

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 76 OF 2023**

IN THE MATTER OF:

**Wildlife Society of
Odisha**

...Applicant(s)

Versus

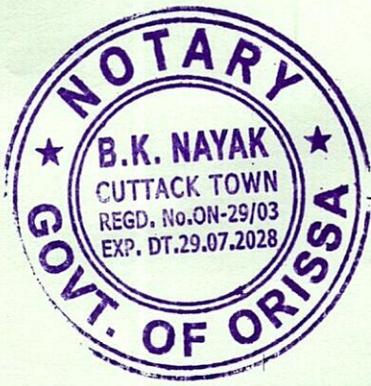
**State of Odisha &
Ors**

...Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7&8
(MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE).**

INDEX

S. No.	Particulars	Pg. No.
1.	Counter Affidavit on Behalf of the Ministry of Environment, Forest and Climate Change	1-6
2.	The copy of the letter dated 21.07.2023 is enclosed as Annexure- R7/1.	7
3.	The copy of the letter dated 10.08.2023 is enclosed as Annexure- R7/1C.	8-20
4.	Copy of guidelines dated 29.10.2021 annexed as Annexure R7/2.	21-32
5.	Copy of the EIA Notification, 2006 is annexed as Annexure-R7/3.	33-71



IN THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE,
KOLKATA BENCH

IN

ORIGINAL APPLICATION NO. 76 OF 2023

IN THE MATTER OF:

Wildlife Society of Orissa

...Applicants

Vs.

State of Odisha & Ors.

...Respondents

**Counter Affidavit On Behalf of Ministry of Environment, Forest and Climate
Change (Respondent No.7&8)**

IT IS MOST RESPECTFULLY SHOWETH:

I Smt. Padma Mahanti, d/o Shri Ambika Prasad Mahanti, aged about 46 years, working as Dy. Inspector General of Police (Central), at Regional Office, Bhubaneswar of the Ministry of Environment, Forest and Climate Change ('MoEFCC', for short), do hereby solemnly affirm and state as follows:

1. That I am holding the post of Dy. Inspector General of Police (Central) in the Ministry of Environment, Forest & Climate Change, Regional Office, Bhubaneswar. I have made myself acquainted with the facts and circumstances of this instant case and I have been duly authorized and empowered to make and swear this affidavit for and on behalf of the Ministry of Environment, Forest & Climate Change and I am competent to do so.

Mahanti
09/12/2023

B.K. NAYAK
NOTARY
CUTTACK TOWN
Regd. No.ON-29/03

Padma Mahanti

2. That, the deponent has been served with a copy of the said application in which the deponent have perused and understood the contents/ allegations/averments/statements and/ or tenor thereof made in the petition. At the outset, the deponent denies all averments, submissions; statements and allegations made therein except as may be specifically admitted herein after.

Statement of Facts

3. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, inter-alia , being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.
4. It is submitted that prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 (FC Act) is required for carrying out any non-forestry activity on forest land.
5. That as per record there is no proposal under consideration for diversion with the answering respondent. That the answering Respondent vide its letter dated 21.07.2023 requested the State Govt. to enquire into the

M. K. Nayak
09/12/2023
B.K. NAYAK
NOTARY
CUTTACK TOWN
Regd. No.ON-29/02

Paolina Mahanti

matter and to take appropriate action and submit a report to Regional Office of MoEF&CC based on complaint received from Biswajit Mohanty, Secretary, Wildlife Society of Orissa regarding "Permanent Construction by DFO Koraput in Deomali Hill, Koraput District in the garb of Eco-tourism in violation of Forest Conservation Act 1980".

The copy of the letter dated 21.07.2023 is enclosed as **Annexure- R7/1**.

6. That as per the information provided by the State Government the said project area which spreads over 5.93 Ha is not within the Deomali RF/ any notified forest blocks of Koraput Division. That it is an un-surveyed tract devoid of any tree growth. It is also informed that the Tahasildar, Pottangi reported that the land in question, the identified area of Nature Camp at Deomali, is un-surveyed land and hence, detailed land schedule is not available. Further, the said land also does not find a place in the DLC report of Koraput District and is coming under un-surveyed land. Similarly, the Collector & District Magistrate, Koraput vide letter No.2722 dt.26.5.2022 has also stated that as per report received from the Tahasildar, Pottangi, the proposed area of Deomali Hill is an un-surveyed area with no survey Khata and Plot. As per the concerned DFO also the land in question is not RF/ any notified forest blocks of Koraput Division. The copy of the letter dated 10.08.2023 is enclosed as **Annexure- R7/1C**.

Padma Mahanti

B.K. Nayak. 09/12/2023.
B.K. NAYAK
 NOTARY
 CUTTACK TOWN
 Regd. No.ON-29/03

7. That as per the State Government the site where the eco tourism project is going on at Deomali Hill top is not a forest land and as far as possible using of cement concrete has been avoided. The local communities have been involved with a view of enriching the local economy and partnership with all stakeholders for developing and promoting nature tourism has already been established. It is further submitted that the State of Odisha has not notified the said area as Biodiversity Heritage Site (BHS).

8. It is submitted that there are no indications of the area under consideration being located in a wildlife sanctuary, national park, tiger reserve or tiger corridor or an eco-sensitive zone (ESZ). The activities which are proposed to be carried out within sanctuary, National Park, Tiger Reserve or Tiger Corridor and those activities which require environment clearance and falling within finally notified ESZ or within 10 km from the boundary of the National Park or sanctuary when ESZ has not been finally notified require consideration by the National Board for Wild Life (NBWL)/Standing Committee of the National Board for Wild Life. The Ministry has also issued 'Guidelines for Sustainable Eco-tourism in Forest and Wild Life Areas- 2021' which may be referred.

Copy of guidelines dated 29.10.2021 **annexed as Annexure R7/2.**

Mbuan
09/12/2023

B.K. NAYAK
NOTARY
CUTTACK TOWN
Read. No.ON-29/03

Padma Mahanti

9. That the answering respondent has issued an Environmental Impact Assessment (EIA) Notification number S.O. 1533 E dated 14th September, 2006. The EIA Notification, 2006 as amended regulates developmental projects in respect of construction of new projects/activities/expansion or modernization of existing projects in different parts of the country for grant of prior Environmental Clearance under sub section (3) of section 3 of the said Act, in accordance with the procedure specified in the notification. Copy of the EIA Notification, 2006 is annexed as **Annexure-R7/3**.
10. That, as per the provisions of the EIA Notification, 2006, Environment Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006 and requires appraisal by the State Level Expert Appraisal Committees (SEACs) and approved by the State Level Environment Impact Assessment Authorities (SEIAAs).
11. It is further submitted that if the built-up area of the project is more than 20000 sq. mtrs and less than 150000 sq. mtrs, it would require EC under Building and Construction projects. And, if the project is covering an area > 50 ha. and or built-up area >150000 sq. mtrs, it would require EC under Townships and Area Development projects.

