

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 330 OF 2022

IN THE MATTER OF:

Ganesh Chand Sharma.

.....Applicant

Versus

State of Uttarakhand & Ors.

... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENTS (STATE OF
UTTARAKHAND) IN COMPLIANCE OF DIRECTIONS PASSED BY THE
HON'BLE NATIONAL GREEN TRIBUNAL VIDE ITS ORDER DATED
19.10.2022.

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Filed by:

Rahul Verma

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand /
Respondent Nos. 1 to 4

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 330 OF 2022

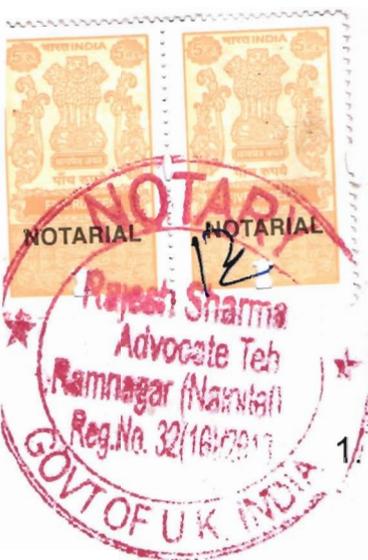
IN THE MATTER OF:

Ganesh Chand Sharma.Applicant

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State of Uttarakhand & Ors. ... Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENTS
(STATE OF UTTARAKHAND) IN COMPLIANCE OF DIRECTIONS
PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL VIDE
ITS ORDER DATED 19.10.2022.**

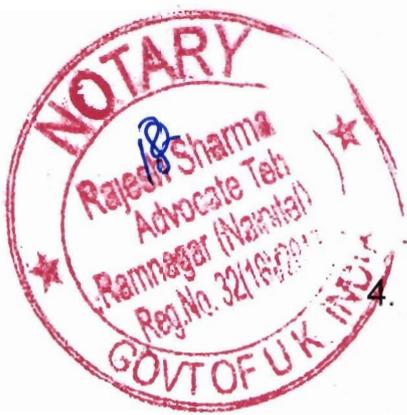


I, Onkar Pandey S/o Shri Suresh Chandra Pandey aged about 32 years, presently posted as Executive Engineer, Provincial Division PWD Ranikhet Govt. of Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent to file present Report by way of Affidavit on behalf of State of Uttarakhand.
2. That the abovementioned matter had been filed by the applicant seeking inter alia the relief of issuance of directions to the respondents not to construct Taradi-Dhabra Shashikhal Motar Road above the Naula of Village Malla Dhadhariya, District

Almora, Uttarakhand and to adopt alternate route to protect it from damage.

3. That the applicant also claimed that Naula in question is the only natural water resource more than 100 years old which serves the inhabitants of village Malla Dhadhariya and Soli besides Students and Teachers of the School situated nearby. The above said Naula is in danger of being completely destroyed by construction of the above said road.



4. That the matter was listed before this Hon'ble Tribunal on 11.05.2022, this Hon'ble Tribunal vide its order dated 11.5.2022 was pleased to pass the directions to Respondent-State of Uttarakhand, the operative portion of the same is as follows:-

“

4. In view of the grievances raised in the letter petition, the factual position also needs to be verified and remedial action is required to be taken on the basis thereof. We accordingly constitute Joint Committee of State PCB, Executive Engineer, PWD Department and District Magistrate, Almora and direct the same to verify the factual position, look into the grievances of the applicant and in particular consider the alternative suggested by the applicant in para 5.10 of the

[Handwritten signature]

application for saving the Naula from destruction in consultation with some local expert in the field of Himalayan Geo-hydrology, if so required. State PCB will be the nodal agency for co-ordination and compliance. Report may be furnished on or before 26.05.2022 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

5. The applicant is directed to take requisite steps for service of notices on the respondents and file his affidavit regarding the same by email at judicial-ngt@gov.in within seven days.

List the matter for further consideration on 27.05.2022.

A copy of this order, along with a copy of the complaint, be forwarded to the State PCB, Executive Engineer, PWD Department and District Magistrate, Almora by e-mail for compliance."

5. That in compliance of the abovesaid order dated 11.05.2022 a Joint Committee consisting of the concerned officials had already conducted a joint inspection and submitted its report dated 21.5.2022 as already informed to this Hon'ble Tribunal at the time of hearing, on 10.8.2022, while stating that the total length of proposed motor road is 21 Km. out of which 2.225 Km. motor road is under construction.

