे और परिस्थिति दी जानी है।	
17.	अंतर्वलित वन भूमि (हेक्टेयर)	
18.	क्या परियोजना और/या भूमि जिसमें परियोजना स्थापित किए जाने के लिए प्रस्तावित है, के विरुद्ध कोई मुकद्दमेबाजी लंबित है ? (क) न्यायालय का नाम (ख) वाद संख्या (ग) न्यायालय के आदेश या निदेश, यदि कोई हों और उनकी प्रस्तावित परियोजना के लिए संगतता।	

(नाम और पते के साथ परियोजना
प्रस्तावक के हस्ताक्षर)

परिशिष्ट 9

[पैरा 7 (i)(ख) देखें]

कतिपय मामलों में पर्यावरणीय अनापत्ति की अपेक्षा से छूट

निम्नलिखित मामलों को पूर्व पर्यावरणीय अनापत्ति की अपेक्षा नहीं होगी, अर्थात् :—

1. साधारण मिट्टी या बालू की कुम्हारों द्वारा मिट्टी के घड़े, लैंप, खिलौने आदि बनाने के लिए उनकी प्रथाओं के अनुसार निकासी।
2. मिट्टी की टाइलें बनाने वालों द्वारा जो मिट्टी की टाइलें बनाते हैं, के लिए साधारण मिट्टी या बालू की निकासी।
3. किसानों द्वारा बाढ़ के पश्चात् कृषि भूमि से बालू के जमाव को हटाना।
4. ग्राम पंचायत में अवस्थित स्रोतों से बालू और साधारण मिट्टी को वैयक्तिक उपयोग या ग्राम में सामुदायिक कार्य के लिए प्रथा के अनुसार खनन।
5. सामुदायिक कार्य जैसे ग्रामीण तालाबों या टैंकों से गाद हटाना, महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार और गांरटी स्कीमों, अन्य सरकारी प्रायोजित स्कीमों तथा सामुदायिक प्रयासों द्वारा ग्रामीण सड़कों, तालाबों, बांधों का संनिर्माण।
6. बांधों, मेड़ों, बैराजों, नदी और नहरों की उनके अनुरक्षण तथा आपदा प्रबंधन के प्रयोजन के लिए तलमार्जन और गाद निकालना।
7. गुजरात में गुजरात सरकार की तारीख 14 फरवरी, 1990 की अधिसूचना सं.जीयू/90(16)/एमसीआर-2189 (68)/5-सीएचएच द्वारा बंजारा और ओड़ द्वारा बालू के पारंपरिक उपजीविका कार्य।
8. सिंचाई या पेयजल के लिए कुंओं की खुदाई।
9. ऐसे भवनों की नींव के लिए खुदाई जिनके लिए पूर्व पर्यावरणीय अनापत्ति अपेक्षित नहीं है।
10. जिला कलक्टर या जिला मजिस्ट्रेट के आदेश पर किसी नहर, नाला, ड्रेन, जल निकास आदि में होने वाली दरार को भरने के लिए साधारण मिट्टी या बालू का उत्खनन ताकि किसी आपदा या बाढ़ जैसी स्थिति से निपटा जा सके।
11. ऐसे कार्यकलाप जिन्हें राज्य सरकार द्वारा विधान या नियमों के अधीन पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकारी की सहमति से गैर खननकारी कार्यकलाप घोषित किया है।

परिशिष्ट - 10**[पैरा 7 (iii) (क) देखें]****जिला सर्वेक्षण रिपोर्ट तैयार करने के लिए प्रक्रिया**

जिला सर्वेक्षण रिपोर्ट तैयार करने का मुख्य उद्देश्य निम्नलिखित का सुनिश्चय करना है :

भूमिवृद्धि या जमाव के क्षेत्रों की पहचान जहां खनन को अनुज्ञात किया जा सकता है ; और अपक्षरण के क्षेत्रों की पहचान तथा उसकी अवसंरचना, ढांचों और संस्थापनों से निकटता जहां खनन को प्रतिषिद्ध किया जाना चाहिए तथा फिर से भराव की वार्षिक दर की संगणना तथा क्षेत्र में खनन के पश्चात् भराव के लिए अनुज्ञात समय ।

रिपोर्ट का निम्नलिखित ढांचा होगा :

1. प्राक्कथन
2. जिले में खनन कार्यकलापों पर विहंगम दृष्टि
3. अवस्थिति, क्षेत्र और विधिमान्यता का कालावधि के साथ जिले में खनन पट्टों की सूची
4. पिछले तीन वर्षों के दौरान प्राप्त स्वामिस्व या राजस्व के ब्यौरे
5. पिछले तीन वर्षों के दौरान बालू या बजरी के उत्पादन के ब्यौरे
6. जिले की नदियों में तलछटों के जमाव की प्रक्रिया
7. जिले का सामान्य प्रोफाइल
8. जिले में भूमि के उपयोग का पैटर्न : वन, कृषि, उद्यान कृषि, खनन आदि
9. जिले की भू-भौगोलिकी
10. वर्षा : मास-वार
11. जियोलोजी और खनिज संपदा

उपरोक्त के अतिरिक्त, रिपोर्ट में निम्नलिखित अंतर्विष्ट होगा :

(क) नदी या धाराओं का जिलावार ब्यौरा और बालू के अन्य स्रोत ।

(ख) जिलावार बालू या पत्थरों की उपलब्धता या समग्र संसाधन ।

(ग) जिलावार बालू के विद्यमान खनन पट्टों के ब्यौरे तथा समग्र ।

डीईआईएए द्वारा जिले में जियोलोजी विभाग या सिंचाई विभाग या वन विभाग या लोक निर्माण विभाग या भूजल बोर्ड या सुदूर संवेदन विभाग या खनन विभाग आदि की सहायता से एक सर्वेक्षण किया जाएगा ।

मुख्य नदियों के विवरण सहित निकासी प्रणाली

क्रम सं.	नदी का नाम	निकासी क्षेत्र (वर्ग कि.मी.)	जिले में निकासी किया गया % क्षेत्र

महत्वपूर्ण नदियों और धाराओं की मुख्य विशेषताएं :

क्रम सं.	नदी या धारा का नाम	जिले में कुल दूरी (कि.मी. में)	उद्गम का स्थान	उद्गम पर ऊंचाई

खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (कि.मी. में)	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की औसत चौड़ाई (मीटर में)	खनिज छूट के लिए सिफारिश किया गया क्षेत्र (वर्ग मीटर में)	खनन योग्य खनिज संभावना (मीट्रिक टन में) (कुल खनिज संभावना का 60%)

खनिज संभावना

बोल्डर (एमटी)	वजरी (एमटी)	बालू (एमटी)	कुल खनन योग्य खनिज संभावना (एमटी)

वार्षिक जमाव

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क्रम सं.	नदी या धारा	खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (कि.मी. में)	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की औसत चौड़ाई (मीटर में)	खनिज छूट के लिए सिफारिश किया गया क्षेत्र (वर्ग मीटर में)	खनन योग्य खनिज संभावना (मीट्रिक टन में) (कुल खनिज संभावना का 60%)
जिले के लिए योग						

उप प्रभागीय मजिस्ट्रेट सिंचाई विभाग से अधिकारियों, राज्य प्रदूषण नियंत्रण बोर्ड या समिति, वन विभाग जियोलोजी या खनन अधिकारी से मिलकर बनने वाली उप प्रभागीय समिति ऐसे प्रत्येक स्थल का भ्रमण करेगी जिसके लिए पर्यावरणीय अनापत्ति के लिए आवेदन किया गया है और खनन के लिए या खनन का प्रतिषेध करने के लिए स्थल की उपयोगिता पर सिफारिश करेगी।

खनिज संभावना की संगणना के लिए अंगीकृत विधि :

खनिज संभावना की संगणना क्षेत्र की जांच और नदी या धाराओं के आवाह क्षेत्र की जियोलोजी के आधार पर की जाती है। स्थल की स्थिति और अवस्थिति के अनुसार खनन योग्य खनिजों की गहराई को परिभाषित किया जाता है। किसी नदी या धारा में खनिजों को हटाने के क्षेत्र का विनिश्चय जियो-मोर्फोलोजी और अन्य कारकों पर निर्भर करता है। यह किसी विशिष्ट नदी या धारा में क्षेत्र का पचास प्रतिशत से साठ प्रतिशत तक हो सकता है। उदाहरण के लिए कुछ पहाड़ी राज्यों में खनिज संघटक जैसे बोल्डर, नदी से वजरी, बालू को एक मीटर की गहराई तक स्रोत खनिज माना जा सकता है। अन्य संघटक जैसे क्ले और गाद को किसी विशिष्ट नदी या धारा की खनिज संभावना की संगणना करते समय अपशिष्ट के रूप में अपवर्जित किया जाता है।

जिले में प्रत्येक लघु खनिज के लिए जिला सर्वेक्षण रिपोर्ट पृथक् रूप से तैयार की जाएगी और इसके प्रारूप को कोलेक्टोरेट में इसकी प्रति को रखते हुए पब्लिक डोमेन में रखा जाएगा तथा इसे जिले की वेबसाइट पर इक्कीस दिन के लिए पोस्ट किया जाएगा। प्राप्त की गई टिप्पणियों पर विचार किया जाएगा और उपयुक्त पाए जाने पर उन्हें डीईआईएए द्वारा दृढ़: मास के भीतर अंतिम रूप दी जाने वाली अंतिम रिपोर्ट में शामिल किया जाएगा।

जिला सर्वेक्षण रिपोर्ट पर्यावरणीय अनापत्ति रिपोर्टों को तैयार करने और परियोजनाओं के मूल्यांकन के लिए आवेदन का आधार होगी। रिपोर्ट को प्रत्येक पांच वर्ष में अद्यतन किया जाएगा।

परिशिष्ट - 11

[पैरा 7 (iii) (ख) देखें]

समूह सहित लघु खनिजों के खनन के लिए पर्यावरणीय अनापत्ति की प्रक्रिया

समूह अवस्थिति सहित लघु खनिजों के खनन के लिए पर्यावरणीय अनापत्ति के लिए निम्नलिखित नीति का अनुसरण किया जाएगा :-

- (1). राज्यों (वर्णीय बालू खनन मार्गदर्शक सिद्धांत) द्वारा उपलब्ध कराया गया डाटा उपदर्शित करता है कि लघु खनिजों के लिए अधिकांश खनन पट्टे पांच हेक्टेयर से कम पट्टा क्षेत्र के लिए है। यह भी रिपोर्ट किया गया है कि पहाड़ी राज्यों में पांच हेक्टेयर से अधिक नदी के भाग को प्राप्त करना बहुत असामान्य है। इसलिए लघु खनिजों के लिए पट्टे का आकार जिसके अंतर्गत नदी बालू खनन है, का अवधारण राज्यों द्वारा उनकी परिस्थितियों के आधार पर किया जाएगा।
- (2). लघु खनिजों का अधिकांशतः खनन समूहों में है। पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना को समस्त समूह के लिए तैयार करने की आवश्यकता है ताकि सभी संभावित बाह्यताओं को लिया जा सके। इन रिपोर्टों में समूह की वहन क्षमता, परिवहन और संबंधित मुद्दे पुनः भराव और रिचार्ज मुद्दों, समूह क्षेत्र का भूजलीय अध्ययन शामिल होगा। पर्यावरणीय संघात निर्धारण या पर्यावरणीय प्रबंधन योजना को राज्य या राज्य द्वारा नामनिर्दिष्ट अभिकरण या परियोजना प्रस्तावकों द्वारा समूह में या समूह के समर्थकों द्वारा तैयार किया जाएगा।
- (3). संपूर्ण समूह के लिए एक लोक परामर्श होगा जिसके पश्चात् समूह के लिए अंतिम अंतिम पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना रिपोर्ट तैयार की जाएगी।
- (4). पर्यावरण अनापत्ति के लिए आवेदन किया जाएगा और उसे व्यष्टिक परियोजना प्रस्तावक को जारी किया जाएगा। समूह में व्यष्टिक पट्टा धारक उसी पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना का पर्यावरणीय अनापत्ति के लिए आवेदन करने में उपयोग कर सकते हैं। समूह पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना को आवश्यकता के अनुसार महत्वपूर्ण परिवर्तनों को ध्यान में रखते हुए अद्यतन किया जाएगा।
- (5). पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना को उस समूह में प्रत्येक पर्यावरण अनापत्ति में उपदर्शित किया जाएगा और डीईएसी, एसईएसी और ईएसी यह सुनिश्चित करेंगे कि पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना से न्यूनीकरण उपाय अध्ययन को व्यष्टिक परियोजना प्रस्तावकों की उस समूह में पर्यावरणीय अनापत्ति में उपदर्शित किया जाए।
- (6). किसी समूह का तब निर्माण किया जाएगा जब किसी पट्टे की सीमाओं के बीच दूरी किसी अन्य पट्टे की सीमा से किसी एक समान खनिज क्षेत्र में 500 मीटर से कम हो।
- (7). प्ररूप 1ड, पूर्व साध्यता रिपोर्ट और लघु खनिजों के खनन के लिए प्रवर्ग 'ख2' परियोजना प्रवर्ग के लिए खनन योजना को रजिस्ट्रीकृत अर्हित व्यक्ति या भारत की क्वालिटी परिषद् के प्रत्ययित सलाहकारों, राष्ट्रीय शिक्षा और प्रशिक्षण प्रत्यय बोर्ड द्वारा तैयार किया जाएगा। प्रवर्ग 'क' और प्रवर्ग 'ख1' परियोजनाओं के लिए पर्यावरण संघात निर्धारण या पर्यावरण प्रबंधन योजना को भारत की क्वालिटी परिषद् के प्रत्ययित सलाहकारों, राष्ट्रीय शिक्षा और प्रशिक्षण प्रत्यय बोर्ड द्वारा तैयार किया जाएगा।
- (8). एसईआईएए के पास डीईआईएए पर पर्यवेक्षणीय आधिकारिता होगी और डीईआईएए के विनिश्चयों की एसईआईएए द्वारा किसी विद्यमान विधि के उपबंधों पर प्रतिकूल प्रभाव डाले बिना समीक्षा की जाएगी।