M. K. Nayak
09/12/2013

B.K. NAYAK
NOTARY
CUTTACK TOWN
Regd. No. ON-29/03

Padma Mahanti

12. That the submissions made in the preceding Paras may be read as part of reply to the grounds and the same are not repeated for the sake of brevity.
13. The answering Respondent craves liberty to file additional information, if any, till pendente lite.
14. It is respectfully submitted that this answering Ministry without prejudice reserves its right to file additional information till pendent-lite, if so required.
15. It is respectfully submitted that in view of the above mentioned facts, the replying Respondents humbly pray that the Hon'ble Tribunal may be pleased to pass such order as deemed fit in the interest of the Justice.

Padma Mahanti

DEPONENT

उप जन महानिरीक्षक (के)/ Dy. Inspector General of Forest (Central)
भारत सरकार/ Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय/ Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय/ Integrated Regional Office
भुवनेश्वर/ Bhubaneswar

VERIFICATION:-

I, the above named Deponent, do hereby verify that the contents of the above counter affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from. Verified at Bhubaneswar on this

December.
09th day of 2023.

Padma Mahanti

DEPONENT
उप जन महानिरीक्षक (के)/ Dy. Inspector General of Forest (Central)
भारत सरकार/ Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय/ Min. of Env. Forest & CC
एकीकृत क्षेत्रीय कार्यालय/ Integrated Regional Office
भुवनेश्वर/ Bhubaneswar

The deponent being identified by Self Adv./Clerk swears on oath & solemnly affirms before me on dt. 09/12/2023 that the facts stated above are true to his/her knowledge

M. Anon. 09/12/2023.
Notary for Cuttack Town
Govt. of Odisha

SPEED POST



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
ए/3, चंद्रशेखरपुर / A/3, Chandrasekharpur
भुवनेश्वर - 751 023, ओडिशा / Bhubaneswar - 751 023, Odisha



Telephone: 0674 - 2301213, 2302432, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

File No. 7(28)2023-FCE(Deomali)

Date 21.07.2023

To

The Additional Chief Secretary,
Forest & Environment Department,
Govt of Odisha, Bhubaneswar,
Odisha 751023

Sub: Permanent Construction by DFO Koraput in Deomali Hill, Koraput District in the garb of Eco-tourism in violation of Forest Conservation Act 1980 – Irreversible impact on an important biodiversity spot & endemic species. -reg.

Sir,

With reference to the subject cited above I am directed to draw your kind attention that this office has received a letter from Biswajit Mohanty, Secretary, Wildlife Society of Orissa regarding "Permanent Construction by DFO Koraput in Deomali Hill, Koraput District in the garb of Eco-tourism in violation of Forest Conservation Act 1980" on 21st June 2023. The copy of the public grievance is attached herewith and sent to your office. (Copy of the letter enclosed).

It is requested to get the matter enquired and necessary action may be taken. Action taken report may be sought from the DFO regarding adherence to Eco tourism Guideline, inclusion of the project in the Working plan and whether Forest Clearance has been taken for permanent constructions in the said area of Koraput Forest Division and who is the competent authority who has given sanction for the said project submitted to this Office.

Yours faithfully,

Padma Mahanti

Encl: As above

(Padma Mahanti)
Deputy Inspector General of Forests(C)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar., Aranya Bhawan, Chandrasekharpur, Bhubaneswar- 751023, For Kind Information and necessary action please.

NGT CASE/THROUGH MAIL & POST.
OFFICE OF THE DIVISIONAL FOREST OFFICER, KORAPUT FOREST DIVISION.

No. 3792 /

Dated 10/08/23.

To

The Deputy Inspector General of Forests (C),
Government of India, MoEF & CC,
Regional Office, A/3 Chandrasekharpur,
Bhubaneswar – 751 023

Sub : **O.A. No.76/2023/EZ – Wildlife Society of Odisha Vrs State of Odisha and others.**

Ref : Your Letter No.8(33)367/2023-FCE dated 27.07.2022.

Madam,

Inviting a kind reference to your above cited letter on the captioned subject, it is to inform that a copy of para wise comments on the issues raised in the aforesaid O.A. Case is furnished herewith for favour of kind information.

Yours faithfully,

Encl: As above.


Divisional Forest Officer,
Koraput Forest Division.

Memo No. 3793 /Dt. 10/08/2023

Copy forwarded to the Principal Chief Conservator of Forests & HoFF, Odisha, Bhubaneswar for favour of kind information with reference to letter No.8(33)367/2023-FCE dated 27.07.2022 of the Dy.I.G of Forests (Central), GoI, MoEF & CC, Regional Office, Bhubaneswar.


Divisional Forest Officer,
Koraput Forest Division.

PARAWISE COMMENTS ON BEHALF OF OPPOSITE PARTY NOS.3 & 4 ON O.A. No.76/2023/EZ FILED BY WILDLIFE SOCIETY OF ODISHA VRS STATE OF ODISHA AND OTHERS BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA.

Para-1 No comments.

Para-2 The averments made in this para is denied. It is a fact that Deomali Peak is completely devoid of any arboreal growth. The table land of Deomali Hill top is devoid of any tree growth. The entire table land is having bauxite and lime stone deposits for which no growth of any tree species except few stunted phoenix and grass. Deomali hill top is a vast area and the small patch of land of 5.93 Ha identified for Eco tourism complex site is restricted to a small hillock annexed to one hill side of the table land, so that the actual hill top is not being affected and not disturbed. It is also submitted that the patch identified for the project is also devoid of any tree growth and contain hard surface of mineral rocks for which no such rare enedemic species exist there except few stunted phoenix plants. Further, no any mega animals, mammals are also found on the hill top area. The said area is also not included within any elephant corridor or any wildlife protected area. It is also well depicted in the citation in Mohapatra P, Das P.K., Mishra S and Sahu D.K. in the 2009 Bio diversity assessment on some selected hill forest of south Orissa, India, based on the study on Bio Diversity Assessment of South Odisha including Deomali conducted by Basundhara, NGO. In this regard, Point No.18, 19 & Page No.15 of the said assessment report read as *"Deomali (18⁰-40'-32" N 82⁰-58'-55" E) : Deomali peak with an elevation of about 1,672 mtr in the highest peak in Orissa and the tallest in the whole of the Eastern Ghats. It is situated near Doodhari village which is 35 Km from Koraput surrounded by deep green forest. The peak is rich in mineral resources such as Bauxite, Lime stone and Gen stones. Deomali is dotted with brooks and deep valleys and inhabited by tribes such as Kandhas, Parjas, Bhumias, Malis and Bhatras. Though the lower hills have taller trees, the upper areas are completely devoid of arboreal species. It is also depicted in the said report of a study conducted by Palita S.K. (2016) that there is hardly any information on mammalian fauna. In this regard, the report furnished by the Odisha Biodiversity Board states the following major facts, which are furnished below. A copy of the report of Odisha Biodiversity Board is enclosed as **Annexure-I.***

- ✓ The wholesome natural beauty of this hill range attracts many tourists and random visitors to roam freely throughout as it is neither a Protected Area or any type of Reserve Forest at present.