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6. That in compliance of the order dated 10.08.2022 an additional affidavit was filed and thereafter, the matter was listed on 19.10.2022, after hearing, this Hon'ble Tribunal was pleased to pass the following order:-

“

.....”



5. *Vide order dated 10.08.2022, respondents no 1 to 4 were allowed to file additional affidavit and personal appearance of DFO and District Magistrate, Almora was ordered.*

6. *In compliance thereof, Additional Affidavit on behalf of State of Uttarakhand has been filed through email dated 27.08.2022. Ms. Vandana Singh, District Magistrate and Mr. Mahatim Yadav, DFO, Almora are present before this Tribunal through VC and we have interacted with them.*

7. *In the additional Affidavit filed on behalf of State of Uttarakhand, it has been mentioned that decision would be taken after public hearing.*

8. *In the facts and circumstances of the case, the question as to whether the project in question requires Environmental Clearance (EC) in view of EIA Notification, 2006 also needs to be considered by the concerned authorities.*

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9. Learned Additional Advocate General for respondents no. 1 to 4 seeks time to file additional affidavit.

10. Additional Affidavit on behalf of the respondents no. 1 to 4 may be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

11. List for further consideration on 15.02.2023.”

A true copy of the order dated 19.10.2022 is annexed hereto and marked as ANNEXURE R-1.

7. It is respectfully submitted that directions passed by this Hon'ble Tribunal with regard to public hearing, the said public hearing is conducting and the villagers has given their consent vide consent letter dated 27.01.2023, in favour of construction of road in question, in presence of Assistant Engineer, Junior Engineer of the concerned Division, Public Works Department and Tehsildar, Salt Khumad, District Almora, Uttarakhand (Copy of the same is annexed hereto and marked as ANNEXURE R-2) and accordingly the proposal for amended alignment is being prepared.



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8. That in compliance of the directions - "8. *In the facts and circumstances of the case, the question as to whether the project in question requires Environmental Clearance (EC) in view of EIA Notification, 2006 also needs to be considered by the concerned authorities.*" - It is respectfully submitted that in continuation of Environmental Impact Assessment Guidance Manual for Highway of the Ministry of Environment & Climate Changes, Government of India:



According to Chapter -1:

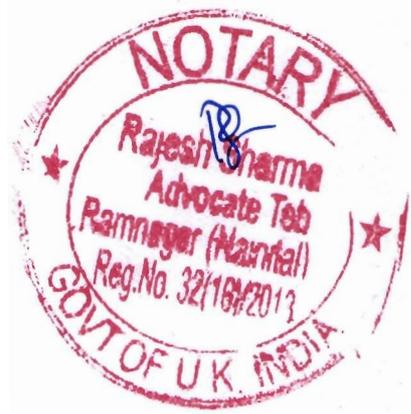
"The Ministry of Environment & Forest has made prior environmental clearance (EC for certain developmental projects mandatory through its notification issued on 11th September 2006 and as amended on 1st December, 2009.

According to Chapter-1.2

"As per the EIA notification dated 14th September, 2006 and its amendment dated 1st December, 2009, highway projects are decided into two categories as mentioned below:-

2

Project Activity	A Category	B Category	General Condition
Highways (includes express ways)	New National Highway & Expansion of National Highway greater than 30 km. involving additional right of way greater than 20 m involving land acquisition and passing through more than one state	All State highway projects State highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas	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: <ul style="list-style-type: none"> (i) Projected areas notified under the wildlife (Protection) Act, 1972 (ii) Critically polluted areas as identified by the Central Pollution Board from time to time (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Matheran, Pachmarhi, Dahanu, Doon



			<p>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 UTs sharing the common boundary in the case the activity does not fall within 10 kilometers of the areas mentioned at item (i), (ii), and (iii) above.</p>
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9. It is respectfully submitted that there is no need of Environment Clearance for the construction work of road in question (i.e. Taradi Shashikhal Motorable Road of Salt Tehsil of District Almora, Uttarakhand) as the same is not covered under the general conditions of EIA Notification 2006 dated 14.9.2006 (as amended on 1.12.2009) issued by Ministry of Environment, Forest & Climate Changes, Government of India for obtaining environment clearance, being outside the purview of criteria. True photocopy of Environmental Impact Assessment Guidance Manual for Highways is annexed hereto and marked as ANNEXURE R-3.