लघु खनिजों जिसके अंतर्गत समूह स्थिति है की पर्यावरणीय निकासी के लिए अपेक्षाओं का स्कीमटाइज्ड प्रस्तुतीकरण

पट्टे का क्षेत्र (हेक्टेयर)	परियोजना का प्रवर्ग	ईआईए / ईएमपी की अपेक्षा	लोक सुनवाई की अपेक्षा	ईसी की अपेक्षा	जो ईआईए / ईएमपी तैयार कर सकता है	ईसी के लिए कौन आवेदन करेगा	ईसी का मूल्यांकन/ अनुदत्त करने के लिए प्राधिकारी	ईसी की अनुपालना की मानीटरी करने के लिए प्राधिकारी
व्यष्टिक खनन पट्टे के आधार पर बालू खनन और अन्य लघु खनिजों के खनन के लिए ईसी प्रस्ताव								
0 – 5ha	'ख2'	प्ररूप – 1एम, पीएफआर और अनुमोदित खनन योजना	नहीं	हां	परियोजना प्रस्तावक	परियोजना प्रस्तावक	डीईएसी/ डीआईएए	डीआईएए एसआईएए एसपीसीबी सीपीसीबी एमओईएफसीसी एमओईएफएफ द्वारा नामनिर्देशित अभिकरण
> 5 ha और < 25 ha	'ख2'	प्ररूप –, पीएफआर और अनुमोदित खनन योजना तथा ईएमपी	नहीं	हां	परियोजना प्रस्तावक	परियोजना प्रस्तावक	सीईएसी / एसआईएए	
≥ 25ha और < 50ha	'ख1'	हां	हां	हां	परियोजना प्रस्तावक	परियोजना प्रस्तावक	सीईएसी/ सीआईएए	
≥ 50 ha	'क'	हां	हां	हां	परियोजना प्रस्तावक	परियोजना प्रस्तावक	ईएसी/ एमओईएफसीसी	
समूह स्थिति में बालू, खनन और अन्य लघु खनिज खनन के लिए ईसी प्रस्ताव								
5 ha तक खनन पट्टे का समूह क्षेत्र	'ख2'	प्ररूप –, पीएफआर और अनुमोदित खनन योजना तथा ईएमपी	नहीं	हां	राज्य, राज्य अभिकरण, परियोजना प्रस्तावकों का समूह, परियोजना प्रस्तावक	परियोजना प्रस्तावक	डीईएसी/ डीआईएए/	एमओईएफसीसी द्वारा नामनिर्दिष्ट डीआईएए/ एसआईएए एसपीसीबी सीपीसीबी अभिकरण
> 5 ha तक खनन पट्टे का	'ख2'	प्ररूप –, पीएफआर और	नहीं	हां	राज्य, राज्य अभिकरण, परियोजना	परियोजना प्रस्तावक	डीईएसी/ डीआईएए/	

समूह क्षेत्र और < 25 ha बिना किसी व्यक्ति पट्टे के > 5 ha		अनुमोदित खनन योजना तथा समूह में सभी पट्टों के लिए एक ईएमपी			प्रस्तावकों का समूह, परियोजना प्रस्तावक		
व्यक्ति पट्टा आकार < 50ha हेक्टेयर के साथ ≥ 25 से खनन पट्टे का समूह	'ख1'	हां	हां	हां	राज्य, राज्य अभिकरण, परियोजना प्रस्तावकों का समूह, परियोजना प्रस्तावक	परियोजना प्रस्तावक	सीईएसी/एसईआईए
≥ 50ha से किसी व्यक्ति पट्टे के आकार का कोई समूह	'क'	हां	हां	हां	राज्य, राज्य अभिकरण, परियोजना प्रस्तावकों का समूह, परियोजना प्रस्तावक	परियोजना प्रस्तावक	ईएसी/एमओईएफसीसी

परिशिष्ट - XII

[पैरा 10 (iv) देखें]

बालू खनन या नदी तट खनन की मानीटरी की प्रक्रिया

1. परिवहन अनुज्ञा पत्र के सुरक्षा अभिलक्षण नीचे दिए अनुसार है :

- (क) भारतीय बैंक संगम द्वारा अनुमोदित चुंबकीय स्याही अक्षर पहचान (एमआईसीआर) कोड पेपर पर मुद्रित
- (ख) विशिष्ट बारकोड
- (ग) विशिष्ट त्वरित प्रतिक्रिया (क्यूआर) कोड
- (घ) फ्यूजिटिव इंक पृष्ठभूमि
- (ङ) अदृश्य इंक चिन्ह
- (च) वायर्ड पेंटओग्राफ
- (छ) वॉटरमार्क

2. खनन पट्टा स्थल पर अपेक्षा :

- (क) छोटे आकार का प्लाट (5 हेक्टेयर तक): एंडरायड आधारित स्मार्ट फोन
- (ख) बड़े आकार के प्लाट (5 हेक्टेयर से अधिक): सीसीटीवी कैमरा, पर्सनल कंप्यूटर (पीसी), इंटरनेट कनेक्शन, पावर बैकअप
- (ग) खनन पट्टा स्थल का पहुंच नियंत्रण
- (घ) इस्तेमाल किए गए वाहन के ट्रेलर के आयतन के आधार पर खनन किए गए खनिज के भार को तोलने के लिए प्रबंध या अनुमानित भार ।

3. परिवहन अनुज्ञापत्र या रसीद की स्कैनिंग और उसे सर्वर पर अपलोड करना :

- (क) वेबसाइट: खनन स्थल पर रसीद की स्कैनिंग, बारकोड स्कैनर और कंप्यूटर के माध्यम से सॉफ्टवेयर का इस्तेमाल करके की जा सकती है ;
- (ख) एंडरायड अनुप्रयोग : खनन स्थल पर स्कैनिंग, स्मार्ट फोन का उपयोग करके एंडरायड अनुप्रयोग द्वारा की जा सकती है । इसके लिए सिमकार्ड पर इंटरनेट की उपलब्धता की अपेक्षा होगी ;
- (ग) एसएमएस : सर्वर पर परिवहन अनुज्ञापत्रों या रसीद को मोबाइल फोन के माध्यम से एसएमएस भेजकर अपलोड किया जाएगा । एक बार परिवहन अनुज्ञापत्र या रसीद को अपलोड करने पर अपनी विधिमान्यता की अवधि के साथ एक विशिष्ट बीजक कोड सृजित हो जाता है ।

4. प्रणाली का प्रस्तावित कार्यकरण :

राज्य खनन विभाग को परिवहन अनुज्ञापत्र या रसीद को ऊपर पैरा 1 में उपदर्शित सुरक्षा अभिलक्षणों के साथ मुद्रित करना चाहिए और उन्हें जिला कलक्टर के माध्यम से पट्टा धारक को जारी किया जाएगा । एक बार इन परिवहन अनुज्ञापत्रों या रसीदों को जारी करने के पश्चात् उन्हें खनन पट्टा क्षेत्र के विरुद्ध सर्वर पर अपलोड किया जाएगा । प्रत्येक रसीद अधिमानतः पूर्व नियत मात्रा के साथ होनी चाहिए ताकि जारी की गई रसीदों के लिए कुल मात्रा का अवधारण किया जा सके ।

जब परिवहन अनुज्ञापत्र या रसीद का बारकोड स्कैन हो जाता है और बीजक का सृजन कर दिया जाता है जिससे विशिष्ट बारकोड का इस्तेमाल होता है और उसकी विधिमान्यता के समय को सर्वर पर अभिलिखित कर दिया जाता है । ताकि खनन की गई सामग्री के परिवहन के सभी व्यौरों को सर्वर पर रखा जा सके और परिवहन अनुज्ञापत्र या रसीद का पुनः इस्तेमाल नहीं किया जा सके ।

5. मार्ग पर जांच :

खनन किए गए खनिजों को ले जाने वाले यानों की जांच करने के प्रयोजन के लिए तैनात कर्मचारिवृंद को परिवहन अनुज्ञापत्र या रसीद की वेबसाइट, एंडरायड अनुप्रयोग और एसएमएस का उपयोग करके उन्हें स्कैन करने की स्थिति में होना चाहिए ।

6. यानों का खराब हो जाना :

यान के खराब होने की दशा में परिवहन अनुज्ञापत्र या रसीद की विधिमान्यता का चालक द्वारा यान के खराब हो जाने की रिपोर्ट करने के लिए विशिष्ट फोरमेट में एसएमएस भेजकर विस्तार किया जाएगा । सर्वर इस सूचना को रजिस्टर करेगा और खराब होने को रजिस्टर करेगा । राज्य एक काल सेंटर की भी स्थापना कर

सकता है जो ऐसे यानों के खराब होने को रजिस्टर कर सकता है तथा वैधता की अवधि का विस्तार कर सकता है। यान के पश्चात्त्वर्ती ठीक होने की भी इसी प्रकार सर्वर या काल सेंटर में रिपोर्ट की जानी चाहिए।

7. यानों की ट्रैकिंग :

यान के स्रोत से गंतव्य तक के मार्ग को जांच बिंदुओं, आरएफआईडी टैगों और जीपीएस ट्रैकिंग के माध्यम से ट्रैक किया जा सकता है।

8. चौकसी या रिपोर्ट सृजन और कार्रवाई समीक्षा :

प्रणाली दैनिक उठाई रिपोर्ट, यान लोग या इतिहास, आबंटन के विरुद्ध उठाई और कुल उठाई जैसे विभिन्न पैरामीटरों पर प्राधिकारियों को आवधिक रिपोर्ट विकसित करने में समर्थ करेगी। प्रणाली का उपयोग आटोमेल या एसएमएस सृजित करने के लिए किया जा सकता है। इससे जिला कलक्टर या जिला मजिस्ट्रेट सभी सुसंगत ब्यौरे प्राप्त करने में समर्थ होंगे और इससे प्राधिकारी किसी अनियमितता में लिप्त पाए गए किसी स्थल से स्कैनिंग सुविधा को रोकने में समर्थ होंगे। जब भी कोई प्राधिकारी अवैध बालू का परिवहन करने वाले किसी यान को अंतररुद्ध करता है तो वह सर्वर पर रजिस्ट्रीकृत हो जाएगा और अधिकारी के लिए की गई कार्रवाई पर रिपोर्ट करना आज्ञापक होगा। प्रत्येक अंतररुद्ध किए गए यान को ट्रैक किया जाएगा।

खनन किए गए खनिज, पर्यावरणीय अनापत्त शर्तों और पर्यावरण प्रबंधन योजना के प्रवर्तन की मानीटरी का डीईआईएए, एसईआईएए और राज्य प्रदूषण नियंत्रण बोर्ड या समिति द्वारा सुनिश्चित किया जाएगा। ऊपर परकल्पित मानीटरी इंतजामों को तीन मास से पूर्व लागू किया जाएगा। पर्यावरणीय अनापत्ति शर्तों के प्रवर्तन की मानीटरी केन्द्रीय प्रदूषण नियंत्रण बोर्ड, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय तथा इस प्रयोजन के लिए मंत्रालय द्वारा नामनिर्दिष्ट अभिकरण द्वारा किया जाएगा।”।

