

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

OA NO. 186 OF 2023 (SZ)

IN THE MATTER OF:

Ravindranath Shabhougue, Karnataka

...Applicant

VERSUS

Union of India & Ors.

...Respondent(s)

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Place: Chennai

Dated: 28.03.25


28/3/25
Filed by:

**Dr.Kuna.Suryanarayana,
Advocate & Counsel, MOEF&CC,**

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

I, Suresh Kumar Adapa, currently working as Scientist "E" in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office Bengaluru, do hereby solemnly affirm and state as under:

1. That I, in my official capacity of Scientist "E" in the Ministry Environment, Forest and Climate Change, Regional Office Bengaluru, i.e. Respondent above-mentioned above mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
2. That an affidavit is being filed by the answering respondent at this stage, and it craves leave and liberty to file any other Affidavit to the aforesaid application, as and when required.
3. That the matter relates to the issue of illegal dumping of Endosulfan in an abandoned well located within the plantation situated in Minchinapadavu hillock situated within Kerela border and Nettanige - Mudnur village is located down the hillock within Karnataka and toxic effect of the same on the groundwater of the adjoining villages of state of Kerela as well as state of Karnataka.



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4. It is submitted that Endosulfan, a pesticide is banned for manufacture, sale, use and import by Ministry of Agriculture *vide* ad-interim order of the Hon'ble Supreme Court of India in the Writ Petition (Civil) No. 213 of 2011 dated 13th May, 2011 and finally disposed of dated 10th January, 2017. That, the Effluent discharge standards for Pesticide Industry have been notified under the Environment (Protection) Rules, 1986 and the standards prescribed for discharge of pesticide industry effluent for Endosulfan is 0.01 mg/L and same to be complied by the pesticide industry. Presently, M/s Hindustan Insecticide Limited is not manufacturing Endosulfan and stopped its operation.

5. It is further submitted that Central Pollution Control Board (CPCB) has already performed a spot inspection on 28.12.2023 to assess the area under scrutiny in the matter. The copy of the "Spot Inspection Report of the Area Under Scrutiny" has been filed before the Tribunal by CPCB.

6. That, in exercise of the powers conferred by sections 6, 8, and 25 of the Environment (Protection) Act, 1986, the erstwhile Ministry of Environment and Forests, New Delhi *vide* G.S.R No. 395 (E) dated 04th April, 2016 notified, the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. These rules were applicable to all persons who generate, collect, receive, store, transport, treat, dispose, or handle Hazardous waste in any form. Copy of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 is annexed herein as **Annexure R1**.

7. It is submitted that, sub-rule (17) of Rule 3 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 amended from time to time, defines hazardous wastes as means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive, causes danger or is likely to cause danger to health or environment, whether alone or in contact with other wastes or substances, and shall include –

- (i) waste specified under column (3) of Schedule I;
- (ii) waste having equal to or more than the concentration limits specified for the constituents in class A and class B of Schedule II or any of the characteristics as specified in class C of Schedule II; and

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(iii) wastes specified in Part A of Schedule III in respect of import or export of such wastes or the wastes not specified in Part A but exhibit hazardous characteristics specified in Part C of Schedule III;

8. It is further submitted that Schedule I & II of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 amended from time to time, mentions Endosulfan and the process of production and formulation of pesticide resulting in the generation of hazardous waste.

SCHEDULE I

List of processes generating hazardous wastes

S.No.	Processes	Hazardous Waste
(1)	(2)	(3)
29.	Production, and formulation of pesticides including stock-piles	29.1 Process wastes or residues 29.2 Sludge containing residual pesticides 29.3 Date-expired and off-specification pesticides 29.4 Spent solvents 29.5 Spent catalysts 29.6 Spent acids

SCHEDULE II

List of waste constituents with concentration limits

Class A: Based on leachable concentration limits [Toxicity Characteristic Leaching Procedure (TCLP) or Soluble Threshold Limit Concentration (STLC)]

Class	Constituents	Concentration in mg/l
(1)	(2)	(3)
A50	Endosulfan (alpha+ beta+ sulphate)	0.04

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9. It is submitted that Rule 4 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 states that :-

"4. Responsibilities of the occupier for management of hazardous and other wastes. -

(1) For the management of hazardous and other wastes, an occupier shall follow the following steps, namely:-

- (a) prevention;*
- (b) minimization;*
- (c) reuse,*
- (d) recycling;*
- (e) recovery, utilisation including co-processing;*
- (f) safe disposal.*

(2) The occupier shall be responsible for safe and environmentally sound management of hazardous and other wastes.

(3) The hazardous and other wastes generated in the establishment of an occupier shall be sent or sold to an authorised actual user or shall be disposed of in an authorised disposal facility.

(4) The hazardous and other wastes shall be transported from an occupier's establishment to an authorised actual user or to an authorised disposal facility in accordance with the provisions of these rules.

(5) The occupier who intends to get its hazardous and other wastes treated and disposed of by the operator of a treatment, storage and disposal facility shall give to the operator of that facility, such specific information as may be needed for safe storage and disposal.

(6) The occupier shall take all the steps while managing hazardous and other wastes to-



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(a) contain contaminants and prevent accidents and limit their consequences on human beings and the environment; and

(b) provide persons working in the site with appropriate training, equipment and the information necessary to ensure their safety.”

10. It is submitted that Rule 8 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 states that:-

“8. Storage of hazardous and other wastes.- (1) The occupiers of facilities may store the hazardous and other wastes for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, recycling, recovery, pre- processing, co-processing and utilisation of such wastes and make these records available for inspection:

Provided that the State Pollution Control Board may extend the said period of ninety days in following cases, namely:-

(i) small generators (between five to ten tonnes per annum) up to one hundred and eighty days of their annual capacity and small generators (less than five tons per annum) up to three hundred and sixty five days of their annual capacity.; [amended vide notification no. GSR 177(E) dated 12th March 2024]

(ii) actual users and disposal facility operators up to one hundred and eighty days of their annual capacity,

(iii) occupiers who do not have access to any treatment, storage, disposal facility in the concerned State; or

(iv) the waste which needs to be specifically stored for development of a process for its recycling, recovery, pre- processing, co-processing or utilisation;

(v) in any other case, on justifiable grounds up to one hundred and eighty days.”

11. It is further submitted that, the respondent Ministry had notified the Public Liability Insurance (PLI) Act, 1991 vide dated 23.01.1991 as amended from time to time. The said Act was published to provide for public liability insurance for the purpose of providing immediate

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relief to the persons affected by accident occurring while handling any Hazardous Substance and for matters connected therewith or incidental thereto. Further, the respondent Ministry had also notified Public Liability Insurance (PLI) Rules, 1991 *vide* dated 15th May, 1991 as amended from time to time. A copy of the Act and Rules is annexed herein as **Annexure-R2** and **Annexure R3** respectively.

12. That, further the respondent Ministry had also issued notification *vide* S.O. No. 227 (E) dated 24th March 1992, which states that the applicability of the PLI Act is presently limited to only 179 hazardous chemicals, a class of Flammable Substances, criteria of which has been prescribed in Part 2 of the Table given in the said notification. A copy of the said Notification is annexed herein as **Annexure-R4**.

13. That in exercise of the powers conferred by section 7A of the PLI Act, 1991, an Environmental Relief Fund (ERF) has been established by the Central Government under the scheme which is called Environment Relief Fund (ERF) Scheme, 2008 *vide* notification G.S.R. No. 768(E) dated 4th November, 2008. A copy of the said Scheme is annexed herewith as **Annexure-R5**.

14. That, PLI Rules and ERF Scheme has also been amended and notified on 17.12.2024 in light of the PLI Act. The recent amendments in the said rules and scheme prescribes under Rule 3A that CPCB or SPCBs as the case may be, may make an application for allocation of funds from Environmental Relief Fund (ERF) to Central Government for the restoration of the damage so caused due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance.

15. That, the Central Government will scrutinize the extent of the damage caused to determine the amount to be allocated from the ERF. The amount to be allocated cannot exceed ten percent of the amount available in the ERF. The Central Government will monitor the utilisation of funds allocated to CPCB/SPCBs. The copy of the said PLI (amendment) Rules, 2024 and ERF (amendment) Scheme, 2024 is annexed herein as **Annexure-R6** and **Annexure-R7** respectively.



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16. It is moreover submitted that section 15 read with section 24 of the National Green Tribunal Act, 2010 states that:

"15. Relief, compensation and restitution.—(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims... ..;

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.

(2)

(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

....."

"24. Deposit of amount payable for damage to environment.—(1) Where any amount by way of compensation or relief is ordered to be paid under any award or order made by the Tribunal on the ground of any damage to environment, that amount shall be remitted to the authority specified under sub-section (3) of section 7A of the Public Liability Insurance Act, 1991 (6 of 1991) for being credited to the Environmental Relief Fund established under that section.

(2) The amount of compensation or relief credited to the Environmental Relief Fund under sub-section (1), may, notwithstanding anything contained in the Public Liability Insurance Act, 1991 (6 of 1991) be utilised by such persons or authority, in such manner and for such purposes relating to environment, as may be prescribed."

17. It is submitted that Rule 37 of the NGT (Practice and Procedure) Rules, 2011 also prescribes that for the purpose of restitution of environment of such area affected by pollution and other environmental damages arising under the enactment specified in Schedule-I to the act, the concerned Department of state government dealing with environment and forest shall be the nodal agency for execution of projects or scheme or schemes for restoration and remediation

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of environment in accordance with the direction of award of the tribunal. The Nodal Agency is to execute such projects or scheme by itself or through other Department or authority or agency of the State Government or in such manner as may be directed by the Tribunal.

18. It is respectfully submitted that in view of the above submissions, this Hon'ble Tribunal may pass such order(s) as deemed fit and proper in the facts and circumstances of the case.


DEPONENT

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VERIFICATION

Verified at on this day 26th of March, 2025 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.


DEPONENT

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3. अपील करने का आधार :
4. मांगी गई राहत :
5. पैरा 2 में संदर्भित आदेश, जिसके विरुद्ध अपील
दायर की जा रही है, के अतिरिक्त अनुलग्नकों की सूची :

हस्ताक्षर.....

तारीख :

नाम और पता

X

X

[23-16/2009-एचएसएमडी]

विश्वनाथ सिन्हा, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 4th April, 2016

G.S.R. 395(E).—Whereas the draft rules, namely the Hazardous And Other Wastes (Management and Transboundary Movement) Rules, 2015, were published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* number G.S.R. 582(E), dated the 24th July, 2015 in the Gazette of India, Extraordinary Part II, section 3, sub-section (ii) inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS the copies of the said Gazette containing the said notification were made available to the public on the 24th day of July, 2015;

AND WHEREAS the objections and suggestions received within the specified period from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

CHAPTER I
PRELIMINARY

1. Short title and commencement. - (1) These rules may be called the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

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

2. Application. - These rules shall apply to the management of hazardous and other wastes as specified in the Schedules to these rules but shall not apply to -

- (a) waste-water and exhaust gases as covered under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder and as amended from time to time;
- (b) wastes arising out of the operation from ships beyond five kilometres of the relevant baseline as covered under the provisions of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder and as amended from time to time;

- (c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and the rules made thereunder and as amended from time to time;
- (d) bio-medical wastes covered under the Bio-Medical Wastes (Management and Handling) Rules, 1998 made under the Act and as amended from time to time; and
- (e) wastes covered under the Municipal Solid Wastes (Management and Handling) Rules, 2000 made under the Act and as amended from time to time.

3. Definitions. - (1) In these rules, unless the context otherwise requires,-

1. “Act” means the Environment (Protection) Act, 1986 (29 of 1986);
2. “actual user” means an occupier who procures and processes hazardous and other waste for reuse, recycling, recovery, pre-processing, utilisation including co-processing;
3. “authorisation” means permission for generation, handling, collection, reception, treatment, transport, storage, reuse, recycling, recovery, pre-processing, utilisation including co-processing and disposal of hazardous wastes granted under sub-rule (2) of rule 6;
4. “Basel Convention” means the United Nations Environment Programme Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal;
5. “captive treatment, storage and disposal facility” means a facility developed within the premises of an occupier for treatment, storage and disposal of wastes generated during manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of hazardous and other wastes;
6. “Central Pollution Control Board” means the Central Pollution Control Board constituted under sub-section (1) of section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
7. “common treatment, storage and disposal facility” means a common facility identified and established individually or jointly or severally by the State Government, occupier, operator of a facility or any association of occupiers that shall be used as common facility by multiple occupiers or actual users for treatment, storage and disposal of the hazardous and other wastes;
8. “co-processing” means the use of waste materials in manufacturing processes for the purpose of energy or resource recovery or both and resultant reduction in the use of conventional fuels or raw materials or both through substitution;
9. “critical care medical equipment” means life saving equipment and includes such equipment as specified by the Ministry of Health and Family Welfare from time to time;
10. “disposal” means any operation which does not lead to reuse, recycling, recovery, utilisation including co-processing and includes physico-chemical treatment, biological treatment, incineration and disposal in secured landfill;
11. “export”, with its grammatical variations and cognate expressions, means taking out of India to a place outside India;
12. “exporter” means any person or occupier under the jurisdiction of the exporting country who exports hazardous or other wastes, including the country which exports hazardous or other waste;
13. “environmentally sound management of hazardous and other wastes” means taking all steps required to ensure that the hazardous and other wastes are managed in a manner which shall protect health and the environment against the adverse effects which may result from such waste;
14. “environmentally sound technologies” means any technology approved by the Central Government from time to time;
15. “facility” means any establishment wherein the processes incidental to the generation, handling, collection, reception, treatment, storage, reuse, recycling, recovery, pre-processing, co-processing, utilisation and disposal of hazardous and, or, other wastes are carried out;

16. “Form” means a form appended to these rules;
17. “hazardous waste” means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive, causes danger or is likely to cause danger to health or environment, whether alone or in contact with other wastes or substances, and shall include -
 - (i) waste specified under column (3) of Schedule I;
 - (ii) waste having equal to or more than the concentration limits specified for the constituents in class A and class B of Schedule II or any of the characteristics as specified in class C of Schedule II; and
 - (iii) wastes specified in Part A of Schedule III in respect of import or export of such wastes or the wastes not specified in Part A but exhibit hazardous characteristics specified in Part C of Schedule III;
18. “import”, with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
19. “importer” mean any person or occupier who imports hazardous or other waste;
20. “manifest” means transporting document prepared and signed by the sender authorised in accordance with the provisions of these rules;
21. “occupier” in relation to any factory or premises, means a person who has, control over the affairs of the factory or the premises and includes in relation to any hazardous and other wastes, the person in possession of the hazardous or other waste;
22. “operator of disposal facility” means a person who owns or operates a facility for collection, reception, treatment, storage and disposal of hazardous and other wastes;
23. “other wastes” means wastes specified in Part B and Part D of Schedule III for import or export and includes all such waste generated indigenously within the country;
24. “pre-processing” means the treatment of waste to make it suitable for co-processing or recycling or for any further processing;
25. “recycling” means reclamation and processing of hazardous or other wastes in an environmentally sound manner for the originally intended purpose or for other purposes;
26. “reuse” means use of hazardous or other waste for the purpose of its original use or other use;
27. “recovery” means any operation or activity wherein specific materials are recovered;
28. “Schedule” means a Schedule appended to these rules;
29. “State Government” in relation to a Union territory means, the Administrator thereof appointed under article 239 of the Constitution;
30. “State Pollution Control Board” means the State Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and includes, in relation to a Union territory, the Pollution Control Committee;
31. “storage” mean storing any hazardous or other waste for a temporary period, at the end of which such waste is processed or disposed of;
32. “transboundary movement” means any movement of hazardous or other wastes from an area under the jurisdiction of one country to or through an area under the jurisdiction of another country or to or through an area not under the jurisdiction of any country, provided that at least two countries are involved in the movement;
33. “transport” means off-site movement of hazardous or other wastes by air, rail, road or water;
34. “transporter” means a person engaged in the off-site transportation of hazardous or other waste by air, rail, road or water;

35. “treatment” means a method, technique or process, designed to modify the physical, chemical or biological characteristics or composition of any hazardous or other waste so as to reduce its potential to cause harm;
36. “used oil” means any oil-
- (i) derived from crude oil or mixtures containing synthetic oil including spent oil, used engine oil, gear oil, hydraulic oil, turbine oil, compressor oil, industrial gear oil, heat transfer oil, transformer oil and their tank bottom sludges; and
 - (ii) suitable for reprocessing, if it meets the specification laid down in Part A of Schedule V but does not include waste oil;
37. “utilisation” means use of hazardous or other waste as a resource;
38. “waste” means materials that are not products or by-products, for which the generator has no further use for the purposes of production, transformation or consumption.
- Explanation.- for the purposes of this clause,
- (i) waste includes the materials that may be generated during, the extraction of raw materials, the processing of raw materials into intermediates and final products, the consumption of final products, and through other human activities and excludes residuals recycled or reused at the place of generation; and
 - (ii) by-product means a material that is not intended to be produced but gets produced in the production process of intended product and is used as such;
39. “waste oil” means any oil which includes spills of crude oil, emulsions, tank bottom sludge and slop oil generated from petroleum refineries, installations or ships and can be used as fuel in furnaces for energy recovery, if it meets the specifications laid down in Part-B of Schedule V either as such or after reprocessing.

(2) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

PROCEDURE FOR MANAGEMENT OF HAZARDOUS AND OTHER WASTES

4. Responsibilities of the occupier for management of hazardous and other wastes.-

- (1) For the management of hazardous and other wastes, an occupier shall follow the following steps, namely:-
 - (a) prevention;
 - (b) minimization;
 - (c) reuse,
 - (d) recycling;
 - (e) recovery, utilisation including co-processing;
 - (f) safe disposal.
- (2) The occupier shall be responsible for safe and environmentally sound management of hazardous and other wastes.
- (3) The hazardous and other wastes generated in the establishment of an occupier shall be sent or sold to an authorised actual user or shall be disposed of in an authorised disposal facility.
- (4) The hazardous and other wastes shall be transported from an occupier’s establishment to an authorised actual user or to an authorised disposal facility in accordance with the provisions of these rules.
- (5) The occupier who intends to get its hazardous and other wastes treated and disposed of by the operator of a treatment, storage and disposal facility shall give to the operator of that facility, such specific information as may be needed for safe storage and disposal.
- (6) The occupier shall take all the steps while managing hazardous and other wastes to-
 - (a) contain contaminants and prevent accidents and limit their consequences on human beings and the environment;
 and

- (b) provide persons working in the site with appropriate training, equipment and the information necessary to ensure their safety.

5. Responsibilities of State Government for environmentally sound management of hazardous and other wastes. – (1) Department of Industry in the State or any other government agency authorised in this regard by the State Government, to ensure earmarking or allocation of industrial space or shed for recycling, pre-processing and other utilisation of hazardous or other waste in the existing and upcoming industrial park, estate and industrial clusters;

(2) Department of Labour in the State or any other government agency authorised in this regard by the State Government shall,-

- (a) ensure recognition and registration of workers involved in recycling, pre-processing and other utilisation activities;
- (b) assist formation of groups of such workers to facilitate setting up such facilities;
- (c) undertake industrial skill development activities for the workers involved in recycling, pre-processing and other utilisation;
- (d) undertake annual monitoring and to ensure safety and health of workers involved in recycling, pre-processing and other utilisation.

(3) Every State Government may prepare integrated plan for effective implementation of these provisions and to submit annual report to the Ministry of Environment, Forest and Climate Change, in the Central Government.

6. Grant of authorisation for managing hazardous and other wastes.- (1) Every occupier of the facility who is engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other wastes shall be required to make an application in **Form 1** to the State Pollution Control Board and obtain an authorisation from the State Pollution Control Board within a period of sixty days from the date of publication of these rules. Such application for authorisation shall be accompanied with a copy each of the following documents, namely:-

- (a) consent to establish granted by the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981);
- (b) Consent to operate granted by the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and/or Air (Prevention and Control of Pollution) Act, 1981, (21 of 1981);
- (c) in case of renewal of authorisation, a self-certified compliance report in respect of effluent, emission standards and the conditions specified in the authorisation for hazardous and other wastes:

Provided that an application for renewal of authorisation may be made three months before the expiry of such authorisation:

Provided further that-

- (i) any person authorised under the provisions of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, prior to the date of commencement of these rules, shall not be required to make an application for authorisation till the period of expiry of such authorisation;
- (ii) any person engaged in recycling or reprocessing of the hazardous waste specified in Schedule IV and having registration under the provisions of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, shall not be required to make an application for authorisation till the period of expiry of such registration.

(2) On receipt of an application complete in all respects for the authorisation, the State Pollution Control Board may, after such inquiry as it considers necessary, and on being satisfied that the applicant possesses appropriate facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other waste, as the case may be, and after ensuring technical capabilities and equipment complying with the standard operating procedure or other guidelines specified by the Central Pollution Control Board from time to time and through site inspection, grant within a period of one hundred and twenty days, an authorisation in **Form 2** to the applicant, which shall be valid for a period of five years subject to such conditions as may be laid down therein. For commonly recyclable hazardous waste as given in Schedule IV, the guidelines already prepared by the Central Pollution Control Board shall be followed:

Provided that in the case of an application for renewal of authorisation, the State Pollution Control Board may, before granting such authorisation, satisfy itself that there has been no violation of the conditions specified in the authorisation earlier granted by it and same shall be recorded in the inspection report.

(3) The authorisation granted by the State Pollution Control Board under sub-rule (2) shall be accompanied by a copy of the field inspection report signed by that Board indicating the adequacy of facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other wastes and compliance to the guidelines or standard operating procedures specified by the Central Pollution Control Board from time to time.

(4) The State Pollution Control Board may, for the reasons to be recorded in writing and after giving reasonable opportunity of being heard to the applicant, refuse to grant any authorisation under these rules.

(5) Every occupier authorised under these rules, shall maintain a record of hazardous and other wastes managed by him in **Form 3** and prepare and submit to the State Pollution Control Board, an annual return containing the details specified in **Form 4** on or before the 30th day of June following the financial year to which that return relates.

(6) The State Pollution Control Board shall maintain a register containing particulars of the conditions imposed under these rules for management of hazardous and other wastes and it shall be open for inspection during office hours to any interested or affected person.

(7) The authorised actual user of hazardous and other wastes shall maintain records of hazardous and other wastes purchased in a passbook issued by the State Pollution Control Board along with the authorisation.

(8) Handing over of the hazardous and other wastes to the authorised actual user shall be only after making the entry into the passbook of the actual user.

7. Power to suspend or cancel an authorisation.- (1) The State Pollution Control Board, may, if in its opinion the holder of the authorisation has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules and after giving him a reasonable opportunity of being heard and after recording reasons thereof in writing cancel or suspend the authorisation issued under rule 6 for such period as it considers necessary in the public interest.