10. That the present Additional Affidavit in compliance of directions passed by this Hon'ble Tribunal is being filed on behalf of State of Uttarakhand for kind perusal of this Hon'ble Tribunal.

11. In view of the facts and circumstances as explained hereinabove sincere efforts are taken by the State of Uttarakhand in compliance of the directions passed by this Hon'ble Tribunal, the same may kindly be accepted by this

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Hon'ble Tribunal and the deponent hereby undertakes to comply with every direction passed by this Hon'ble Tribunal.



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DEPONENT

VERIFICATION

I, the deponent above named do hereby verify and say that the contents of my above Additional Affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified by me at _____, Uttarakhand on this _____ day of February, 2023.

✓

DEPONENT

Filed through:

Rahul Verma

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
/Respondents

137, Tower No.10, Supreme Enclave,
Mayur Vihar Phase-I,
Delhi-110091

Mobile No. 9717706032

Email- advrahulverma9999@gmail.com

Certified that Smt. Onkar Pandey
The Deponent Identified by...
Sworn & verified the Contents of
this affidavit at Ramnagar
On Date 11/2/2023 at 2:00 PM

Rajesh Sharma
Rajesh Sharma
Notary Advocate

Teh Ramnagar Nainital (U.K.)
Reg. No. 32(10)7001

✓



Item No.02

(Court No. 2)

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ANNEXURE R-1



**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No.330/2022

Ramesh Chand Sharma

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

Date of hearing: 19.10.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

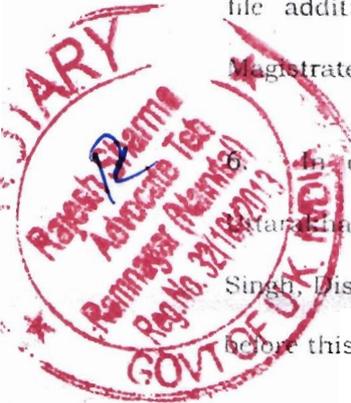
Respondents: Mr. Rahul Verma, Additional Advocate General, for Respondents no. 1 to 4 alongwith Ms. Vandana Singh, District Magistrate and Mr. Mahatim Yadav, DFO, Almora.
Mr. Pushp Gupta and Sandeep Mishra Advocate for Respondent no. 5.
Mr. Mukesh Verma, Advocate for UKPCB.

**Application under Section 18 (1) read with Section 14 and 15 of the
National Green Tribunal Act 2010.**

ORDER

1. The applicant has filed present application under Section 18(1) read with Sections 14 & 15 of the National Green Tribunal Act, 2010 seeking inter alia the relief of issuance of directions to the respondents not to construct Taradi-Dhabra Shashikhal Motar Marg above the Naula of Village Malla Dhadhariya and to adopt alternate route to protect it from damage.

2. Vide order dated 11.05.2022, notices were ordered to be issued to the respondents and Joint Committee was constituted to submit a Factual and Action Taken Report.
3. In compliance there of Factual and Action Taken report was submitted by the Joint Committee vide email dated 02.06.2022.
4. Respondents no. 1 and 2 also filed Action Taken Report by way of Affidavit dated 08.08.2022.
5. Vide order dated 10.08.2022, respondents no 1 to 4 were allowed to file additional affidavit and personal appearance of DFO and District Magistrate, Almora was ordered.
6. In compliance thereof, Additional Affidavit on behalf of State of Uttarakhand has been filed through email dated 27.08.2022. Ms. Vandana Singh, District Magistrate and Mr. Mahatim Yadav, DFO, Almora are present before this Tribunal through VC and we have interacted with them.
7. In the additional Affidavit filed on behalf of State of Uttarakhand, it has been mentioned that decision would be taken after public hearing.
8. In the facts and circumstances of the case, the question as to whether the project in question requires Environmental Clearance (EC) in view of EIA Notification, 2006 also needs to be considered by the concerned authorities.
9. Learned Additional Advocate General for respondents no. 1 to 4 seeks time to file additional affidavit.
10. Additional Affidavit on behalf of the respondents no. 1 to 4 may be filed within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.



O.A No. 330/2022

Ganesh Chand Sharma Vs.
State of Uttarakhand & Ors.