[सं. जेड-11013/98/2014-आईए-II (एम)]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में का.आ. सं. 1533 (अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और उनका पश्चात्त्वर्ती संशोधन निम्नलिखित संख्याओं द्वारा किया गया :-

1. का.आ. 1737(अ) तारीख 11 अक्टूबर 2007;
2. का.आ. 3067(अ) तारीख 1 दिसंबर 2009;
3. का.आ. 695(अ) तारीख 4 अप्रैल 2011;
4. का.आ. 2896(अ) तारीख 13 दिसम्बर 2012;
5. का.आ. 674(अ) तारीख 13 मार्च 2013;
6. का.आ. 2204(अ) तारीख 19 जुलाई 2013;
7. का.आ. 2555(अ) तारीख 21 अगस्त 2013;
8. का.आ. 2559(अ) तारीख 22 अगस्त 2013;
9. का.आ. 2731(अ) तारीख 9 सितंबर 2013;

- 10 का.आ. 562(अ) तारीख 26 फ़रवरी 2014;
11. का.आ. 637(अ) तारीख 28 फ़रवरी 2014;
12. का.आ. 1599(अ) तारीख 25 जून 2014;
13. का.आ. 2601(अ) तारीख 7 अक्टूबर 2014;
14. का.आ. 2600(अ) तारीख 9 अक्टूबर 2014
15. का.आ. 3252(अ) तारीख 22 दिसम्बर 2014;
16. का.आ. 382(अ) तारीख 3 फरवरी, 2015;
17. का.आ. 811(अ) तारीख 23 मार्च, 2015;
18. का.आ. 996(अ) तारीख 10 अप्रैल 2015;
19. का.आ. 1142(अ) तारीख 17 अप्रैल 2015;
20. का.आ. 1141(अ) तारीख 29 अप्रैल 2015;
21. का.आ. 1834(अ) तारीख 6 जुलाई 2015;

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 15th January, 2016

S.O. 141(E).—Whereas 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 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment Notification, 2006, issued *vide* number S.O. 1533(E), dated the 14th September 2006, was published under sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, *vide* number S.O. 2588(E), dated 22nd September, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within a period of sixty days from the date of publication on which copies of Gazette containing the said notification were available to the public;

And whereas, copies of said notification were made available to the public on 22nd September 2015;

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

And whereas, in pursuance to the order of Hon'ble Supreme Court dated the 27th February, 2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc., prior environmental clearance has now become mandatory for mining of minor minerals irrespective of the area of mining lease;

And whereas, as a result of the above said Order of Hon'ble Supreme Court, the number of cases which are now required to obtain prior environmental clearance has increased substantially;

And whereas, the Hon'ble National Green Tribunal, *vide* its order dated the 13th January, 2015 in the matter regarding sand mining has directed for making a policy on environmental clearance for mining leases in cluster for minor minerals;

And whereas, the State Governments have represented for streamlining the process of environmental clearance for mining of minor mineral;

And whereas, the Ministry of Environment, Forest and Climate Change in consultation with State Governments has prepared Guidelines on Sustainable Sand Mining detailing the provisions on environmental clearance for cluster, creation of District Environment Impact Assessment Authority and proper monitoring of sand mining using information technology and information technology enabled services to track the mined out material from source to destination;

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, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification,-

(a) in paragraph 2, after the words “in the said Schedule”, the following words shall be inserted, namely:-

“and at District level, the District Environment Impact Assessment Authority (DEIAA) for matters falling under Category ‘B2’ for mining of minor minerals in the said Schedule”;

(b) after paragraph 3, the following paragraph shall be inserted, namely:-

“3 A. District Level Environment Impact Assessment Authority:-

- (1) A District Level Environment Impact Assessment Authority hereinafter referred to as the DEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of four members including a Chairperson and a Member-Secretary.
- (2) The District Magistrate or District Collector shall be the Chairperson of the DEIAA.
- (3) The Sub-Divisional Magistrate or Sub-Divisional Officer of the district head quarter of the concerned district of the State shall be the Member-Secretary of the DEIAA.
- (4) The other two members of the DEIAA shall be the senior most Divisional Forest Officer and one expert. The expert shall be nominated by the Divisional Commissioner of the Division or Chief Conservator of Forest, as the case may be. The term and qualifications of the expert fulfilling the eligibility criteria are given in Appendix VII to this notification.
- (5) The members of the DEIAA who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert member.
- (6) The District Level Expert Appraisal Committee hereinafter referred to as the DEAC shall comprise of eleven members, including a Chairman and a Member-Secretary.
- (7) The senior most Executive Engineer, Irrigation Department in the district of respective State Governments or Union territory Administration shall be the Chairperson of the DEAC.
- (8) The Assistant Director or Deputy Director of the Department of Mines and Geology or District Mines Officer or Geologist of the district shall be the Member-Secretary of the DEAC in that order.
- (9) A representative of the State Pollution Control Board or Committee, senior most Sub-Divisional Officer (Forest) in the district, representative of Remote Sensing Department or Geology Department or State Ground Water Department, one occupational health expert or Medical Officer to be nominated by the District Magistrate or District Collector, Engineer from Zila Parishad, and three expert members to be nominated by the Divisional Commissioner or Chief Conservator of Forest, as the case may be, shall be the other members of the DEAC. The term and qualifications of the experts fulfilling the eligibility criteria are given in Appendix VII to this notification.
- (10) The members of the DEAC who are serving officers of the concerned State Government or the Union territory Administration shall be *ex-officio* members except the expert members.
- (11) The District Magistrate or District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for their statutory functions.
- (12) The DEIAA and DEAC shall exercise the powers and follow the procedure as specified in the said notification, as amended from time to time.
- (13) The DEAC shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case and if consensus cannot be reached, the view of the majority shall prevail.”;

(c) in paragraph 4, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The ‘B2’ Category projects pertaining to mining of minor mineral of lease area less than or equal to five hectare shall require prior environmental clearance from DEIAA. The DEIAA shall base its decision on the recommendations of DEAC, as constituted for this notification.”;

(d) for paragraph 5, the following paragraph shall be substituted, namely:-

“5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government, SEACs at the State or Union territory level and DEAC at the district level shall screen, scope and appraise projects or activity in category ‘A’, ‘B1 and B2’ and ‘B2’ projects for mining of minor minerals of lease area less than and equal to five hectare respectively. EAC, SEACs and DEACs 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. DEAC at the district level shall be constituted by the Central Government as per the composition given in paragraph 3 A.

(b) The Central Government may with the prior concurrence of the concerned State Governments or the Union territory Administration 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, SEACs and DEACs concerned, may inspect any site connected with the project or activity in respect of which the prior environmental clearance is sought for the purpose of screening or scoping or appraisal with prior notice of at least seven days to the project proponent who shall provide necessary facilities for the inspection.

(e) The EAC, SEACs and DEACs shall function on the principle of collective responsibility. The Chairperson shall endeavor to reach a consensus in each case and if consensus cannot be reached the view of the majority shall prevail.”;

(e) for paragraph 6, the following paragraph shall be substituted, namely:-

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

An application seeking prior environmental clearance in all cases shall be made by the project proponent 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; and in Form 1M for mining of minor minerals up to five hectare under Category ‘B2’ projects, as given in Appendix VIII, before commencing any construction activity, or preparation of land, or mining at the site by the project proponent. The project proponent shall furnish along with the application, a copy of the pre-feasibility project report, in addition to Form 1, Form 1A, and Form 1M; and in case of construction projects or activities (item 8 of the Schedule), a copy of the conceptual plan shall be provided instead of pre-feasibility report.”;

(f) in paragraph 7,-

(i) in sub-paragraph (i), under the heading “I. Stage (1)- Screening:”, the existing sub-paragraph shall be lettered as sub-paragraph “(A)” and after sub-paragraph as so lettered, the following sub-paragraph shall be inserted, namely:-

“(B) The cases as specified in Appendix IX shall be exempted from prior environmental clearance.” ;

(ii) after sub-paragraph 7 (ii), the following sub-paragraph shall be inserted, namely:-

“7 (iii) Preparation of District Survey Report for Sand Mining or River Bed Mining and Mining of other Minor Minerals:

(a) The prescribed procedure for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals is given in Appendix X.

(b) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;

(g) in paragraph 8,-

(i) for the letters and word “EAC or SEAC”, the words and letters “EAC or SEAC or DEAC” shall be substituted;

(ii) for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee” wherever they occur, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(h) in paragraph 9, in sub-paragraph (i),-

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(i) in paragraph 10, after sub-paragraph (iii), the following sub-paragraph shall be inserted, namely:-

“(iv) The prescribed procedure for sand mining or river bed mining and monitoring is given in Appendix XII.”;

(j) in paragraph 11, -

for the words “Expert Appraisal Committee or State Level Expert Appraisal Committee”, the words “Expert Appraisal Committee or State Level Expert Appraisal Committee or District Level Expert Appraisal Committee” shall be substituted;

(k) in the Schedule,-

(i) for item 1 (a) and the entries relating thereto, the following item and entries shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
“1(a)	(i) Mining of minerals	≥50 ha of mining lease area in respect of non-coal mine lease >150 ha of mining lease area in respect of coal mine lease Asbestos mining	<50 ha of mining lease area in respect of non-coal mine lease ≤150 ha of mining lease area in respect of coal mine lease	General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category ‘B2’ (up to 25 ha of mining lease area); (ii) River bed mining projects on account of inter-state boundary.

		irrespective of mining area		<p>Note:</p> <p>(1) Mineral prospecting is exempted.”;</p> <p>(2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI.”;</p> <p>(3) The mining leases which have obtained environmental clearance under Environment Impact Assessment Notification, 1994 and Environment Impact Assessment Notification, 2006 shall not require fresh environmental clearance during renewal provided the project has valid and subsisting environmental clearance.</p>
	(ii) Slurry pipelines (coal lignite and other ores) passing through national parks or sanctuaries or coral reefs, ecologically sensitive areas.	All projects.		

(I) after Appendix VI, the following appendices shall be inserted, namely:-

“APPENDIX VII

(See paragraph 3 A)

Qualifications and terms for the Experts in DEIAA and DEAC

1. **Qualification:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA or M Sc Degree or (ii) in case of Engineering/ Technology/ Architectural discipline, 4 years formal 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. MBA etc.) 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 associations (e.g. Chartered Accountancy) or (v) a University degree, followed by two years of formal training in a University or Service Academy (e.g. MBA/MPA etc.). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.
2. **Expert:** A professional fulfilling the above eligibility criteria with at least 10 years of relevant experience in the field or with an advanced degree (e.g. Ph. D) in a concerned field with at least 5 years of relevant experience.
3. **Age:** Below 70 years. However, in the event of non-availability of paucity of experts in a given field, the maximum age of a member may be allowed up to 75 years.
4. **Fields:** Experts in Mining, Geology, Hydrology, Remote Sensing, Environment Quality, Environment Impact Assessment Process, Risk Assessment, Life Sciences, Marine Sciences, Forestry and Wildlife, Environmental Economics, Bio-diversity, and River Ecology.

5. **Tenure:** The maximum tenure of expert members shall be for two terms of three years each.
6. The Expert Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

APPENDIX VIII
(See paragraph 6)
FORM 1 M

APPLICATION FOR MINING OF MINOR MINERALS UNDER CATEGORY 'B2' FOR LESS THAN AND EQUAL TO FIVE HECTARE

(II) Basic Information

- (viii) Name of the Mining Lease site:
(ix) Location / site (GPS Co-ordinates):
(x) Size of the Mining Lease (Hectare):
(xi) Capacity of Mining Lease (TPA):
(xii) Period of Mining Lease:
(xiii) Expected cost of the Project:
(xiv) Contact Information:

Environmental Sensitivity

Sl. No.	Areas	Distance in kilometer / Details
1.	Distance of project site from nearest rail or road bridge over the concerned River, Rivulet, Nallah etc.	
2.	Distance from infrastructural facilities Railway line National Highway State Highway Major District Road Any Other Road Electric transmission line pole or tower Canal or check dam or reservoirs or lake or ponds In-take for drinking water pump house Intake for Irrigation canal pumps	
3.	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value	
4.	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests	
5.	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration	
6.	Inland, coastal, marine or underground waters	
7.	State, National boundaries	
8.	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas	
9.	Defence installations	
10.	Densely populated or built-up area, distance from nearest human habitation	
11.	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)	
12.	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)	
13.	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)	
14.	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)	

15.	Is proposed mining site located over or near fissure / fracture for ground water recharge	
16.	Whether the proposal involves approval or clearance under the following Regulations or Acts, namely:- (a) The Forest (Conservation) Act, 1980; (b) The Wildlife (Protection) Act, 1972; (c) The Coastal Regulation Zone Notification, 2011. If yes, details of the same and their status to be given.	
17.	Forest land involved (hectares)	
18.	Whether there is any litigation pending against the project and/or land in which the project is propose to be set up? (a) Name of the Court (b) Case No. (c) Orders or directions of the Court, if any, and its relevance with the proposed project.	