(2) Upon suspension or cancellation of the authorisation, the State Pollution Control Board may give directions to the person whose authorisation has been suspended or cancelled for the safe storage and management of the hazardous and other wastes, and such occupier shall comply with such directions.

8. Storage of hazardous and other wastes.- (1) The occupiers of facilities may store the hazardous and other wastes for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, recycling, recovery, pre-processing, co-processing and utilisation of such wastes and make these records available for inspection:

Provided that the State Pollution Control Board may extend the said period of ninety days in following cases, namely:-

- (i) small generators (up to ten tonnes per annum) up to one hundred and eighty days of their annual capacity;
- (ii) actual users and disposal facility operators up to one hundred and eighty days of their annual capacity,
- (iii) occupiers who do not have access to any treatment, storage, disposal facility in the concerned State; or
- (iv) the waste which needs to be specifically stored for development of a process for its recycling, recovery, pre-processing, co-processing or utilisation;
- (v) in any other case, on justifiable grounds up to one hundred and eighty days.

9. Utilisation of hazardous and other wastes.- (1) The utilisation of hazardous and other wastes as a resource or after pre-processing either for co-processing or for any other use, including within the premises of the generator (if it is not part of process), shall be carried out only after obtaining authorisation from the State Pollution Control Board in respect of waste on the basis of standard operating procedures or guidelines provided by the Central Pollution Control Board.

(2) Where standard operating procedures or guidelines are not available for specific utilisation, the approval has to be sought from Central Pollution Control Board which shall be granting approval on the basis of trial runs and thereafter, standard operating procedures or guidelines shall be prepared by Central Pollution Control Board:

Provided, if trial run has been conducted for particular waste with respect to particular utilisation and compliance to the environmental standards has been demonstrated, authorisation may be granted by the State Pollution Control Board with respect to the same waste and utilisation, without need of separate trial run by Central Pollution Control Board and such cases of successful trial run, Central Pollution Control Board shall intimate all the State Pollution Control Board regarding the same.

(3) No trial runs shall be required for co-processing of waste in cement plants for which guidelines by the Central Pollution Control Board are already available; however, the actual users shall ensure compliance to the standards notified under the Environment (Protection) Act, 1986 (29 of 1986), for cement plant with respect to co-processing of waste:

Provided that till the time the standards are notified, the procedure as applicable to other kind of utilisation of hazardous and other waste, as enumerated above shall be followed.

10. Standard Operating Procedure or guidelines for actual users.- The Ministry of Environment, Forest and Climate Change or the Central Pollution Control Board may issue guidelines or standard operating procedures for environmentally sound management of hazardous and other wastes from time to time.

CHAPTER III

IMPORT AND EXPORT OF HAZARDOUS AND OTHER WASTES

11. Import and export (transboundary movement) of hazardous and other wastes.- The Ministry of Environment, Forest and Climate Change shall be the nodal Ministry to deal with the transboundary movement of the hazardous and other wastes in accordance with the provisions of these rules.

12. Strategy for Import and export of hazardous and other wastes.- (1) No import of the hazardous and other wastes from any country to India for disposal shall be permitted.

(2) The import of hazardous and other wastes from any country shall be permitted only for recycling, recovery, reuse and utilisation including co-processing.

(3) The import of hazardous waste in Part A of Schedule III may be allowed to actual users with the prior informed consent of the exporting country and shall require the permission of the Ministry of Environment, Forest and Climate Change.

(4) The import of other wastes in Part B of Schedule III may be allowed to actual users with the permission of the Ministry of Environment, Forest and Climate Change.

(5) The import of other wastes in Part D of Schedule III will be allowed as per procedure given in rule 13 and as per the note below the said Schedule.

(6) No import of the hazardous and other wastes specified in Schedule VI shall be permitted.

(7) The export of hazardous and other wastes from India listed in Part A and Part B of Schedule III and Schedule VI shall be with the permission of Ministry of Environment, Forest and Climate Change. In case of applications for export of hazardous and other waste listed in Part A of Schedule III and Schedule VI, they shall be considered on the basis of prior informed consent of the importing country.

(8) The import and export of hazardous and other wastes not specified in Schedule III, but exhibiting the hazardous characteristics outlined in Part C of Schedule III shall require prior written permission of the Ministry of Environment, Forest and Climate Change before it is imported to or exported from India, as the case may be.

13. Procedure for import of hazardous and other wastes.- (1) Actual users intending to import or transit for transboundary movement of hazardous and other wastes specified in Part A and Part B of Schedule III shall apply in **Form 5** along with the documents listed therein, to the Ministry of Environment, Forest and Climate Change for the proposed import together with the prior informed consent of the exporting country in respect of Part A of Schedule III waste, and shall send a copy of the application, simultaneously, to the concerned State Pollution Control Board for information and the acknowledgement in this respect from the concerned State Pollution Control Board shall be submitted to the Ministry of Environment, Forest and Climate Change along with the application.

(2) For the import of other wastes listed in Part D of Schedule III, the importer shall not require the permission of the Ministry of Environment, Forest and Climate Change. However, the importer shall furnish the required information as per **Form 6** to the Customs authorities, accompanied with the following documents in addition to those listed in Schedule VIII, wherever applicable. For used electrical and electronic assemblies listed at serial numbers 4 (e) to 4(i) of Schedule VIII (Basel No. B1110), there is no specific requirement of documentation under these rules:

(a) the import license from Directorate General of Foreign Trade, if applicable;

(b) the valid consents under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981) and the authorisation under these rules as well as the authorisation under the E-Waste (Management and Handling) Rules, 2011, as amended from time to time, whichever applicable;

(c) importer who is a trader, importing waste on behalf of actual users, shall obtain one time authorisation in **Form 7** and copy of this authorisation shall be appended to **Form 6**.

(3) For Part B of Schedule III, in case of import of any used electrical and electronic assemblies or spares or part or component or consumables as listed under Schedule I of the E-Waste (Management and Handling) Rules, 2011, as amended from time to time, the importer need to obtain extended producer responsibility-authorisation as producer under the said E-Waste (Management and Handling) Rules, 2011.

(4) Prior to clearing of consignment of wastes listed in Part D of Schedule III, the Custom authorities shall verify the documents as given in column (3) of Schedule VIII.

(5) On receipt of the complete application with respect to Part A and Part B of Schedule III, the Ministry of Environment, Forest and Climate Change shall examine the application considering the comments and observations, if any, received from the State Pollution Control Boards, and may grant the permission for import within a period of sixty days subject to the condition that the importer has -

- (i) the environmentally sound facilities;
- (ii) adequate arrangements for treatment and disposal of wastes generated;
- (iii) a valid authorisation and consents from the State Pollution Control Board;
- (iv) prior informed consent from the exporting country in case of Part A of Schedule III wastes.

(6) The Ministry of Environment, Forest and Climate Change shall forward a copy of the permission to the concerned Port and Customs authorities, Central Pollution Control Board and the concerned State Pollution Control Board for ensuring compliance with respect to their respective functions given in Schedule VII.

(7) The importer of the hazardous and other wastes shall maintain records of the hazardous and other waste imported by him in **Form 3** and the record so maintained shall be made available for inspection.

(8) The importer of the hazardous and other wastes shall file an annual return in **Form 4** to the State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

(9) Samples of hazardous and other wastes being imported for testing or research and development purposes up to 1000 gm or 1000 ml shall be exempted from need of taking permission for import under these rules.

(10) The Port and Customs authorities shall ensure that shipment is accompanied with the movement document as given in **Form 6** and the test report of analysis of the waste, consignment, wherever applicable, from a laboratory accredited or recognised by the exporting country. In case of any doubt, the customs may verify the analysis.

14. Procedure for Export of hazardous and other wastes from India.- (1) Any occupier intending to export waste specified in Part A of Schedule III, Part B of Schedule III and Schedule VI, shall make an application in **Form 5** along with insurance cover to the Ministry of Environment, Forest and Climate Change for the proposed transboundary movement of the hazardous and other wastes together with the prior informed consent in writing from the importing country in respect of wastes specified in Part A of Schedule III and Schedule VI.

(2) On receipt of an application under sub-rule (1), the Ministry of Environment, Forest and Climate Change may give permission for the proposed export within a period of sixty days from the date of submission of complete application and may impose such conditions as it may consider necessary.

(3) The Ministry of Environment, Forest and Climate Change shall forward a copy of the permission granted under sub-rule (2) to the State Pollution Control Board of the State where the waste is generated and the Pollution Control Board of the State where the port of export is located and the concerned Port and Customs authorities for ensuring compliance of the conditions of the export permission.

(4) The exporter shall ensure that no consignment is shipped before the prior informed consent is received from the importing country, wherever applicable.

(5) The exporter shall also ensure that the shipment is accompanied with movement document in **Form 6**.

(6) The exporter of the hazardous and other wastes shall maintain the records of the hazardous or other waste exported by him in **Form 3** and the record so maintained shall be available for inspection.

15. Illegal traffic.- (1) The export and import of hazardous or other wastes from and into India, respectively shall be deemed illegal, if,-

- (i) it is without permission of the Central Government in accordance with these rules; or
- (ii) the permission has been obtained through falsification, mis-representation or fraud; or
- (iii) it does not conform to the shipping details provided in the movement documents; or
- (iv) it results in deliberate disposal (i.e., dumping) of hazardous or other waste in contravention of the Basel Convention and of general principles of international or domestic law.

(2) In case of illegal import of the hazardous or other waste, the importer shall re-export the waste in question at his cost within a period of ninety days from the date of its arrival into India and its implementation will be ensured by the concerned Port and the Custom authority. In case of disposal of such waste by the Port and Custom authorities, they shall do so in accordance with these rules with the permission of the Pollution Control Board of the State where the Port exists.

(3) In case of illegal import of hazardous or other waste, where the importer is not traceable then the waste either can be sold by the Customs authority to any user having authorisation under these rules from the concerned State Pollution Control Board or can be sent to authorised treatment, storage and disposal facility.

CHAPTER - IV

TREATMENT, STORAGE AND DISPOSAL FACILITY FOR HAZARDOUS AND OTHER WASTES

16. Treatment, storage and disposal facility for hazardous and other wastes.- (1) The State Government, occupier, operator of a facility or any association of occupiers shall individually or jointly or severally be responsible for identification of sites for establishing the facility for treatment, storage and disposal of the hazardous and other waste in the State.

(2) The operator of common facility or occupier of a captive facility, shall design and set up the treatment, storage and disposal facility as per technical guidelines issued by the Central Pollution Control Board in this regard from time to time and shall obtain approval from the State Pollution Control Board for design and layout in this regard.

(3) The State Pollution Control Board shall monitor the setting up and operation of the common or captive treatment, storage and disposal facility, regularly.

(4) The operator of common facility or occupier of a captive facility shall be responsible for safe and environmentally sound operation of the facility and its closure and post closure phase, as per guidelines or standard operating procedures issued by the Central Pollution Control Board from time to time.

(5) The operator of common facility or occupier of a captive facility shall maintain records of hazardous and other wastes handled by him in **Form 3**.

(6) The operator of common facility or occupier of a captive facility shall file an annual return in **Form 4** to the State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

CHAPTER - V

PACKAGING, LABELLING, AND TRANSPORT OF HAZARDOUS AND OTHER WASTES.

17. Packaging and Labelling.- (1) Any occupier handling hazardous or other wastes and operator of the treatment, storage and disposal facility shall ensure that the hazardous and other wastes are packaged in a manner suitable for safe handling, storage and transport as per the guidelines issued by the Central Pollution Control Board from time to time. The labelling shall be done as per **Form 8**.

(2) The label shall be of non-washable material, weather proof and easily visible.

18. Transportation of hazardous and other wastes.- (1) The transport of the hazardous and other waste shall be in accordance with the provisions of these rules and the rules made by the Central Government under the Motor Vehicles Act, 1988 and the guidelines issued by the Central Pollution Control Board from time to time in this regard.

(2) The occupier shall provide the transporter with the relevant information in **Form 9**, regarding the hazardous nature of the wastes and measures to be taken in case of an emergency and shall label the hazardous and other wastes containers as per **Form 8**.

(3) In case of transportation of hazardous and other waste for final disposal to a facility existing in a State other than the State where the waste is generated, the sender shall obtain 'No Objection Certificate' from the State Pollution Control Board of both the States.

(4) In case of transportation of hazardous and other waste for recycling or utilisation including co-processing, the sender shall intimate both the State Pollution Control Boards before handing over the waste to the transporter.

(5) In case of transit of hazardous and other waste for recycling, utilisation including co-processing or disposal through a State other than the States of origin and destination, the sender shall give prior intimation to the concerned State Pollution Control Board of the States of transit before handing over the wastes to the transporter.

(6) In case of transportation of hazardous and other waste, the responsibility of safe transport shall be either of the sender or the receiver whosoever arranges the transport and has the necessary authorisation for transport from the concerned State Pollution Control Board. This responsibility should be clearly indicated in the manifest.

(7) The authorisation for transport shall be obtained either by the sender or the receiver on whose behalf the transport is being arranged.

19. Manifest system (Movement Document) for hazardous and other waste to be used within the country only.- (1) The sender of the waste shall prepare seven copies of the manifest in **Form 10** comprising of colour code indicated below and all seven copies shall be signed by the sender:

Copy number with colour code	Purpose
(1)	(2)
Copy 1 (White)	To be forwarded by the sender to the State Pollution Control Board after signing all the seven copies.
Copy 2 (Yellow)	To be retained by the sender after taking signature on it from the transporter and the rest of the five signed copies to be carried by the transporter.
Copy 3 (Pink)	To be retained by the receiver (actual user or treatment storage and disposal facility operator) after receiving the waste and the remaining four copies are to be duly signed by the receiver.
Copy 4 (Orange)	To be handed over to the transporter by the receiver after accepting waste.
Copy 5 (Green)	To be sent by the receiver to the State Pollution Control Board.
Copy 6 (Blue)	To be sent by the receiver to the sender.
Copy 7 (Grey)	To be sent by the receiver to the State Pollution Control Board of the sender in case the sender is in another State.

(2) The sender shall forward copy 1 (white) to the State Pollution Control Board, and in case the hazardous or other wastes is likely to be transported through any transit State, the sender shall intimate State Pollution Control Boards of transit States about the movement of the waste.

(3) No transporter shall accept waste from the sender for transport unless it is accompanied by signed copies 3 to 7 of the manifest.

(4) The transporter shall submit copies 3 to 7 of the manifest duly signed with date to the receiver along with the waste consignment.

(5) The receiver after acceptance of the waste shall hand over copy 4 (orange) to the transporter and send copy 5 (green) to his State Pollution Control Board and send copy 6 (blue) to the sender and the copy 3 (pink) shall be retained by the receiver.

(6) The copy 7 (grey) shall only be sent to the State Pollution Control Board of the sender, if the sender is in another State.

CHAPTER VI MISCELLANEOUS

20. Records and returns.- (1) The occupier handling hazardous or other wastes and operator of disposal facility shall maintain records of such operations in **Form 3**.

(2) The occupier handling hazardous and other wastes and operator of disposal facility shall send annual returns to the State Pollution Control Board in **Form 4**.

(3) The State Pollution Control Board based on the annual returns received from the occupiers and the operators of the facilities for disposal of hazardous and other wastes shall prepare an annual inventory of the waste generated; waste recycled, recovered, utilised including co-processed; waste re-exported and waste disposed and submit to the Central Pollution Control Board by the 30th day of September every year. The State Pollution Control Board shall also prepare the inventory of hazardous waste generators, actual users, and common and captive disposal facilities and shall submit the information to Central Pollution Control Board every two years.

(4) The Central Pollution Control Board shall prepare the consolidated review report on management of hazardous and other wastes and forward it to the Ministry of Environment, Forest and Climate Change, along with its recommendations before the 30th day of December once in every year.

21. Responsibility of authorities. - The authority specified in column (2) of Schedule VII shall perform the duties as specified in column (3) of the said Schedule subject to the provisions of these rules.

22. Accident reporting. - Where an accident occurs at the facility of the occupier handling hazardous or other wastes and operator of the disposal facility or during transportation, the occupier or the operator or the transporter shall immediately intimate the State Pollution Control Board through telephone, e-mail about the accident and subsequently send a report in **Form 11**.

23. Liability of occupier, importer or exporter and operator of a disposal facility.-

(1) The occupier, importer or exporter and operator of the disposal facility shall be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other waste.

(2) The occupier and the operator of the disposal facility shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by the State Pollution Control Board with the prior approval of the Central Pollution Control Board.

24. Appeal.- (1) Any person aggrieved by an order of suspension or cancellation or refusal of authorisation or its renewal passed by the State Pollution Control Board may, within a period of thirty days from the date on which the order is communicated to him, prefer an appeal in **Form 12** to the Appellate Authority, namely, the Environment Secretary of the State.

(2) The Appellate Authority may entertain the appeal after expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Every appeal filed under this rule shall be disposed of within a period of sixty days from the date of its filing.

SCHEDULE I

[See rule 3 (1) (17) (i)]

List of processes generating hazardous wastes

S.No. (1)	Processes (2)	Hazardous Waste* (3)
1.	Petrochemical processes and pyrolytic operations	1.1 Furnace or reactor residue and debris 1.2 Tarry residues and still bottoms from distillation 1.3 Oily sludge emulsion 1.4 Organic residues 1.5 Residues from alkali wash of fuels 1.6 Spent catalyst and molecular sieves 1.7 Oil from wastewater treatment
2.	Crude oil and natural gas production	2.1 Drill cuttings excluding those from water based mud 2.2 Sludge containing oil 2.3 Drilling mud containing oil
3.	Cleaning, emptying and maintenance of petroleum oil storage tanks including ships	3.1 cargo residue, washing water and sludge containing oil 3.2 cargo residue and sludge containing chemicals 3.3 Sludge and filters contaminated with oil 3.4 Ballast water containing oil from ships

4.	Petroleum refining or re-processing of used oil or recycling of waste oil	4.1 Oil sludge or emulsion 4.2 Spent catalyst 4.3 Slop oil 4.4 Organic residue from processes 4.5 Spent clay containing oil
5.	Industrial operations using mineral or synthetic oil as lubricant in hydraulic systems or other applications	5.1 Used or spent oil 5.2 Wastes or residues containing oil 5.3 Waste cutting oils
6.	Secondary production and / or industrial use of zinc	6.1 Sludge and filter press cake arising out of production of Zinc Sulphate and other Zinc Compounds. 6.2 Zinc fines or dust or ash or skimmings in dispersible form 6.3 Other residues from processing of zinc ash or skimmings 6.4 Flue gas dust and other particulates
7.	Primary production of zinc or lead or copper and other non-ferrous metals except aluminium	7.1 Flue gas dust from roasting 7.2 Process residues 7.3 Arsenic-bearing sludge 7.4 Non-ferrous metal bearing sludge and residue. 7.5 Sludge from scrubbers
8.	Secondary production of copper	8.1 Spent electrolytic solutions 8.2 Sludge and filter cakes 8.3 Flue gas dust and other particulates
9.	Secondary production of lead	9.1 Lead bearing residues 9.2 Lead ash or particulate from flue gas 9.3 Acid from used batteries
10.	Production and/or industrial use of cadmium and arsenic and their compounds	10.1 Residues containing cadmium and arsenic
11.	Production of primary and secondary aluminum	11.1 Sludges from off-gas treatment 11.2 Cathode residues including pot lining wastes 11.3 Tar containing wastes 11.4 Flue gas dust and other particulates 11.5 Drosses and waste from treatment of salt sludge 11.6 Used anode butts 11.7 Vanadium sludge from alumina refineries
12.	Metal surface treatment, such as etching, staining, polishing, galvanizing, cleaning, degreasing, plating, etc.	12.1 Acidic and alkaline residues 12.2 Spent acid and alkali 12.3 Spent bath and sludge containing sulphide, cyanide and toxic metals 12.4 Sludge from bath containing organic solvents 12.5 Phosphate sludge 12.6 Sludge from staining bath 12.7 Copper etching residues 12.8 Plating metal sludge
13.	Production of iron and steel including other ferrous alloys (electric furnace; steel rolling and finishing mills; Coke oven and by products plant)	13.1 Spent pickling liquor 13.2 Sludge from acid recovery unit 13.3 Benzol acid sludge 13.4 Decanter tank tar sludge 13.5 Tar storage tank residue 13.6 Residues from coke oven by product plant.
14.	Hardening of steel	14.1 Cyanide-, nitrate-, or nitrite -containing sludge 14.2 Spent hardening salt
15.	Production of asbestos or asbestos-containing materials	15.1 Asbestos-containing residues 15.2 Discarded asbestos 15.3 Dust or particulates from exhaust gas treatment.
16.	Production of caustic soda and chlorine	16.1 Mercury bearing sludge generated from mercury cell process 16.2 Residue or sludges and filter cakes 16.3 Brine sludge
17.	Production of mineral acids	17.1 Process acidic residue, filter cake, dust 17.2 Spent catalyst
18.	Production of nitrogenous and complex fertilizers	18.1 Spent catalyst 18.2 Carbon residue

		18.3 Sludge or residue containing arsenic
		18.4 Chromium sludge from water cooling tower
19.	Production of phenol	19.1 Residue or sludge containing phenol
		19.2 Spent catalyst
20.	Production and/or industrial use of solvents	20.1 Contaminated aromatic, aliphatic or naphthenic solvents may or may not be fit for reuse.
		20.2 Spent solvents
		20.3 Distillation residues
		20.4 Process Sludge
21.	Production and/or industrial use of paints, pigments, lacquers, varnishes and inks	21.1 Process wastes, residues and sludges
		21.2 Spent solvent
22.	Production of plastics	22.1 Spent catalysts
		22.2 Process residues
23.	Production and /or industrial use of glues, organic cements, adhesive and resins	23.1 Wastes or residues (not made with vegetable or animal materials)
		23.2 Spent solvents
24.	Production of canvas and textiles	24.1 Chemical residues
25.	Industrial production and formulation of wood preservatives	25.1 Chemical residues
		25.2 Residues from wood alkali bath
26.	Production or industrial use of synthetic dyes, dye-intermediates and pigments	26.1 Process waste sludge/residues containing acid, toxic metals, organic compounds
		26.2 Dust from air filtration system
		26.3 Spent acid
		26.4 Spent solvent
		26.5 Spent catalyst
27.	Production of organic-silicone compound	27.1 Process residues
28.	Production/formulation of drugs/pharmaceutical and health care product	28.1 Process Residue and wastes
		28.2 Spent catalyst
		28.3 Spent carbon
		28.4 Off specification products
		28.5 Date-expired products
		28.6 Spent solvents
29.	Production, and formulation of pesticides including stock-piles	29.1 Process wastes or residues
		29.2 Sludge containing residual pesticides
		29.3 Date-expired and off-specification pesticides
		29.4 Spent solvents
		29.5 Spent catalysts
		29.6 Spent acids
30.	Leather tanneries	30.1 Chromium bearing residue and sludge
31.	Electronic Industry	31.1 Process residue and wastes
		31.2 Spent etching chemicals and solvents
32.	Pulp and Paper Industry	32.1 Spent chemicals
		32.2 Corrosive wastes arising from use of strong acid and bases
		32.3 Process sludge containing adsorbable organic halides(AO _x)
33.	Handling of hazardous chemicals and wastes	33.1 Empty barrels/containers/liners contaminated with hazardous chemicals /wastes
		33.2 Contaminated cotton rags or other cleaning materials
34.	De-contamination of barrels / containers used for handling of hazardous wastes/chemicals	34.1 Chemical-containing residue arising from decontamination.
		34.2 Sludge from treatment of waste water arising out of cleaning / disposal of barrels / containers
35.	Purification and treatment of exhaust air/gases, water and waste water from the processes in this schedule and common industrial effluent treatment plants (CETP's)	35.1 Exhaust Air or Gas cleaning residue
		35.2 Spent ion exchange resin containing toxic metals
		35.3 Chemical sludge from waste water treatment
		35.4 Oil and grease skimming
		35.5 Chromium sludge from cooling water
36.	Purification process for organic compounds/solvents	36.1 Any process or distillation residue
		36.2 Spent carbon or filter medium

37.	Hazardous waste treatment processes, e.g. pre-processing, incineration and concentration	37.1 Sludge from wet scrubbers 37.2 Ash from incinerator and flue gas cleaning residue 37.3 Concentration or evaporation residues
38.	Chemical processing of Ores containing heavy metals such as Chromium, Manganese, Nickel, Cadmium etc.	38.1 Process residues 38.2 Spent acid

*** The inclusion of wastes contained in this Schedule does not preclude the use of Schedule II to demonstrate that the waste is not hazardous. In case of dispute, the matter would be referred to the Technical Review Committee constituted by Ministry of Environment, Forest and Climate Change.**

Note: The high volume low effect wastes such as fly ash, Phosphogypsum, red mud, jarosite, Slags from pyrometallurgical operations, mine tailings and ore beneficiation rejects are excluded from the category of hazardous wastes. Separate guidelines on the management of these wastes shall be issued by Central Pollution Control Board.