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-3-

11. List for further consideration on 15.02.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 19, 2022
AG

✓
|| TRUE COPY ||



- 1) अन्नद सिद्धे ऽ/ इन्द्रसिद्धे
- 2) श्रीधरचन्द्र सिद्धे ऽ/ लक्ष्मणसिद्धे
- 3) मदन सिद्धे ऽ/ जीत सिद्धे
- 4) उत्तम सिद्धे ऽ/ गोविन्द सिद्धे
- 5) रुद्र सिद्धे ऽ/ गुसाई सिद्धे
- 6) फकीर सिद्धे ऽ/ कुटुम्ब सिद्धे
- 7) आत्म सिद्धे ऽ/ कमल सिद्धे
- 8) केवलय सिद्धे ऽ/ नन्दन सिद्धे
- 9) अश्वत्थ सिद्धे ऽ/ अन्न सिद्धे
- 10) अनुष्ठी देवी ऽ/ नैलम्ब सिद्धे
- 11) दीपा देवी ऽ/ प्रह्लाद सिद्धे
- 12) चन्द्रा देवी ऽ/ नन्दन सिद्धे
- 13) अक्षय सिद्धे ऽ/ सुभाषित सिद्धे



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अक्षय देवी

दीपा देवी

चन्द्रा देवी

अक्षय देवी



पंजी. UK0640882022009189

हरज्यु सेवा समिति ग्राम सोली इटरिया सल्ट (पंजी.)

ग्राम सोली इटरिया पो.ओ चम्पकना तहसील सल्ट जिला अल्मोड़ा उत्तराखण्ड -763676

PhonePe Google Pay 9917960709

Email id : -jaiharjyu2019@gmail.com

- आज दिनांक 22/01/2023 को ग्राम सभा सोली इटरिया की पवारी बैठक डॉक्टर विद्या लोनी गाजियाबाद में सम्पन्न हुई। जिसमें चम्पकना से सोली इटरिया के के लिए जोने वाली रोड पर विस्तृत चर्चा की गयी। जिसमें उनके खेतों का नुकसान हो रहा है। वे सदस्य भी व अन्य सदस्यों ने अपनी सहमति रोड पर अपनी सहमति दी। कि जहाँ पर अंतिम बिन्दु पर रोड कही है, उसी बिन्दु से पुरानी सर्वे प्लाट के जोकर आगे शिवालय के पेड़ से जहाँ उचित बेंड की जगह मिलती है, वहाँ से बेंड विशाग ले जा सकता है। जिसमें निम्न सदस्यों ने अपनी

सहमति दी

- | | | |
|------------------|----------------------|-------------|
| 1. सुरेंद्र सिंह | <i>Surendrasingh</i> | 9654452921 |
| 2. नरेश कुमार | <i>Narash Kumar</i> | 99711011777 |
| 3. 11/01/68 | <i>11/01/68</i> | 9990409293 |
| 4. ... | <i>...</i> | |



पंजी.UK0640882022009189

हरज्य सेवा समिति ग्राम सोली इंदरिया सल्ट (पंजी.)

ग्राम सोली इंदरिया पो.ओ फर्रुखा तहसील सल्ट जिला अल्मोड़ा उत्तराखण्ड -263676

PhonePe Google Pay 9917960709

Email Id : -jaiharjyu2019@gmail.com

01. काशीराम सिंह मंगल		9821262947
02. बिलोक सिंह मंगल		9953560064
03. पूरन शंभू शंकर		9990367595
04. आनंद सिंह		9555951582
05. महेन्द्र सिंह		9953584978
06. लखन सिंह		8521233167
07. हरपाल सिंह		921663162
08. जीवन सिंह		9911293474
09. रामपाल सिंह		9810889416
10. ललीत सिंह		9650787172
11. जीवन सिंह मंगल		9953700651
12. रवींद्र सिंह रावल		8521179436
13. आनंद सिंह		9214490799
14. लखन सिंह मंगल		9211211595
15. रामपाल सिंह रावल		9953525733
16. जीवन सिंह रावल		9873571252