(Signature of Project Proponent
Along with name and address)

APPENDIX – IX

[See paragraph 7(i) (B)]

EXEMPTION OF CERTAIN CASES FROM REQUIREMENT OF ENVIRONMENTAL CLEARANCE

The following cases shall not require prior environmental clearance, namely:-

1. Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.
2. Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.
3. Removal of sand deposits on agricultural field after flood by farmers.
4. Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.
5. Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds undertaken in Mahatama Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes, and community efforts.
6. Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management.
7. Traditional occupational work of sand by Vanjara and Oads in Gujarat *vide* notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.
8. Digging of well for irrigation or drinking water.
9. Digging of foundation for buildings not requiring prior environmental clearance.
10. Excavation of ordinary earth or clay for plugging of any breach caused in canal, nala, drain, water body, etc., to deal with any disaster or flood like situation upon orders of District Collector or District Magistrate.
11. Activities declared by State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.

APPENDIX - X

[See paragraph 7 (iii) (a)]

PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following:

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

1. Introduction
2. Overview of Mining Activity in the District
3. The List of Mining Leases in the District with location, area and period of validity
4. Details of Royalty or Revenue received in last three years
5. Detail of Production of Sand or Bajari or minor mineral in last three years
6. Process of Deposition of Sediments in the rivers of the District
7. General Profile of the District
8. Land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.

9. Physiography of the District
 10. Rainfall: month-wise
 11. Geology and Mineral Wealth

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source.
 (b) District wise availability of sand or gravel or aggregate resources.
 (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the DEIAA with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
Total for the District						

A Sub-Divisional Committee comprising of Sub-Divisional Magistrate, Officers from Irrigation department, State Pollution Control Board or Committee, Forest department, Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For example in some hill States mineral constituents like boulders, river born Bajri, sand up

to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

APPENDIX - XI

[See paragraph 7 (iii) (b)]

PROCEDURE FOR ENVIRONMENTAL CLEARANCE FOR MINING OF MINOR MINERALS INCLUDING CLUSTER

The following policy shall be followed for environmental clearance of mining of minor minerals including cluster situation:-

- (1). The data provided by the States (Sustainable Sand Mining Guidelines) shows that most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also reported that in hill States getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.
- (2). The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.
- (3). There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.
- (4). Environmental clearance shall be applied for and issued to the individual project proponent. The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.
- (5). The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and DEAC, SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.
- (6). A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.
- (7). Form 1M, Pre-Feasibility Report and mine plan for Category 'B2' projects for mining of minor minerals shall be prepared by the Registered Qualified Person or Accredited Consultants of Quality Council of India, National Accreditation Board for Education and Training. The Environment Impact Assessment or Environment Management Plan for Category 'A' and Category 'B1' projects shall be prepared by the accredited consultants of Quality Council of India, National Accreditation Board for Education and Training.
- (8). The SEIAAs shall have supervisory jurisdiction over the DEIAAs and decisions of DEIAA shall be reviewed by the SEIAA without prejudice to any provisions under any existing law.

Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease								
0 – 5ha	'B2'	Form –1M, PFR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency

> 5 ha and < 25 ha	'B2'	Form –I, PFR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	nominated by MoEFCC
≥ 25ha and < 50ha	'B1'	Yes	Yes	Yes	Project Proponent	Project Proponent	SEAC/ SEIAA	
≥ 50 ha	'A'	Yes	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation								
Cluster area of mine leases up to 5 ha	'B2'	Form –IM, PFR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form –I, PFR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster of mine leases of area ≥ 25 hectares with individual lease size < 50ha	'B1'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	
Cluster of any size with any of the individual lease ≥ 50ha	'A'	Yes	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC	

APPENDIX - XII

[See paragraph 10 (iv)]

PROCEDURE FOR MONITORING OF SAND MINING OR RIVER BED MINING

1. The security feature of Transport Permit shall be as under:

- (a) Printed on Indian Banks' Association (IBA) approved Magnetic Ink Character Recognition (MICR) Code paper.
- (b) Unique Barcode.
- (c) Unique Quick Response (QR) code.
- (d) Fugitive Ink Background.
- (e) Invisible Ink Mark.
- (f) Void Pantograph.
- (g) Watermark.

2. Requirement at Mine Lease Site:

- (a) Small Size Plot (Up to 5 hectare): Android Based Smart Phone.

- (b) Large Size Plots (More than 5 hectare): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.
- (c) Access control of mine lease site.
- (d) Arrangement for weight or approximation of weight of mined out mineral on basis of volume of the trailer of vehicle used.
3. Scanning of Transport Permit or Receipt and Uploading on Server:
- (a) Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;
- (b) Android Application: Scanning on mining site can be done using Android Application using smart phone. It will require internet availability on SIM card;
- (c) SMS: Transport Permit or Receipt shall be uploaded on server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, an unique invoice code gets generated with its validity period.
4. Proposed working of the system:
- The State Mining Department should print the Transport Permit or Receipt with security features enumerated at Paragraph 1 above and issue them to the mine lease holder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferably with pre-fixed quantity, so the total quantity gets determined for the receipts issued.
- When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.
5. Checking On Route:
- The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using website, Android Application and SMS.
6. Breakdown of Vehicle:
- In case the Vehicle breakdown, the validity of Transport Permit or Receipt shall be extended by sending SMS by driver in specific format to report breakdown of vehicle. The server will register this information and register the breakdown. The State can also establish a call centre, which can register breakdowns of such vehicles and extend the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call centre.
7. Tracking of Vehicles:
- The route of vehicle from source to destination can be tracked through the system using check points, RFID Tags, and GPS tracking.
8. Alerts or Report Generation and Action Review:
- The system will enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.
- The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the DEIAA, SEIAA and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place not later than three months. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose.”.

[No. Z-11013/98/2014-IA-II (M)]

MANOJ KUMAR SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended *vide* the following numbers :-

1. S.O. 1737 (E) dated the 11th October, 2007;
2. S.O. 3067 (E) dated the 1st December, 2009;
3. S.O. 695 (E) dated the 4th April, 2011;
4. S.O. 2896 (E) dated the 13th December, 2012;
5. S.O. 674 (E) dated the 13th March, 2013;
6. S.O. 2204 (E) dated the 19th July 2013;
7. S.O. 2555 (E) dated the 21st August, 2013;
8. S.O. 2559 (E) dated the 22nd August, 2013;
9. S.O. 2731 (E) dated the 9th September, 2013;
10. S.O. 562 (E) dated the 26th February, 2014;
11. S.O. 637 (E) dated the 28th February, 2014;
12. S.O. 1599 (E) dated the 25th June, 2014;
13. S.O. 2601 (E) dated the 7th October, 2014;
14. S.O. 2600 (E) dated the 9th October, 2014
15. S.O. 3252 (E) dated the 22nd December, 2014;
16. S.O. 382 (E) dated the 3rd. February, 2015;
17. S.O. 811 (E) dated the 23rd March, 2015;
18. S.O. 996 (E) dated the 10th April, 2015;
19. S.O. 1142 (E) dated the 17th April, 2015;
20. S.O. 1141 (E) dated the 29th April, 2015;
21. S.O. 1834 (E) dated the 6th July, 2015.



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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अधिसूचना

नई दिल्ली, 25 जुलाई, 2018

का.आ. 3611(अ).—भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) प्रकाशित की गई थी, जिसके द्वारा पूर्व पर्यावरण निकासी के संबंध में निदेश जारी किए गए हैं ;

और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में उक्त अधिसूचना को का.आ. 141(अ) तारीख 15 जनवरी, 2016 द्वारा संशोधित किया है, जिसमें गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने की प्रक्रिया को विहित किया गया है ;

और रांची स्थित माननीय झारखंड उच्च न्यायालय ने 2015 की रिट याचिका (पीआईएल) संख्या 1806, स्वप्रेरणा बनाम झारखंड राज्य एवं अन्य के मामले में रिट याचिका (पीआईएल) सं. 2013 की 290, हेमंत कुमार शिल्कारवर बनाम झारखंड राज्य एवं अन्य के मामले में, अन्य बातों के साथ, तारीख 11 अप्रैल, 2018 और 19 जून, 2018 के आदेश में बालू और रेत से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने या बालू और रेत से भिन्न गौण खनिजों की जिला सर्वेक्षण रिपोर्ट तैयार करने के लिए शक्तियों का प्रत्यायोजन करने के लिए राज्य सरकार और/या जिला पर्यावरण संघात निर्धारण प्राधिकरण और जिला विशेषज्ञ मूल्यांकन समिति को निदेश दिया है ;

और केंद्रीय सरकार लोक हित में पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना देने की अपेक्षा से अभिमुक्ति प्रदान करती है ;

और केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में परिशिष्ट 10 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :--

“परिशिष्ट 10

[पैरा 7 (iii) (क) देखें]

1. बालू खनन या नदी तल खनन के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने के लिए प्रक्रिया

जिला सर्वेक्षण रिपोर्ट तैयार करने का मुख्य उद्देश्य (भरणीय बालू खनन के लिए मार्गदर्शक सिद्धांतों के अनुसार) निम्नलिखित को सुनिश्चित करना है :--

उच्चयन या जमाव के क्षेत्रों की पहचान, जहां खनन को अनुज्ञात किया जा सकता है ; और भूक्षयण के क्षेत्रों की पहचान तथा अवसंरचना ढांचों और प्रतिष्ठापनों से निकटता जहां खनन को प्रतिषिद्ध किया जाना चाहिए और भराई की वार्षिक दर की गणना तथा उस क्षेत्र में खनन के पश्चात् भराई के लिए समय को अनुज्ञात करना ।

रिपोर्ट के निम्नलिखित संघटक होंगे :

- (1) प्रस्तावना ;
- (2) जिले में खनन कार्यकलापों का विहंगावलोकन ;
- (3) अवस्थिति क्षेत्र और वैधता की अवधि सहित जिले में खनन पट्टों की सूची ;
- (4) पिछले तीन वर्ष में प्राप्त स्वामिस्व या राजस्व के ब्यौरे ;
- (5) पिछले तीन वर्ष के दौरान बालू या रेत या गौण खनिज के उत्पादन के ब्यौरे ;
- (6) जिले की नदियों में तलछट के जमा होने की प्रक्रिया ;
- (7) जिले का साधारण प्रोफाइल ;
- (8) जिले में भू उपयोग का पैटर्न : वन, कृषि, उद्यान कृषि, खनन आदि ;
- (9) जिले की भूगर्भीय स्थिति ;
- (10) मासवार वर्षा ;
- (11) भूगर्भ और खनीज संपदा ।

पूर्वोक्त के अतिरिक्त रिपोर्ट में निम्नलिखित अंतर्विष्ट होंगे :

- (क) जिलावार नदी या धारा और अन्य रेत के स्रोत के ब्यौरे ;
- (ख) जिलावार रेत या कंकड़ या समग्र संसाधनों की उपलब्धता ;
- (ग) जिलावार विद्यमान रेत के खनन पट्टों के ब्यौरे और समग्र ।

जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा भूविज्ञान विभाग या सिंचाई विभाग या वन विभाग या लोक निर्माण विभाग या भू-जल बोर्ड या सुदूर संवेदन विभाग या खनन विभाग आदि की सहायता से जिले में सर्वेक्षण किया जाएगा ।

मुख्य नदियों के विवरण सहित निकासी प्रणाली

क्रम सं.	नदी का नाम	निष्कासन क्षेत्र (वर्ग किलोमीटर)	जिले में प्रतिशत निष्कासित क्षेत्र
(1)			
(2)			

महत्वपूर्ण नदियों और धाराओं की मुख्य विशेषताएं :

क्रम सं.	नदी या धारा का नाम	जिले में कुल लंबाई (किलोमीटर में)	उद्भव का स्थान	उद्भव के स्थान पर ऊंचाई
(1)				
(2)				

खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (किलोमीटर में)	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की औसत चौड़ाई (मीटर में)	खनिज छूट के लिए सिफारिश किया गया क्षेत्र (वर्ग मीटर में)	खनन योग्य खनिज क्षमता (मीट्रिक टन में) (कुल खनिज क्षमता का 60 प्रतिशत)