SCHEDULE II

[See rule 3 (1) (17) (ii)]

List of waste constituents with concentration limits

Class A: Based on leachable concentration limits [Toxicity Characteristic Leaching Procedure (TCLP) or Soluble Threshold Limit Concentration (STLC)]

Class	Constituents	Concentration in mg/l
(1)	(2)	(3)
A1	Arsenic	5.0
A2	Barium	100.0
A3	Cadmium	1.0
A4	Chromium and/or Chromium (III) compounds	5.0
A5	Lead	5.0
A6	Manganese	10.0
A7	Mercury	0.2
A8	Selenium	1.0
A9	Silver	5.0
A10	Ammonia	50*
A11	Cyanide	20*
A12	Nitrate (as nitrate-nitrogen)	1000.0
A13	Sulphide (as H ₂ S)	5.0
A14	1,1-Dichloroethylene	0.7
A15	1,2-Dichloroethane	0.5
A16	1,4-Dichlorobenzene	7.5
A17	2,4,5-Trichlorophenol	400.0
A18	2,4,6-Trichlorophenol	2.0
A19	2,4-Dinitrotoluene	0.13
A20	Benzene	0.5
A21	Benzo (a) Pyrene	0.001
A22	Bromodichloromethane	6.0
A23	Bromoform	10.0
A24	Carbon tetrachloride	0.5
A25	Chlorobenzene	100.0
A26	Chloroform	6.0
A27	Cresol (ortho+ meta+ para)	200.0
A28	Dibromochloromethane	10.0
A29	Hexachlorobenzene	0.13
A30	Hexachlorobutadiene	0.5
A31	Hexachloroethane	3.0
A32	Methyl ethyl ketone	200.0

A33	Naphthalene	5.0
A34	Nitrobenzene	2.0
A35	Pentachlorophenol	100.0
A36	Pyridine	5.0
A37	Tetrachloroethylene	0.7
A38	Trichloroethylene	0.5
A39	Vinyl chloride	0.2
A40	2,4,5-TP (Silvex)	1.0
A41	2,4-Dichlorophenoxyacetic acid	10.0
A42	Alachlor	2.0
A43	Alpha HCH	0.001
A44	Atrazine	0.2
A45	Beta HCH	0.004
A46	Butachlor	12.5
A47	Chlordane	0.03
A48	Chlorpyrifos	9.0
A49	Delta HCH	0.004
A50	Endosulfan (alpha+ beta+ sulphate)	0.04
A51	Endrin	0.02
A52	Ethion	0.3
A53	Heptachlor (& its Epoxide)	0.008
A54	Isoproturon	0.9
A55	Lindane	0.4
A56	Malathion	19
A57	Methoxychlor	10
A58	Methyl parathion	0.7
A59	Monocrotophos	0.1
A60	Phorate	0.2
A61	Toxaphene	0.5
A62	Antimony	15
A63	Beryllium	0.75
A64	Chromium (VI)	5.0
A65	Cobalt	80.0
A66	Copper	25.0
A67	Molybdenum	350
A68	Nickel	20.0
A69	Thallium	7.0
A70	Vanadium	24.0
A71	Zinc	250
A72	Fluoride	180.0
A73	Aldrin	0.14
A74	Dichlorodiphenyltrichloroethane (DDT), Dichlorodiphenyldichloroethylene (DDE), Dichlorodiphenyldichloroethane (DDD)	0.1
A75	Dieldrin	0.8
A76	Kepone	2.1
A77	Mirex	2.1
A78	Polychlorinated biphenyls	5.0
A79	Dioxin (2,3,7,8-TCDD)	0.001

Class B: Based on Total Threshold Limit Concentration (TTLC)

Class	Constituent	Concentration in mg/kg
(1)	(2)	(3)
B1	Asbestos	10000
B2	Total Petroleum Hydrocarbons (TPH) (C5 - C36)	5,000

Note:

- (1) The testing method for list of constituents at A1 to A61 in Class-A, shall be based on Toxicity Characteristic Leaching Procedure (TCLP) and for extraction of leachable constituents, USEPA Test Method 1311 shall be used.
- (2) The testing method for list of constituents at A62 to A79 in Class- A, shall be based on Soluble Threshold Limit Concentration (STLC) and Waste Extraction Test (WET) Procedure given in Appendix II of section 66261 of Title 22 of California Code regulation (CCR) shall be used.
- (3) In case of ammonia (A10), cyanide (A11) and chromium VI (A64), extractions shall be conducted using distilled water in place of the leaching media specified in the TCLP/STLC procedures.
- (4) A summary of above specified leaching/extraction procedures is included in manual for characterization and analysis of hazardous waste published by Central Pollution Control Board and in case the method is not covered in the said manual, suitable reference method may be adopted for the measurement.
- (5) In case of asbestos, the specified concentration limits apply only if the substances are in a friable, powdered or finely divided state.
- (6) The hazardous constituents to be analyzed in the waste shall be relevant to the nature of the industry and the materials used in the process.

Wastes which contain any of the constituents listed below shall be considered as hazardous, provided they exhibit the characteristics listed in Class-C of this Schedule :

1.	Acid Amides
2.	Acid anhydrides
3.	Amines
4.	Anthracene
5.	Aromatic compounds other than those listed in Class A
6.	Bromates, (hypo-bromites)
7.	Chlorates (hypo-chlorites)
8.	Carbonyls
9.	Ferro-silicate and alloys
10.	Halogen- containing compounds which produce acidic vapours on contact with humid air or water e.g. silicon tetrachloride, aluminum chloride, titanium tetrachloride
11.	Halogen- silanes
12.	Halogenated Aliphatic Compounds
13.	Hydrazine (s)
14.	Hydrides
15.	Inorganic Acids
16.	Inorganic Peroxides
17.	Inorganic Tin Compounds
18.	Iodates
19.	(Iso- and thio-) Cyanates
20.	Manganese-silicate
21.	Mercaptans
22.	Metal Carbonyls
23.	Metal hydrogen sulphates
24.	Nitrides
25.	Nitriles
26.	Organic azo and azoxy Compounds
27.	Organic Peroxides
28.	Organic Oxygen Compounds
29.	Organic Sulphur Compounds
30.	Organo- Tin Compounds
31.	Organo nitro- and nitroso compounds

32.	Oxides and hydroxides except those of hydrogen, carbon, silicon, iron, aluminum, titanium, manganese, magnesium, calcium
33.	Phenanthrene
34.	Phenolic Compounds
35.	Phosphate compounds except phosphates of aluminum, calcium and iron
36.	Salts of pre-acids
37.	Total Sulphur
38.	Tungsten Compounds
39.	Tellurium and tellurium compounds
40.	White and Red Phosphorus
41.	2-Acetylaminofluorene
42.	4-Aminodiphenyl
43.	Benzidine and its salts
44.	Bis (Chloromethyl) ether
45.	Methyl chloromethyl ether
46.	1,2-Dibromo-3-chloropropane
47.	3,3'-Dichlorobenzidine and its salts
48.	4-Dimethylaminoazobenzene
49.	4-Nitrobiphenyl
50.	Beta-Propiolactone

CLASS C : Based on hazardous Characteristics

Apart from the concentration limit given above, the substances or wastes shall be classified as hazardous waste if it exhibits any of the following characteristics due to the presence of any hazardous constituents:

Class C1: Flammable- A waste exhibits the characteristic of flammability or ignitability if a representative sample of the waste has any of the following properties, namely:-

- (i) flammable liquids, or mixture of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc; but not including substances or wastes otherwise classified on account of their dangerous characteristics), which give off a flammable vapour at temperature less than 60°C. This flash point shall be measured as per ASTM D 93-79 closed-cup test method or as determined by an equivalent test method published by Central Pollution Control Board;
- (ii) it is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns vigorously and persistently creating a hazard;
- (iii) it is an ignitable compressed gas;
- (iv) It is an oxidizer and for the purposes of characterisation is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

Class C2: Corrosive- A waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties, namely:-

- (i) it is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5;
- (ii) it is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm per year at a test temperature of 55 °C;
- (iii) it is not aqueous and, when mixed with an equivalent weight of water, produces a solution having a pH less than or equal to 2 or greater than or equal to 12.5;
- (iv) it is not a liquid and, when mixed with an equivalent weight of water, produces a liquid that corrodes steel (SAE1020) at a rate greater than 6.35 mm per year at a test temperature of 55 °C.

Note:

For the purpose of determining the corrosivity, the Bureau of Indian Standard 9040 C method for pH determination, NACE TM 01 69 : Laboratory Corrosion Testing of Metals and EPA 1110A method for corrosivity towards steel (SAE1020) to establish the corrosivity characteristics shall be adopted.

Class C3: Reactive or explosive- A waste exhibits the characteristic of reactivity if a representative sample of the waste it has any of the following properties, namely:-

- (i) it is normally unstable and readily undergoes violent change without detonating;
- (ii) it reacts violently with water or forms potentially explosive mixtures with water;
- (iii) when mixed with water, it generates toxic gases, vapours or fumes in a quantity sufficient to present a danger to human health or the environment;
- (iv) it is a cyanide or sulphide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present a danger to human health or the environment;
- (v) it is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;
- (vi) it is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure;
- (vii) it is a forbidden explosive.

Class C4: Toxic- A waste exhibits the characteristic of toxicity, if, :-

- (i) the concentration of the waste constituents listed in Class A and B (of this schedule) are equal to or more than the permissible limits prescribed therein;
- (ii) it has an acute oral LD50 less than 2,500 milligrams per kilogram;
- (iii) it has an acute dermal LD50 less than 4,300 milligrams per kilogram;
- (iv) it has an acute inhalation LC50 less than 10,000 parts per million as a gas or vapour;
- (v) it has acute aquatic toxicity with 50% mortality within 96 hours for zebra fish (*Brachidanio rerio*) at a concentration of 500 milligrams per litre in dilution water and test conditions as specified in BIS test method 6582 – 2001.
- (vi) it has been shown through experience or by any standard reference test- method to pose a hazard to human health or environment because of its carcinogenicity, mutagenicity, endocrine disruptivity, acute toxicity, chronic toxicity, bio-accumulative properties or persistence in the environment.

Class C5: Substances or Wastes liable to spontaneous combustion - Substances or Wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.

Class C6: Substances or Wastes which, in contact with water emit flammable gases- Substances or Wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

Class C7: Oxidizing - Substances or Wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

Class C8: Organic Peroxides - Organic substances or Wastes which contain the bivalent O–O structure, which may undergo exothermic self-accelerating decomposition.

Class C9: Poisons (acute) - Substances or Wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

Class C10: Infectious substances - Substances or Wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

Class C11: Liberation of toxic gases in contact with air or water - Substances or Wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

Class C12: Eco-toxic- Substances or Wastes which if released, present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation or toxic effects upon biotic systems or both.

Class C13: Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

SCHEDULE III*[See rules 3 (1) (17) (iii), 3 (23), 12, 13 and 14]***Part A****List of hazardous wastes applicable for import and export with Prior Informed Consent [Annexure VIII of the Basel Convention*]**

Basel No.	Description of Hazardous Wastes
(1)	(2)
A1	Metal and Metal bearing wastes
A1010	Metal wastes and waste consisting of alloys of any of the following but excluding such wastes specifically listed in Part B and Part D
	- Antimony
	- Cadmium
	- Lead
	- Tellurium
A1020	Waste having as constituents or contaminants, excluding metal wastes in massive form, any or the following:
	- Antimony, antimony compounds
	- Cadmium, cadmium compounds
	- Lead, lead compounds
	- Tellurium, tellurium compounds
A1040	Waste having metal carbonyls as constituents
A1050	Galvanic sludges
A1070	Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
A1080	Waste zinc residues not included in Part B, containing lead and cadmium in concentrations sufficient to exhibit hazard characteristics indicated in Part C
A1090	Ashes from the incineration of insulated copper wire
A1100	Dusts and residues from gas cleaning systems of copper smelters
A1120	Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
A1140	Waste cupric chloride and copper cyanide catalysts not in liquid form note the related entry in Schedule VI
A1150	Precious metal ash from incineration of printed circuit boards not included in Part B
A1160	Waste lead acid batteries, whole or crushed
A1170	Unsorted waste batteries excluding mixtures of only Part B batteries. Waste batteries not specified in Part B containing constituents mentioned in Schedule II to an extent to render them hazardous
A2	Wastes containing principally inorganic constituents, which may contain metals and organic materials
A2010	Glass waste from cathode-ray tubes and other activated glasses
A2030	Waste catalysts but excluding such wastes specified in Part B
A3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
A3010	Waste from the production or processing of petroleum coke and bitumen
A3020	Waste mineral oils unfit for their originally intended use
A3050	Wastes from production, formulation and use of resins, latex, plasticizers, glues or adhesives excluding such wastes specified in Part B (B4020)
A3120	Fluff-light fraction from shredding
A3130	Waste organic phosphorus compounds
A4	Wastes which may contain either inorganic or organic constituents
A4010	Wastes from the production, preparation and use of pharmaceutical products but excluding such waste specified in Part B
A4040	Wastes from the manufacture, formulation and use of wood-preserving chemicals (does not include wood treated with wood preserving chemicals)
A4070	Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding those specified in Part B (B4010)
A4100	Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified in Part B
A4120	Wastes that contain, consist of or are contaminated with peroxides.
A4130	Wastes packages and containers containing Schedule II constituents in concentration sufficient to exhibit Part C of Schedule III hazard characteristics.

A4140	Waste consisting of or containing off specification or outdated chemicals (unused within the period recommended by the manufacturer) corresponding to constituents mentioned in Schedule II and exhibiting Part C of Schedule III hazard characteristics.
A4160	Spent activated carbon not included in Part B, B2060

*This List is based on Annexure VIII of the Basel Convention on Transboundary Movement of Hazardous Wastes and comprises of wastes characterized as hazardous under Article I, paragraph 1(a) of the Convention. Inclusion of wastes on this list does not preclude the use of hazard.

Characteristics given in Annexure VIII of the Basel Convention (Part C of this Schedule) to demonstrate that the wastes are not hazardous. **Hazardous wastes in Part-A are restricted and cannot be allowed to be imported without permission from the Ministry of Environment, Forest and Climate Change and the Directorate General of Foreign Trade license, if applicable.**

Part B

List of other wastes applicable for import and export and not requiring Prior Informed Consent [Annex IX of the Basel Convention*]

Basel No.	Description of wastes
(1)	(2)
B1	Metal and metal-bearing wastes
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Thorium scrap - Rare earths scrap
B1020	Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plates, beams, rods, etc.), of: - Antimony scrap - Beryllium scrap - Cadmium scrap - - - Lead scrap (excluding lead acid batteries) - Selenium scrap - Tellurium scrap
B1030	Refractory metals containing residues
B1031	Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder), excluding such wastes as specified in Part A under entry A1050, Galvanic sludges
B1040	Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous
B1050	Mixed non-ferrous metal, heavy fraction scrap, containing cadmium, antimony, lead & tellurium mentioned in Schedule II in concentrations sufficient to exhibit Part C characteristics
B1060	Waste selenium and tellurium in metallic elemental form including powder
B1070	Waste of copper and copper alloys in dispersible form, unless they contain any of the constituents mentioned in Schedule II to an extent that they exhibit Part C characteristics
B1080	Zinc ash and residues including zinc alloys residues in dispersible form unless they contain any of the constituents mentioned in Schedule II in concentration such as to exhibit Part C characteristics
B1090	Waste batteries conforming to a standard battery specification, excluding those made with lead, cadmium or mercury
B1100	Metal bearing wastes arising from melting, smelting and refining of metals: - Slags from copper processing for further processing or refining containing arsenic, lead or cadmium - Slags from precious metals processing for further refining - Wastes of refractory linings, including crucibles, originating from copper smelting - Tantalum-bearing tin slags with less than 0.5% tin
B1110	Used Electrical and electronic assemblies other than those listed in Part D of Schedule III Electronic assemblies consisting only of metals or alloys Waste electrical and electronic assemblies or scrap (including printed circuit boards) not containing components such as accumulators and other batteries included in Part A of Schedule III, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not

	contaminated with Schedule II constituents such as cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Part C of Schedule III (note the related entry in Schedule VI, A1180)
B1120	Spent catalysts excluding liquids used as catalysts, containing any of: Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) in Part A and Schedule VI: - Scandium - Titanium - Vanadium - Chromium - Manganese - Iron - Cobalt - Nickel - Copper - Zinc - Yttrium - Zirconium - Niobium - Molybdenum - Hafnium - Tantalum - Tungsten - Rhenium Lanthanides (rare earth metals): - Lanthanum - Cerium
	- Praseodymium - Neodymium - Samarium - Europium - Gadolinium - Terbium - Dysprosium - Holmium - Erbium - Thulium - Ytterbium - Lutetium
B1130	Cleaned spent precious metal bearing catalysts
B1140	Precious metal bearing residues in solid form which contain traces of inorganic cyanides
B1150	Precious metals and alloy wastes (gold, silver, the platinum group but not mercury) in a dispersible form, non-liquid form with appropriate packaging and labelling
B1160	Precious metal ash from the incineration of printed circuit boards (note the related entry in Part A A1150)
B1170	Precious metal ash from the incineration of photographic film
B1180	Waste photographic film containing silver halides and metallic silver
B1190	Waste photographic paper containing silver halides and metallic silver
B1200	Granulated slag arising from the manufacture of iron and steel
B1210	Slag arising from the manufacture of iron and steel including slags as a source of Titanium dioxide and Vanadium
B1220	Slag from zinc production, chemically stabilised, having a high iron content (above 20%) and processed according to industrial specifications mainly for construction
B1230	Mill scale arising from the manufacture of iron and steel
B1240	Copper Oxide mill-scale
B2	Wastes containing principally inorganic constituents, which may contain metals and organic materials
B2010	Wastes from mining operations in non-dispersible form: - Natural graphite waste - Slate wastes - Mica wastes - Leucite, nepheline and nepheline syenite waste - Feldspar waste - Fluorspar waste - Silica wastes in solid form excluding those used in foundry operations
B2020	Glass wastes in non-dispersible form: - Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
B2030	Ceramic wastes in non-dispersible form: - Cermet wastes and scrap (metal ceramic composites) - Ceramic based fibres
B2040	Other wastes containing principally inorganic constituents: - Partially refined calcium sulphate produced from flue gas desulphurization (FGD) - Waste gypsum wallboard or plasterboard arising from the demolition of buildings - Slag from copper production, chemically stabilized, having a high iron content (above

	20%) and processed according to industrial specifications mainly for construction and abrasive applications - Sulphur in solid form - Limestone from production of calcium cyanamide (pH<9) - Sodium, potassium, calcium chlorides - Carborundum (silicon carbide) - Broken concrete - Lithium-tantalum and lithium-niobium containing glass scraps
B2060	Spent activated carbon not containing any of Schedule II constituents to the extent they exhibit Part C characteristics, for example, carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry in Part A A4160)
B2070	Calcium fluoride sludge
B2080	Waste gypsum arising from chemical industry processes not included in Schedule VI (note the related entry in A2040)
B2090	Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
B2100	Waste hydrates of aluminium and waste alumina and residues from alumina production, excluding such materials used for gas cleaning, flocculation or filtration processes
B2130	Bituminous material (asphalt waste) from road construction and maintenance, not containing tar (note the related entry in Schedule VI, A3200)
B3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
B3027	Self-adhesive label laminate waste containing raw materials used in label material production
B3030	Textile wastes The following materials, provided they are not mixed with other wastes and are prepared to a specification: - Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock) • not carded or combed • other - Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock • noils of wool or of fine animal hair • other waste of wool or of fine animal hair • waste of coarse animal hair - Cotton waste (including yarn waste and garnetted stock) • yarn waste (including thread waste) • garnetted stock • other - Flax tow and waste - Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.) - Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie) - Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus <i>Agave</i> - Tow, noils and waste (including yarn waste and garnetted stock) of coconut - Tow, noils and waste (including yarn waste and garnetted stock) of abaca (<i>Manila hemp</i> or <i>Musa textilis</i> Nee) - Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included - Waste (including noils, yarn waste and garnetted stock) of man-made fibres • of synthetic fibres • of artificial fibres - Worn clothing and other worn textile articles - Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials • sorted • other
B3035	Waste textile floor coverings, carpets
B3040	Rubber Wastes

	The following materials, provided they are not mixed with other wastes: - Waste and scrap of hard rubber (e.g., ebonite) - Other rubber wastes (excluding such wastes specified elsewhere)
B3050	Untreated cork and wood waste: - Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms - Cork waste: crushed, granulated or ground cork
B3060	Wastes arising from agro-food industries provided it is not infectious: - Wine lees - Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included - Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes - Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised - Fish waste - Cocoa shells, husks, skins and other cocoa waste - Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption
B3070	The following wastes: - Waste of human hair - Waste straw - Deactivated fungus mycelium from penicillin production to be used as animal feed
B3080	Waste parings and scrap of rubber
B3090	Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry in Schedule VI, A3100)
B3100	Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry in Schedule VI, A3090)
B3110	Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Schedule VI, A3110)
B3120	Wastes consisting of food dyes
B3130	Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
B3140	Waste pneumatic and other tyres, excluding those which do not lead to resource recovery, recycling, reclamation but not for direct reuse
B4	Wastes which may contain either inorganic or organic constituents
B4010	Wastes consisting mainly of water-based or latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry in Part A, A4070)
B4020	Wastes from production, formulation and use of resins, latex, plasticizers, glues or adhesives, not listed in Part A, free of solvents and other contaminants to an extent that they do not exhibit Part C characteristics (note the related entry in Part A, A3050)
B4030	Used single-use cameras, with batteries not included in Part A

* This list is based on Annexure IX of the Basel Convention on Transboundary Movement of Hazardous Wastes and comprises of wastes not characterized as hazardous under Article-I of the Basel Convention. **The wastes in Part- B are restricted and cannot be allowed to be imported without permission from the Ministry of Environment, Forest and Climate Change and the Directorate General of Foreign Trade license, if applicable.**

Note:

(1) Copper dross containing copper greater than 65% and lead and Cadmium equal to or less than 1.25% and 0.1% respectively; spent cleaned metal catalyst containing copper; and copper reverts, cake and residues containing lead and cadmium equal to or less than 1.25% and 0.1% respectively are allowed for import without Director General of Foreign Trade license to units (actual users) authorised by State Pollution Control Board and with the Ministry of Environment, Forest and Climate Change's permission. Copper reverts, cake and residues containing lead and cadmium greater than 1.25% and 0.1% respectively are under restricted category for which import is permitted only against Director General of Foreign Trade license for the purpose of processing or reuse by units permitted with the Ministry of Environment, Forest and Climate Change (actual users).