आज दिनांक 27.01.2023 को ग्राम सभा- सोली डढरिया में माननीय न्यायालय, NGT में विचाराधीन वाद नौले के वक्ताव हेतु एक आम बैठक, लो0नि0वि0, राजस्व विभाग तथा ग्रामवासियों की उपस्थिति में आयोजित की गयी। बैठक में लो0नि0वि0 द्वारा दो वैकल्पिक समरेखण प्रस्तुत किये गये प्रथम समरेखण में मार्ग के चैनैज 0/39-40 में HP बैंड डालकर मार्ग नीचे ले जाने का सुझाव दिया गया, जिसमें समस्त ग्रामवासियों द्वारा आपत्ति करते हुए सहमति नहीं दी गयी द्वितीय वैकल्पिक समरेखण, जिसमें चैनैज 1/11-12 में HP बैंड डालकर मार्ग नीचे ले जाने का सुझाव दिया गया, जिसमें समस्त ग्रामवासियों द्वारा तथा मार्ग निर्माण से प्रभावित कारस्तकारों द्वारा अपनी भूमि वन में सहमति व्यक्त की गयी। द्वितीय समरेखण पर मार्ग निर्माण से नौले (जिसके सम्बन्ध में मा0 न्या0 NGT में वाद दायर है) को किसी प्रकार की कोई क्षति नहीं पहुँचेगी। द्वितीय समरेखण के अनुसार मार्ग नौले से लगभग 25 मीटर नीचे से गुजरेगा।

ग्रामवासी	ह0/- (मनोज कुमार) J.E. PWD.	ह0/- (सतनाम सिंह) A.E. PWD
1) दिगम्बर सिंह/So जगत सिंह	ह0/-	
2) पान सिंह S/o मंगल सिंह	ह0/-	
3) वग सिंह S/o मंगल सिंह	ह0/-	
4) सुरेन्द्र जमनाल S/o इन्द्र सिंह	ह0/-	ह0/- राजस्व उपनिरीक्षक, डंगूला(सल्ट)
5) भगवत सिंह S/o आन सिंह	ह0/-	ह0/- तहसीलदार सल्ट
6) दिवान सिंह S/o मुसाल सिंह	ह0/-	
7) हरीश सिंह S/o पान सिंह	ह0/-	
8) राजेन्द्र सिंह S/o चंदन सिंह	ह0/-	
9) कृपाल राम S/o पनी राम	ह0/-	ह0/- प्रधान
10) प्रकाश राम S/o जोगा राम	ह0/-	ग्राम पंचायत डढरिया पो0 चमकना, वि.ख. सल्ट(अल्मोडा)

11) आनन्द सिंह S/o इन्द्र सिंह	ह0/-
12) हरीश चन्द्र सिंह S/o लाल सिंह	ह0/-
13) मदन सिंह S/o जीत सिंह	ह0/-
14) ललाम सिंह S/o गोविन्द सिंह	ह0/-
15) इन्द्र सिंह S/o गुसाई सिंह	ह0/-
16) फकीर सिंह S/o कुन्दन सिंह	ह0/-
17) बालम सिंह S/o कमल सिंह	ह0/-
18) कौलाश सिंह S/o नन्दन सिंह	ह0/-
19) लखन सिंह S/o मदन सिंह	ह0/-
20) अमर देवा W/o प्रवान सिंह	ह0/-
21) दीपा देवी W/o प्रहलाद सिंह	ह0/-
22) चन्द्र देवी W/o नंदन सिंह	ह0/-
23) महेश राम S/o कृपाल राम	ह0/-

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पंजी. UK0640882022009189

हरज्यू सेवा समिति ग्राम सोली डढरिया सल्ट (पंजी.)

ग्राम सोली डढरिया पो.ओ धमसाना तहसील सल्ट जिला अल्मोड़ा उत्तराखण्ड.263676

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Email id :- jaiharjyu2019@gmail.com

आज दिनांक 22.01.2023 को ग्राम सभा सोली डढरिया की प्रवासी बैठक अंकुर विहार लोनी गाजियाबाद में सम्पन्न हुई। जिसमें चमकना से सोली डढरिया के लिए जाने वाली रोड पर विस्तृत चर्चा की गयी जिसमें जिनके खेतों को नुकसान हो रहा है। वे सदस्य भी व अन्य सदस्यों ने अपनी सहमति रोड पर अपनी सहमति दी कि जहां पर अंतिम बिन्दु पर रोड कटी है। उसी बिन्दु से पुरानी सर्वे पर ले जाकर आगे सिंगल के पेड से जहाँ उचित बैंड की जगह मिलती है। वहां से बैंड विभाग ले जा सकता है जिसमें निम्न सदस्यों ने अपनी सहमति दी।