खनिज क्षमता

बोल्डर (मीट्रिक टन)	रेत (मीट्रिक टन)	बालू (मीट्रिक टन)	कुल खनन योग्य खनिज क्षमता (मीट्रिक टन)

वार्षिक जमाव

क्रम सं.	नदी या धारा	खनिज छूट के लिए सिफारिश किया गया नदी या धारा का भाग	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की लंबाई (किलोमीटर में)	खनिज छूट के लिए सिफारिश किए गए क्षेत्र की औसत चौड़ाई (मीटर में)	खनिज छूट के लिए सिफारिश किया गया क्षेत्र (वर्ग मीटर में)	खनन योग्य खनिज क्षमता (मीट्रिक टन में) (कुल खनिज क्षमता का 60 प्रतिशत)
(1)						
(2)						
जिले के लिए योग						

उप प्रभागीय समिति, जो (i) उप प्रभागीय मजिस्ट्रेट (ii) निम्नलिखित विभागों के अधिकारियों (क) सिंचाई विभाग (ख) राज्य प्रदूषण नियंत्रण बोर्ड या समिति (ग) वन विभाग (घ) भू-विज्ञान या खनन अधिकारी से मिलकर बनेगी, खनन के लिए उपयुक्तता या खनन को प्रतिषिद्ध करने के लिए प्रत्येक स्थान का, जिसके लिए पर्यावरण निकासी का आवेदन किया गया है, भ्रमण करेगी।

खनन क्षमता की संगणना करने के लिए अंगीकृत विधि :

खनन क्षमता की संगणना स्थान की जांच और नदी या धारा के आवाह क्षेत्र के भू-विज्ञान के आधार पर की जाएगी। स्थल स्थिति और अवस्थिति, खनन योग्य खनिजों को परिभाषित किया जाएगा। किसी नदी या धारा में खनिजों के खनन का विनिश्चय भू-आकृति विज्ञान और अन्य कारकों के आधार पर किया जा सकता है, यह किसी विशिष्ट नदी या धारा के क्षेत्र का 50 से 60 प्रतिशत हो सकता है। उदाहरणार्थ कुछ पहाड़ी राज्यों में खनिज संघटक, जैसे बोल्डर, नदी से उत्पन्न रेत, बालू को एक मीटर तक संसाधन खनिज माना जाता है। अन्य संघटक जैसे कले और तलछट को किसी विशिष्ट नदी या धारा की खनिज क्षमता की संगणना करते समय अपशिष्ट माना जाता है।

जिला सर्वेक्षण रिपोर्ट जिले में तैयार की जाएगी और उसके प्रारूप को पब्लिक डोमेन में कलेक्टर के कार्यालय में

उसकी एक प्रति रखकर रखा जाएगा तथा उसे 21 दिन के लिए जिले की वेबसाइट पर भी पोस्ट किया जाएगा। प्राप्त टिप्पणियों पर विचार किया जाएगा तथा यदि सही पाया जाता है तो जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा छह मास के भीतर तैयार की जाने वाली अंतिम रिपोर्ट में उसे सम्मिलित किया जाएगा।

जिला सर्वेक्षण रिपोर्ट पर्यावरण निकासी, रिपोर्टों और मूल्यांकन परियोजनाओं को तैयार करने का आधार बनेगी। रिपोर्ट को प्रत्येक पांच वर्ष में एक बार अद्यतन किया जाएगा।

II. बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने की प्रक्रिया

जिला सर्वेक्षण रिपोर्ट को जिले में प्रत्येक गौण खनिज के लिए पृथक् रूप से तैयार किया जाएगा और उसके ड्राफ्ट को पब्लिक डोमेन में कलेक्टर के कार्यालय में उसकी एक प्रति रखकर रखा जाएगा तथा उसे 21 दिन के लिए जिले की वेबसाइट पर भी पोस्ट किया जाएगा। प्राप्त टिप्पणियों पर विचार किया जाएगा तथा यदि सही पाया जाता है तो जिला पर्यावरण संघात निर्धारण प्राधिकरण द्वारा छह मास के भीतर तैयार की जाने वाली अंतिम रिपोर्ट में उसे सम्मिलित किया जाएगा।

बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट नीचे वर्णित संघटकों के अनुसार होगी :-

बालू खनन या नदी तल खनन से भिन्न गौण खनिजों के लिए जिला सर्वेक्षण रिपोर्ट तैयार करने का प्रारूप

- (1) प्रस्तावना ;
- (2) जिले में खनन कार्यकलापों का विहंगावलोकन ;
- (3) जिले का साधारण प्रोफाइल ;
- (4) जिले की भूगर्भीय स्थिति ;
- (5) सिंचाई निष्कासन पैटर्न ;
- (6) जिले में भू उपयोग का पैटर्न : वन, कृषि, उद्यान कृषि, खनन आदि ;
- (7) जिले में सतह जल और भूमिगत जल का परिदृश्य ;
- (8) जिले में वर्षा वृत्ति और जलवायु स्थिति ;
- (9) निम्नलिखित प्रारूप के अनुसार जिले में खनन पट्टों के ब्यौरे :-

क्रम सं.	खनिज का नाम	पट्टेदार का नाम	पट्टेदार का नाम और संपर्क संख्या	खनन पट्टा अनुदान आदेश संख्या एवं तारीख	खनन पट्टे का क्षेत्र (हेक्टेयर में)	खनन पट्टे की अवधि (प्रारंभिक)		खनन पट्टे की अवधि (पहला/दूसरा नवीकरण)	
						से	तक	से	तक
1	2	3	4	5	6	7	8	9	10

खनन प्रचालन के प्रारंभ होने की तारीख	प्रास्थिति (कार्यशील/गैर-कार्यशील पारेषण आदि के लिए स्थायी रूप से कार्यशील)	कैप्टिव/गैर-कैप्टिव	पर्यावरणीय निकासी अभिप्राप्त (हां/नहीं) यदि हां तो पर्यावरण निकासी अनुदत्त करने की तारीख सहित पत्र संख्या	खनन पट्टे की अवस्थिति (अक्षांश एवं देशांतर)	खनन की विधि (खुली/भूमिगत)
11	12	13	14	15	16

- (10) पिछले तीन वर्ष के दौरान प्राप्त स्वामिस्व या राजस्व
 (11) पिछले तीन वर्ष के दौरान उत्पादन किए गए गौण खनिज के ब्यौरे
 (12) जिले का खनिज मानचित्र
 (13) निम्नलिखित प्ररूप के अनुसार जिले में आशय पत्र के धारकों की उसकी वैधता सहित सूची :-

क्रम सं.	खनिज का नाम	पट्टेदार का नाम	आशय पत्र धारक का पता एवं संपर्क संख्या	आशय पत्र आदेश की संख्या एवं तारीख	आबंटित किए जाने वाले खनन पट्टे का क्षेत्र	आशय पत्र की वैधता	उपयोग (कैप्टिव/ गैर-कैप्टिव)	खनन पट्टे की अवस्थिति (अक्षांश एवं देशांतर)
1	2	3	4	5	6	7	8	9

- (14) जिले में उपलब्ध कुल खनिज भंडार ;
 (15) जिले में उपलब्ध खनिज की क्वालिटी / ग्रेड ;
 (16) खनिज का उपयोग ;
 (17) पिछले तीन वर्षों के दौरान खनिज की मांग और पूर्ति ;
 (18) जिले के मानचित्र पर चिह्नांकित खनिज पट्टे ;
 (19) उस क्षेत्र के ब्यौरे, जहां खनिज पट्टों का समूह है, अर्थात् खनिज पट्टों की संख्या, अवस्थिति (अक्षांश और देशांतर) ;
 (20) जिले में पारिस्थितिकी संवेदनशील क्षेत्र, यदि कोई हो ;
 (21) पर्यावरण (वायु, जल, ध्वनि, मृदा, वनस्पति और प्राणी, भू-उपयोग, कृषि, वन आदि) पर खनन कार्यकलाप का संघात ;
 (22) पर्यावरण पर खनन संघात को कम करने के लिए उपचारात्मक उपाय ;
 (23) खनन किए गए क्षेत्र को पुनः प्राप्त करना (जिले में नियमों और विनियम, प्रस्तावित पुनः प्राप्ति योजना के अनुसार) सर्वोत्तम व्यवहार को पहले ही कार्यान्वित किया गया है ;
 (24) जोखिम निर्धारण एवं आपदा प्रबंधन योजना ;
 (25) जिले में व्यवसायिक सुरक्षा मुद्दों के ब्यौरे (सिलिकोसिस एवं तपेदिक के रोगियों के पिछले पांच वर्ष के डाटा को प्रस्तुत करने की आवश्यकता है) ;
 (26) जिले में पहले ही अनुदत्त पट्टों के संबंध में पौधा रोपण और हरित पट्टी विकास ;
 (27) कोई अन्य सूचना ।

जिला पर्यावरण संघात निर्धारण प्राधिकरण (डीईआईए) जिले में गौण खनिज की किस्म की प्रकृति के आधार पर संबंधित राज्य सरकार के खनिज और भू-विज्ञान विभाग के परामर्श से जिला सर्वेक्षण रिपोर्ट में अतिरिक्त मानकों को सम्मिलित कर सकेगी ।

जिला सर्वेक्षण रिपोर्ट पर्यावरणीय निकासी, रिपोर्टों को तैयार करने और परियोजनाओं के मूल्यांकन के लिए आधार होगी । रिपोर्ट को प्रत्येक पांच वर्ष में एक बार अद्यतन किया जाएगा ।”

[फा. सं. एल-11011/26/2018-आईए-II(एम)]

ज्ञानेश भारती, संयुक्त सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में सं. का.आ. 1533(अ) तारीख 14 सितंबर 2006 द्वारा प्रकाशित की गई थी और तत्पश्चात् उसे निम्नानुसार संशोधित किया गया :-

1. का. आ. 1949 (अ), तारीख 13 नवंबर, 2006;
2. का. आ. 1737 (अ), तारीख 11 अक्टूबर, 2007;
3. का. आ. 3067 (अ), तारीख 1 दिसंबर, 2009;
4. का. आ. 695 (अ), तारीख 4 अप्रैल, 2011;
5. का. आ. 156 (अ), तारीख 25 जनवरी, 2012;
6. का. आ. 2896 (अ), तारीख 13 दिसंबर, 2012;
7. का. आ. 674 (अ), तारीख 13 मार्च, 2013;
8. का. आ. 2204 (अ), तारीख 19 जुलाई 2013;
9. का. आ. 2555 (अ), तारीख 21 अगस्त, 2013 ;
10. का. आ. 2559 (अ), तारीख 22 अगस्त, 2013;
11. का. आ. 2731 (अ), तारीख 9 सितंबर, 2013;
12. का. आ. 562 (अ), तारीख 26 फरवरी, 2014;
13. का. आ. 637 (अ), तारीख 28 फरवरी, 2014;
14. का. आ. 1599 (अ), तारीख 25 जून, 2014;
15. का. आ. 2601 (अ), तारीख 7 अक्टूबर, 2014;
16. का. आ. 2600 (अ), तारीख 9 अक्टूबर, 2014;
17. का. आ. 3252 (अ), तारीख 22 दिसंबर, 2014;
18. का. आ. 382 (अ), तारीख 3 फरवरी, 2015;
19. का. आ. 811 (अ), तारीख 23 मार्च, 2015;
20. का. आ. 996 (अ), तारीख 10 अप्रैल, 2015;
21. का. आ. 1142 (अ), तारीख 17 अप्रैल, 2015;
22. का. आ. 1141 (अ), तारीख 29 अप्रैल, 2015;
23. का. आ. 1834 (अ), तारीख 6 जुलाई, 2015;
24. का. आ. 2571 (अ), तारीख 31 अगस्त, 2015;
25. का. आ. 2572 (अ), तारीख 14 सितंबर, 2015;
26. का. आ. 141 (अ), तारीख 15 जनवरी, 2016;
27. का. आ. 648 (अ), तारीख 3 मार्च, 2016;
28. का. आ. 2269 (अ) तारीख 1 जुलाई, 2016;
29. का. आ. 2944 (अ), तारीख 14 सितंबर, 2016;
30. का. आ. 3518 (अ) तारीख 23 नवंबर 2016;
31. का. आ. 3999 दिसंबर (अ) तारीख 9 दिसंबर, 2016; और
32. का. आ. 4241 (अ) तारीख 30 दिसंबर, 2016

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

New Delhi, the 25th July, 2018

S.O. 3611(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forest issued *vide* number S.O. 1533(E), dated the 14th September, 2006 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) (hereinafter referred to as the said notification) directions have been given regarding the prior environmental clearance;

And whereas, the Ministry of Environment, Forest and Climate Change has amended the said Notification *vide* S.O. 141 (E) dated 15th January, 2016 wherein the procedure for preparation of District Survey Report for minor mineral has been prescribed;

And whereas, the Hon'ble High Court of Jharkhand at Ranchi in its orders dated the 11th April, 2018 and 19th June, 2018 in W.P. (PIL) No. 1806 of 2015, in the matter of Court on its Own Motion Versus the State of Jharkhand & Others with W.P. (PIL) No. 290 of 2013, in the matter of Hemant Kumar Shilkarwar Versus the State of Jharkhand & Others, has *inter-alia* directed the preparation of District Survey Report for minor minerals other than Sand and Bajri or delegation of the powers for preparation of format of District Survey Report of minor minerals other than sand and bajri to the State Government and/or District Environment Impact Assessment Authority and District Expert Appraisal Committee;

And whereas, the Central Government hereby in the public interest dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the Environment Protection Rules, 1986,

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 (29 of 1986) read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India, in the erstwhile Ministry of Environment and Forests *vide* number S.O. 1533(E), dated the 14th September, 2006, namely: –

In the said notification, for Appendix X, the following shall be substituted, namely: -

“APPENDIX - X**[See paragraph 7 (iii) (a)]****I. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT FOR SAND MINING OR RIVER BED MINING**

The main objective of the preparation of District Survey Report (as per the Sustainable Sand Mining Guideline) is to ensure the following: -

Identification of areas of aggradations or deposition where mining can be allowed; and identification of areas of erosion and proximity to infrastructural structures and installations where mining should be prohibited and calculation of annual rate of replenishment and allowing time for replenishment after mining in that area.