- (2) Zinc ash or skimmings in dispersible form containing zinc more than 65% and lead and cadmium equal to or less than 1.25% and 0.1% respectively and spent cleaned metal catalyst containing zinc are allowed for import without Director General of Foreign Trade license to units authorised by State Pollution control Board, Ministry of Environment, Forest and Climate Change's permission (actual users) upto an annual quantity limit indicated in registration letter. Zinc ash and skimmings containing less than 65% zinc and lead and cadmium equal to or more than 1.25% and 0.1% respectively and hard zinc spelter and brass dross containing lead greater than 1.25% are under restricted category for which import is permitted against Director General of Foreign Trade license and only for purpose of processing or reuse by units registered with the Ministry of Environment Forest and Climate Change (actual users).

Part C

List of Hazardous Characteristics

<u>Code</u>	<u>Characteristic</u>
H 1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surrounding.
H 3	Flammable liquids The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc. but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cups tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition).
H 4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
H 4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
H 4.3	Substances or wastes which, in contact with water emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
H 5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
H 5.2	Organic Peroxides Organic substances or wastes which contain the bivalent-o-o-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
H 6.1	Poisons (acute) Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
H 6.2	Infectious substances Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.
H 8	Corrosives Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
H 10	Liberation of toxic gases in contact with air or water Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
H 11	Toxic (delayed or chronic) Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity).
H 12	Eco-toxic Substances or wastes which if released, present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation or toxic effects upon biotic systems or both.

H 13 **Capable**, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

Part D

List of other wastes applicable for import and export without permission from Ministry of Environment, Forest and Climate Change [Annex IX of the Basel Convention*]

Basel No.	Description of wastes
(1)	(2)
B1	Metal and metal-bearing wastes
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form : - Precious metals (gold, silver, platinum but not mercury) * * - Iron and steel scrap * * - Nickel scrap * * - Aluminium scrap * * - Zinc scrap * * - Tin scrap * * - Tungsten scrap * * - Molybdenum scrap * * - Tantalum scrap * * - Cobalt scrap * * - Bismuth scrap * * - Titanium scrap * * - Zirconium scrap * * - Manganese scrap * * - Germanium scrap * * - Vanadium scrap * * - Hafnium scrap * * - Indium scrap * * - Niobium scrap * * - Rhenium scrap * * - Gallium scrap * * - Magnesium scrap * * - Copper scrap * * - Chromium scrap * *
B1050	Mixed non-ferrous metal, heavy fraction scrap, containing metals other than specified in Part B1050 and not containing constituents mentioned in Schedule II in concentrations sufficient to exhibit Part C characteristics* *
B1100	Metal bearing wastes arising from melting, smelting and refining of metals: - Hard Zinc spelter * * - Zinc-containing drosses * *: ~ Galvanizing slab zinc top dross (>90% Zn) ~ Galvanizing slab zinc bottom dross (>92% Zn) ~ Zinc die casting dross (>85% Zn) ~ Hot dip galvanizers slab zinc dross (batch) (>92% Zn) ~ Zinc skimmings - Aluminium skimmings (or skims) excluding salt slag
B1110	Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse and not for recycling or final disposal - Used electrical and electronic assemblies imported for repair and to be re-exported back after repair within one year of import * * * - Used electrical and electronic assemblies imported for rental purpose and re-exported back within one year of import * * * - Used electrical and electronic assemblies exported for repair and to be re-import after repair - Used electrical and electronic assemblies imported for testing, research and development, project work purposes and to be re-exported back within a period of three years from the date of import * * *

	- Spares imported for warranty replacements provided equal number of defective or non-functional parts are exported back within one year of the import * * * - Used electrical and electronic assemblies imported by Ministry of Defence, Department of Space and Department of Atomic Energy * * * - Used electrical and electronic assemblies (not in bulk; quantity less than or equal to three) imported by the individuals for their personal uses - Used Laptop, Personal Computers, Mobile, Tablet up to 01 number each imported by organisations in a year - Used electrical and electronic assemblies owned by individuals and imported on transfer of residence - Used multifunction print and copying machines (MFDs)* * * * - Used electrical and electronic assemblies imported by airlines for aircraft maintenance and remaining either on board or under the custodianship of the respective airlines warehouses located on the airside of the custom bonded areas.
B3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
B3020	Paper, paperboard and paper product wastes * * The following materials, provided they are not mixed with hazardous wastes: Waste and scrap of paper or paperboard of: - unbleached paper or paperboard or of corrugated paper or paperboard - other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass - paper or paperboard made mainly of mechanical pulp (for example newspapers, journals and similar printed matter) - other, including but not limited to (1) laminated paperboard (2) unsorted scrap
B3140	Aircraft Tyres exported to Original Equipment Manufacturers for re-treading and re-imported after re-treading by airlines for aircraft maintenance and remaining either on board or under the custodianship of the respective airlines warehouses located on the airside of the custom bonded areas

Note:

* This list is based on Annexure IX of the Basel Convention on Transboundary Movement of Hazardous Wastes and comprises of wastes not characterized as hazardous under Article-I of the Basel Convention.

* * Import permitted in the country to the actual user or to the trader on behalf of the actual users authorised by SPCB on one time basis and subject to verification of documents specified in Schedule VIII of these rules by the Custom Authority.

* * * Import permitted in the country only to the actual users from Original Equipment Manufacturers (OEM) and subject to verification of documents specified in Schedule VIII of these rules by the Custom Authority.

* * * * Import permitted in the country to the actual users or trader on behalf of the actual user in accordance with the documents required and verified by the Custom Authority as specified under Schedule VIII of these rules. The policy for free trade for multifunction print and copying machine to be reviewed once the MFDs are domestically manufactured.

All other wastes listed in Part D of Schedule III having no “Stars” are permitted without any documents from MoEF&CC subject to compliance of the conditions of the Customs Authority, if any.

SCHEDULE IV

[See rules 6 (1) (ii) and 6 (2)]

List of commonly recyclable hazardous wastes

S.No.	Wastes
(1)	(2)
1.	Brass Dross
2.	Copper Dross
3.	Copper Oxide mill scale
4.	Copper reverts, cake and residue
5.	Waste Copper and copper alloys in dispersible form
6.	Slags from copper processing for further processing or refining
7.	Insulated Copper Wire Scrap or copper with PVC sheathing including ISRI-code material namely "Druid"
8.	Jelly filled Copper cables
9.	Spent cleared metal catalyst containing copper
10.	Spent catalyst containing nickel, cadmium, Zinc, copper, arsenic, vanadium and cobalt
11.	Zinc Dross-Hot dip Galvanizers SLAB
12.	Zinc Dross-Bottom Dross
13.	Zinc ash/Skimmings arising from galvanizing and die casting operations
14.	Zinc ash/Skimming/other zinc bearing wastes arising from smelting and refining
15.	Zinc ash and residues including zinc alloy residues in dispersible form
16.	Spent cleared metal catalyst containing zinc
17.	Used Lead acid battery including grid plates and other lead scrap/ashes/residues not covered under Batteries (Management and Handling) Rules, 2001. [Battery scrap, namely: Lead battery plates covered by ISRI, Code word "Rails" Battery lugs covered by ISRI, Code word "Rakes". Scrap drained/dry while intact, lead batteries covered by ISRI, Code word "rains".
18.	Components of waste electrical and electronic assemblies comprising accumulators and other batteries included in Part A of Schedule III, mercury-switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with Schedule II constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of Schedule III.
19.	Paint and ink Sludge/residues
20.	Used oil and waste oil

SCHEDULE V

[See rules 3 (36) and 3 (39)]

PART A**Specifications of Used Oil Suitable for recycling**

S.No.	Parameter	Maximum permissible Limits
(1)	(2)	(3)
1.	Polychlorinated biphenyls (PCBs)	< 2ppm *
2.	Lead	100 ppm
3.	Arsenic	5 ppm
4.	Cadmium+Chromium+Nickel	500 ppm
5.	Polycyclic aromatic hydrocarbons (PAH)	6%

Part B**Specification of fuel derived from waste oil**

S.No.	Parameter	Maximum permissible limits
(1)	(2)	(3)
1.	Sediment	0.25%
2.	Lead	100 ppm
3.	Arsenic	5 ppm
4.	Cadmium+Chromium+Nickel	500 ppm

5.	Polyaromatic hydrocarbons (PAH)	6%
6.	Total halogens	4000 ppm
7.	Polychlorinated biphenyls (PCBs)	<2 ppm *
8.	Sulfur	4.5%
9.	Water Content	1%

*The detection limit is 2 ppm by gas Liquid Chromatography (GLC) using Electron Capture detector (ECD)

SCHEDULE VI

[See rules 12 (6), 12 (7) and 14(1)]

Hazardous and Other wastes prohibited for import

Basel No. (1)	Description of hazardous and other wastes (2)
A1	Metal and Metal bearing wastes
A1010	Metal wastes and waste consisting of alloys of any of the following but excluding such wastes specifically listed in Part B and Part D of Schedule III - Arsenic - Beryllium - Mercury - Selenium - Thallium
A1020	Wastes having as constituents or contaminants, excluding metal wastes in massive form, any of the following: - Beryllium; beryllium compounds - Selenium; selenium compounds
A1030	Wastes having as constituents or contaminants any of the following: - Arsenic; arsenic compounds - Mercury; mercury compounds - Thallium; thallium compounds
A1040	Waste having hexavalent chromium compounds as constituents
A1140	Waste cupric chloride and copper cyanide catalysts in liquid form (note the related entry in Part A of Schedule III)
A1060	Wastes liquors from the pickling of metals
A1110	Spent electrolytic solutions from copper electrorefining and electrowinning operations
A1130	Spent etching solutions containing dissolved copper
A1180	Waste electrical and electronic assemblies or scrap (does not include scrap assemblies from electric power generation) containing components such as accumulators and other batteries included in Part A of Schedule III, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Schedule II constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in Part C of Schedule III (note the related entry in Part B B1110)
A1190	Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB, lead, cadmium, other organohalogen compounds or other constituents as mentioned in Schedule II to the extent that they exhibit hazard characteristics indicated in Part C of Schedule III
A2	Wastes containing principally inorganic constituents, which may contain metals and organic materials
A2020	Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified in Part B
A2040	Waste gypsum arising from chemical industry processes, if it contains any of the constituents mentioned in Schedule 2 to the extent that they exhibit hazard characteristics indicated in Part C of Schedule III (note the related entry in Part B B2080)
A2050	Waste asbestos (dusts and fibres)
A2060	Coal-fired power plant fly-ash containing Schedule II constituents in concentrations sufficient to exhibit Part C characteristics

A3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
A3030	Wastes that contain, consist of or are contaminated with leaded anti-knock compounds sludges.
A3040	Waste thermal (heat transfer) fluids
A3060	Waste nitrocellulose
A3070	Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
A3080	Waste ethers not including those specified in Part B
A3090	Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry in Part B B3100)
A3100	Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles, containing hexavalent chromium compound and biocides (note the related entry in Part B B3090)
A3110	Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Part B B3110)
A3140	Waste non-halogenated organic solvents but excluding such wastes specified in Part B
A3150	Waste halogenated organic solvents
A3160	Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
A3170	Waste arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A3180	Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB) or any other polybrominated analogues of these compounds
A3190	Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
A3200	Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry in Part B, B2130)
A4	Wastes which may contain either inorganic or organic constituents
A4020	Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects.
A4030	Waste from the production, formulation and use of biocide and phyto-pharmaceuticals, including waste pesticides and herbicides which are off-specification, out-dated (unused within the period recommended by the manufacturer), or unfit for their originally intended use,
A4050	Wastes that contain, consist of, or are contaminated with any of the following: - Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides. - Organic cyanides
A4060	Waste oils/water, hydrocarbons/water mixtures, emulsions
A4080	Wastes of an explosive nature (but excluding such wastes specified in Part B)
A4090	Waste acidic or basic solutions, other than those specified at B2120 of this Schedule
A4110	Wastes that contain, consist of or are contaminated with any of the following: - Any congener of polychlorinated dibenzo-furan. - Any congener of polychlorinated dibenzo-P-dioxin.
A4150	Waste chemical substances arising from research and development or teaching activities which are not identified and /or are new and whose effects on human health and /or the environment are not known
B1	Metal and Metal bearing wastes
B 1110	Used critical care medical equipment for re-use
B1115	Waste metal cables coated or insulated with plastics, not included in A1190 of this schedule, excluding those destined for operations which do not lead to resource recovery, recycling, reclamation, direct re-use or alternative uses or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning.
B1250	Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components
B2	Wastes containing principally inorganic constituents, which may contain metals and organic materials
B2050	Coal-fired power plant fly-ash, note the related entry at A2060 of this Schedule
B2110	Bauxite residue (red mud) (pH moderated to less than 11.5)
B2120	Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry at A4090 of this schedule)
B3	Wastes containing principally organic constituents, which may contain metals and inorganic

	materials
B3010	Solid plastic waste The following plastic or mixed plastic waste, prepared to a specification: - Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following: Ethylene, Styrene, Polypropylene, polyethylene terephthalate, Acrylonitrile, Butadiene, Polyacetals, Polyamides, polybutylene tere-phthalate, Polycarbonates, Polyethers, polyphenylene sulphides, acrylic polymers, alkanes C10-C13 (plasticiser), polyurethane (not containing CFC's), Polysiloxanes, polymethyl methacrylate, polyvinyl alcohol, polyvinyl butyral, Polyvinyl acetate - Cured waste resins or condensation products including the following: urea formaldehyde resins, phenol formaldehyde resins, melamine formaldehyde resins, epoxy resins, alkyd resins, polyamides - The following fluorinated polymer wastes (excluding post-consumer wastes): perfluoroethylene/ propylene, perfluoro alkoxy alkane, tetrafluoroethylene/per fluoro vinyl ether (PFA), tetrafluoroethylene/per fluoro methylvinyl ether (MFA), polyvinylfluoride , polyvinylidenefluoride
B3026	The following waste from the pre-treatment of composite packaging for liquids, not containing constituents mentioned in Schedule II in concentrations sufficient to exhibit Part C characteristics: - Non-separable plastic fraction - Non-separable plastic-aluminium fraction -
B3065	Waste edible fats and oils of animal or vegetable origin (e.g. frying oil)
B3140	Waste pneumatic tyres for direct reuse
Y 46	Wastes collected from household/municipal waste
Y 47	Residues arising from the incineration of household wastes

SCHEDULE VII

[See rules 13 (6) and 21]

List of authorities and corresponding duties

S. No.	Authority	Corresponding Duties
(1)	(2)	(3)
1.	Ministry of Environment, Forests and Climate Change under the Environment (Protection) Act, 1986	(i) Identification of hazardous and other wastes (ii) Permission to exporters of hazardous and other wastes (iii) Permission to importer of hazardous and other wastes (iv) Permission for transit of hazardous and other wastes through India. (v) Promote environmentally sound management of hazardous and other waste. (vi) Sponsoring of training and awareness programme on Hazardous and Other Waste Management related activities.
2.	Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974	(i) Co-ordination of activities of State Pollution Control Boards (ii) Conduct training courses for authorities dealing with management of hazardous and other wastes (iii) Recommend standards and specifications for treatment and disposal of wastes and leachates, recommend procedures for characterisation of hazardous wastes.

		(iv) Inspection of facilities handling hazardous waste as and when necessary. (v) Sector specific documentation to identify waste for inclusion in these rules. (vi) Prepare and update guidelines to prevent or minimise the generation and handling of hazardous and other wastes. (vii) Prepare and update guidelines/ Standard Operating Procedures (SoPs) for recycling, utilization, pre-processing, co-processing of hazardous and other wastes. (viii) To prepare annual review report on management of hazardous waste. (ix) Any other function assigned by the Ministry of Environment, Forest and Climate Change, from time to time.
3.	State Government/Union Territory Government/Administration	(i) Identification of site (s) for common Hazardous and Other Waste Treatment Storage and Disposal Facility (TSDF) (ii) Assess Environment Impact Assessment (EIA) reports and convey the decision of approval of site or otherwise Acquire the site or inform operator of facility or occupier or association of occupiers to acquire the site (iii) Notification of sites. (iv) Publish periodically an inventory of all potential or existing disposal sites in the State or Union Territory
4.	State Pollution Control Boards or Pollution Control Committees constituted under the Water (Prevention and Control of Pollution) Act, 1974	(i) Inventorisation of hazardous and other wastes (ii) Grant and renewal of authorisation (iii) Monitoring of compliance of various provisions and conditions of permission including conditions of permission for issued by Ministry of Environment, Forest and Climate Change for exports and imports (iv) Examining the applications for imports submitted by the importers and forwarding the same to Ministry of Environment, Forest and Climate Change (v) Implementation of programmes to prevent or reduce or minimise the generation of hazardous and other wastes. (vi) Action against violations of these rules. (vii) Any other function under these Rules assigned by Ministry of Environment, Forest and Climate Change from time to time.
5.	Directorate General of Foreign Trade constituted under the Foreign Trade (Development and Regulation) Act, 1992	(i) Grant of licence for import of hazardous and other wastes (ii) Refusal of licence for hazardous and other wastes prohibited for imports and export
6.	Port authority under Indian Ports Act, 1908 (15 of 1908) and Customs Authority under the Customs Act, 1962 (52 of 1962)	(i) Verify the documents (ii) Inform the Ministry of Environment, Forests and Climate Change of any illegal traffic (iii) Analyse wastes permitted for imports and exports, wherever required. (iv) Train officials on the provisions of these rules and in the analysis of hazardous and other wastes (v) Take action against exporter or importer for violations under the Indian Ports Act, 1908 or Customs Act, 1962

SCHEDULE VIII

[See rules 13(2) and 13 (4)]

List of documents for verification by Customs for import of other wastes specified in Part D of Schedule III

S. No.	Basel No.	Description of other wastes	List of Documents
(1)	(2)	(3)	(4)
1	B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Precious metals (gold, silver, platinum) - Iron and steel scrap - Nickel scrap - Aluminium scrap - Zinc scrap - Tin scrap - Tungsten scrap - Molybdenum scrap - Tantalum scrap - Cobalt scrap - Bismuth scrap - Titanium scrap - Zirconium scrap - Manganese scrap - Germanium scrap - Vanadium scrap - Hafnium scrap - Indium scrap - Niobium scrap - Rhenium scrap - Gallium scrap - Magnesium scrap - Copper scrap - Chromium scrap	(a) Duly filled up Form 6 - Movement document; (b) The import license from Directorate General of Foreign Trade, wherever applicable; (c) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (d) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid one time authorisation from concerned SPCB is required; (e) The chemical analysis report of the waste being imported; (f) an acknowledged copy of the annual return filed with concerned State Pollution Control Board for import in the last financial year.
2	B1050	Mixed non-ferrous metal, heavy fraction scrap, containing metals other than specified in Part B1050 and not containing constituents mentioned in Schedule II in concentrations sufficient to exhibit Part C characteristics* *	(a) Duly filled up Form 6 - Movement document; (b) The import license from Directorate General of Foreign Trade, wherever applicable; (c) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (d) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid authorisation from concerned SPCB is required; (e) The chemical analysis report of the waste being imported; (f) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year.
3	B1100	Metal bearing wastes arising from melting, smelting and refining of metals: - Hard Zinc spelter - Zinc-containing drosses: ~ Galvanizing slab zinc top dross (>90% Zn) ~ Galvanizing slab zinc bottom dross (>92% Zn) ~ Zinc die casting dross (>85% Zn) ~ Hot dip galvanizers slab zinc dross (batch) (>92% Zn)	(a) Duly filled up Form 6 - Movement document; (b) The import license from Directorate General of Foreign Trade, wherever applicable; (c) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (d) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid authorisation from concerned SPCB is

		~ Zinc skimmings – Aluminium skimmings (or skims) excluding salt slag	required; (e) The chemical analysis report of the waste being imported; (f) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year.
4	B1110	Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse and not for recycling or final disposal	
(a)		Used electrical and electronic assemblies imported for repair and to be re-exported after repair within one year of import	(a) Duly filled up Form 6 - Movement document; (b) Undertaking for re-export; (c) Details of previous import, if there has been any and confirmation regarding their re-export; (d) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year (e) Certificate from exporting company for accepting the repaired and unrepairable electrical and electronic assemblies and the spares or part or component or consumables being re-exported.
(b)		Used electrical and electronic assemblies imported for rental purpose and re-exported back within one year of import	(a) Duly filled up Form 6 - Movement document; (b) Undertaking for re-export; (c) Details of previous import, if there has been any and confirmation regarding their re-export; (d) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year
(c)		Used electrical and electronic assemblies exported for repair and to be re-imported after repair	(a) Duly filled up Form 6 - Movement document; (b) Proof of export of the defective electrical and electronic assemblies i.e. shipping or airway document authenticated by Customs
(d)		Used electrical and electronic assemblies imported for testing, research and development, project work purposes and to be re-exported back within a period of three years from the date of import	(a) Duly filled up Form 6 - Movement document; (b) Undertaking for re-export; (c) Details of previous import, if there has been any and confirmation regarding their re-export; (d) Chartered Engineer Certificate or certificate from accredited agency of exporting country indicating the functionality, manufacturing date, residual life and serial number; (e) an acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year; (f) Certificate from exporting company for accepting the second hand functional or non-functional electrical and electronic assemblies and/or the spares or part or component or consumables being re-exported at the end of three years.
(e)		Spares imported for warranty replacements provided equal number of defective / non-functional parts are exported back within one year of the import.	(a) Duly filled up Form 6 - Movement document; (b) if refurbished components being imported as replacement to defective component then undertaking for export of equivalent numbers of defective components; (c) Details of previous import, if there has been any and confirmation regarding their re-export; (d) Certificate from exporting company for accepting the re-export of defective or non-functional spares or part or component or consumables being re-exported; (e) Documents on the declared policy regarding the use of second hand or refurbished spare

			parts for repair of electrical and electronic assemblies during warranty period.
(f)		Used electrical and electronic assemblies imported by Ministry of Defence, Department of Space and Department of Atomic Energy.	---
(g)		Used electrical and electronic assemblies (not in bulk; quantity less than or equal to three) imported by the individuals for their personal uses.	---
(h)		Used Laptop, Personal Computers, Mobile, Tablet up to 03 number each imported by organisations in a year.	---
(i)		Used electrical and electronic assemblies owned by individuals and imported on transfer of residence.	As per existing guidelines of Custom Authority
(j)		Used electrical and electronic assemblies, spares, imported by airlines for aircraft maintenance and remaining either on board or under the custodianship of the respective airlines warehouses located on the airside of the custom bonded areas.	----
(j)		Used multifunction print and copying machines (MFDs)*	(a) The country of Origin Certificate along with bill of lading and packaging; (b) The certificate issued by the inspection agency as certified by the exporting country or the inspection and certification agency approved by Directorate General Foreign Trade (DGFT) for functionality, having residual life of not less than five years and serial number; (c) Extended Producer Responsibility-Authorisation under e-waste (Management and Handling) Rules, 2011 as amended from time to time as Producer; (d) The MFDs shall be for printing A 3 size and above; (e) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year.
5	B3020	Paper, paperboard and paper product wastes The following materials, provided they are not mixed with hazardous wastes: Waste and scrap of paper or paperboard of: - unbleached paper or paperboard or of corrugated paper or paperboard - other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass - paper or paperboard made mainly of mechanical pulp (for example newspapers, journals and similar printed matter) - other, including but not limited to (1) laminated paperboard (2) unsorted scrap	(a) Duly filled up Form 6 – Movement document; (b) The import license from Directorate General of Foreign Trade, wherever applicable; (c) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (d) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid authorisation from concerned SPCB is required; (e) The chemical analysis report of the waste being imported; (f) an acknowledged copy of the annual return filed with concerned State Pollution Control Board for import in the last financial year.