- ✓ The present project site where ecotourism nature camp is being established in a 5.93 Ha area is located in the hill top (upper plateau) of Deomali hill.
- ✓ At present, the project area is not coming under any elephant migratory path. There is also no report of tiger transition through the site. Due to lack of any water body in this particular spare, it is also not a stopover point of migratory birds. Hence, establishment of "Ecotourism Nature Camp" in the specified area is not expected to put any negative impact on the existing biodiversity of the hill.
- ✓ Eco-tourism may be defined as 'responsible travel to natural areas that conserves the environment and improves the well-being of local people' (TIES). In view of this, the State Government Odisha through the Odisha Biodiversity Board is carrying out the capacity building of eco-guides, naturalist, ETC members and VSS members who are engaged in the ecotourism sites of Odisha on the issue related to biodiversity conservation and spreading awareness on biodiversity of the particular sites. This will further generate awareness among the eco tourists which will ultimately lead to the conservation of local biodiversity through the participation of local people.
- ✓ The area is under continuous tourist flow and overstay there at present. Hence, the development of nature camp by Forest Department so as the presence of Govt. staffs there rather expected to regulate random tourist flow, caring of that denuded land along with tree cover efforts by forest department as a step towards ultimate improvement of ecology of the hill top area of Deomali.

Hence, the said eco tourism project of small patch confined to a small barren hillock over 5.93 Ha annexed to one side of Deomali hill top table land will not hamper the eco system/ will have no significant impact on biodiversity/will not damage any ethnic flora & fauna. Thus, there will be no ecological imbalance by implementing this project which is restricted to a small patch only. *The same also has been reflected in the Eco tourism chapter of current Working Plan of Koraput Forest Division, the extract copy is enclosed as Annexure-II.* As per the Forest (Conservation) Amendment Act, 2023 published in the Gazette of India, in the Explanation, for the long line occurring after clause (b), the following shall be substituted namely – "but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as – xxx xxx (vii) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area

copy enclosed as **Annexure-III**). As the project is reflected in the Eco Tourism Project chapter of current Working Plan of Koraput Forest Division, the recent amendment as stated above also supports the present eco tourism activities going on a small hillock on Deomali Hill Top table land. The copy of Decision Support System (DSS) report of Forest Survey of India for canopy density showing non-forest of the assigned area for Eco tourism of Deomali over 5.93 Ha is enclosed as **Annexure-IV**.

That the said small patch of land over 5.93 Ha identified for eco tourism project restricted to a small hillock adjoining to main table land of Deomali is not within the forest area known as Deomali Reserve Forest as per approved Working Plan of Koraput Forest Division vide No.8(31)8/2006-FCE(Kpt.) dated 10.11.2006 of Government of India. The extract copy of list of Reserve Forest with Gazette Notification number of Koraput Forest Division is enclosed as **Annexure-V**.

It is a fact that Koraput Forest Department is constructing cottages in Deomali Hill top under Pottangi Block with all weather cement fibre board. It is submitted that the project is being constructed using Green Building Material such as (i) instead of concrete/brick mortar walls, using of fibre cement heavy duty boards, (ii) instead of RCC/Brick framed structures, using of M.S. framed structures, (iii) instead of plastered outer finish of cement mortar, using of fibre cement planks, (iv) instead of RCC roof, using of fibre cement heavy duty boards, (iv) using of uPVC for windows considering the strength, alternate material to wood/timber/bamboo, as the said materials addresses environmental issues to reduce pollution, erosion, wastage and energy consumption and to conserve water. A copy of the recommendation certificate for using green material furnished by Chief Architect, NESTERS, The Architecture People, Bhubaneswar is enclosed herewith as **Annexure-VI**. Owing to above cited reason, the Department has neither violated the principle laid down in the Eco Tourism Policy nor the present construction shall disturb the ecological balance or eco system of Deomali as a whole.

The specification of green building materials used for construction of cottages and other components were designed as per the decision taken in the state level meeting i.e. Eco friendly green building materials as specified below.

Pre moulded cement fibre board for different purpose i.e. cement wood plank, designer boards, heavy duty boards from Everest company are used as Green building eco friendly materials. The green building materials certification by CII Green product & Service council & confederation of Indian Industry and Everest Green building materials (Green solution). Extract copy is enclosed as **Annexure-VII**.

It is also a fact that 10 cottages for night stay of tourists are being constructed with provisions of a dining hall and two dormitories. In reply to the above averments, it is to mention here that during the visit of Chief Secretary, Odisha to Deomali, Kotiya areas on 16.4.2022, the site was identified by the then Chief Secretary Sri Suresh Chandra Mohapatra, IAS for development of Eco Tourism Complex at Deomali Hill top in presence of the District Magistrate cum Collector, Koraput, Tahasildar, Pottangi, Block Development Officer, Pottangi, Forest personnel and all District level officers of Koraput Districts and Self Help Groups.

Subsequently, the high level committee chaired by the Chief Secretary conducted a meeting through virtual mode on 12.7.2022 for thorough discussion on the subject and the site as well materials to be used for construction of 10 Nos. of cottages with all other facilities. Further discussions were made in several rounds in different forums of State and District level to finalize the proposal of Eco Tourism i.e. Construction of 10 cottages and other facilities in a small identified patch devoid of any forest growth annexed to the Deomali hill top table land in presence of senior officers i.e. Chief Secretary, Odisha, Addl. Chief Secretary, FE & CC Department, Principal Secretary, Tourism Department, Director, Tourism Department, PCCF & HoFF, Odisha, PCCF (WL) & CWLW, Odisha, Special Secretary, FE & CC Department, Addl. Secretary, Finance Department, Collector & DM, Koraput, DFO, Koraput, Superintending Engineer, RWSS, Koraput, Exe. Engineer, TPSODL, Koraput.

The Chief Secretary, Odisha asked the Collector, Koraput to make power point presentation on the proposed Eco Tourism Development (Nature Camp) at Deomali. The Collector, Koraput presented the detailed project plan for construction of 10 Nos. of Eco cottage rooms, administrative building, kitchen cum restaurant, driver's accommodation and dormitory, parking area, view

point, entrance gate, drinking water facility & power supply with an estimated cost of approximately Rs.5,84,13,014/-. Estimate has been submitted by Collector to Chief Secretary vide memo no. 344 dtd. 27.05.2022 with a copy endorsed to Development Commissioner (Copy enclosed as **Annexure-VIII**). The PCCF (WL) & CWLW, Odisha assured the Chief Secretary, Odisha to take up the Eco Tourism project at Deomali and include the Action Plan for the year 2022-23. The material to be used in the project was also exhibited in the meeting.