The report shall have the following structure:

- (1) Introduction;
- (2) overview of Mining Activity in the District;
- (3) the List of Mining Leases in the District with location, area and period of validity;
- (4) details of Royalty or Revenue received in last three years;
- (5) detail of Production of Sand or Bajri or minor mineral in last three years;
- (6) process of Deposition of Sediments in the rivers of the District;
- (7) general Profile of the District;
- (8) land Utilization Pattern in the district: Forest, Agriculture, Horticulture, Mining etc.;
- (9) physiography of the District;

- (10) rainfall: month-wise;
- (11) geology and Mineral Wealth.

In addition to the above, the report shall contain the following:

- (a) District wise detail of river or stream and other sand source;
- (b) District wise availability of sand or gravel or aggregate resources;
- (c) District wise detail of existing mining leases of sand and aggregates.

A survey shall be carried out by the District Environment Impact Assessment Authority with the assistance of Geology Department or Irrigation Department or Forest Department or Public Works Department or Ground Water Boards or Remote Sensing Department or Mining Department etc. in the district.

Drainage system with description of main rivers

S. No.	Name of the River	Area drained (Sq. Km)	% Area drained in the District
(1)			
(2)			

Salient Features of Important Rivers and Streams:

S. No.	Name of the River or Stream	Total Length in the District (in Km)	Place of origin	Altitude at Origin
(1)				
(2)				

Portion of the River or Stream Recommended for Mineral Concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)

Mineral Potential

Boulder (MT)	Bajari (MT)	Sand (MT)	Total Mineable Mineral Potential (MT)

Annual Deposition

S. No.	River or Stream	Portion of the river or stream recommended for mineral concession	Length of area recommended for mineral concession (in kilometer)	Average width of area recommended for mineral concession (in meters)	Area recommended for mineral concession (in square meter)	Mineable mineral potential (in metric tonne) (60% of total mineral potential)
(1)						
(2)						
Total for the District						

A Sub-Divisional Committee comprising of (i) Sub-Divisional Magistrate, (ii) Officers from (a) Irrigation department, (b) State Pollution Control Board or Committee, (c) Forest department, (d) Geology or mining officer shall visit each site for which environmental clearance has been applied for and make recommendation on suitability of site for mining or prohibition thereof.

Methodology adopted for calculation of Mineral Potential:

The mineral potential is calculated based on field investigation and geology of the catchment area of the river or streams. As per the site conditions and location, depth of minable mineral is defined. The area for removal of the mineral in a river or stream can be decided depending on geo-morphology and other factors, it can be 50 % to 60 % of the area of a particular river or stream. For Example, in some hill States mineral constituents like boulders, river born Bajri, sand up to a depth of one meter are considered as resource mineral. Other constituents like clay and silt are excluded as waste while calculating the mineral potential of particular river or stream.

The District Survey Report shall be prepared in the district and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on the district's website for twenty-one days. The comments received shall be considered and if found correct, shall be incorporated in the final Report to be finalised within six months by the District Environment Impact Assessment Authority.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years.

II. PROCEDURE FOR PREPARATION OF DISTRICT SURVEY REPORT OF MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

The District Survey Report shall be prepared for each minor mineral in the district separately and its draft shall be placed in the public domain by keeping its copy in Collectorate and posting it on district's website for twenty-one days. The comments received shall be considered and if found fit, shall be incorporated in the final Report to be finalised within six months by the DEIAA.

The District Survey Report for minor minerals other than sand mining or River bed mining shall be as per structure mentioned below: -

FORMAT FOR PREPARATION OF DISTRICT SURVEY REPORT FOR MINOR MINERALS OTHER THAN SAND MINING OR RIVER BED MINING

- (1) Introduction;
- (2) overview of Mining Activity in the District;
- (3) general Profile of the District;
- (4) geology of the District;
- (5) drainage of Irrigation pattern;
- (6) land Utilisation Pattern in the District: Forest, Agricultural, Horticultural, Mining etc.;
- (7) surface Water and Ground Water scenario of the district;

- (8) rainfall of the district and climatic condition;
- (9) details of the mining leases in the District as per the following format: -

Sl. No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Lessee	Mining lease Grant Order No. & date	Area of Mining lease (ha)	Period of Mining lease (Initial)		Period of Mining lease (1 st /2 nd ...renewal)	
						From	To	Form	To
1	2	3	4	5	6	7	8	9	10

Date of commencement of Mining Operation	Status (Working/Non-Working/Temp. Working for dispatch etc.)	Captive/ Non-Captive	Obtained Environmental Clearance (Yes/No), If Yes Letter No with date of grant of EC.	Location of the Mining lease (Latitude & Longitude)	Method of Mining (Opencast/Underground)
11	12	13	14	15	16

- (10) details of Royalty or Revenue received in last three years;
- (11) details of Production of Minor Mineral in last three years;
- (12) mineral Map of the District;
- (13) list of Letter of Intent (LOI) Holders in the District along with its validity as per the following format :-
- (14) total Mineral Reserve available in the District;

Sl. No.	Name of the Mineral	Name of the Lessee	Address & Contact No. of Letter of Intent Holder	Letter of Intent Grant Order No. & date	Area of Mining lease to be allotted	Validity of LoI	Use (Captive/ Non-Captive)	Location of the Mining lease (Latitude & Longitude)
1	2	3	4	5	6	7	8	9

- (15) quality /Grade of Mineral available in the District;
- (16) use of Mineral;
- (17) demand and Supply of the Mineral in the last three years;
- (18) mining leases marked on the map of the district;
- (19) details of the area of where there is a cluster of mining leases viz. number of mining leases, location (latitude and longitude);
- (20) details of Eco-Sensitive Area, if any, in the District;

- (21) impact on the Environment (Air, Water, Noise, Soil, Flora & Fauna, land use, agriculture, forest etc.) due to mining activity;
- (22) remedial Measures to mitigate the impact of mining on the Environment;
- (23) reclamation of Mined out area (best practice already implemented in the district, requirement as per rules and regulation, proposed reclamation plan);
- (24) risk Assessment & Disaster Management Plan;
- (25) details of the Occupational Health issues in the District. (Last five-year data of number of patients of Silicosis & Tuberculosis is also needs to be submitted);
- (26) plantation and Green Belt development in respect of leases already granted in the District;
- (27) any other information.

The District Environment Impact Assessment Authority (DEIAA) based on the nature and type of minor mineral in the District may include the additional parameters in the District Survey Report in consultation with the Department of Mines and Geology of the concerned State Government.

The District Survey Report shall form the basis for application for environmental clearance, preparation of reports and appraisal of projects. The Report shall be updated once every five years”;

[F.No. L-11011/26/2018-IA-II (M)]

GYANESH BHARTI, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended by :-

1. S.O. 1949 (E), dated the 13th November, 2006;
2. S.O. 1737 (E), dated the 11th October, 2007;
3. S.O. 3067 (E), dated the 1st December, 2009;
4. S.O. 695 (E), dated the 4th April, 2011;
5. S.O. 156 (E), dated the 25th January, 2012;
6. S.O. 2896 (E), dated the 13th December, 2012;
7. S.O. 674 (E), dated the 13th March, 2013;
8. S.O. 2204 (E), dated the 19th July 2013;
9. S.O. 2555 (E), dated the 21st August, 2013;
10. S.O. 2559 (E), dated the 22nd August, 2013;
11. S.O. 2731 (E), dated the 9th September, 2013;
12. S.O. 562 (E), dated the 26th February, 2014;
13. S.O. 637 (E), dated the 28th February, 2014;
14. S.O. 1599 (E), dated the 25th June, 2014;
15. S.O. 2601 (E), dated the 7th October, 2014;
16. S.O. 2600 (E), dated the 9th October, 2014;
17. S.O. 3252 (E), dated the 22nd December, 2014;
18. S.O. 382 (E), dated the 3rd February, 2015;
19. S.O. 811 (E), dated the 23rd March, 2015;
20. S.O. 996 (E), dated the 10th April, 2015;

21. S.O. 1142 (E), dated the 17th April, 2015;
22. S.O. 1141 (E), dated the 29th April, 2015;
23. S.O. 1834 (E), dated the 6th July, 2015;
24. S.O. 2571 (E), dated the 31st August, 2015;
25. S.O. 2572 (E), dated the 14th September, 2015;
26. S.O.141 (E), dated the 15th January, 2016;
27. S.O.648 (E), dated the 3rd March, 2016;
28. S.O. 2269 (E) dated the 1st July, 2016;
29. S.O. 2944 (E) dated the 14th September, 2016;
30. S.O. 3518 (E) dated the 23rd November 2016;
31. S.O. 3999 (E) dated the 9th December, 2016; and
32. S.O. 4241 (E) dated the 30th December, 2016.

RAKESH
SUKUL

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2018 SCC OnLine NGT 2388

In the National Green Tribunal[±]

(BEFORE ADARSH KUMAR GOEL, CHAIRPERSON AND JAWAD RAHIM, MEMBER (JUDICIAL), S.P. WANGDI, MEMBER (JUDICIAL) AND NAGIN NANDA, EXPERT MEMBER)

Satendra Pandey

Versus

Ministry of Environment, Forest & Climate Change and Another

With

Rajeev Suri

Versus

Union of India

With

Badal Singh

Versus

Union of India and Others

With

Nature Club of Rajasthan (NGO)

Versus

Union of India and Others

With

Naresh Zargar

Versus

Ministry of Environment & Forest and Another

With

Rajeev Suri

Versus

Union of India and Another

And

Vikrant Tongad

Versus

Union of India

Original Application No. 186/2016 (M.A. No. 350/2016), Original Application No. 200/2016, Original Application No. 200/2016, Original Application No. 580/2016 (M.A. No. 1182/2016), Original Application No. 102/2017, Original Application No. 404/2016 (M.A. No. 758/2016, M.A. No. 920/2016, M.A. No. 1122/2016, M.A. No. 12/2017 & M.A. No. 843/2017), Original Application No. 405/2016 and Original Application No. 520 of 2016 (M.A. No. 981/2016, M.A. No. 982/2016 & M.A. No. 384/2017)

Decided on September 13, 2018

Advocates who appeared in this case :

Applicant: Mr. Rahul Choudhary and Ms. Meera Gopal, Advs. in Original Application No. 388/2018

Respondents Mr. Divya Prakash Pande, Adv. for Ministry of Environment, Forest and

Climate Change

Dr. Abhishek Atrey, Adv. for Ministry of Environment, Forest and Climate Change

Mr. Amit Tiwari, Adv. for State of Uttar Pradesh Mr. Ashok Kumar Sharma and Mr. Kshitij Mudgal, Advs.