6.	B3140	Aircraft Tyres exported to Original Equipment Manufacturers for re-treading and re-imported after re-treading by airlines for aircraft maintenance and remaining either on board or under the custodianship of the respective airlines warehouses located on the airside of the custom bonded areas	As per existing guidelines of Custom Authority
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Note: * The policy for free trade for multifunction print and copying machine to be reviewed once the MFDs are domestically manufactured.

FORM 1

[See rule 6 (1)]

Application required for grant/renewal of authorisation for generation or collection or storage or transport or reception or recycling or reuse or recovery or pre-processing or co-processing or utilisation or treatment or disposal of hazardous and other waste

Part A: General (to be filled by all)

1. (a) Name and address of the unit and location of facility :
- (b) Name of the occupier of the facility or operator of disposal facility with designation, Tel, Fax and e-mail:
- (c) Authorisation required for (Please tick mark appropriate activity or activities:

- | | |
|---------------------|--------------------------|
| (i) Generation | ☐ |
| (ii) Collection | ☐ |
| (iii) Storage | ☐ |
| (iv) Transportation | ☐ |
| (v) Reception | ☐ |
| (vi) Reuse | ☐ |
| (vii) Recycling | ☐ |
| (viii) Recovery | ☐ |
| (ix) Pre-processing | ☐ |
| (x) Co-processing | ☐ |
| (xi) Utilisation | ☐ |
| (xii) Treatment | ☐ |
| (xiii) Disposal | ☐ |
| (xiv) Incineration | ☐ |

(d) In case of renewal of authorisation previous authorisation numbers and dates and provide copies of annual returns of last three years including the compliance reports with respect to the conditions of Prior Environmental Clearance, wherever applicable:

2. (a) Nature and quantity of waste handled per annum (in metric tonne or kilo litre)
- (b) Nature and quantity of waste stored at any time (in metric tonne or kilo litre)

3. (a) Year of commissioning and commencement of production:

(b) Whether the industry works:

- | | |
|-----------------------|--------------------------|
| (i) 01 Shift | ☐ |
| (ii) 02 Shifts | ☐ |
| (iii) Round the clock | ☐ |

4. Provide copy of the Emergency Response Plan (ERP) which should address procedures for dealing with emergency situations (viz. Spillage or release or fire) as specified in the guidelines of Central Pollution Control Board. Such ERP shall comprise the following, but not limited to:

- Containing and controlling incidents so as to minimise the effects and to limit danger to the persons, environment and property;
- Implementing the measures necessary to protect persons and the environment;
- Description of the actions which should be taken to control the conditions at events and to limit their consequences, including a description of the safety equipment and resources available;
- Arrangements for training staff in the duties which they are expected to perform;
- Arrangements for informing concerned authorities and emergency services; and
- Arrangements for providing assistance with off-site mitigatory action.

5. Provide undertaking or declaration to comply with all provisions including the scope of submitting bank guarantee in the event of spillage, leakage or fire while handling the hazardous and other waste.

Part B: To be filled by hazardous waste generators

1. (a) Products and by-products manufactured (names and product wise quantity per annum):

(b) Process description including process flow sheet indicating inputs and outputs (raw materials, chemicals, products, by-products, wastes, emissions, waste water etc.) Please attach separate sheets:

(c) Characteristics (waste-wise) and Quantity of waste generation per annum:

(d) Mode of management of (c) above:

- i. Capacity and mode of secured storage within the plant;
- ii. Utilisation within the plant (provide details);
- iii. If not utilised within the plant, please provide details of what is done with this waste;
- iv. Arrangement for transportation to actual users/ TSDF;

(e) Details of the environmental safeguards and environmental facilities provided for safe handling of all the wastes at point (c) above;

2. Hazardous and other wastes generated as per these rules from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989

Part C: To be filled by Treatment, storage and disposal facility operators

1. Provide details of the facility including:

- (i) Location of site with layout map;
- (ii) Safe storage of the waste and storage capacity;
- (iii) The treatment processes and their capacities;
- (iv) Secured landfills;
- (v) Incineration, if any;
- (vi) Leachate collection and treatment system;
- (vii) Fire fighting systems;
- (viii) Environmental management plan including monitoring; and
- (ix) Arrangement for transportation of waste from generators.

2. Provide details of any other activities undertaken at the Treatment, storage and disposal facility site.

3. Attach a copy of prior Environmental Clearance.

Part D: To be filled by recyclers or pre-processors or co-processors or users of hazardous or other wastes

1. Nature and quantity of different wastes received per annum from domestic sources or imported or both:
2. Installed capacity as per registration issued by the District Industries Centre or any other authorised Government agency. Provide copy:
3. Provide details of secured storage of wastes including the storage capacity:
4. Process description including process flow sheet indicating equipment details, inputs and outputs (input wastes, chemicals, products, by-products, waste generated, emissions, waste water, etc.). Attach separate sheets:
5. Provide details of end users of products or by-products:
6. Provide details of pollution control systems such as Effluent Treatment Plant, scrubbers, etc. including mode of disposal of waste:
7. Provide details of occupational health and safety measures:
8. Has the facility been set up as per Central Pollution Control Board guidelines? If yes, provide a report on the compliance with the guidelines:
9. Arrangements for transportation of waste to the facility:

**Signature of the Applicant
Designation**

Date.....

Place.....

FORM 2
[See rule 6(2)]

FORM FOR GRANT OR RENEWAL OF AUTHORISATION BY STATE POLLUTION CONTROL BOARD TO THE OCCUPIERS, RECYCLERS, REPROCESSORS, REUSERS, USER AND OPERATORS OF DISPOSAL FACILITIES

1. Number of authorisation and date of issue :
2. Reference of application (No. and date) :
3.Ofis hereby granted an authorisation based on the enclosed signed inspection report for generation, collection, reception, storage, transport, reuse, recycling, recovery, pre-processing, co-processing, utilisation, treatment, disposal or any other use of hazardous or other wastes or both on the premises situated at.....

Details of Authorisation

Sl. No.	Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc.	Quantity (ton/annum)

- (1) The authorisation shall be valid for a period of
- (2) The authorisation is subject to the following general and specific conditions (Please specify any conditions that need to be imposed over and above general conditions, if any):

A. General conditions of authorisation:

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.

2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorisation.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time;
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on “Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty”
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year.

B. Specific conditions:

Date:

**Signature of Issuing Authority
Designation and Seal**

FORM 3

[See rules 6(5), 13(7), 14(6), 16(5) and 20 (1)]

FORMAT FOR MAINTAINING RECORDS OF HAZARDOUS AND OTHER WASTES

1. Name and address of the facility :
2. Date of issuance of authorisation and its reference number :
3. Description of hazardous and other wastes handled (Generated or Received)

Date	Type of waste with category as per Schedules I, II and III of these rules	Total quantity (Metric Tonnes)	Method of Storage	Destined to or received from

** Fill up above table separately for indigenous and imported waste.*

4. Date wise description of management of hazardous and other wastes including products sent and to whom in case of recyclers or pre-processor or utiliser:
5. Date of environmental monitoring (as per authorisation or guidelines of Central Pollution Control Board):

Signature of occupier

Date.....

Place.....

FORM 4*[See rules 6(5), 13(8), 16(6) and 20 (2)]***FORM FOR FILING ANNUAL RETURNS**

[To be submitted to State Pollution Control Board by 30th day of June of every year for the preceding period April to March]

1. Name and address of facility:
2. Authorisation No. and Date of issue:
3. Name of the authorised person and full address with telephone, fax number and e-mail:
4. Production during the year (product wise), wherever applicable

Part A. To be filled by hazardous waste generators

1. Total quantity of waste generated category wise
2. Quantity dispatched
 - (i) to disposal facility
 - (ii) to recycler or co-processors or pre-processor
 - (iii) others
3. Quantity utilised in-house, if any -
4. Quantity in storage at the end of the year -

Part B. To be filled by Treatment, storage and disposal facility operators

1. Total quantity received -
2. Quantity in stock at the beginning of the year -
3. Quantity treated -
4. Quantity disposed in landfills as such and after treatment -
5. Quantity incinerated (if applicable) -
6. Quantity processed other than specified above -
7. Quantity in storage at the end of the year -

Part C. To be filled by recyclers or co-processors or other users

1. Quantity of waste received during the year -
 - (i) domestic sources
 - (ii) imported (if applicable)
2. Quantity in stock at the beginning of the year -
3. Quantity recycled or co-processed or used -

4. Quantity of products dispatched (wherever applicable) –
5. Quantity of waste generated -
6. Quantity of waste disposed -
7. Quantity re-exported (wherever applicable)-
8. Quantity in storage at the end of the year -

**Signature of the Occupier or
Operator of the disposal facility**

Date.....

Place.....

FORM 5

[See rules 13 (1) and 14 (1)]

APPLICATION FOR IMPORT OR EXPORT OF HAZARDOUS AND OTHER WASTE FOR REUSE OR RECYCLING OR RECOVERY OR CO-PROCESSING OR UTILISATION

TO BE FILLED IN BY APPLICANT

S. No.	Description	Details to be furnished by the importer or exporter
(1)	(2)	(3)
1.	Importer or Exporter (name and address) in India	
	Contact person	
	Tel, fax and e-mail	
	Facility location/address	
	Reason for import or export	
2.	Importer or exporter (name and address) outside of India	
3.	Details of waste to be imported or exported	
	(a) Quantity	
	(b) Basel No.	
	(c) Single/multiple movement	
	(d) Chemical composition of waste (attach details), where applicable	
	(e) Physical characteristics	
	(f) Special handling requirements, if applicable	
4.	For Schedule III A hazardous waste whether Prior Informed Consent has been obtained	
5.	For importer (a) Process details along with environmental safeguard measures (attach separate sheet) (b) Capacity of recycling or co-processing or recovery or utilization Enclose a copy each of valid authorisation and valid consent to operate from SPCB	
6.	Details of import against the Ministry of Environment, Forest and Climate Change permission in the previous three years	
7.	Port of entry	

9. Undertaking : _____

I hereby solemnly undertake that:

- (i) The information is complete and correct to the best of my knowledge and legally-enforceable written contractual obligations have been entered into and that my applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement.
- (ii) The waste permitted shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.
- (iii) The record of consumption and fate of the imported waste shall be recorded and report sent to the SPCB every quarter.
- (iv) The hazardous or other waste which gets generated in our premises by the use of imported hazardous or other wastes in the form of raw material shall be treated and disposed of as per conditions of authorisation.
- (v) I agree to bear the cost of export and mitigation of damages if any.
- (vi) I am aware that there are significant penalties for submitting a false certificate/ undertaking/ disobedience of the rules and lawful orders including the possibility of fine and imprisonment.
- (vii) The exported wastes shall be taken back, if it is not acceptable to the importer.

Signature of the Applicant
Designation

Date.....

Place.....

FORM – 6

[See rules 13(2), 13 (10) and 14 (5)]

TRANSBOUNDARY MOVEMENT- MOVEMENT DOCUMENT

S.No	Description	Details to be furnished by the exporter or importer
(1)	(2)	(3)
1	Exporter (Name and Address) Contact Person Tele, Fax and email	:
2.	Generator(s) of the waste (Name and Address) ¹ Contact Person Tele, Fax and email Site of generation	:
3.	Importer or Actual user (Name and Address) Contact person Tele, Fax and email	:
4.	Trader (Name and Address) Contact person Tele, Fax and email Details of actual user (Name, Address, Telephone and email)	:
5.	Corresponding to applicant Ref. No., If any	:
6.	Bill of lading (attach copy)	:
7.	Country of import/export	:
8.	General description of waste	:
	(a) Quantity (b) Physical characteristics (c) Chemical composition of waste (attach details), where applicable (d) Basel No. (e) UN Shipping name (f) UN Class (g) UN No (h) H Number (i) Y Number (j) ITC (HS)	

	(k) Customs Code (H.S.) (l) Other (specify)		
9.	Type of packages	:	
	Number	:	
10.	Special handling requirements including emergency provision in case of accidents	:	
11.	Movement subject to single/multiple consignment		
	In case of multiple movement-		
	(a) Expected dates of each shipment or expected frequency of the shipments	:	
	(b) Estimated total quantity and quantities for each individual shipment	:	
12.	Transporter of waste (Name and Address) ¹	:	
	Contact Person		
	Tele, Fax and email		
	Registration number	:	
	Means of transport (road, rail, inland waterway, sea, air) ²	:	
	Date of Transfer	:	
	Signature of Carrier's representative	:	
13.	Exporter's declaration for hazardous and other waste:		
	I certify that the information in Sl. Nos. 1 to 12 above are complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and are in force covering the transboundary movement regulations/rules.		
	Date:..... Signature:.....		
	Name:.....		
TO BE COMPLETED BY IMPORTER (ACTUAL USER OR TRADER)			
14.	Shipment received by importer/ actual user/trader ^{2/3}		
	Quantity received.....Kg/litres		
	Date:		
	Name: Signature:		
15.	Methods of recovery		
	R code*		
	Technology employed (Attached details if necessary)		
16.	I certify that nothing other than declared goods covered as per these rules is intended to be imported in the above referred consignment and will be recycled /utilized.		
	Signature:		
	Date:		
17.	SPECIFIC CONDITIONS ON CONSENTING TO THE MOVEMENT if applicable.		(attach details)
Notes:- (1) Attach list, if more than one; (2) Select appropriate option; (3) Immediately contact competent authority in case of any emergency; (4) If more than one transporter carriers, attach information as required in SL. No. 12.			

List of abbreviations used in the Movement Document

Recovery Operations (*)

- R1** Use as a fuel (other than in direct incineration) or other means to generate energy.
R2 Solvent reclamation/regeneration.
R3 Recycling/reclamation of organic substances which are not used as solvents.

- R4** Recycling/reclamation of metals and metal compounds.
R5 Recycling/reclamation of other inorganic materials.
R6 Regeneration of acids or bases.
R7 Recovery of components used for pollution abatement.
R8 Recovery of components from catalysts.
R9 Used oil re-refining or other reuses of previously used oil.
R10 Land treatment resulting in benefit to agriculture or ecological improvement
R11 Uses of residual materials obtained from any of the operations numbered R 1 to R 10

Date:

Signature:

Place:

Designation:

FORM 7

[See rule 13 (2) (c)]

**APPLICATION FORM FOR ONE TIME AUTHORISATION OF TRADERS FOR PART- D OF
SCHEDULE III, WASTE**

[To be submitted by trader to the State Pollution Control Board]

1.	Name and address of trader with Telephone, Fax Number and e-mail	:	
2.	TIN/VAT Number/Import/ Export Code	:	
3.	Description and quantity of other waste to be imported	:	
4.	Details of storage, if any	:	
5.	Names and address of authorised actual user (s)	:	

Signature of the authorised person

Date:

Place:

FORM 8

[See rules 17 (1) and 18 (2)]

LABELLING OF CONTAINERS OF HAZARDOUS AND OTHER WASTE

Handle with care

Waste category and characteristics as per Part C of Schedules II and III of these rules	Incompatible wastes and substances
Total quantity	Date of storage
Physical State of the waste (Solid/Semi-solid/liquid):	
Sender's name and address	Receiver's name and address
Phone.....	Phone.....
E-mail.....	E-mail.....
Tel. and Fax No.....	Tel. and Fax No.....
Contact person.....	Contact person.....
In case of emergency please Contact	

Note:

1. Background colour of label - *fluorescent yellow*.
2. The word, 'HAZARDOUS WASTES' and 'HANDLE WITH CARE' to be prominent and written in red, in Hindi, English and in vernacular language.
3. The word 'OTHER WASTES' to be written prominently in orange, in Hindi, English and in vernacular language.

FORM 11
[See rule 22]

FORMAT FOR REPORTING ACCIDENT

[To be submitted by the facility or sender or receiver or transporter to the State Pollution Control Board]

- | | | |
|----|---|---|
| 1. | The date and time of the accident | : |
| 2. | Sequence of events leading to accident | : |
| 3. | Details of hazardous and other wastes involved in accident | : |
| 4. | The date for assessing the effects of the accident on health or the environment | : |
| 5. | The emergency measures taken | : |
| 6. | The steps taken to alleviate the effects of accidents | : |
| 7. | The steps taken to prevent the recurrence of such an accident | : |

Date:

Signature:

Place:

Designation:

FORM 12
[See rule 24 (1)]

**APPLICATION FOR FILING APPEAL
AGAINST THE ORDER PASSED BY STATE POLLUTION CONTROL BOARD**

- | | | |
|----|---|---|
| 1. | Name and address of the person making the appeal | : |
| 2. | Number, date of order and address of the authority which passed the order, against which appeal is being made | : (certified copy of the order be attached) |
| 3. | Ground on which the appeal is being made | : |
| 4. | Relief sought for | : |
| 5. | List of enclosures other than the order referred in point 2 against which the appeal is being filed. | : |

Signature.....

Name and address.....

Date:

-----X-----X-----

[23-16/2009- HSMD]

BISHWANATH SINHA, Jt. Secy.

THE PUBLIC LIABILITY INSURANCE ACT, 1991

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Liability to give relief in certain cases on principle of no fault.
4. Duty of owner to take out insurance policies.
5. Verification and publication of accident by Collector.
6. Application for claim for relief.
7. Award of relief.
- 7A. Establishment of Environmental Relief Fund.
8. Provisions as to other right to claim compensation for death, etc.
9. Power to call for information.
10. Power of entry and inspection.
11. Power of search and seizure.
12. Power to give directions.
13. Power to make application to Courts for restraining owner from handling hazardous substances.
14. Penalty for contravention.
15. Penalty for non-compliance of directions.
- 15A. Adjudicating officer.
- 15B. Appeal.
16. *[Omitted.]*.
17. Penalty for contravention by Government Department.
- 17A. Penalty amount to be credited to Environmental Relief Fund.
- 17B. Offence for failure to pay penalty or additional penalty.
18. Cognizance of offences.
19. Power to delegate.
20. Protection of action taken in good faith.
21. Advisory Committee.
22. Effect of other laws.
23. Power to make rules.

THE SCHEDULE.—*[Omitted.]*.

THE PUBLIC LIABILITY INSURANCE ACT, 1991

ACT NO. 6 OF 1991

[22nd January, 1991.]

An Act to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-first Year of The Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Public Liability Insurance Act, 1991.

(2) It shall come into force on such date¹ as the Central Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

²[(a) “accident” means an accident involving a fortuitous or sudden or unintended occurrence while handling any hazardous substance resulting in continuous or intermittent or repeated exposure to death of, or injury to, any person or damage to any property but does not include an accident by reason only of war or radio-activity;]

(b) “Collector” means the Collector having jurisdiction over the area in which the accident occurs;

(c) “handling”, in relation to any hazardous substance, means the manufacture, processing, treatment, package, storage, transportation by vehicle, use, collection, destruction, conversion, offering for sale, transfer or the like of such hazardous substance;

(d) “hazardous substance” means any substance or preparation which is defined as hazardous substance under the Environment (Protection) Act, 1986 (29 of 1986), and exceeding such quantity as may be specified, by notification, by the Central Government;

(e) “insurance” means insurance against liability under sub-section (1) of section 3;

(f) “notification” means a notification published in the official Gazette;

³[(g) “owner” means a person who owns, or has control over handling, any hazardous substance at the time of accident and includes,—

(i) in the case of firm, any of its partners;

(ii) in the case of an association, any of its members; and

(iii) in the case of a company, any of its directors, managers, secretaries or other officers who is directly in charge of, and is responsible to, the company for the conduct of the business of the company;]

(h) “prescribed” means prescribed by rules made under this Act;

⁴[(ha) “property” includes any private property or public property affected or damaged by any unit or undertaking, due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes of hazardous substance;]

⁵[⁶[(hb)] “Relief Fund” means the Environmental Relief Fund established under section 7A];

(i) “rules” means rules made under this Act;

1. 1st April, 1991, *vide* notification No. G.S.R 253, dated 27th March, 1991, *see* Gazette of India Ordinary, Part II sec. 3(i).