The Chief Secretary, Odisha further stated that as per present proposal of starting of Nature Camp at Deomali by the FE & CC Department is a smaller one it should be started immediately. Subsequently other developmental activities at Deomali can be taken up as per need in a phased manner. He also instructed the Tourism Department to include the proposed Nature Camp Project in their comprehensive development plan for Deomali.

After threadbare discussion, the decision taken in the meeting was communicated to all concerned vide Memo No.12882 dated 21.7.2022 of Government of Odisha, FE & CC Department. A Copy of the proceeding is enclosed as **Annexure-IX**.

The extract of the proceedings is indicated below.

1. It was unanimously decided to start one nature camp cum eco resort with 10 Nos. of cottages with other facilities at Deomali in the 1st phase which should be made functional by the coming winter season.
2. The construction work of nature camp, water supply and electrification work should be done out of the funds available with the Forest Department and the DFO, Koraput Forest Division shall execute the work.
3. The electrification and water supply to Deomali be started immediately through TPSODL, Koraput & RWSS, Koraput respectively on deposit of funds by the Forest Department.

In view of the above, it is submitted that the entire Eco Tourism Development works at Deomali Hill top was carried out by the Forest Department as per the above decision of Government, of well planned at high level meetings.

It is a fact that 1000 tropical pine plants have been planted at Deomali Hill top table land. That, as per the decision taken in the high level meeting the DFO, Koraput Forest Division was instructed to identify suitable plants for planting around Deomali Hill for land scaping of the area. Accordingly, Deomali being

the high altitude place and basing on the findings and results thereof on growth performance and survivability presented from a provenance Trial at Koraput Forest Research Station, Odisha and out of all different plant species in Koraput, Pine gained momentum in the hill regions of Koraput with an objective of reforesting the denuded hill slopes. Koraput Forest Division made an effort for plantation of pine species on Deomali Hill Top. Hence, plantation of pine species on Deomali Hill top is based on the outcome of Forest Researchers published in "Indian Forester" in the name of Provenance Trial of Pinus species in Koraput by D.Swain, IFS & T.Pattnaik, FR 1996. Copy of the research paper is enclosed as **Annexure-X**. Hence, pine species is not an exotic or alien species rather plantation of pine species on the denuded hill top will prevent soil erosion and help to generate humus causing improvement of soil texture as well as conserving water.

It is also a fact that due to bauxite deposits on the hill top the rocky top layer was replaced with good fertile soil to ensure the growth of the plants, further the pine plants attend luxurious growth within one year and basing on that DM & Collector also directed to plant more pine plants in subsequent years. (Copy enclosed as **Annexure-XI**).

It is pertinent to mention here that luxurious Pine tree plantation have been established in the nearby Pottangi Maliput hills and Koraput area. It is an established fact that the very idea of planting pine trees is not alien to local Ecology & also not against the eco-tourism.

Para-3 As averred by the applicant that the same is also a forest land and the Deomali Reserved Forest is adjoining the peak is not based on records. The location where project is under construction is not coming under any notified forest block.

Para-4 It is not a fact that Semiliguda Forest Range has prepared the proposal at an estimated cost of Rs.4.5 crore with 11 Nos. of components. It is to mention that the proposal was developed by an selected Architectural group, Nature Camp Developer named NESTER Peoples Group with the following components.

- | | | |
|-----------------------------------|-----------|-----------------------------------|
| 1. Eco friendly Model Eco cottage | - 10 Nos. | } To be executed by Forest Deptt. |
| 2. Open Dining with kitchen | - 1 No. | |
| 3. Driver/Staff Dormitory | - 2 Nos. | |
| 4. Administrative building | - 1 No. | |
| 5. Installation of solar system | - 1 No. | |

6. Water intake & water supply to cottage area – To be executed by RWSS Department, Koraput.
7. Electrification to project area - To be executed by TPSODL/OSIC.

The specification of green building materials used for construction of cottages and other components were designed as per the decision taken in the state level meeting i.e. Eco friendly green building materials as specified below.

Pre moulded cement fibre board for different purpose i.e. cement wood plank, designer boards, heavy duty boards from Everest company are used as Green building eco friendly materials. The green building materials certification by CII Green product & Service council & confederation of Indian Industry and Everest Green building materials (Green solution). Extract copy is enclosed as **Annexure-XII**.

Para-5 The proposal referred to by the applicant was a draft one prepared during the year 2020 and subsequently the same was modified to a great extent with minimal use of the land. Further, the components stated by the applicant in this para are of the old proposal. The copy of proposal annexed as Annexure-2 is not relevant to the present eco tourism project. A copy of the eco-tourism proposal, which is under construction, is enclosed herewith as **Annexure-XIII**. The said comprehensive eco tourism proposal at Deomali has been developed by the District Administration and submitted the Chief Secretary, Odisha for approval. The Forest Department was entrusted to execute the construction of cottage complex using eco friendly material.

Para-6 It is a fact that the DFO, Koraput Forest Division has issued tender notice for Rs.3.95 crore for civil works at Deomali and the last of the bid was 15.12.2022. It is to mention here that the civil work includes minimum concrete work at base and all the superstructures & roof works by using eco friendly green building materials of heavy duty cement fibre board, designer board and cement wood planks. Detailed BOQ was prepared by Nester Group and Scrutinised by Deomali Technical committee as SE R&B, SE RD as members of duty as members and duly approved by PCCF (WL) and CWLW, Odisha.

Para-7 It is not a fact that Semiliguda Forest Range Project is stated to be spread over 10.4 Ha or 26.00 Acre of forest land and requires prior approval under the Forest (Conservation) Act, 1980.

It is to mention here that the said project area spreads over 5.93 Ha and does not require any prior approval as the project area is not within the so called

Deomali RF/ any notified forest blocks of Koraput Division. It is an un-surveyed tract devoid of any tree growth.

Para-8 No comments.

Para-9 The site where the eco tourism project is going on at Deomali Hill top is not a forest land. However, as per guidelines referred to in this para, as far as possible using of cement concrete has been avoided. Local communities have been involved with a view of enriching the local economy. Partnership with all stakeholders for developing and promoting nature tourism has already been established. In this regard, it is also submitted that the DM & Collector also constituted a committee involving Dist. Tourist Officer, Tahasildar, BDO, SE RWSS to be involved in the above work. The Chief Secretary also impressed that the local community have already been involved in collection of parking fees etc and in maintaining Deomali, a small Nature Camp which may be started by the Forest, Environment & Climate Change Department involving local community with a view to provide job opportunities.