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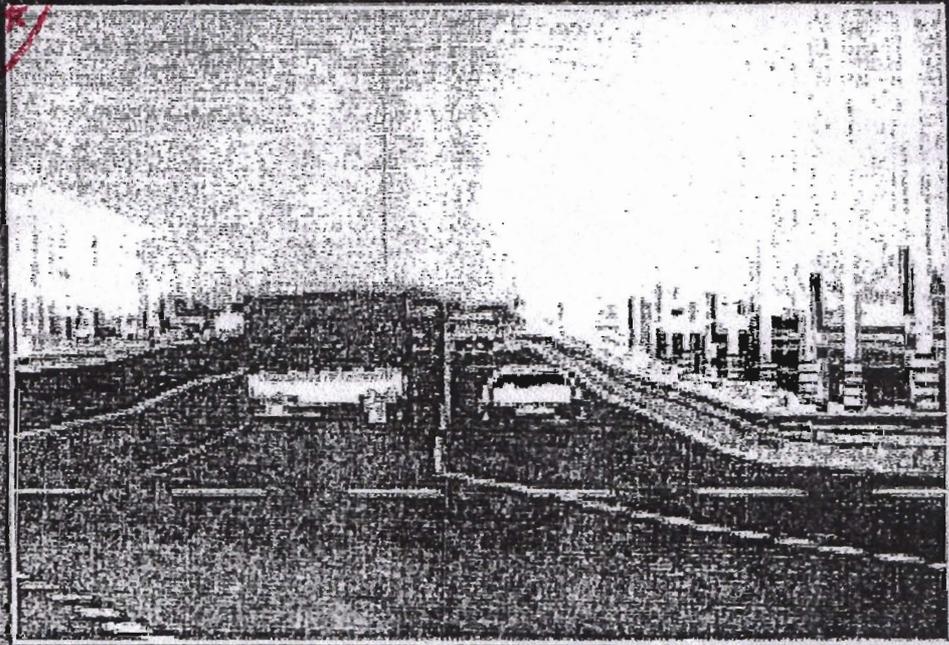
EIA GUIDANCE MANUAL - HIGHWAYS



अहो ह परिपाली ।
एहो ही खुशाली ॥

Ministry of Environment & Forests
GOVERNMENT OF INDIA, NEW DELHI

Environmental Impact Assessment Guidance Manual
for
HIGHWAYS





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Foreword

The EIA Notification 2006 not only reengineered the entire EC process specified under the EIA Notification 1994 but also highlighted the need to introduce specific sectors/categories under the sectors such as Industry and Infrastructure and also introduced new sectors such as Construction to be brought in the ambit of the EC process based on their extent of impacts on environment. The EIA Notification 2006 has notified 39 developmental sectors, which require prior environmental clearance. Based on the capacity, the Projects have been categorised into Category A or B which has been further categorised as B1 or B2. The Ministry of Environment and Forests (MOEF) has so far constituted 25 State level Environmental Impact Assessment Authorities (SEIAs) and State Expert Appraisal Committees (SEACs) to appraise B category projects.

The need for Sector specific manuals and guidelines for appraisal of projects under the EIA Notification 2006 has been felt for some time with a view to bringing clarity in the EC process consists of Screening, Scoping, Public Consultation and Appraisal for the purpose of granting and expediting environmental clearance. This need was further reinforced after the constitution of various SEIAs and SEACs in the various States, who were assigned this task for the first time. It was also felt that Manuals on each Sector would help in standardisation of the quality of appraisal and in reducing inconsistencies between SEACs/SEIAs in granting ECs for similar projects in different States.

The MOEF at the first instance decided to bring out EIA Sector Specific Manuals for 37 developmental projects and the preparation of EIA Manuals of ten of these Sectors was assigned to Administrative Staff College of India (ASCI), Hyderabad.

1. Mining
2. Mineral Beneficiation
3. Ports & Harbours
4. Airports
5. (A) Building Construction
5. (B) Townships
6. Asbestors
7. Highways
8. Coal Washery
9. Aerial Ropeways
10. Nuclear Power Plants, Nuclear Fuel Processing Plants and Nuclear Waste Management Plants

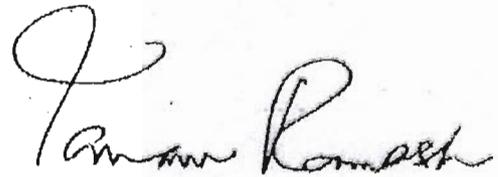
NOTARY
Rajesh Sharma
Advocate
Ramnagar (Naraital)
Reg.No. 32/19/2011
INDIA

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The Manual for the sectors contain Model TOR of that Sector, technological options and processes for a cleaner production and waste minimisation, wherever applicable, monitoring of environmental quality, related regulations, and procedure of obtaining EC if linked to other clearances for eg., CRZ, etc.