2. Subs. by Act 11 of 1992, s. 2, for clause (a) (w.e.f. 31-1-1992).

3. Subs. by s. 2, *ibid.*, for clause (g) (w.e.f. 31-1-1992).

4. Ins. by Act 18 of 2023, s. 2 and Schedule (w.e.f. 1-4-2024).

5. Ins. by Act 11 of 1992, s. 2, (w.e.f. 31-1-1992).

6. Clause (ha) shall be renumbered as clause (hb) thereof by Act 18 of 2023, s. 2 and Schedule (w.e.f. 1-4-2024).

(j) “vehicle” means any mode of surface transport other than railways.

¹[(k) words and expressions used and not defined in this Act but defined in the Transfer of Property Act, 1882 (4 of 1882), and the Environment (Protection) Act, 1986 (29 of 1986), shall have the meanings respectively assigned to them in those Acts.]

3. Liability to give relief in certain cases on principle of no fault.—²[(1) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to reimburse such amount, or provide such other relief as may be prescribed, for—

- (a) death due to fatal accident;
- (b) medical expenses incurred due to total or partial disability;
- (c) loss of wages due to partial disability;
- (d) other injury or sickness;
- (e) damage to private property;

or

- (f) such other loss or damage, as may be prescribed.]

(2) In any claim for relief under sub-section (1) (hereinafter referred to in this Act as claim for relief), the claimant shall not be required to plead and establish that the death, injury or damage in respect of which the claim has been made was due to any wrongful act, neglect or default of any person.

Explanation.—For the purposes of this section,—

(i) “workman” has the meaning assigned to it in the Workmen’s Compensation Act, 1923 (8 of 1923);

(ii) “injury” includes permanent total or permanent partial disability or sickness resulting out of an accident.

4. Duty of owner to take out insurance policies.—²[(1) Every owner of any undertaking shall take out, before he starts handling any hazardous substance, one or more insurance policies for such undertaking or unit providing for contracts of insurance whereby he is insured against liability to give such relief or reimburse such amount referred to in sub-section (1) of section 3.

Explanation.—For the purposes of this sub-section, it is hereby clarified that any undertaking having separate consent to operate under—

- (i) the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); and
- (ii) the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), shall be treated as a separate unit:

Provided that any owner handling any hazardous substance immediately before the commencement of the *Jan Vishwas* (Amendment of Provisions) Act, 2023 shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from commencement of that Act.]

(2) Every owner shall get the insurance policy, referred to in sub-section (1), renewed from time to time before the expiry of the period of validity thereof so that the insurance policies may remain in force throughout the period during which such handling is continued.

³ ⁴[(2A) An insurance policy taken out or renewed by an owner for any undertaking or unit shall be for an amount which shall not be less than the amount of the paid-up capital of that undertaking or unit handling any hazardous substance owned or controlled by that owner and may extend to such amount as may be prescribed but not exceeding five hundred crore rupees.

1. Ins. by Act 18 of 2023, s. 2 and Schedule (w.e.f. 1-4-2024).

2. Subs. by s. 2 and Schedule, *ibid.*, for sub-section (1) (w.e.f. 1-4-2024).

3. Ins. by Act 11 of 1992, s. 3 (w.e.f. 31-1-1992).

4. Subs. by Act 18 of 2013, s. 2 and Schedule (w.e.f. 1-4-2024).

Explanation.— For the purposes of this sub-section “paid-up capital”, in relation to an owner not being a company, means the market value of all assets and stocks of the undertaking on the date of contract of insurance.]

(2B) The liability of the insurer under one assurance policy shall not exceed the amount specified in the terms of the contract of insurance in that insurance policy.

(2C) Every owner shall also, together with the amount of premium, pay to the insurer, for being credited to the Relief Fund established under section 7A, such further amount, not exceeding the sum equivalent to the amount of premium, as may be prescribed.

(2D) The insurer shall remit to the authority specified in sub-section (3) of section 7A the amount received from the owner under sub-section (2C) for being credited to the Relief Fund in such manner and within such period as may be prescribed and where the insurer fails to so remit the amount, it shall be recoverable from insurer as arrears of land revenue or of public demand.]

(3) The Central Government may, by notification, exempt from the operation of sub-section (1) any owner, namely:—

- (a) the Central Government;
- (b) any State Government;
- (c) any corporation owned or controlled by the Central Government or a State Government; or
- (d) any local authority:

Provided that no such order shall be made in relation to such owner unless a fund has been established and is maintained by that owner in accordance with the rules made in this behalf for meeting any liability under sub-section (1) of section 3.

5. Verification and publication of accident by Collector.—Whenever it comes to the notice of the Collector that an accident has occurred at any place within his jurisdiction, he shall verify the occurrence of such accident and cause publicity to be given in such manner as he deems fit for inviting applications under sub-section (1) of section 6.

6. Application for claim for relief.—(1) An application for claim for relief may be made—

- (a) by the person who has sustained the injury;
- (b) by the owner of the property to which the damage has been caused;
- (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or
- (d) by any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for relief, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application.

¹[(1A) Where any damage has been caused to any public property or private property due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, an application for claim for restoration of the property may be made by the owner of the property or such other person, as may be prescribed, to the Collector.]

(2) Every application under sub-section (1) shall be made to the Collector and shall be in such form, contain such particulars and shall be accompanied by such documents as may be prescribed.

1. Ins. by Act 18 of 2023, s. 2 and Schedule (w.e.f. 1-4-2024).

(3) No application for relief shall be entertained unless it is made within five years of the occurrence of the accident.

7. Award of relief.—(1) On receipt of an application under sub-section (1) of section 6, the Collector shall, after giving notice of the application to the owner and after giving the parties an opportunity of being heard, hold an inquiry into the claim or, each of the claims, and may make an award determining the amount of relief which appears to him to be just and specifying the person or persons to whom such amount of relief shall be paid.

(2) The Collector shall arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award.

¹[(3) When an award is made under this section,—

(a) the insurer, who is required to pay any amount in terms of such award and to the extent specified in sub-section (2B) of section 4, shall, within a period of thirty days of the date of announcement of the award, deposit that amount in such manner as the Collector may direct;

(b) the Collector shall arrange to pay from the Relief Fund, in terms of such award and in accordance with the scheme made under section 7A, to the person or persons referred to in sub-section (1) such amount as may be specified in that scheme;

(c) the owner shall, within such period, deposit such amount in such manner as the Collector may direct.]

(4) In holding any inquiry under sub-section (1), the Collector may, subject to any rules made in this behalf, follow such summary procedure as he thinks fit.

(5) The Collector shall have all the powers of Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Collector shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(6) Where the insurer or the owner against whom the award is made under sub-section (1) fails to deposit the amount of such award within the period specified under sub-section (3), such amount shall be recoverable from the owner, or as the case may be, the insurer as arrears of land revenue or of public demand.

(7) A claim for relief in respect of death of, or injury to, any person or damage to any property shall be disposed of as expeditiously as possible and every endeavour shall be made to dispose of such claim within three months of the receipt of the application for relief under sub-section (1) of section 6.

²[(8) Where an owner is likely to remove or dispose of his property with the object of evading payment by him of any amount of award, the Collector may, in accordance with the provisions of rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), grant a temporary injunction to restrain such act.]

³[(9) Where the environment is affected or damaged due to manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, transfer or such other processes, of such hazardous substance, the Central Government may, on an application made by the Central Pollution Control Board or the State Pollution Control Board, as the case may be, allocate the fund from the Environmental Relief Fund for restoration of the damage so caused in the manner as may be prescribed.]

⁴[**7A. Establishment of Environmental Relief Fund.**—(1) The Central Government may, by notification, establish a fund to be known as the Environmental Relief Fund.

1. Subs. by Act 11 of 1992, s. 4, for sub-section (3) (w.e.f. 31-1-1992).

2. Ins. by s. 4, *ibid.* (w.e.f. 31-1-1992).

3. Ins. by Act 18 of 2023, s. 2 and Schedule (w.e.f. 1-4-2024).

4. Ins. by Act 11 of 1992, s. 5, (w.e.f. 31-1-1992).

¹[(1A) There shall be credited to the Relief Fund established under sub-section (1)—

- (a) the amount referred to in sub-section (2C) of section 4;
- (b) the amount of penalty imposed under this Act;
- (c) the interest or other income received out of investments made from the Fund; and
- (d) any other amount from such sources, as may be prescribed.]

(2) The Relief Fund shall be utilised for paying, in accordance with the provisions of this Act and the scheme made under sub-section (3), relief under the award made by the Collector under section 7.

(3) The Central Government may, by notification, make a scheme specifying the authority in which the Relief Fund shall vest, the manner in which the Relief Fund shall be administered, the form and the manner in which money shall be drawn from the Relief Fund and for all other matters connected with or incidental to the administration of the Relief Fund and the payment of relief therefrom.]

8. Provisions as to other right to claim compensation for death, etc.—(1) The right to claim relief under sub-section (1) of section 3 in respect of death of, or injury to, any person or damage to any property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.

(2) Notwithstanding anything contained in sub-section (1), where in respect of death of, or injury to, any person or damage to any property, the owner, liable to give claim for relief, is also liable to pay compensation under any other law, the amount of such compensation shall be reduced by the amount of relief paid under this Act.

9. Power to call for information.—Any person authorised by the Central Government may, for the purposes of ascertaining whether any requirements of this Act or of any rule or of any direction given under this Act have been complied with, require any owner to submit to that person such information as that person may reasonably think necessary.

10. Power of entry and inspection.—Any person, authorised by the Central Government in this behalf, shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place, premises or vehicle, where hazardous substance is handled for the purpose of determining whether any provisions of this Act or of any rule or of any direction given under this Act is being or has been complied with and such owner is bound to render all assistance to such person.

11. Power of search and seizure.—(1) If a person, authorised by the Central Government in this behalf, has reason to believe that handling of any hazardous substance is taking place in any place, premises or vehicle, in contravention of sub-section (1) of section 4, he may enter into and search such place, premises or vehicle for such handling of hazardous substance.

(2) Where, as a result of any search under sub-section (1) any handling of hazardous substance has been found in relation to which contravention of sub-section (1) of section 4 has taken place, he may seize such hazardous substance and other things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:

Provided that where it is not practicable to seize any such substance or thing, he may serve on the owner an order that the owner shall not remove, part with, or otherwise deal with, the hazardous substance and such other things except with the previous permission of that person.

(3) He may, if he has reason to believe that it is expedient so to do to prevent an accident dispose of the hazardous substance seized under sub-section (2) immediately in such manner as he may deem fit.

(4) All expenses incurred by him in the disposal of hazardous substances under sub-section (3) shall be recoverable from the owner as arrears of land revenue or of public demand.

12. Power to give directions.—Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in exercise of its powers and performance of its

1. Ins. by Act 18 of 2023, s. 2 and Schedule (w.e.f. 1-4-2024).

functions under this Act, issue such directions in writing as it may deem fit for the purposes of this Act to any owner or any person, officer, authority or agency and such owner, person, officer, authority or agency shall be bound to comply with such directions.

Explanation.—For the removal of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

- (a) prohibition or regulation of the handling of any hazardous substance; or
- (b) stoppage or regulation of the supply of electricity, water or any other service.

13. Power to make application to Courts for restraining owner from handling hazardous substances.—(1) If the Central Government or any person authorised by that Government in this behalf has reason to believe that any owner has been handling any hazardous substance in contravention of any of the provisions of this Act, that Government or, as the case may be, that person may make an application to a Court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate first class for restraining such owner from such handling.

(2) On receipt of the application under sub-section (1), the Court may make such order as it deems fit.

(3) Where under sub-section (2), the Court makes an order restraining any owner from handling hazardous substance, it may, in that order—

- (a) direct such owner to desist from such handling;
- (b) authorise the Central Government or, as the case may be, the person referred to in sub-section(1), if the direction under clause (a) is not complied with by the owner to whom such direction is issued, to implement the direction in such manner as may be specified by the Court.

(4) All expenses incurred by the Central Government, or as the case may be, the person in implementing the directions of Court under clause (b) of sub-section (3), shall be recoverable from the owner as arrears of land revenue or of public demand.

¹**[14. Penalty for contravention.**— (1) Where any person contravenes any of the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4, he shall be liable to penalty equal to the amount of annual premium for insurance policy and may extend to twice the amount of such premium.

(2) Where contravention under subsection (1) continues, an additional penalty may be imposed by the adjudicating officer, which shall not exceed the amount of premium to be paid, for each month or part thereof during which the contravention continues.

15. Penalty for non-compliance of directions.—(1) Where any person does not comply with any direction issued under section 12, he shall be liable to penalty which shall not be less than ten thousand rupees which may extend to fifteen lakh rupees.

(2) Where any person continues non-compliance under sub-section (1), he shall be liable to additional penalty to be imposed by the adjudicating officer, which shall not be less than ten thousand rupees for every day during which such non-compliance continues.

(3) Where any owner does not comply with the direction issued under section 9 or obstructs any person in discharge of his functions under section 10 or under sub-sections (1), (2) or (3) of section 11, he shall be liable to penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.

(4) Where any person continues non-compliance under sub-section (3), he shall be liable to additional penalty of ten thousand rupees for every day during which such non-compliance continues.

15A. Adjudicating officer.— (1) The Central Government, for the purposes of determining the penalties under sections 14 or 15, may appoint the District Magistrate having jurisdiction over the area or an officer not below the rank of Director to the Government of India or an officer not below the rank of

1. Subs. by Act 18 of 2023, s. 2 and Schedule for sections 14 and 15 (w.e.f. 1-4-2024).

Joint Secretary to the State Government, to be the adjudicating officer, to hold an inquiry and impose penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for, or relevant to, the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C) of section 4 and section 12, he may determine such penalty as he thinks fit under the provisions of sections 14 and 15:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

15B. Appeal.—(1) Whoever aggrieved by the order, passed by the adjudicating officer under section 15A, may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.]

16. [Offences by companies.]—*Omitted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), s. 2 and Schedule (w.e.f. 1-4-2024).*

¹**[17. Penalty for contravention by Government Department.]**—(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary:

Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, he shall be liable to penalty equal to one month of his basic salary:

Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.

17A. Penalty amount to be credited to Environmental Relief Fund.—Where any penalty or additional penalty, as the case may be, is imposed under section 14 or section 15 or section 17, the amount of such penalty shall be credited to the Environmental Relief Fund established under section 7A.

17B. Offence for failure to pay penalty or additional penalty.—(1) Where any person fails to pay the penalty or additional penalty imposed for—

(a) contravention or continued contravention under section 14 or 17, as the case may be; or

(b) non-compliance of the directions issued under section 15, within ninety days of such imposition, he shall be liable for imprisonment which may extend to three years or with fine which may extend up to fifteen lakh rupees, or with both.

(2) Where any offence under subsection (1) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for

1. Subs. by Act 18 of 2023, s. 2 and Schedule for section 17 (w.e.f. 1-4-2024).

the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director,

manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals;
- (b) “director” includes director of the company and in relation to a firm, a partner in the firm.]

18. Cognizance of offences.—No court shall take cognizance of any offence under this Act except on a complaint made by—

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

19. Power to delegate.—The Central Government may, by notification, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act (except the power under section 23) as it may deem necessary or expedient to any person (including any officer, authority or other agency).

20. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Government or the person, officer, authority or other agency in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

21. Advisory Committee.—(1) The Central Government may, from time to time, constitute an Advisory Committee on the matters relating to the insurance policy under this Act.

(2) The Advisory Committee shall consist of—

- (a) three officers representing the Central Government;
- (b) two persons representing the insurers;
- (c) two persons representing the owners; and
- (d) two persons from amongst the experts of insurance or hazardous substances.

to be appointed by the Central Government.

(3) The Chairman of the Advisory Committee shall be one of the members representing the Central Government, nominated in this behalf by that Government.

22. Effect of other laws.—The provisions of this Act and any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

23. Power to make rules.—(1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

¹[²(a) such amount under subsection (2A) of section 4;]

(aa) the amount required to be paid by every owner for being credited to the Relief Fund under sub-section (2C) of section 4;

(ab) the manner in which and the period within which the amount received from the owner is required to be remitted by the insurer under sub-section (2D) of section 4];

³[(ac)] establishment and maintenance of fund under sub-section (3) of section 4;

(b) the form of application and the particulars to be given therein and the documents to accompany such application under sub-section (2) of section 6;

(c) the procedure for holding an inquiry under sub-section (4) of section 7;

(d) the purposes for which the Collector shall have powers of a Civil Court under sub-section (5) of section 7;

(e) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 18;

⁴[(ea) amount or relief and any other loss or damage under subsection (1) of section 3;

(eb) such other person under sub-section (1A) of section 6;

(ec) manner of allocation of fund for restoration of damage under sub-section (9) of section 7;

(ed) any other amount from other sources under clause (d) of subsection (1A) of section 7A;

(ee) manner of holding inquiry and imposing penalty under subsection (1) of section 15A;]

(f) any other matter which is required to be, or may be, prescribed.

(3) Every ⁵[rule or scheme] made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the ⁵[rule or scheme] or both Houses agree that the ⁵[rule or scheme] should not be made, the ⁵[rule or scheme] shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that ⁵[rule or scheme].

1. Ins. by Act 11 of 1992, s. 7 (w.e.f. 31-1-1992).

2. Subs. by Act 18 of 2023, s. 2 and Schedule for clause (a) (w.e.f. 1-4-2024).

3. Clause (a) shall be re-lettered as clause (ac) by Act 11 of 1992, s. 7, (w.e.f. 31-1-1992).

4. Ins. by Act 18 of 2023, s. 2 and Schedule (w.e.f. 1-4-2024).

5. Subs. by Act 11 of 1992, s. 7, for “rule” (w.e.f. 31-1-1992).

THE SCHEDULE— *Omitted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), s. 2 and Schedule (w.e.f. 1-4-2024).*

**THE PUBLIC LIABILITY
INSURANCE RULES, 1991**

THE PUBLIC LIABILITY INSURANCE RULES, 1991

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

NOTIFICATION¹

New Delhi, the 15th May, 1991

S.O.330(E). - In exercise of the powers conferred by section 23 of the Public Liability Insurance Act, 1991, the Central Government hereby makes the following rules, namely : -

1. SHORT TITLE AND COMMENCEMENT

(1) These rules may be called the Public Liability Insurance Rules, 1991.

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

2. DEFINITIONS

In these rules, unless the context otherwise requires : -

- (a) "Act" means the Public Liability Insurance Act, 1991 (6 of 1991)
- (b) "Advisory Committee" means the committee constituted by the Central Government in accordance with section 21 of the Act called the Public Liability Insurance Advisory Committee (PLIAC) ;
- (c) "Authorised physician" means any person registered under any Central Act or State Act providing for the maintenance of a register of medical practitioners or in any area where no such last mentioned Act is in force, any person declared by State Government by notification in the Official Gazette to be a qualified medical practitioner.
- (d) ²["Fund" means the Public Liability Insurance Fund established] and maintained by an owner in accordance with provision to sub-section (3) of section 4 of the Act.
- (e) Words and expressions used in these rules but not defined and defined in the Act shall have the meanings respectively assigned to them in these Acts.

¹ Extract from the Gazette of India : Part II, Sec. 3, Sub-Sec. (ii) dated 15.5.91.

² Substituted by Rule 2 of the PLI(Amendment) Rules, 1993 notified vide G.S.R. 391(E), dt. 23.4.1993.

3. APPLICATION FOR RELIEF

An application for claim for relief shall be made to the Collector in Form I.

4. DOCUMENTS THAT MAY BE REQUIRED

The claim application shall be made to the Collector in Form I accompanied by such of the following documents as may be applicable.

- (i) Certificate of an authorised physician regarding disability or injury or illness caused by the accident;
- (ii) Death Certificate and/or post mortem report in the case of fatal accident;
- (iii) Certificate of the employer regarding loss of wages due to temporary or partial disability, with proof of hospitalisation for a period exceeding three days and certificate about the date of birth or age of victim;
- (iv) Medical bills and receipts;
- (v) Certificate of cost of repairs or replacement of private property damaged by the accident;
- (vi) Any other documents which may have relevance to the claim.

5. POWERS OF COLLECTOR

- (i) The Collector may follow such summary procedure for conducting an inquiry on an application for relief under the Act, as he thinks fit.
- (ii) The Collector shall have all the powers of a Civil Court for the following purposes namely : -
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office ;

- (e) issuing commissions for the examining of witness or documents;
- (f) dismissing an application for default or proceeding ex-prate;
- (g) setting aside any order of dismissal of any application for default or any order passed by it ex-parte;
- (h) inherent powers of a civil court as served under section 151 of the Code of Civil Procedure, 1908.

6. ESTABLISHMENT AND ADMINISTRATION OF FUND

¹[(1) An owner seeking exemption under sub-section (3) of section 4 of the Act shall, with the prior approval of the Central Government create and maintain a Fund for an amount of Rs.5 crores or for an amount equal to the paid up capital of the undertaking handling hazardous substances, whichever is less, in the State Bank of India or any of its subsidiaries or any nationalised Bank, and which will be available readily for meeting the liability of that owner under the Act.]

(2) The fund to be created shall be utilised for the purpose of meeting the liability arising out of any claim awarded against the owner who has created the fund and to discharge the amount awarded by the Collector.

(3) The fund shall be operated by an Administrator to be nominated by the owner. The owner shall notify the nomination of the Administrator to the Central Government.

7. MISCELLANEOUS

(1) The Collector shall maintain a register of the application for relief or claim petitions, and, a register of awards and payment made thereunder.

(2) These Registers shall be kept open to Public inspection from 11.00 A.M. to 1 P.M. and 2 P.M. to 5 P.M. on every working day.

(3) On a request from a concerned person, the Collector shall supply a copy of or extract from any particulars entered in the registers mentioned above to be true copy or extract thereof.

¹ Substituted by Rule 2 (b) of the PLI(Amendment) Rules, 1993 notified vide G.S.R. 391(E), dt. 23.4.1993.

(4) A copy of or extract from the register(s) of the Collector as certified under the hand of the Collector or any officer authorised to act in this behalf shall in all legal proceedings, be admissible as evidence as of equal validity with the original.

¹8. DIRECTIONS

(1) Any direction issued under section 12 shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by any owner, person, officer, authority or agency to whom such direction is given.

(3) The owner, person, officer authority or agency to whom any direction is sought to be issued, shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of the notice to file, with an officer designated in this behalf, the objections, if any, to the issue to the proposed direction.

(4) The Government shall within a period of forty five days from the date of receipt of the objections, or from the date upto which an opportunity is given to the owner, person, officer, authority or agency to file objections, whichever is earlier after considering the objections, if any, received from the owner, person, officer, authority or agency sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(5) In a case where the Government is of the opinion that in view of the likelihood of a grave injury to the public it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.

(6) Every notice or direction required to be issued under this rule shall be deemed to be duly served.