Mr. V.K. Shukla, and Ms. Vijay Lakshmi, Advs. for State of MP, State Environment Impact Assessment Authority & Mining Corporation

Mr. Rahul Pratap, Adv. for Ministry of Environment, Forest and Climate Change

Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal and Mr. Vikramjeet Singh, Advs. for State of Rajasthan

ORDERS OF THE TRIBUNAL

1. By this application, the applicant has sought to assail Notifications dated 15.01.2016, 20.01.2016 and 01.07.2016 amending the EIA Notification dated 14.09.2006 on the ground that the procedure for obtaining Environmental Clearance in respect of mining of minor minerals for areas from 0 to 25 ha has been diluted by bringing it within B-2 category projects and exempting such category from Public Consultation, Environment Impact Assessment (EIA) and Environment Management Plan (EMP) which was in contravention of the judgment of the Hon'ble Supreme Court in *Deepak Kumar v. State of Haryana*: (2012) 4 SCC 629 and also of this Tribunal in Original Application No. 123 of 2014 dated 13.01.2015.

2. The crux of the case of the applicant is that while in *Deepak Kumar case* (supra) it had been held that all mining leases in respect of its size would require to obtain Environmental Clearance and be subjected to strict regulatory framework as that of all major minerals, the impugned Notifications, more particularly 15.01.2016, exempts the necessity of having EIA and Public Consultation for areas upto 25 ha.

3. According to the applicant the impugned Notification dated 15.01.2016 provided exemption of the rigors of the necessity of EIA and EMP even for areas ranging from 5 to 25 ha when in the earlier Notifications it was necessary from 5 to 50 ha. It was contended that the Hon'ble Supreme Court had expressed its concern on dispensing with the necessity of obtaining Environmental Clearance and the other requirements cognate thereto for areas less than 5 ha in the case of *Deepak Kumar* (supra).

4. Further contention was that B-category as it stood originally, was broken to B-1 and B-2 categories by bringing areas of mining of minerals from 25 ha to 50 ha within B-1 category and 0 to 25 ha as B-2 category. For B-2 category, the authority prescribed for grant of Environmental Clearance is now the District Environment Impact Assessment Authority (DEIAA) which would base its decision on the recommendations of District Expert Appraisal Committee (DEAC).

5. Further contentions of the applicant in assailing the Notification dated 15.01.2016 are as follows:

a) Form-1M prescribed in the impugned Notification dated 15.01.2016, required to be submitted for mining of minor minerals upto 5 ha under Category B-2 projects provided in Appendix-VII, is generic seeking only basic details pertaining to the lease holder and the mine with perfunctory information on the environmental effect of the project which was in contrast to Form-1 which is required to be filled up for all other categories which is comprehensive seeking detailed information on environmental implications of the project.

b) B-2 projects of 0 - 5 ha under individual and cluster category are exempted from requirements of preparing an Environment Impact Assessment Report (EIA) and Environment Management Plan (EMP) and those greater than 5 ha and less than or equal to 25 ha are exempted from preparing Environment Impact Assessment Report (EIA) both with respect to individual Mine Lease and cluster situation. No such exemption has been provided in para 7(i) of the EIA Notification, 2006

under Stage (2) - Scoping which stipulates such requirement, but it has been done away with now at Appendix-XI of Notification dated 15.01.2016.

- c) EIA/EMP is an integral and most critical component of Environmental Clearance as it is only through the EIA that the potential impacts and risks of a project can be assessed and mitigation measures formulated and adopted in the EMP. By exempting EIA/EMP, critical enviro environmental aspects like anticipated environmental impacts, mitigation measures and additional studies involving public consultation, risk assessment, social impact assessment and rehabilitation and resettlement action plans, stand exempted. These requirements provided under Appendix-III, defeats the very purpose of the Notification and the Environment (Protection) Act, 1986.
- d) The District Level Environment Impact Assessment Authority (DEIAA) and District Level Expert Appraisal Committee (DEAC) comprises mostly of officers/bureaucrats who have no expertise and scientific knowledge to assess environmental implications, and have been conferred with excessive and uncanalized power devoid of any guidelines. Even the power to appoint the Expert Members vested upon the authorities in the DEIAA and DEAC are unguided whereas there is an extensive elaborations with regard to qualifications, skill sets and competencies for the members of SEAC and SEIAA.

6. Based, *inter-alia*, upon the aforesaid grounds, the applicant seeks a direction for quashing the impugned Notifications.

7. Mr. Divya Prakash Pande, Ld. Counsel for MoEF & CC in his arguments, at the outset, raised objection as to the maintainability of the application on the ground of jurisdiction of the Tribunal to grant relief for quashing the impugned notifications. It is contended that the decision of this Court in the case of *S.P. Muthuraman v. Union of India*, in O.A. No. 676 of 2017 (Earlier O.A. No. 37/2015) whereby the Tribunal has held that it had the jurisdiction to pass such orders has since been challenged before the Hon'ble Supreme Court in Civil Appeal No. 7191-7192 of 2015 and is yet to be decided and, by implication of the orders passed by the Hon'ble Supreme Court, operation of the impugned judgement stands stayed.

8. On the merits of the application, it is submitted that Notification dated 15th January, 2016 which is sought to be assailed, had been passed by the MoEF & CC in exercise of its 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. The notification was issued after due deliberations with various stakeholders and the State Governments over the draft notification in respect thereof issued on 22nd September, 2015 and, after a committee constituted vide letter dated 3rd December, 2015 to examine the comments/suggestions submitted by them, had submitted its report. The impugned Notification provides for DIEAA/DEAC in the districts which also includes appointment of Officers/bureaucrats as experts in the two bodies. The impugned Notification is further justified by the Learned Counsel contending that as the Executive Engineer, Irrigation Department has been made part of the DEAC as he deals with the rivers and canals in the district and, therefore, has the best information and knowledge about sand and gravel deposits in the districts. The Forest Department officials are also part of these committees who have the ability to do value addition in forest areas or areas adjoining the forest having deposits of minor minerals.

9. Upon consideration of the fact and circumstances set out in the original application and upon hearing the Ld. Counsel for parties, we find that the impugned Notification dated 15th January, 2016 is not consistent with the decision of the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra). We find substance in the submissions of the Ld. Counsel for the applicant that while breaking category B of the

mines to B-1 & B-2 may not *per se* be bad, it certainly dilutes the stringent requirement of lease areas upto 25 ha being exempted from the necessity of submitting EIA and EMP for grant of Environmental Clearance. It is undisputed that the impugned Notification is issued with the object to comply with the directions passed in the case of *Deepak Kumar* (supra). This case had arisen as the EIA Notification dated 14th September, 2006 was being flouted by breaking homogenous areas into pieces of less than 5 ha in the States of Uttar Pradesh, Rajasthan and Haryana, as the notification then did not require Environmental Clearance for areas less than 5 ha. The Hon'ble Supreme Court after noting the serious deleterious effect of quarrying, mining and removal of sand in-stream and up-stream of rivers to the environment, in paragraphs 9 and 10 (of SCC), held as follows:

"9. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both in-stream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.

10. We are expressing our deep concern since we are faced with a situation where the auction notices dated 3-6-2011 and 8-8-2011 have permitted quarrying mining and removal of sand from in-stream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and perennial rivers and river beds and sand extraction may have an adverse effect on biodiversity as well. Further it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. The rivers mentioned in the auction notices are on the foothills of the fragile Shivalik hills. Shivalik hills are the source of rivers like Ghaggar, Tangri, Markanda etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, river Yamuna.

11. We find that it is without conducting any study on the possible environmental impact on/in the river beds and elsewhere the auction notices have been issued. We are of the considered view that when we are faced with a situation where extraction of alluvial material within or near a riverbed has an impact on the rivers physical habitat characteristics, like river stability, flood risk, environmental degradation, loss of habitat, decline in biodiversity, it is not an answer to say that the extraction is in blocks of less than 5 hectares, separated by 1 km, because their collective impact may be significant, hence the necessity of a proper environmental assessment plan."

10. The Hon'ble Supreme Court also took note of the fact that the MoEF & CC had constituted a Core Group under the Chairmanship of the Secretary (Environment & Forest) to look into the environment aspects associated with mining of the minor minerals *vide* order dated 24th March, 2009 with specific terms and conditions. The Core Group after consideration of various issues including cluster of mine approach for addressing and implementing EMP in case of small mines. submitted a report on 29th

January, 2010 with the recommendation to permit mining of minor minerals under strict regulatory regime and carried out only under an approved framework of mining plan which should provide for reclamation and rehabilitation of mine areas. For smaller mine lease areas a cluster approach was recommended. It was directed that the States should adopt the recommendations and the model guidelines framed by the Ministry of Mines, namely the Model Rules, 2010.

11. In pursuance of the directions, the impugned Notification dated 15th January, 2016 was ultimately issued. The MoEF & CC Notification dated 14th December, 2006 as it stood earlier prescribed for two categories of projects and activities as Category A and Category B based on the spatial extent of potential impacts, potential impacts on human health and natural and man-made resources. Stage (1)-Screening that provides for Category 'B' projects or activities, entail scrutiny of an application seeking prior Environment 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 EIA for appraisal prior to grant of Environment Clearance depending upon the nature and location specificity of the project. It further provides that the project requiring EIA report would be termed as Category 'B-1' and remaining projects as Category 'B-2' that would not require EIA report. Discretion to make such categorization was left upon the MoEF & CC and to issue appropriate guidelines from time to time. This provision was a subject matter of challenge in the case of *Himmat Singh Shekhawat v. State of Rajasthan*, 2015 ALL (I) NGT Reporter (1) DEL 44 by which it was upheld as having been issued by the Ministry as a Subordinate Legislation. However, the office memorandums dated 24th June, 2013 and 24th December, 2013 prohibiting grant of Environment Clearance to the mine areas of less than 5 ha was quashed as being in conflict with the aforesaid provision.

12. The only contention that require for us to consider in this case is as to whether the Notification dated 15th January, 2016 would satisfy the spirit of the directions issued in the case of *Deepak Kumar* (supra). As already noted, EIA Notification dated 14th September, 2006 under the Schedule provided thereto require all mining lease area of equal to and up to 50 ha to seek Environment Clearance requiring to submit EIA for appraisal from the SEIAA.

13. The impugned Notification dated 15th January, 2016, however, would clearly indicate that Category B has been split into category B1 and B2 and again, category B2 has been further split into areas of 0-5 ha and 5-25 ha. While 0-5 ha has been exempted from the requirement of EIA/Public Consultation, such exemption has also been provided even for mining areas of 5 ha to 25 ha with the DEAC and the DEIAA as the prescribed authority for evaluation and grant of Environmental Clearance. Category B-1 being mining areas of 25 ha to 50 ha, the authorities prescribed are the SEAC and SEIAA. For falling in excess of 50 ha being Category-A, it is the EAC and the MoEF & CC.

14. The procedure for grant of the Environment Clearance by the DEIAA for areas between 0 to 5 ha falling under Category 'B-2' is found prescribed in paragraphs 6, 7 (iii)(a) and 7(iii)(b) of the impugned Notification read with appendices VIII, X and XI. The Schematic Presentation of Requirement of Environment Clearance of Minor Minerals including cluster situation provided in a table to Appendix XI would substantiate indubitably that even for areas between 5 to 25 ha, no EIA and Public Hearing is required and in cluster situation also, the requirement of EIA and Public Hearing have been exempted.

15. Introduction of such procedure, in our view, is clearly not consistent with the directions contained in the case of *Deepak Kumar* (supra) and the spirit behind such direction. By the provision, mining area upto from 5 ha to 25 ha has been completely exempted from the EIA and Public Consultation. For areas of 5 ha and below, apart

from the exemption, it has been made only subject to a separate procedure of preparing a District Survey Report (DSR). These provisions quite apparently are more mine-centric rather than striving a balance between mining and environment especially with regard to Form-1M which needs to be made more elaborate incorporating environment related aspects.

16. The Sustainable Sand Mining Management Guidelines, 2016 prepared by the MoEF & CC has also deprecated the procedure as will appear from below which is contained in the chapter on "The Issues and Management of Mining in Cluster":—

"It is seen that the categorization of mines into 'B1' and 'B2' category in which Category 'B2' leases are being exempted from the requirement of Environment Impact Assessment, Environment Management Plan, and Public Consultation for grant of EC, in many cases now the mining leases are being given for 25 hectares or less. This defeats the purpose and intent of Hon'ble Supreme Court Judgment which orders environment clearance for all mining leases irrespective of size. The environment clearance without Environment Impact Assessment, Environment Management Plan, and Public Consultation does not serve the purpose of environment clearance which is to ensure environmentally sustainable and socially responsible mining. So if a cluster or individual lease size exceeds 5 hectare, the EIA/EMP should be completed in the process of grant of prior environment clearance."

17. Thus, even according to the Sustainable Sand Mining Management Policy issued by the MoEF & CC by dispensing with Public Hearing, the judgment of the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra) will stand defeated.