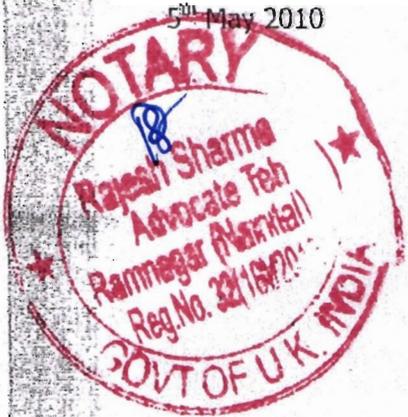
The draft Manuals were uploaded on the MOEF website and comments/responses received were considered and finalised. Since the environmental clearance process itself is a dynamic one dependent on developmental needs, technologies available and standards for cleaner environment for a sustainable development, these manuals would require regular updation in the future. I hope the Manuals in their present form are of use and we would appreciate receiving responses from various stakeholders for further improvements that could be taken up in the future.

I congratulate the entire team in the Administrative Staff College of India, Hyderabad, experts of the sectors who were involved in the preparation of the Manuals, members of the Core and Peer Committees of various sectors and various Resource persons whose inputs were indeed valuable in the preparation and finalisation of the Manuals.



(JAIRAM RAMESH)
MINISTER OF STATE FOR ENVIROMENT & FORESTS

5th May 2010



INTRODUCTION

1.0 Preamble

Environment plays a vital role in overall development of the country. Recognizing the importance of environmental protection and sustainable development, the Ministry of Environment and Forest (MoEF), Government of India had formulated policies and procedures governing the industrial and other developmental activities to prevent indiscriminate exploitation of natural resources and promote integration of environmental concern in developmental projects.

The Ministry of Environment & Forest has made prior environmental clearance (EC) for certain developmental projects mandatory through its notification issued on 14th September 2006 and as amended on 1st December 2009.

1.1 General Information on Highway Projects

Development of highway projects is generally intended to improve the economic and social welfare of the people. At the same time it may also create adverse impact on the surrounding environment. People and properties may be in the direct path of road works are affected. The environmental impact of highway projects include damage to sensitive eco-systems, soil erosion, changes to drainage pattern and thereby ground water, interference with wild life movement, loss of productive agricultural lands, resettlement of people, disruption of local economic activities, demographic changes and accelerated urbanization. Highway development and operation should, therefore, be planned with careful consideration of the environmental impact. To minimize these adverse effects that may be created by the highway development projects, the techniques of Environmental Impact Assessment (EIA) become necessary. Identification and assessment of potential environmental impact should be an integral part of the project cycle. It should commence early in the planning process to enable a full consideration of alternatives, and to avoid later delays and complications. Highway authorities should have a clearly designated staff member with overall responsibility for environmental matters and knowledge of environmental laws and regulations.

1.2 Environmental Clearance Process

As per the EIA notification of 14th September 2006 and its amendment dated 1st December 2009, highway projects are divided into two categories as mentioned below :

Project Activity	A Category	B Category	General Condition
Highways (Includes express ways)	New National Highways & Expansion of National Highways greater than 30 km, involving additional right of way greater	All-state highway projects State highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas	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

Guidance Manual – Highways

	<p>than 20m involving land acquisition and passing through more than one State</p>		<p>under the Wildlife (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, Mahabaleswar, Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley and (iv) inter-state boundaries and international boundaries</p> <p>Provided that the requirement regarding distance of 10km 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 the case the activity does not fall within 10 kilometers of the areas mentioned at item (i), (ii) and (iii) above</p>
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The environmental clearance process for all projects will comprise a maximum of four stages. These four stages in sequential order are:

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 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 upon 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 Environmental Impact Assessment report.

Stage (2)- Scoping

'Scoping' refers to the process by which the EAC in the case of Category 'A' projects or activities, and SEAC 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 TOR addressing all relevant environmental concerns for the preparation of an EIA report in respect of the project or activity for which prior environmental clearance is sought. The EAC or SEAC concerned shall determine the TOR on the basis of information furnished in the prescribed application Form 1 including TOR proposed by the applicant, a site visit by a sub-group of EAC or SEAC concerned only if considered necessary by the EAC or SEAC concerned and other information that may be available with the EAC or SEAC concerned.

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