(a) where the person to be served is a company, if the document addressed in name of the company, at its registered office or at its principal office or place of business, and is either,

(i) sent by registered post; or

(ii) delivered or affixed at some conspicuous part of the premises at its registered office or at the principal office or place of business;

¹ Inserted rule 8 and 9 by the Rule 2 of the PLI (Amendment) Rules, 1991 notified vide G.S.R.596(E), dated 20.9.1991.

- (b) where the person to be served is an owner serving in Government, if the document is addressed to the person and a copy thereof is endorsed to his Head of the Department and also to the Secretary to the Government, as the case may be, incharge of the Department in which, for the time being, the business relating to the Department, in which the officer is employed, is transacted and is either, -
 - (i) sent by registered post; or
 - (ii) is given or tendered to him.
- (c) in any other case, if the document is addressed to the person to be served, and -
 - (i) is given or tendered to him; or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place or residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which relates, or
 - (iii) is sent by registered post to that person.

Explanation -For the purpose of this rule : -

- (a) "Company" means any body corporate and includes a firm or other association of individuals;
- (b) "a Servant" not a member of the family].

¹[9. MANNER OF GIVING NOTICE

The manner of giving notice under clause (b) of section 18 shall be as follows : -

- (a) The notice shall be in writing in Form II.
- (b) The person giving notice may sent a copy of the same to -
 - (i) if the alleged offence has taken place in a Union Territory-
 - (a) the Central Board or the Committee/person or body of persons delegated the powers of the Central Board under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and

¹ Inserted rule 8 and 9 by the Rule 2 of the PLI (Amendment) Rules, 1991 notified vide G.S.R.596(E), dated 20.9.1991.

Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981); and

- (b) Ministry of Environment & Forests (represented by the Secretary to the Government of India);

(ii) if the alleged offence has taken place in the State -

- (a) the State Board for the Prevention and Control of Water Pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); and
- (b) the Governor of the State (represented by the Secretary to the State Government incharge of Environment) ; and
- (c) the Ministry of Environment & Forests (represented by the Secretary to the Government of India);

(iii) if the alleged offence has taken place in a District, the District Collector.

- (a) The notice shall be sent by registered post acknowledgement due; and
- (b) The period of sixty days mentioned in clause (b) of section 18 the Act, (6 of 1991) shall be reckoned from the date it is first received by one of the authorities mentioned above.]

¹[10. EXTEND OF LIABILITY

(1) Subject to the provision of sub-section (2A) of section 4 of the Act, the maximum aggregate liability of the insurer to pay relief under an award to the several claimants arising out of an accident shall not exceed rupees five crores and in case of more than one accident during the currency of the policy or one year, whichever is less, shall not exceed rupees fifteen crores in the aggregate.

(2) In awarding relief under the Act, the Collector shall ensure that the insurer's maximum liability under the Insurance Policy does not exceed the limits stipulated in sub-rule (1).

¹ Inserted 'rule 10' by Rule 2 of the PLI (Amendment) Rules, 1992 notified vide G.S.R. 87(E), dated 6.2.1992.

(3) Any award for relief which exceeds the amounts payable under the Insurance Policy shall be met from the Relief Fund and in case of award exceeds the total of the amount of insurance and the Relief Fund, the amount which falls short of such sum payable shall by the owner.

¹[(4) Notwithstanding anything contained in sub-rule (3), where an owner is exempted under sub-section (3) of Section 4 of the Act, he shall be liable to discharge all the claims arising out of an accident.]

²**[11. CONTRIBUTION OF OWNER TO THE ENVIRONMENTAL RELIEF FUND**

(1) ³[An owner unless exempted under sub-section (3) of section 4 of the Act shall contribute]to the Environmental Relief fund a sum equal to the premium payable to the insurer.

(2) Every contribution to the Environmental Relief Fund under sub-rule (1) shall be payable to the insurer, together with the amount of premium.

(3) The contribution receiving by the insurer shall be remitted as per the scheme under section 7A of the Act].

¹ Inserted 'sub-rule (4)' by Rule 2(c) of the PLI (Amendment) Rules, 1993 notified vide G.S.R. 391(E), dated 23.4.1993.

² Inserted 'rule 11' by Rule 2 of the PLI (Amendment) Rules, 1992 notified Vide G.S.R. 87(E), dated 6.2.1992.

³ Substituted by Rule 2(d) of the PLI (Amendment) Rules, 1993 notified Vide G.S.R.391(E), dated 23.4.1993.

FORM 1**FORM OF APPLICATION FOR COMPENSATION**

Shri/Shrimati/Kumari* _____
 Son of/daughter of /Widow* of Shri _____ who
 died/had sustained injuries in an accident on _____
 _____ at _____ particulars in respect of
 accident and other information are given below : -

1. Name and Father's name of person injured/dead (husband's name in case of married woman or widow)
2. Address of the person injured/dead.
3. Age _____ Date of Birth _____
4. Sex of the person injured/dead:
5. Place, date and time of accident:
6. Occupation of the person injured/dead:
7. Nature of injuries sustained :
8. Name and Address of Police Station in whose jurisdiction accident took place or was registered:
9. Name and Address of the Medical Officer/Practitioner who attended on the injured/dead:
10. Name and address of the Claimant/claimants :
11. Relationship with the deceased :
12. Any other information that may be considered necessary or helpful in the disposal of the claim :

I hereby swear and affirm that all the facts noted above are true to the best of my knowledge and belief.

SIGNATURE OF THE CLAIMANT

* strike out which ever is not applicable

¹[**FORM - II****FORM OF NOTICE**

[See rule 9(1)]

By Registered post acknowledgement due

From *

To,

Notice under clause (b) of Section 18 of the Public Liability Insurance Act, 1991;

Whereas it appears to me/us that an offence under the Public Liability Insurance Act, 1991 (6 of 1991) has been committed/ is being committed by **

I/We hereby give notice of sixty days under clause (b) of section 18 of the Public Liability Insurance Act, 1991 of my/our intention to file a complaint in the court against
(2)

¹ Inserted by Rule 2 of the PLI (Amendment) Rules, 1991, notified vide G.S.R. 596(E), dated 20.9.1991.

for violation of section of the Public Liability Insurance Act, 1991.

I/We, in support of this notice, hereby enclose the following documents *** evidence of proof of violation of the Public Liability Insurance Act, 1991 : -

Place _____

Date _____

Signature :

- * In case the notice is given in the name of a company, documentary evidence authorising the person to sign the notice shall be enclosed to this notice.
- ** here give the name and address of the alleged offender. In case of handling/manufacturing/processing/operating unit indicate the name of the unit/location and nature of activity,
- *** Documentary evidence includes photographs/technical report/health reports of the area; relating to the alleged violation/offence.]

NOTIFICATIONNew Delhi, the 24th March, 1992

S.O. 227(E) - In exercise of the powers conferred by clause (d) of Section 2 of the Public Liability Insurance Act, 1991 (6 of 1991), the Central Government hereby specifies the quantities shown in column 3 of the Table below for which or exceeding which every owner handling the hazardous substance mentioned in the corresponding entry in column thereof shall take out insurance policy as per the provisions of the said Act.

*[TABLE

**LIST OF CHEMICALS WITH QUANTITIES FOR APPLICATION OF PUBLIC
LIABILITY INSURANCE ACT**

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
PART -I			
GROUP 1-TOXIC CHEMICALS			
1.	Aldicarb	100 kg	116-06-3
2.	4-Aminodiphenyl	1 kg	92-67-1
3.	Amiton	1 kg	78-53-5
4.	Anabasine	100 kg	494-52-0
5.	Arsenic pentoxide, Arsenic (V) acid and salts	500 kg	
6.	Arsenic trioxide, Arscius (III) acid & salts	100 kg	
7.	Arsine (Arsenic hydride)	10 kg	7784-42-1
8.	Azinpho-ethyl	100 kg	2642-71-9
9.	Azinpho-methyl	100 kg	86-50-0
10.	Benzidine	1 kg	92-87-5
11.	Benzidine salts	1 kg	-
12.	Beryllium (powders & 'Compounds')	10 kg	-
13.	Bis(2-chloroethyl) Sulphide	1 kg	505-60-2

* As per S.O.227(E), dated 24.3.1992 corrected by Corrigendum Notification No.S.O.283(E), dated 21.4.1993.

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
14.	Bis (chloromethyl) ether	1 kg	542-88-1
15.	Carbophuran	100 kg	1563-66-2
16.	Carbophenothion	100 kg	786-19-6
17.	Chlorfenvinphos	100 kg	470-90-6
18.	4-(Chloroformyl) morpholine	1 kg	15159-40-7
19.	Chloromethyl methyl ether	1 kg	107-30-2
20.	Cobalt (metal, oxides, carbonates, sulphides, as powders)	1 t	-
21.	Crimidine	100 kg	535-89-7
22.	Cynthoate	100 kg	3734-95-0
23.	Cycloheximide	100 kg	66-81-9
24.	Demeton	100 kg	8065-48-3
25.	Dialifos	100 kg	10311-84-9
26.	OO-Diethyl S-ethylsuphinylmethyl phosphorothioate	100 kg	2588-05-8
27.	OO-Diethyl S-ethylsuphonylmethyl phosphorothioate	100 kg	2588-06-9
28.	OO-Diethyl S-ethylthiomethyl Phosphorothioate	100 kg	2600-69-3
29.	OO-Diethyl S-isopropylthiomethyl phosphorodithioate	100 kg	78-52-4
30.	OO-Diethyl S- propylthiomethyl phosphorodithioate	100 kg	3309-68-0
31.	Dimefox	100 kg	115-26-4
32.	Dimethylcarbamoyl chloride	1 kg	79-44-7
33.	Dimethylnitrosamine	1 kg	62-75-9
34.	Dimethyl phosphoramidocynicidic acid	1 t	63917-41-9
35.	Diphacinone	100 kg	82-66-6
36.	Disulfoton	100 kg	298-04-4

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
37.	EPN	100 kg	2104-64-5
38.	Ethion	100 kg	563-12-2
39.	Fensulfothion	100 kg	115-90-2
40.	Fluometil	100 kg	4301-50-2
41.	Fluoroacetic acid,	1 kg	144-49-0
42.	Fluoroacetic acid, salts	1 kg	
43.	Fluoroacetic acid, esters	1 kg	
44.	Fluoroacetic acid, amides	1 kg	
45.	4-Fluorobutyric acid	1 kg	462-23-7
46.	4-Fluorobutyric acid, salts	1 kg	
47.	4- Fluorobutyric acid, esters	1 kg	
48.	4- Fluorobutyric acid, amides	1 kg	
49.	4- Fluorocrotonic acid,	1 kg	37759-72-1
50.	4- Fluorocrotonic acid, salts	1 kg	
51.	4- Fluorocrotonic acid, esters	1 kg	
52.	4- Fluorocrotonic acid, amides	1 kg	
53.	4-Fluoro-2-hydroxybutyric acid, amides	1 kg	
54.	4-Fluoro-2-hydroxy butyric acid, salts	1 kg	
55.	4-Fluoro-2-hydroxybutyric acid, esters	1 kg	
56.	4-Fluoro-2-hydroxybutyric acid, amides	1 kg	
57.	Glycolonitrile (Hydroxyacetonitrile)	100 kg	107-16-4
58.	1, 2, 3, 7, 8, 9,-Hexachlorodibenzo-p-dioxine	100 kg	19408-74-3
59.	Hexamethylphosphoramide	1 kg	680-31-9
60.	Hydrogen selenide	10 kg	7783-07-5
61.	Isobenzan	100 kg	297-78-9

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
62.	Isodrin	100 kg	465-73-6
63.	Juglone (5-Hydroxynaphthalene 1, 4-dione)	100 kg	481-39-0
64.	4, 4-Methylene bis (2-chloroniline)	10 kg	101-14-4
65.	Methyl isocynate	150 kg	624-83-9
66.	Mevinphos	100 kg	7786-34-7
67.	2-Naphthylamine	1 kg	91-59-8
68.	Nickel (metal oxides, carbonates , sulphide as powders)	1 t	-
69.	Nickel tetracarbonyl	10 kg	13463-39-3
70.	Oxydisulfoton	100 kg	2497-07-6
71.	Oxygen difluoride	10 kg	7783-41-7
72.	Paraxon (Diethyl 4-nitrophenyl phosphate)	100 kg	311-45-5
73.	Parathion	100 kg	56-38-2
74.	Parathion-methyl	100 kg	298-00-0
75.	Pentaborane	100 kg	19624-22-7
76.	Phorate	100 kg	298-02-2
77.	Phosacetim	100 kg	4104-14-7
78.	Phosgene (carbonyl chloride)	750 kg	75-44-5
79.	Phosphamidon	100 kg	13171-21-6
80.	Phosphine (Hydrogen phosphide)	100 kg	7803-51-2
81.	Promurit (1-(3, 4-dichlorophenyl)-3-triazeneethiocarboxamide	100 kg	5836-73-7
82.	1, 3-Propanesultone	1 kg	1120-71-4
83.	1-Propene-2-chloro-1, 3-diol diacetate	10 kg	10118-72-6
84.	Pyrazoxon	100 kg	108-34-9
85.	Selenium hexafluoride	10 kg	7783-79-1

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
86.	Sodium selenite	100 kg	10102-18-4
87.	Stibine (Antimony hydride)	100 kg	7803-52-3
88.	Sulfotep	100 kg	10545-99-0
89.	Sulphur dichloride	1 t	3689-24-5
90.	Tellurium hexafluoride	100 kg	7783-80-4
91.	TEPP	100 kg	107-49-3
92.	2, 3, 7, 8-Tetrachlorodibenzo-p-dioxine (TCDD)	1 kg	1746-01-6
93.	Tetramethylenedisulphotetramine	1 kg	80-12-6
94.	Thionazin	100 kg	297-97-2
95.	Tirpate (2, 4-Dimethyl-1, 3-dithiolane-2-carboxaldehyde O-methylcarbarmoyloxime)	100 kg	26419-73-8
96.	Trichloromethanesulphenyl chloride	100 kg	594-42-3
97.	1-Tri (cyclohexyl) stannyl-1,H-1, 2, 4-triazole	100 kg	41083-11-8
98.	Triethylenemelamine	10 kg	51-18-3
99.	Warfarin	100 kg	81-81-2
GROUP 2- TOXIC SUBSTANCES			
100.	Acetone cyanohydrin (2-Cyanopropane2-1)	200 t	75-86-5
101.	Acrolein (2-Propenal)	20 t	107-02-8
102.	Acrylonitrile	20 t	107-13-1
103.	Allyl alcohol (Propen-1-ol)	200 t	107-18-6
104.	Allylamine	200 t	107-11-9
105.	Ammonia	50 t	7664-41-7
106.	Bromine	40 t	7726-95-6
107.	Carbon disulphide	20 t	75-15-0
108.	Chlorine	10 t	7782-50-5

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
109.	Diphenyl methane di-isocynate (MDI)	20 t	101-68-8
110.	Ethylene dibromide (1,2-Dibromoethane)	5 t	106-93-4
111.	Ethyleneimine	50 t	151-56-4
112.	Formaldehyde (concentration $\geq 90\%$)	5 t	50-00-0
113.	Hydrogen cyanide	5 t	74-90-8
114.	Hydrogen chloride (liquified gas)	25 t	7647-01-0
115.	Hydrogen fluoride	5 t	7664-39-3
116.	Hydrogen sulphide	5 t	7783-06-4
117.	Methyl bromide (Bromomethane)	20 t	74-83-9
118.	Nitrogen oxides	50 t	11104-93-1
119.	Propyleneimine	50 t	75-55-8
120.	Sulphur dioxide	20 t	7446-09-5
121.	Sulphur trioxide	15 t	7446-11-9
122.	Tetraethyl lead	5 t	78-00-2 75-74-1
123.	Tetramethyl lead	5 t	584-84-9
124.	Toluene 2, di-isocyanate (TDI)	10 t	75-01-4
GROUP 3- HIGHLY REACTIVE CHEMICALS			
125.	Acetylene (ethyne)	5 t	74-86-2
126.	(a) Ammonium nitrate (1) (b) Ammonium nitrate in the form of fertilizers (2)	350 t 1250 t	6484-52-2
127.	2,2-Bis (tert-butylperoxy) butane (concentration $\geq 70\%$)	5 t	2167-23-9
128.	1,1-Bis (tert-butylperoxy) cyclohexane (concentration $\geq 80\%$)	5 t	3006-86-8
129.	tert-Butyl peroxyacetate (concentration $\geq 70\%$)	5 t	107-71-1

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
130.	tert-Butyl peroxyisobutyrate (concentration –in $\geq 80\%$)	5 t	109-13-7
131.	tert-Butyl peroxy isopropyl carbonate (concentration-in $\geq 80\%$)	5 t	2372-21-6
132.	terty-Butyl peroxy maleate (concentration $\geq 80\%$)	5 t	1931-62-0
133.	tert-Butyl peroxy pivalate (concentration $\geq 77\%$)	50 t	927-07-1
134.	Dibenzyl peroxydicarbonate (concentration $\geq 90\%$)	5 t	2144-45-8
135.	Di-sec-butyl peroxydicarbonate (concentration $\geq 80\%$)	5 t	19910-65-7
136.	Diethyl peroxydicarbonate (concentration $\geq 30\%$)	50 t	14666-78-5
137.	2,2-Dihydroperoxypropane (concentration $\geq 30\%$)	50 t	2614-76-08
138.	Di-isobutryl peroxide (concentration $\geq 50\%$)	5 t	3437-84-1
139.	Di-n-propyl peroxydicarbonate (concentration $\geq 80\%$)	5 t	16066-38-9
140.	Ethylene oxide	5 t	75-21-8
141.	Ethyl nitrate	50 t	625-58-1
142.	3,3,6,6,9,9-Hexamethyl-1, 2, 4,5-tetra-oxacyclononane (concentration $\geq 75\%$)	50 t	22397-33-7
143.	Hydrogen	2 t	1333-74-0
144.	Liquid Oxygen	200 t	7782-44-7
145.	Methyl ethyl ketone peroxide (concentration $\geq 60\%$)	5 t	1338-23-4
146.	Methyl isobutyl ketone peroxide (concentration $\geq 60\%$)	50 t	37206-20-5
147.	Peracetic acid (concentration $\geq 60\%$)	50 t	79-21-0
148.	Propylene oxide	5 t	75-56-9
149.	Sodium chlorate	25 t	7775-09-9

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
GROUP 4- EXPLOSIVE SUBSTANCES			
150.	Barium azide	50 t	18810-58-7
151.	Bis (2, 4, 6-trinitrophenyl amine)	50 t	131-173-7
152.	Chlorotrinitrobenzene	50 t	28260-61-9
153.	Cellulose nitrate (Containing 12.6% Nitrogen)	50 t	9004-70-0
154.	Cyclotetramethylenetetranitramine	50 t	2691-41-0
155.	Cyclotrimethylenetiranitramine	50 t	121-82-1
156.	Diazodinitrophenol	10 t	7008-81-3
157.	Diethylene glycol dinitrate	10 t	693-21-0
158.	Dinitrophenol,salts	50 t	-
159.	Ethylene glycol dinitrate	10 t	628-96-6
160.	1-Gyanyl-4nitrosaminogyanyl-1-tetrazene	10 t	109-27-3
161.	2, 2, 4, 4, 6, 6-Hexanitrostilbene	50 t	20062-22-0
162.	Hydrazine nitrate	50 t	13464-97-6
163.	Lead azide	50 t	13424-46-9
164.	Lead styphnate (Lead 2, 4, 6-trinitroresorcinoxide)	50 t	15424-44-0
165.	Mercury fulminate	10 t	20820-54-5 628-86-4
166.	N-Methyl-N,2, 4, 6-tetranitroaniline	50 t	479-45-8

Sl. No.	Name of hazardous substance	Quantity	CAS Chemicals Abstract service number
1	2	3	4
167.	Nitroglycerine	10 t	55-63-0
168.	Pentacrythritol tetranitrate	50 t	78-11-5
169.	Picric acid (2, 3, 6-Trinitrophenol)	50 t	88-89-1
170.	Sodium picramate	50 t	831-52-7
171.	Styphnic acid (2, 4, 6- Trinitroresorcinol)	50 t	82-71-3
172.	1, 3,5-Triamino-2, 4, 6-trinitrobenzene	50 t	3058-38-6
173.	Trinitroaniline	50 t	26952-42-1
174.	2, 4, 6-Trinitroanisole	50 t	606-35-9
175.	Trinitrobenzene	50 t	25377-32-6
176.	Trinitrobenzoic acid	50 t	35860-50-5 129-66-8
177.	Trinitrocresol	50 t	28905-71-7
178.	2, 4, 6-Trinitrophenitole	50 t	24732-14-3
179.	2, 4, 6-Trinitrotoluene	50 t	118-96-7

PART –II**CLASSES OF HAZARDOUS SUBSTANCES NOT
SPECIFICALLY NAME IN PART – I**

(1)	(2)	(3)	(4)
GROUP 5-FLAMMABLE SUBSTANCES			
1.	Flammable gases : Substances which in the gaseous state normal pressure and mixed with air become flammable and the boiling point of which at normal is 20°C or below;	15 t	-
2.	Highly flammable liquids: Substances which have flash point lower than 23°C and the boiling point of which at normal pressure is above 20° C;	1000 t	-
3.	Flammable liquids: Substances which have a flash point lower than 65°C and which remain liquid under pressure, where particular processing conditions, such as high pressure and high temperature may create Major accident hazardous.	25 t	-

THE ENVIRONMENT RELIEF FUND SCHEME, 2008**MINISTRY OF ENVIRONMENT AND FORESTS****NOTIFICATION**

New Delhi, the 4th November, 2008.

G.S.R. 768 (E).—In exercise of the powers conferred by section 7A of the Public Liability Insurance Act, 1991(16 of 1991), the Central Government hereby makes the following scheme, namely:—

1. Short title and commencement.—(1)The scheme may be called the Environment Relief Fund Scheme, 2008

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

2. Definitions. — In this scheme, unless context otherwise requires,—

- (a) “Act” means the Public Liability Insurance Act, 1991(16 of 1991);
- (b) “claims” means the claims for relief arising out of an accident covered by the scheme;
- (c) “claimant” means persons, owners or agents as specified in sub-section (1) of section 6 of the Act;
- (d) “Form” means a form appended to this scheme;
- (e) “Fund Manager” means an organisation selected to manage the Environment Relief Fund as indicated in paragraph 4;
- (f) “rules” means the Public Liability Insurance Rules, 1992;
- (g) words and expressions used in this scheme but not defined and defined in the Act and the rules made thereunder shall have the meanings respectively assigned to them in the Act and rules.

3. Establishment of Relief Fund by the Central Government.—(1) From the appointed day there shall be established by the Central Government, for the purposes of this scheme, a Fund to be called the Environment Relief Fund.

(2) The Relief Fund shall be managed and administered by the Fund Manager.

(3) The Fund Manager shall open one or more accounts in the nationalised banks to administer the Relief Fund.