18. We also find that parameters for consideration while preparing District Mining Plan (DMP) and District Survey Report (DSR) are only for the purpose of ascertaining whether an area is fit for mining which are quite different from the parameters laid down for EIA. The consideration of the view point of the public by keeping DSR in public domain is not a substitute of Public Hearing for consideration of the view point of the public for EIA.

19. With specific reference to mining in cluster, the Report of the Committee of Secretaries, Ministry of Environment, Forest and Climate Change, 2010 recommended as follows:

"Considering the nature of occurrence of minor mineral, economic condition of the lessee and the likely difficulties to be faced by Regulatory Authorities in monitoring the environmental impacts and implementation of necessary mitigation measures, it may be desirable to adopt cluster approach in case of smaller mine leases being operated presently."

20. This report which is a part of the Sustainable Sand Mining Management Guidelines, 2016 finds reinforcement in the Chapter "The Issues and Management of Mining in Cluster" referred to earlier where it has inter-alia been recommended as under:

"The Hon'ble Supreme Court, NGT, SEAC/EAC and the Project Proponents have raised issue of cluster in mine lease allotment and environment clearance for the same, so following conditions need to be ensured for cluster of mines:

- 1. To address the concern of adverse impact of minor mineral mining on environment it is proposed that all mining activity including river sand mining (above 5 hectare individual or cluster) will need to prepare Environment Impact Assessment Report and Environment Management Plan before grant of environment clearance. These reports (EIA/EMP) can be prepared by the State or State nominated Agency/the Project Proponent (s).*
- 2. As can be seen from the data provided by the States most of the mining leases for minor minerals are of lease area less than 5 hectare. It is also*

- reported that in hill states getting a stretch in river with area more than 5 hectare is very uncommon. So the size of lease for minor minerals including river sand mining will be determined by the States as per their circumstances.*
3. *The EIA Notification, 2006 does not provide for cluster EC, it provides for issuance of EC to individual project proponents and the same has also been upheld in the judgment of Hon'ble Supreme Court in Vijay Bansal v. State of Haryana case. So EC will have to be applied for and issued to the individual project proponent.*
 4. *A cluster shall be formed when the distance between the peripheries of one lease is less than 500 meters from the periphery of other lease in a homogeneous mineral area.*
 5. *The mining of minor minerals is mostly in clusters. The Environment Impact Assessment or Environment Management Plan are required to be prepared for the entire cluster in order to capture all the possible externalities. These reports shall capture carrying capacity of the cluster, transportation and related issues, replenishment and recharge issues, geo-hydrological study of the cluster area. The Environment Impact Assessment or Environment Management Plan shall be prepared by the State or State nominated Agency or group of project proponents in the Cluster or the project proponent in the cluster.*
 6. *The individual lease holders in cluster can use the same Environment Impact Assessment or Environment Management Plan for application for environmental clearance. The cluster Environment Impact Assessment or Environment Management Plan shall be updated as per need keeping in view any significant change.*
 7. *There shall be one public consultation for entire cluster after which the final Environment Impact Assessment or Environment Management Plan report for the cluster shall be prepared.*
 8. *The details of cluster Environment Impact Assessment or Environment Management Plan shall be reflected in each environmental clearance in that cluster and District Expert Appraisal Committee (DEAC), SEAC, and EAC shall ensure that the mitigative measures emanating from the Environment Impact Assessment or Environment Management Plan study are fully reflected as environmental clearance conditions in the environmental clearance's of individual project proponents in that cluster.*
 9.
 10.
 11."

21. Dispensing with the requirement of Public Hearing which forms a part of the Public Consultation under Stage-III of the Environmental Clearance process under EIA Notification, 2006 for areas measuring 0 to 25 ha for individual mine areas and in cluster situation where public hearing has been provided, has resulted in gross dilution of EIA Notification dated 14th September, 2006. Such dilution would, in our view, result in its misuse by unscrupulous elements and the situation would revert back to the lawless state prevailing prior to the decision in the case of *Deepak Kumar* (supra). Stringent measures are, therefore, necessary if the rampant exploitation of the minor minerals is to be curbed. This apparently was also the view of the Hon'ble Supreme Court in the case of *Deepak Kumar* (supra).

22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of *Deepak Kumar* (supra) by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with

Category B-1 by SEAC/SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation 5 (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and time frame for replenishment after mining closure in an area; (vi) the MoEF & CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.

23. We have permitted retention of 0-5 ha as a category keeping in view that some States grant isolated single lease of 5 ha and less not falling in cluster situation for which stringent requirements in Form-1M will serve the purpose of providing safeguards for protection of the environment and sustainable mining of minor minerals. This is particularly true in smaller and mountainous States as will also appear from condition no. 2 under "The Issues and Management of Mining in Cluster" referred to earlier in para 20 of this order.

24. It is reiterated that any attempt to split the lease area for the purpose of avoiding the applicable regulatory regime shall be viewed seriously. This in our view will be in the interest of the environment as deliberated in detail in the case of *Deepak Kumar* (supra) and would also satisfy the Precautionary Principle and the Principle of Sustainable Development contemplated under Section 20 of the National Green Tribunal Act, 2010.

25. The MoEF & CC shall, therefore, take appropriate steps to revise the procedure laid down in the impugned Notification dated 15th January, 2016 in terms of the above directions and observations so that it is conformity with the letter and spirit of the directions passed by the Hon'ble Supreme Court in *Deepak Kumar* (supra).

The applications stand disposed of.

† Principal Bench at New Delhi

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2018 SCC OnLine NGT 419

In the National Green Tribunal[±]

(BEFORE ADARSH KUMAR GOEL, CHAIRPERSON, K. RAMAKRISHNAN, MEMBER (JUDICIAL) AND
NAGIN NANDA, MEMBER (EXPERT))

Vikrant Tongad ... Applicant(s);
Versus

Union of India ... Respondent(s).

Executive Application No. 55/2018 and Original Application No. 520/2016

Decided on December 11, 2018, [Date of Hearing: 11.12.2018]

Advocates who appeared in this case :

Mr. Rahul Choudhary, Advocate and Mr. Sany Antony, Advocate For Applicant(s)

ORDER

1. Grievance in this application is that there is non-compliance of the judgment of this Tribunal dated 13.09.2018 in Original Application No. 186/2016, *Satendra Pandey v. Ministry of Environment, Forest & Climate Change* The Hon'ble Supreme Court, vide judgment in *Deepak Kumar v. State of Haryana*: (2012) 4 SCC 629, required proper Environmental Clearance before grant of lease of minor minerals, including sand mining. Vide Notification dated 15.01.2016 issued by MoEF&CC, environmental clearance was to be given by the District Environment Impact Assessment Authority (DEIAA) which defeat the direction of the Hon'ble Supreme Court.

2. This Tribunal noted that the Notification dated 15.01.2016 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) was not consistent with the mandate in *Deepak Kumar* (supra).

3. The District Expert Appraisal Committee (DEAC) comprised officers having no expertise or scientific knowledge to assess environment implications. Permitting DEAC to make assessment was also not consistent with the Sustainable Sand Mining Management Guidelines, 2016. Accordingly, MoEF&CC was directed to take steps to revise the procedure laid down in the Notification dated 15.01.2016.

4. According to the applicant, the MoEF&CC failed to issue appropriate Notification. Moreover, the State of Uttar Pradesh vide the letter dated 25.10.2018 and State of Kerala vide the letter dated 29.10.2018 directed Environmental Clearance to be given in accordance with the Notification dated 15.01.2016 in violation of the judgment of this tribunal dated 13.09.2018 which in turn is to implement the direction of the Hon'ble Supreme Court in *Deepak Kumar* (supra).

5. Accordingly, we direct the MoEF&CC to comply with the order dated 13.09.2018 forthwith and furnish a report of compliance on or before 31.12.2018 failing which coercive measures may have to be taken. We also make it clear that till a fresh Notification is issued by the MoEF&CC, Notification dated 15.01.2016 will not be acted upon.

6. Since our attention has been drawn to letter dated 29.10.2018 issued by the State Environment Impact Assessment Authority, Kerala addressed to the District Environment Impact Assessment Authorities of various districts in Kerala that Notification dated 15.01.2016 having not being stayed, the same be followed. This interpretation is clearly contrary to the order of this Tribunal disapproving the Notification dated 15.01.2016 and requiring the same to be revised. The direction that 15.01.2016 should still be acted upon is clearly illegal and in violation of judgment of this Tribunal. The same will stand suspended till a fresh Notification is issued by the

MoEF&CC as directed hereinabove.

7. This direction will apply to all the State Environment Impact Assessment Authorities/State Governments.

8. List for further consideration along with the report of the MoEF&CC on 14.01.2019.

9. Copy of this order be sent to the MoEF&CC by e-mail.

10. The report may also be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.

† Principal Bench at New Delhi

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ITEM NO.15

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s).5072/2019

UNION OF INDIA

Petitioner(s)

VERSUS

RAJIV SURI

Respondent(s)

(WITH IA No.40984/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.40987/2019-STAY APPLICATION and IA No.40978/2019-CONDONATION OF DELAY IN FILING APPEAL)

Date : 08-04-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. A.N.S. Nadkarni, ASG
Dr. Abhishek Atrey, Adv.
Ms. Sushasini, Adv.
Mr. Santosh Kr., Adv.
Mr. Divya Prakash Pandey, Adv.
Ms. Sakshi Popli, Adv.
Mr. S.S. Rebelo, Adv.
Ms. Sandhiya Raghav, Adv.
Mr. Niraj Kumar, Adv.
Mr. Gurmeet Singh Makker, AOR

For Respondent(s) Mr. Nidhesh Gupta, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Natasha Dalmia, Adv.
Suchakshu Jain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Exemption from filing C/C of the impugned judgments

granted.

Delay condoned.

Issue notice.

Mr. Nidhesh Gupta, learned senior counsel, appearing with Mr. Vanshdeep Dalmia, learned counsel accepts notice.

Counter affidavit be filed within four weeks.

Rejoinder affidavit, if any, be filed within two weeks thereafter.

List thereafter.

(SANJAY KUMAR-I)
AR-CUM-PS

(SUNIL KUMAR RAJVANSHI)
COURT MASTER

ITEM NO.71

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. No. 13951 of 2020 in Civil Appeal No(s).3799-3800/2019

UNION OF INDIA

Appellant(s)

VERSUS

RAJIV SURI

Respondent(s)

(Application for direction)

Date : 31-01-2020 This application was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Dr. Abhishek Atrey, Adv.
Ms. Suhasini, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Dharam Vir Singh, Adv.
Mr. Divya Prakash Pande, Adv.
Mr. S.S. Rebello, Adv.
Ms. Sakshi Popli, Adv.
Ms. Arzu Paul, Adv.
Mr. Neeleshwar Pavani, Adv.
Ms. Riya Soni, Adv.

For Respondent(s)

Mr. Vanshdeep Dalmia, AOR
Suchakshu Jain, Adv.

Mr. Ankur S. Kulkarni, Adv.
Mr. Nirnimesh Dube, Adv.
Mr. Susheel Joseph Cyriac, Adv.
Ms. Richa Bharadwaja, Adv.
for M/S. Lex Regis Law Offices

Mr. V. Chitambaresh, Sr. Adv.
Ms. Usha Nandini. V, AOR
Mr. Biju P. Raman, Adv.

Ms. Anitha Shenoy, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Mr. Sany Anthony, Adv.
Ms. Sanjana Grace Thomas, Adv.
Mr. Anmol Gupta, Adv.

Mr. Anand Varma, Adv.
Mr. Abhishek Prasad, Adv.

Mr. Shwetank Singh, Adv.
Mr. Dhairya Madan, Adv.
Ms. Akansha Dixit, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals filed by the Union of India are likely to be listed for further hearing before this Court on 7 February 2020.

Having regard to the fact that notice was issued on 8 April 2019 and the appeals are likely to be heard shortly hereafter, we are of the view that it would not be expedient in the interest of justice to pursue coercive action against the officials of the Ministry of Environment, Forest and Climate Change¹, at this stage. Hence, we request the National Green Tribunal to adjourn the proceedings in execution as against the officials of MoEF&CC until the appeals by the Union of India are taken up by this Court.

IA No 13951 of 2020 is accordingly disposed of.

Pending applications for impleadment be also listed with the appeals on the next date of hearing.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

1 "MoEF&CC"

**BEFORE THE NATIONAL GREEN
TRIBUNALSOUTHERN ZONE
BENCH AT CHENNAI**

Appeal No. 49 / 2022

K. Rukmangada Reddy & 2 others.
... Appellants

Vs.

Union of India and others
... Respondents

**TYPED SET FILED BY THE 7TH
RESPONDENT**

M/s. T. SAI KRISHNAN
COUNSEL FOR 7TH RESPONDENT