Para-10 & 11 The averment made that the present proposal of Eco tourism has no involvement of local community is not a fact and based on records. In this context, it is to mention that the local community have already been involved in the management & maintenance of Deomali Hill top and table land by establishing an entry check post with the help of Block Development Officer, Pottangi Block and the Women SHGs are involved in the process. The same has been reflected in the proceedings of the State level meeting dated 12.7.2022. The extracts of the same read as *"the local community have already been involved in connection with parking fees etc in maintaining Deomali, a small nature camp which may be started by FE & CC Department involving local community with a view to provide job opportunities"*. Extract copy of the above is enclosed as **Annexure-IX**.

Further in view of Eco Tourism Development at Deomali, VSS members of surrounding four villages of scheduled areas are quite involved in the process and also Eco Tourism Group (ETG) comprising of 23 tribal women members of ST, SC & other categories from different SHGs have also been selected and proposal moved by Forest Department to facilitate them to get them well trained. Copies of VSS Resolution copy and ETG formation copy enclosed as **Annexure-XIV**.

The people's representatives i.e. MLA, Pottangi and MLA, Koraput cum Chairman, District Planning Committee, Koraput have also requested the District Administration to take up Eco Tourism complex on the Deomali Hill

top on 20.5.2022 & 29.5.2022 respectively as like other complexes i.e. Similipal, Bhitarkanika, Barmul, Chatkai, Rissia, Mandasaru, Chandal WL developed by Forest Department by involving local community and uplift their livelihood as well as economical condition directly or indirectly. It is more important as the Andhra Pradesh and Odisha border problem of Kotiya Gram Panchayat needs to be addressed. The copies of letters of the above MLAs are also enclosed as **Annexure-XV/1 & 2**.

Para-12 It is submitted that Deomali Eco Tourism project is not coming in any notified forest area. Thus the averment made by the applicant about violation of MOEF & CC letter dated 19.9.2019 is not based on facts and records. However, the materials used in the building of structures are comprised of minimum use of concrete i.e. only on the base. The superstructure and roof are mostly made up of pre moulded cement fibre boards (heavy duty board, cement wood planks, designer board) fitted with screw on the M.S. fabricating structural units which can be dismantled at any point of time. So it is not a permanent construction without concrete roof and super structure rather it is a temporary structure made up of eco friendly green material. Certification of green material is enclosed as **Annexure-XII**.

The above construction taken up at Deomali Hill top is concept of "Green Construction" that are environmentally responsible and resource efficient throughout the buildings life cycle from design, construction, operation, maintenance and deconstruction. Its main goal is to preserve resources like raw materials energy & water, fight against global warming, green house gases etc.

Para-13 As stated in the foregoing paras, there is no violation of Forest Conservation Act 1980 as the location where eco tourism project is going on over 5.93 Ha does not come under any notified forest block.

Para-14 There is no violation of the policy for Eco Tourism in **forest and protected areas**, as project area does not come under any notified forest block. The area taken up for the project over only 5.93 Ha devoid of any tree growth restricted to a small hillock annexed to Deomali hill top table land. Besides the above, the materials used for the project is eco friendly and minimal use of cement concrete, which has already been elaborated in the foregoing paras. The claim of the applicant that spending crores of public money in the grab of eco-tourism and siphoning of the public fund is not based on facts. Further, as discussed in the foregoing paras local tribal people, public representatives,

VSS members, tribal Women ETG members out of different SHG, District Administration etc were involved right from decision making to the construction and implementation of the project.

Para-15 As stated in Para-10 & 11, it is submitted that local communities have already been involved with a view to provide job opportunities and enhance their livelihood income.

Para-16 No comments.

Para-17 No comments.

Para-18 No comments.

Para-19 No comments.

Para-20 No comments.

Para-21 No comments.

Para-22 As the project site is not coming under any notified forest block, the question of prior approval of the Central Government under Forest (Conservation) Act, 1980 does not arise.

Para-23 The table land where the eco-tourism construction work is going on is completely devoid of arboreal growth and the table land is having bauxite and other mineral deposits for which no growth of any plant species exists except few phoenix and asteraceae plants and thus the area where the eco tourism project is going on is lack of any significant biodiversity. Deomali hill top is a vast area and the ecotourism project of small patch confined to a small hillock over 5.93 ha will not hamper the eco system of the area. As regards, plantation of species like Pines, only 1000 Nos. of pine has been planted because it has been proved as the only species survives in high altitudinal hillocks of Koraput region. Research report reveals the fact of success of pine plantation in Pottangi and Koraput Region and proved to be the best species for greenery of denuded hills.

Para 24 As the site of construction of eco-tourism project on the table land of Deomali is devoid of any tree growth and the area does not come under any

notified forest block and the construction work does not involve any tree felling, the scope of forest conservation act and definition of forest as the dictionary meaning irrespective of ownership of the area as well as judgement of Hon'ble Supreme Court of India in T N Godavarman case shall not be applicable in the instant case. Further, as per the report furnished by the Tahasildar, Pottangi vide his letter No.1074 dt.10.5.2022 (**Annexure-XVI**), the Deomali hill is coming under un-surveyed area and hence, there is no any survey Khata & Plot. The Tahasildar, Pottangi vide his letter No.2342 dt.10.8.2023 (**Annexure-XVII**) has also stated that the identified area of Nature Camp at Deomali is coming under un-surveyed village and hence, detailed land schedule is not available. Similarly, the Collector & District Magistrate, Koraput vide letter No.2722 dt.26.5.2022 has also stated that as per report received from the Tahasildar, Pottangi, the proposed area of Deomali Hill is an un-surveyed area with no survey Khata and Plot (**Annexure-XVIII**). As per clarification regarding change of classification of land in the Record of Right issued by Government of Odisha vide their Revenue & Disaster Management Department letter No.21643 dt.16.6.2023 (**Annexure-XIX**), it has been clarified that in case where the Hal RoR of a government land has been published after 25.10.1980, the Tahasildar shall verify the following conditions and if all the three conditions are satisfied, then forest diversion proposal shall not be required for lease/alienation proposal in respect of the said land

- (a) The Hal RoR is non forest in kisam
- (b) The corresponding Sabik records are not available
- (c) The land does not find place in the District Level Committee Report which formed the basis for the affidavit filed by the State Government before the Hon'ble Supreme Court of India in WP(C) No.202 of 1995 (T.N. Godavarman Thirumulkpad Vs Union of India and others).

It is submitted that the Tahasildar, Pottangi reported that the land in question is un-surveyed land and hence, detailed land schedule is not available. Further, the said land also does not find a place in the DLC report of Koraput District, a copy of which is enclosed herewith as **Annexure-XX**. From the above facts, it is submitted that the scope of Forest (Conservation) Act, 1980 as well as judgement of Hon'ble Supreme Court of India in above WP(C) shall not be applicable in the instant case.

Para-25 The project is nothing new. It is only to promote systematic regulation of tourist flow and to improve the livelihood support to the tribals of the scheduled areas by Government of Odisha, as tourist flow was already in

practice to Deomali and the local communities were already involved in collecting parking fees.

As stated above in the foregoing paras, the writ application filed by the applicant is not based on facts, devoid of any merit and liable to be rejected.

N Roy
10/08/2023

Divisional Forest Officer,
Koraput Forest Division.

ANNEXURE R7-3

F. No. 1-57/2014 WL (part-8)
Government of India
Ministry of Environment, Forest and Climate Change
Wildlife Division

First Floor, Agni Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 110003.

Dated: 29th October 2021

Principal Secretary (Forests),
All States/Union Territories.

Sub: Guidelines for sustainable eco-tourism in forest and wildlife areas-2021

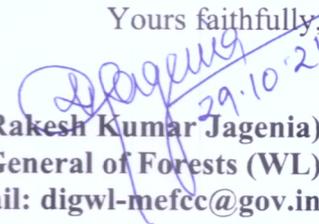
Sir,

Forests and wildlife are inseparable elements of environmental integrity and therefore, a participatory approach towards building the intricate interface between humans and forests is imperative.

The Ministry of Environment, Forest and Climate Change has prepared the 'Guidelines for sustainable Ecotourism in forest and wildlife areas-2021'. The undersigned is directed to enclosed a copy of the said guidelines for ready reference (**Annexure**).

The States/Union Territories may take further action, as appropriate, in this regard.

Yours faithfully,


(Rakesh Kumar Jagenia)

Deputy Inspector General of Forests (WL)

Email: digwl-mefcc@gov.in

Encl: As above.

Copy to:

1. The Principal Chief Conservator of Forests & Head of Forest Force (HoFF), All States /Union Territories.
2. The Chief Wild Life Warden, All States/ Union Territories.
3. Inspector General of Forests, Forest Conservation Division, MoEFCC, New Delhi.
4. PSO to ADGF (WL)/PPS to IGF (WL), MoEFCC, New Delhi.

Government of India
Ministry of Environment, Forest and Climate Change

Guidelines on Sustainable Eco-Tourism in Forest and Wildlife Areas 2021

1. BACKGROUND

Forests and wildlife are elements of nature and inseparable parts of the environment. Because of the intricate nature of interface between nature and human beings, nature conservation entails interactions with people as a central concept. Such interaction includes not only the forest fringe dwellers but also those who are living away from the forests for the purpose of creating experience for the visitors. Eco-tourism may be developed in and around designated sites in forest and wildlife rich areas and ex-situ conservation areas, and such designated sites may include sites of biological, geographical, geo-physical and eco-heritage importance such as mangroves, sacred groves, mudflats, beaches, streams, wetlands, waterfalls, rivers, hills, caves, etc.

Eco-tourism has the potential to create significant opportunities for building public awareness and mass movement towards conservation of nature and natural resources while expanding overall returns to the economy, improving skill base, creating new knowledge and green jobs, and improving the livelihoods of the local communities.^[1] On the other hand, eco-tourism if not practiced in a science-based manner may adversely affect nature on a permanent basis. The Guidelines on Sustainable Eco-Tourism in Forest and Wildlife Areas 2021 (hereinafter referred to as the Guidelines or the Eco-Tourism Guidelines), therefore, lays the framework for practising and promoting sustainable eco-tourism by maximising outputs that support nature and natural resources in their original forms while minimising any negative externalities arising out of interactions between people and nature.

The Guidelines recognise that besides the popular sites located in Protected Areas, which presently number over 900 across the country, many potential eco-tourism sites are located in public, community and private forests outside the Protected Areas as well. These Guidelines shall be applicable to ecotourism sites falling in all forest and wildlife areas irrespective of the ownership of the land.

2. GOAL

The overall goal of these Guidelines is promoting better understanding of nature and wildlife conservation while generating income and opportunities for the local communities in an ecologically, culturally and economically sustainable manner.

3. OBJECTIVES

The Guidelines seek to achieve the following objectives:

- i. Promote low impact nature tourism which ensures ecological integrity of the eco-tourism sites and its environment;
- ii. Promote biodiversity, traditional ecological knowledge and heritage values of India's wilderness;
- iii. Promote engagement of local communities in nature tourism in a manner that enriches local economy and encourages sustainable use of indigenous materials through financially viable value chains thereby helping such local communities become "*AtmaNirbhar*";
- iv. Promote partnerships amongst stakeholders for mobilising resources and developing and promoting nature tourism, as well equitable sharing of benefits.
- v. Enhancing potential of India as a global eco-tourism destination.

4. GUIDING PRINCIPLES OF ECO-TOURISM

(i) Eco-tourism planning: Eco-tourism shall be promoted on the basis of science based planning. The plan shall form part of the duly approved Working Plan or Management Plan or Conservation Plan of the forest or wildlife area as the case may be, and shall include the carrying-capacity analysis based description of the eco-tourism site, time, duration, route, mode of travel and number of persons for visitations, and any support infrastructure needed. Wherever feasible, the eco-tourism plan will also be dovetailed with the *Gram Panchayat* Development Plan. The Protected Area (PA) manager along with a third party shall determine the carrying-capacity of eco-tourism site by taking into account the wide diversity of environmental, physical, social and economic criteria of development and management of eco-tourism sites as well as institutional capacities of their managers. The Eco-tourism plan needs to also factor in aspects of control of plastic pollution, waste management, noise pollution, sewage treatment and disposal, etc. The Eco-Tourism guidelines issued by the National Tiger Conservation Authority shall be applicable to Eco-tourism in Tiger Reserves in the country.

(ii) Eco-tourism zonation: The eco-tourism plan shall appropriately demarcate the eco-tourism zone upon assessment of management requirements of the target wildlife, the habitat or the geographical entity, and their behavioural and ecological characteristics. The eco-tourism zonation shall particularly ensure that the ecological integrity of the site, including breeding areas of wildlife and tribal habitations particularly PVTGs remains protected. The zonation shall also ensure that safeguards provided in the Forest Rights Act, 2006 are fully respected.

(iii) Resource mobilisation and community participation: The local community shall be the key stakeholder of eco-tourism. Central government will provide for participatory frameworks that encourage resource mobilisation by a group of stakeholders in development, operation and maintenance of eco-tourism zones. These frameworks shall ensure that equitable benefits flow from eco-tourism accrues, besides resource investors, to local communities, tribals and other traditional forest dwellers including by way of enhanced livelihood opportunities. Further, keeping in view that most eco-tourism sites are located in remote places and small-scale operators predominate, suitable programme may be taken up by the Central Government to facilitate eco-tourism operators to access incentives allowed to the tourism sector in a timely and adequate manner.

(iv) Eco-tourism site development: The Eco-tourism site shall be developed only in eco-tourism zone and in eco-friendly manner. While developing support infrastructure for eco-tourism it shall be ensured that the natural profile and ecological integrity of the ecotourism site including its biodiversity value is maintained. Any ecotourism facility or structure on forest lands shall be subject to the provisions of the Forest (Conservation) Act 1980. However, no permanent structure shall be made /constructed to create ecotourism facility/structure, but temporary structures/facility made predominantly of natural material of local origin may be allowed in Protected Area or on forest land. Such ecotourism facility/structure shall be part of the approved Working Plan/Management Plan/Working Scheme. Home stay managed by local communities on non-forest land shall be promoted. States may develop benchmarks/ standardized criteria based on site specificity, for adoption of best practices in eco-tourism including sustainable ecological management of the site, customer satisfaction, harmony with local culture and design, local construction material used, employment types, environmental education facilities. Further, safety measures, especially for managing fire, flood, landslide, needs to be inbuilt into the ecotourism site development plan and adequate system needs to be in place for efficiently managing such disasters.

(v) Inter-sectoral synergy: The central government will work towards prioritisation of action with regard to developing eco-tourism sites across the country and improving the way in which action on eco-tourism is coordinated with other sectors and synergies are exploited in the best possible manner. Regulations should be streamlined wherever possible and processes and procedures should be simplified while taking into consideration the objectives of relevant sectoral policies.

(vi) Promoting eco-tourism entrepreneurship: Concerted action will be taken for expanding entrepreneurship opportunities for stakeholders engaged in eco-tourism with due priority to the members of local communities and those whose livelihoods have been impacted because of actions such as closure of the Protected Area for forest product extraction. The focus will be on increasing productivity, boosting the skills and competencies of stakeholders at all levels, and the needed structural changes will be supported and strengthened. Start-ups will be supported through training, coaching, financial support and other benefits including through the incubators established under various government programmes.

5. IMPLEMENTATION STRATEGY

The following are the broad framework for implementation of the Eco-tourism Guidelines:

Strategy i: Identification of potential sites: Each State may identify sites for eco-tourism through a participatory process involving stakeholders, particularly the local communities, and make a priority list for development of such sites. Area managers will initiate eco-tourism planning based on carrying-capacity analysis, including identification of eco-tourism zones, identification of potential partners, categorisation of infrastructure support that may be allowed, funding sources, and training and capacity building needs of the partners through a multi-stakeholder dialogue process. Spatially cluster approach to eco-tourism infrastructure will be promoted to larger blocks of contiguous habitats so as to minimise adverse ecological impacts on a larger area. An indicative list of potential eco-tourism sites is at Annexure I. However, States/UTs may develop ecotourism sites which has high potential.

An Eco-tourism Plan shall be prepared for every eco-tourism site. The Plan shall be approved and prepared for sites under various controls as follows:

- i. For Sites within forest/protected areas: The Eco-tourism Plan for the areas falling inside the notified forest/protected areas shall form part of duly approved Working Plan/Management Plan/ Working Scheme.
- ii. For Sites falling within Eco-sensitive Zones: All new Eco-tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone (on non-forest land) shall be as per the Tourism Master Plan for the Eco-sensitive Zone. The Eco-tourism Master Plan shall be prepared by Department of Tourism in consultation with State Departments of Environment and Forests. The Tourism Master Plan shall form a component of the Zonal Master Plan and until the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee. Hotel/resort or commercial establishment construction shall be taken up inside the Eco-sensitive Zone as per the ESZ notification of the National Park/Sanctuary.

Strategy ii: Funding support: Compatible funding instruments that cater to the specific challenges of the eco-tourism sector, particularly the small and geographically fragmented nature of enterprises, is key to sustainable eco-tourism promotion. Financial institutions may be encouraged to develop targeted financial instruments for the eco-tourism entrepreneurs at the local level. Public funding for eco-tourism promotion, monitoring and innovation may be made available, including for non-repayable loans and guarantees, start-up grants and marketing of eco-tourism places.

Strategy iii: Usage of Information Technology: The role of digitalisation both as a driver and an enabler of eco-tourism shall be recognised. In particular, digitalisation will be used to facilitate new eco-tourism products, such as virtual tours, competitive exploration, etc., services, business processes and models. National and sub-national projects will be launched to undertake analysis of the needs of various partners and users (visitors) of eco-tourism projects, and develop scenarios for eco-tourism support for the future, and active steps will be taken for transfer of knowledge to partners including by making such knowledge public wherever feasible. In recognition of the fact that partners (e.g. service providers) in eco-tourism are mainly small entities, and their limited capabilities of using digital services combined with possible use of multitude of digital platforms and inability to create economies of scale, pose significant challenge. National and sub-national level data integration platforms to analyse visitors behaviour and preferences will be developed, and additional sources such as social media engagement, newsletter statistics, booking data, media and marketing reports, etc will be used.

Strategy iv: Capacity building: Despite wider and growing attraction to eco-tourism, the challenges emanating from the field such as geographically fragmented and small nature of sites, small business structure and high seasonality and the consequent visitor number fluctuation, are significant. On the other hand, it offers significant entrepreneurial and labour market opportunity for the local communities. With increased numbers of eco-tourism sites the eco-tourism sector may become a supplier of low return exchangeable standard products making private investment in eco-tourism less attractive. The capacity of field functionaries of different stakeholders, especially the eco-tourism site managers and the local communities, will be steadily built to innovate and meet the present and future challenges of the sector, and international best practices as suited to local conditions will be internalised. Industrial Training Institutes (ITIs) and other such institutes will be encouraged to develop specific programmes for local communities and small operators engaged in eco-tourism.

Strategy v: Benefit sharing: Community-based tourism will be promoted as a preferred form of eco-tourism. While eco-tourism will create new wage employment and private entrepreneurial income for the respective stakeholders, fair and equitable benefit sharing of common eco-tourism revenues with the local community is key to sustainability. Given the diversity of stakeholders, scale of operations and geographically fragmented nature of eco-tourism sites, appropriate mechanisms for sharing of benefits with the local eco-development committees / forest protection committees will be developed by the respective State Government for different types of eco-tourism sites falling on government lands. Such benefit sharing mechanisms shall recognise that the local community has the highest stake in eco-tourism and the revenue generated has to be also ploughed back for development and maintenance of the eco-tourism sites. Transparent mechanism for revenue collection from common eco-tourism activities user charges, entry fees, concessions, fines and penalties, etc. through a Foundation established at the appropriate local level, and sharing of revenue with stakeholders, particularly local communities, has served as best practise in many parts of the world and the same duly incorporated by the respective State governments. Considering that

eco-tourism is mostly a seasonal activity, the Eco-Tourism Plans should include measures to reduce financial overdependence of the local community on eco-tourism, and the same should be supported by the district level plan approval committees. Such measures may include capacity building of the communities with respect to processing and marketing of bio-cultural products to ensure that communities remain attached to preservation of local ecology. The Central government will support development of such mechanisms through sharing of international experiences and coordination with participating states and national entities in case the stated eco-tourism enterprise covers sites across States and/ or national entities are involved.

Strategy vi: Education and outreach: For effective use of the eco-tourism potential of the area, effective communication plan covering all eco-tourism sites of a State will be drawn by the State Governments with the help of expert organisations. The Plan, among other relevant information, will include information to the tourists on the eco-system services and intangible benefits provided by the area. The communication plan will include measures to promote partnerships between the eco-tourism project and socially responsible companies. Use of modern technologies such as electronic visual tools and well equipped modern interpretation centre at the eco-tourism site will be encouraged through this Plan to encourage self-learning by visitors. The Plan will also lay emphasis on appropriate signages for generating awareness among the visitors regarding the safety and risk factors in the eco-tourism zone and safety protocol and information material on the area for the visitors. The Central government will support the outreach of States' eco-tourism potential for international tourists in a programmatic manner.

Strategy vii: Monitoring: Each eco-tourism plan will invariably include a dynamic monitoring mechanism, covering multiple biological parameters to monitor stress on wildlife vis-a-vis number and patterns of tourist visitation and their level of satisfaction, involvement of local people, scope for improvement in flow of eco-system services, etc. The monitoring will also include mechanisms to ensure that rigorous practices are in place to prevent biological invasion, disease transmission, and air, water, noise or light pollution. The States Governments/UT Administrations shall endeavour to maintain service level quality standards through appropriate certification/rating protocols.

The States shall endeavour to initiate a ranking system for the respective ecotourism sites.

There shall be regular monitoring by the State Governments and Union Territories on the implementation of the guidelines spelt out in the Guidelines for Sustainable Ecotourism in forest and wildlife areas-2021.

District, State and National level monitoring committees comprising of representatives of relevant stakeholder departments, the local communities, civil societies, and the corporate organisations will be constituted to oversee the implementation of this Guidelines including mobilisation of the required technical, financial and human resource support for eco-tourism plans.

Strategy viii: Review: The National level eco-tourism monitoring committee will review the Eco-Tourism Guidelines every three years and make recommendation to the Central Government.

^[1]Wherever 'local community' has been used in this Guidelines, it will mean to include Schedule Tribe and other traditional forest dwellers as per Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, which is referred hereinafter as FRA 2006 in short.

Annexure I

Potential Sites in India for Ecotourism (Illustrative)

S.No.	State/ UT Administration	Name of Protected Area
	Andaman & Nicobar Islands	
1		Mahatama Gandhi Marine (Wandoor) NP
2		Mount Harriett NP
3		Ross Island WLS
	Andhra Pradesh	
4		Coringa WLS
5		Pulicat Lake WLS
	Arunachal Pradesh	
6		Itanagar WLS
	Assam	
7		Orang NP
8		DeeporBeel WLS
9		Hollongapar Gibbon WLS
10		Pabitora WLS
	Bihar	
11		Vikramshila Gangetic Dolphin Sanctuary
	Chandigarh	
12		City Bird WLS
13		Sukhna Lake WLS
	Chhattisgarh	
14		Kanger Valley NP
15		Pamed Wild Buffalo WLS
	Goa	
16		BhagwanMahavir WLS
17		Dr. Salim Ali Bird (Chorao) WLS
	Gujarat	
18		Gir National Park & WLS & Gir Landscape
19		Marine (Gulf of Kachchh) NP
20		Barda WLS
21		Girnar WLS

22		Jessore Sloth Bear WLS
23		Kachchh Desert WLS
24		NalSarovar Bird WLS
25		Thol Lake WLS
26		Wild Ass WLS
	Haryana	
27		Sultanpur NP
28		Morni Hills (Khol-Hi-Raitan) WLS
29		Nahar WLS
	Himachal Pradesh	
20		Great Himalayan NP
31		Dhauladhar WLS
32		Kalatop-Khajjiar WLS
33		Kibber WLS
34		Manali WLS
35		Pong Dam Lake WLS
36		Renuka WLS
	Jammu & Kashmir	
37		Dachigam NP
38		Gulmarg WLS
	Laddakh	
39		Hemis NP
40		Changthang WLS
	Jharkhand	
41		Dalma WLS
	Karnataka	
42		Bannerghatta NP
43		Kudremukh NP
44		Cauvery WLS
45		Daroji Bear WLS
46		Pushpagiri WLS
	Kerala	
47		Eravikulam NP
48		Silent Valley NP
49		Thattekad Bird WLS
	Lakshadweep	
50		Pitti Island Bird Sanvtuary
	Madhya Pradesh	
51		Madhav NP
52		National Chambal WLS

53		Pachmarhi WLS
	Maharashtra	
54		Sanjay Gandhi (Borivilli) NP
55		Lonar WLS
56		Thane Creek Flamingo WLS
	Manipur	
57		Keibul-Lamjao NP
	Meghalaya	
58		Balphakram NP
59		Nokrek Ridge NP
	Mizoram	
60		Phawngpui Blue Mountain National Park
	Nagaland	
61		Intanki NP
	Punjab	
62		Harike Lake WLS
63		Beas Conservation Reserve
	Odisha	
64		Bhitarkanika WLS & NP
65		Chilika (Nalaban) WLS
66		Gahirmatha (Marine) WLS
67		Nandankanan WLS
	Rajasthan	
68		Keoladeo Ghana NP
69		Desert National Park Sanctuary
70		Mount Abu WLS
71		National Chambal WLS
	Sikkim	
72		Khangchendzonga NP
73		Maenam WLS
	Tamil Nadu	
74		Gulf of Mannar Marine NP
75		Vedanthangal WLS
76		Point Calimere WLS
	Telangana	
77		KasuBrahmananda Reddy NP

	Tripura	
78		Clouded Leopard NP
79		Trishna WLS
	Uttar Pradesh	
80		Katerniaghat WLS
81		National Chambal WLS
82		Kachua WLS
	Uttarakhand	
83		Gangotri NP
84		Nanda Devi NP
85		Valley of Flowers NP
86		Kedarnath WLS
	West Bengal	
87		Gorumara NP
88		Jaldapara NP
89		Neora Valley NP
90		Singalila NP

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

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

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy

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 Form1/Form 1A including Terns 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

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

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

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

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.	≥ 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 irrespective of mining area All projects.	<50 ha ≥ 5 ha .of mining lease area in respect of non-coal mine lease. ≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.	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 <200TPD 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

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

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

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, utilities, 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?

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

- 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