(4) There shall be credited into the Relief Fund—

(i) amounts equal to that of premium of the insurance policy taken by the owner and income from investments along with other monies specified in sub-section (2C) of section 4 of the Act;

(ii) money remitted by the owner, as compensation for environment damages caused, under sub-section (1) of section 22 of the National Environment Tribunal Act, 1995 (27 of 1995).

4. Fund Manager.—(1) The United India Insurance Company Limited shall be the Fund Manager for a period of five years from the date of notification of this Scheme.

(2) On the expiry of the term of five years, any organisation ceasing to be a Fund Manager shall be eligible for reappointment along with any other organisation.

5. Operation of the Relief Fund.— (1) From the date of publication of this scheme, the Fund Manager shall open and operate a separate account in any Nationalised Bank for administering the Relief Fund in the name and style of “United Insurance Company Limited-Environment Relief Fund A/C”.

(2) The existing funds in the custody of various insurance companies shall be transferred to the Relief Fund account within fifteen days from the date the account becomes operative or from such date as may be communicated by the Fund Manager but not later than sixty days from the date of the notification of this scheme:

Provided that the funds lying in fixed deposits shall be prematurely withdrawn and transferred to the Relief Fund account by the respective insurance companies.

(3) The funds from all insurance companies shall be transferred to the Relief Fund account by way of RTGS and there shall be no charges on such transfer of funds.

(4) All payments made in to the Relief Fund shall be credited by way of Cheque or Demand Draft by the owner along with its annual premium and the insurer in turn shall credit the amount into the Relief Fund account by the 30th of every month.

(5) All owners contributing to the Relief Fund shall inform the Fund Manager and the Collector about payment of the amount in Form-III with in fifteen days of making of such payment of contribution to the insurer.

(6) In case of delay in payment by the owner or insurer, interest at the rate of 18% per annum shall be charged on the owners or insurer, as the case may be.

(7) 1% of the funds added in the corpus per annum or as decided by the Central Government from time to time, shall be paid as service fee to the Relief Fund Manager and this shall be paid from the corpus itself.

(8) The liability of the Fund Manager for making the payments from the Relief Fund shall be limited only to the extent of balance available in the corpus.

(9) Claim settlement shall be made by the Fund Manager as per the sanction order issued by the Collector.

6. Investment of amount received under Relief Fund.—(1) The amount received under the Relief Fund shall be invested by the Fund Manager in such a manner so that the sum of relief awarded from the said Relief Fund becomes available to the Collector within fifteen days.

(2) Amounts in the Relief Fund account shall be invested in fixed deposits preferably in the nationalised banks immediately, after leaving the minimum agreed balance in the Relief Fund account, in consultation with the Reserve Bank of India and standing instructions shall be given to the bankers to convert funds over and above the minimum balance to the fixed deposits.

(3) The Fund Manager shall decide the manner for splitting of fixed deposits among the bankers, the maximum and minimum limit and period of such fixed deposits.

(4) The interest on the Relief Fund shall be quarterly cumulative and shall be reinvested. The full maturity value on the fixed deposits also shall be reinvested.

(5) The Board of the Fund Manager shall approve the policy as to placement of fixed deposits and its monitoring.

(6) The Fund Manager shall submit to the Central Government the annual statement of accounts on the management of funds.

(7) The recovery of tax deducted at source on account of credit in the Relief Fund, conditions of Permanent Account Number and the legal status of funds from the point of taxation shall be decided in consultation with the Central Board of Direct Taxes and shall be binding on the Fund Manager.

7. Disbursement of relief.—(1) An application for claim for relief shall be made to the Collector in form-I and the Collector shall award the amount of relief to the claimant in Form-II.

(2) The payment of claims shall be made to all the affected persons on first come first serve basis or as may be decided by the Collector from time to time.

(3) The insurance company or Fund Manager shall ensure that the sum awarded is deposited with the Collector within thirty days of the receipt of the demand or as directed by the Collector.

(4) In case of claims exceeding the insurance liability and the Relief Fund money, the Collector shall demand the remaining relief money from the owner as arrears of land revenue or of public demand.

(5) In case the amount of award exceeds the amount payable under the insurance policy of the occupier or exceeds the liability of the insurance company, the Collector shall order the Fund Manager to pay the assessed amount from the Fund.

(6) The amount in excess of the policy so demanded shall be transferred by the Fund Manager to the Collector within a period of fifteen days or within such specified period as may be decided by the Collector. The owner shall be required to reimburse the money which was paid from the Relief Fund within a period of six months to the Collector who in turn will remit it to the Relief Fund and the Collector shall be responsible for the recovery of the amount from the owner along with interest as aforesaid as arrears of land revenue or of public demand.

(7) The Collector shall disburse this money among the claimants after taking a receipt from them in Form IV.

(8) The Collector shall furnish accounts relating to the disbursement of relief amounts under the Relief Fund within forty-five days to the Fund Manager.

(9) The Collector shall disburse the money to the claimants as soon as he receives it from the Fund Manager, and in any case not later than fifteen days from the receipt of the amount.

(10) In case where the liability is higher than the total assets or where the owner is declared insolvent, the matter shall be referred to the arbitrator to be appointed by the Central Government who would decide about the liabilities and the recovery of amount from the owner.

(11) The amount under the Relief Fund shall be used exclusively for claims admissible under the scheme.

8. Accounts and audit.—(1) The Fund Manager shall maintain proper accounts and other relevant records and prepare an annual statement of accounts for each State and Union Territory up to 31st March of every year showing the collection of amounts by them for crediting the said amounts into the Relief Fund.

(2) The Statement of accounts in respect of all the insurers shall be consolidated and a statement of investment and receipts shall be maintained by the Fund Manager.

(3) The accounts of the Relief Fund shall be audited by the auditor appointed by the Fund Manager in consultation with the Comptroller and Auditor-General.

(4) The Fund Manager shall prepare and forward a consolidated statement of accounts and investment details along with the audit report thereon, to the Central Government by 30th June of every year.

9. Power to relax.— Where the Central Government is satisfied that the operation of any of the provisions of this scheme causes undue hardship to the claimants, it may, by order, for reasons to be recorded in writing, relax the requirement of that provision in a manner not inconsistent with the provisions of the Act or the rules made thereunder.

[F.No. 18-3/9 -HSMD]
Dr. G. K. Pandey
Adviser

FORM-I

(Under section 7A of the Public Liability Insurance Act, 1992)

I / we----- -as legal representative(s)
of the deceased/injured----- hereby give undertaking that I /
we shall refund the amount of relief awarded to me/us under this Act by the
Claims Settlement officer to the owner in case I / we am/are awarded any other
compensation or amount in lieu of or by way of satisfaction of --a claims for
compensation in respect of death or grievous hurt to-- -----
-----under
other provisions.

Signature of the legal representatives of the
deceased/injured person.

F O R M - II**SERIAL NO:**

Collector:

Date :

O R D E R

I hereby sanction Rs.----- (Rupees.----- as
an interim relief in respect of the death/injury of Shri / Shrimati / Km.
_____resulting from chemical accident which took place
at ----- (Name of the unit & Place) on ----- to
Shri/Shrimati/Kumari -----as the legal representative of the deceased or
to -----(Name of the injured).

Signature of the Collector

Copy to:

1. Fund Manager
2. Office of the Insurance Company
3. The Claimant
4. Collector office file
5. The Owner concerned

F O R M – III

ERF Scheme under the Public Liability Insurance Act 1991

1. Control No. (To be Allotted by Fund Manager)
2. Name of Insured Owner
3. Business
4. Address
5. Territorial Limits
6. Name & Quantities of hazardous substances handled by owner
7. Address of Collector under which Territorial limit is the unit handling hazardous substance falls.
8. Annual turn-over
9. Paid up capital as defined Sec.4 (2A) of the Act (as on the date of the policy).
10. Policy Period
11. Indemnity Limit
12. Premium
13. Contribution to the Environment Relief Fund
14. Date of proposal and declaration.
15. Address of Policy Issuing: office to whom payment has been made
16. Date and particulars of payment to insurer

Date:

Place:

For{ owner }

Name & Designation Authorised Signatory

NOTE: One copy each of the duly signed form is to be sent directly to the General Insurance Company, the District Collector or District Magistrate and Ministry of Environment and Forests by the owner and two copies are to be submitted to the Insurer. The insurer will send one copy to the Fund Manager duly signed along with contribution towards ERF.

F O R M - IV

Sanction Order NO.

Dated :

DISCHARGE RECEIPT

Received with thanks from----- Insurance Co. Ltd.
 a sum of Rs.-----being the interim relief under the Public
 Liability Insurance Act,1991 in part/full settlement of the claim for accident occurred to
 me/to the, deceased person----- (Name of the
 deceased) on ----- (date of accident) at-----
 (Name of the Place). The amount has disbursed to me vide cheque / challan No.-----
 ----- Dated----- drawn on-----from
 (Name of Collector's Office).

Signature on revenue Stamp

by beneficiary/victim



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-18122024-259488
CG-DL-E-18122024-259488

असाधारण
EXTRAORDINARY

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

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 710]

नई दिल्ली, मंगलवार, दिसम्बर 17, 2024/अग्रहायण 26, 1946

No. 710]

NEW DELHI, TUESDAY, DECEMBER 17, 2024/AGRAHAYANA 26, 1946

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली 17 दिसंबर, 2024

सा.का.नि. 772(अ).—लोक दायित्व बीमा अधिनियम, 1991 (1991 का 6) की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए लोक दायित्व बीमा नियम, 1991 में संशोधन लाने के लिए प्रारूप अधिसूचना भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा अधिसूचना संख्या का.आ. 2872(अ) तारीख 19 जुलाई, 2024 के आधीन भारत के राजपत्र, असाधारण भाग 2, खंड 3, उपखंड (ii) द्वारा प्रकाशित की गई थी, जिसमें उन सभी व्यक्तियों से, जिनके इससे प्रभावित होने की संभावना है, उक्त अधिसूचना वाले राजपत्र की प्रतियां जनता को उपलब्ध कराए जाने की तारीख से साठ दिन की अवधि समाप्त होने से पहले आपत्तियां और सुझाव आमंत्रित किए गए थे।

और, उक्त अधिसूचना वाले राजपत्र की प्रतियां जनता को 19 जुलाई, 2024 को उपलब्ध करा दी गई थीं;

और, उक्त प्रारूप अधिसूचना के संबंध में उक्त अवधि के भीतर जनता से प्राप्त आपत्तियों और सुझावों पर केन्द्रीय सरकार द्वारा सम्यक् रूप से विचार किया गया है:

अतः, अब, केन्द्रीय सरकार, लोक दायित्व बीमा अधिनियम, 1991 की धारा 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए लोक दायित्व बीमा नियम, 1991 में आगे और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात:-

1. (1) इन नियमों का संक्षिप्त नाम सार्वजनिक देयता बीमा (संशोधन) नियम, 2024 है।

(2) ये नियम सरकारी राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. लोक दायित्व बीमा नियम, 1991 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) में, नियम 2 में,-

(1) खंड (क) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:-

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

(2) खंड (ग) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:-

"(गक) "प्ररूप " से इन नियमों से संलग्न प्रथम अनुसूची में निर्धारित प्ररूप अभिप्रेत है;"

(3) खंड (घ) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात्:-

(घक) "अनुसूची" से इन नियमों में संलग्न अनुसूची अभिप्रेत है;"

3. उक्त नियम के नियम 3 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:-

"3. संपत्ति की राहत या पुनः बहाली के लिए दावे हेतु आवेदन - (1) अधिनियम की धारा 6 के अंतर्गत संपत्ति की राहत या पुनः बहाली के लिए दावे हेतु आवेदन प्ररूप 1 में कलेक्टर को प्रस्तुत किया जाएगा।

(2) संपत्ति की पुनः बहाली के लिए दावे हेतु आवेदन उस व्यक्ति द्वारा भी दायर किया जा सकेगा जो प्रभावित लोक संपत्ति में हित रखता हो तथा जो उस संपत्ति के साथ प्रत्यक्ष और ठोस संबंध प्रदर्शित कर सके।"

4. उक्त नियम के नियम 3 के पश्चात् निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात्:-

"3क. पर्यावरणीय क्षति की पुनः बहाली के लिए पर्यावरण राहत निधि से निधियों का आबंटन (1) यथास्थिति केन्द्रीय प्रदूषण नियंत्रण बोर्ड या राज्य प्रदूषण नियंत्रण बोर्ड, जैसा भी मामला हो, प्ररूप 2 में क्षति की पुनः बहाली के लिए केन्द्रीय सरकार को पर्यावरण राहत निधि से निधियों के आबंटन के लिए आवेदन करेगा।

(2) केन्द्रीय सरकार उपनियम (1) के अधीन आवेदन प्राप्त होने पर, हुई क्षति की सीमा की संवीक्षा करेगी तथा ऐसी क्षति की पुनः बहाली के लिए पर्यावरण राहत निधि से आबंटित की जाने वाली राशि का निर्धारण करेगी तथा प्ररूप-III में आदेश जारी करेगी।

(3) क्षति की पुनः बहाली के लिए आबंटित धनराशि पर्यावरण राहत कोष में उपलब्ध धनराशि के दस प्रतिशत से अधिक नहीं होगी।

(4) केन्द्रीय प्रदूषण नियंत्रण बोर्ड और राज्य प्रदूषण नियंत्रण बोर्ड निधियों के आबंटन और उपयोग के समुचित लेखे और अभिलेख बनाए रखेंगे तथा केन्द्रीय सरकार को वार्षिक रिपोर्ट प्रस्तुत करेंगे, जिसमें क्षति की पुनः बहाली की प्रगति और इस प्रकार उपयोग की गई निधियों का व्यौरा होगा।

(5) केन्द्रीय सरकार, अधिनियम की धारा 7 की उपधारा (9) के अधीन क्षति की पुनः बहाली के लिए पर्यावरण राहत कोष से आबंटित निधियों के उपयोग की निगरानी करेगी।"

5. उक्त नियम के नियम 5 के पश्चात् निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात्:-

"5क. औद्योगिक इकाई द्वारा राहत के लिए दावा करने के अधिकार का प्रकाशन.- किसी भी औद्योगिक इकाई में दुर्घटना होने पर, औद्योगिक इकाई को प्रभावित व्यक्तियों को अधिनियम और इन नियमों के आधीन राहत का दावा करने के उनके अधिकार के बारे में जानकारी देनी होगी।"

6. उक्त नियम के नियम 9 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:

"9. सूचना देने की रीति.- (1) कोई भी व्यक्ति अधिनियम की धारा 18 के खंड (ख) के अधीन किसी कथित अपराध की शिकायत करने के अपने इरादे की सूचना प्ररूप IV में रजिस्ट्री स्पीड पोस्ट या इलेक्ट्रॉनिक मेल के माध्यम से दे सकता है।

(2) उपनियम (1) में निर्दिष्ट सूचना निम्नलिखित के संबंध में दी जा सकेगी,-

(क) यदि अपराध संघ राज्य क्षेत्र में किया गया हो तो केन्द्रीय प्रदूषण नियंत्रण बोर्ड को अथवा भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के सचिव को।

(ख) यदि अपराध राज्य में किया जाता है तो राज्य प्रदूषण नियंत्रण बोर्ड को या राज्य सरकार के पर्यावरण और वन विभाग के प्रभारी सचिव को।

(3) अधिनियम की धारा 18 के खंड (ख) में उल्लिखित साठ दिन की अवधि की गणना उस तारीख से की जाएगी, जिस दिन नोटिस ऊपर उल्लिखित प्राधिकारियों को पहली बार दिया गया था।

7. उक्त नियम के नियम 10 में, -

(क) उपनियम (1) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात्:-

"(1) अधिनियम की धारा 4 की उपधारा 2क के अधीन बीमा पॉलिसी की अधिकतम राशि दो सौ पचास करोड़ रुपए से अधिक नहीं होगी तथा बीमा पॉलिसी की अवधि या एक वर्ष के दौरान एक से अधिक दुर्घटनाओं की स्थिति में, जो भी कम हो, कुल मिलाकर पांच सौ करोड़ रुपए से अधिक नहीं होगी।"

(ख) उपनियम (4) के पश्चात् निम्नलिखित उपनियम अंतःस्थापित किया जाएगा, अर्थात्:-

"(5) स्वामी अधिनियम की धारा 3 की उपधारा (1) के अधीन हानि या क्षति के लिए ऐसी राशि की प्रतिपूर्ति करने या अन्य राहत प्रदान करने के लिए उत्तरदायी होगा, जैसा कि इन नियमों की अनुसूची में निर्दिष्ट है।

8. उक्त नियम के नियम 11 के पश्चात् निम्नलिखित नियम अंतःस्थापित किए जाएंगे, अर्थात्:-

12. शिकायत— केन्द्रीय प्रदूषण नियंत्रण बोर्ड और राज्य प्रदूषण नियंत्रण बोर्ड, अपने प्राधिकृत अधिकारियों अथवा किन्हीं अन्य व्यक्तियों के माध्यम से, इस अधिनियम की धारा 14, 15 और 17 के आधीन किए गए किसी उल्लंघन के संबंध में न्यायनिर्णायक अधिकारी को इलेक्ट्रॉनिक माध्यम से या स्पीड पोस्ट से या व्यक्तिगत रूप से प्ररूप -V में शिकायत दर्ज करा सकते हैं।

13. जांच करने का तरीका —(1) न्यायनिर्णायक अधिकारी, शिकायत प्राप्त होने की तारीख से तीस दिन के भीतर, ऐसे व्यक्ति को प्ररूप VI में नोटिस जारी करेगा, जिसमें उसे यह कारण बताने के लिए कहा जाएगा कि नोटिस प्राप्ति की तारीख से कम से कम पंद्रह दिन की अवधि के भीतर, क्यों न उसके विरुद्ध जांच की जाए।

- (2) उप-नियम (1) के अधीन प्रत्येक नोटिस में कथित रूप से किए गए उल्लंघन की प्रकृति का उल्लेख होगा।
- (3) ऐसे व्यक्ति द्वारा बताए गए कारण, यदि कोई हो, पर विचार करने के पश्चात्, यदि न्यायनिर्णायक अधिकारी की राय है कि जांच की जानी चाहिए, तो वह उस व्यक्ति को व्यक्तिगत रूप से या उसके द्वारा विधिवत अधिकृत विधिक प्रतिनिधि के माध्यम से ऐसी तारीख को पेश होने की अपेक्षा के लिए एक नोटिस जारी करेगा जो नोटिस में तय की जा सकेगी।
- (4) नियत तारीख पर, न्यायनिर्णायक अधिकारी उस व्यक्ति या उसके प्राधिकृत विधिक प्रतिनिधि जिसके विरुद्ध कार्यवाही की जा रही है को ऐसे व्यक्ति द्वारा किए गए उल्लंघन और अधिनियम के उपबंध के बारे में बताएगा, जिसके संबंध में उल्लंघन का आरोप लगाया गया है।
- (5) न्यायनिर्णायक अधिकारी ऐसे व्यक्ति को प्ररूप -VII के अधीन ऐसे दस्तावेज या साक्ष्य प्रस्तुत करने का अवसर देगा जिन्हें वह जांच के लिए सुसंगत समझे और यदि आवश्यक हो तो सुनवाई को भविष्य की तारीख तक स्थगित किया जा सकेगा और ऐसे साक्ष्य लेते समय न्यायनिर्णायक अधिकारी भारतीय साक्ष्य अधिनियम, 2023 (2023 का 47) के उपबंधों का पालन करने के लिए बाध्य नहीं होगा।
- (6) यदि कोई व्यक्ति उपनियम (3) के अधीन यथा अपेक्षित न्यायनिर्णायक अधिकारी के समक्ष उपस्थित होने में असफल होता है, उपेक्षा या उपस्थित होने से इंकार करता है तो न्यायनिर्णायक अधिकारी ऐसा करने के कारणों को अभिलिखित करने के बाद ऐसे व्यक्ति की अनुपस्थिति में जांच को आगे बढ़ा सकेगा।
- (7) यदि, न्यायनिर्णायक अधिकारी के समक्ष पेश किए गए साक्ष्य पर विचार करने पर, न्यायनिर्णायक अधिकारी संतुष्ट हो जाता है कि व्यक्ति ने उल्लंघन किया है, तो वह लिखित आदेश द्वारा, अधिनियम के अधीन ऐसी शास्ति अधिरोपित कर सकता है जिसे वह उचित समझता है।
- (8) उप-नियम (7) के अधीन जारी किए गए प्रत्येक आदेश में अधिनियम के उस उपबंध को विनिर्दिष्ट किया जाएगा जिसके संबंध में उल्लंघन किया गया है और इसमें शास्ति अधिरोपण के कारण सम्मिलित होंगे।
- (9) इस नियम के अधीन जारी किए गए आदेश की एक प्रति और कार्यवाही की अन्य सभी प्रतियां शिकायतकर्ता और उस व्यक्ति को निःशुल्क आपूर्ति की जाएंगी जिसके विरुद्ध जांच की गई थी।
- (10) न्यायनिर्णायक अधिकारी विरोधी पक्ष को नोटिस जारी करने से छह महीने के भीतर कार्यवाही पूरी करेगा।
- (11) इन नियमों के अधीन जारी की गई सूचना या आदेश उस व्यक्ति को जिसके विरुद्ध जांच की जाती है, निम्नलिखित में से किसी रीति से की जाएगी-
- उस व्यक्ति या उसके द्वारा प्राधिकृत प्रतिनिधि को देना या सौंपना; अथवा
 - इसे इलेक्ट्रॉनिक माध्यमों से या रजिस्ट्री डाक या स्पीड पोस्ट द्वारा व्यक्ति को उसके निवास स्थान या उसके अंतिम ज्ञात निवास स्थान या उस स्थान पर भेजकर जहां उसने व्यवसाय किया या अंतिम बार व्यवसाय या व्यक्तिगत रूप से काम किया या लाभ के लिए अंतिम बार काम किया हो; अथवा
 - यदि इसे खंड (i) या (ii) के अधीन विनिर्दिष्ट रीति से क्रियान्वयन नहीं किया जा सकता है, तो इसे बाहरी दरवाजे या परिसर के किसी अन्य विशिष्ट हिस्से पर चिपकाकर क्रियान्वयन किया जा सकता है, जिसमें वह व्यक्ति रहता है या अंतिम निवास स्थान या व्यवसाय करने या व्यक्तिगत रूप से काम करने या लाभ के लिए काम करने के लिए जाना जाता है।

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

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

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

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

(2) इस अधिनियम के आधीन शास्तियों के माध्यम से वसूली गई सभी धनराशि, पर्यावरण राहत कोष में जमा की जाएगी।

9. उक्त नियमों में प्ररूप 1 और प्ररूप 2 के स्थान पर निम्नलिखित अनुसूचियां रखी जाएंगी, अर्थात्:-

पहली अनुसूची

प्ररूप।

[नियम 3(1) देखें]

संपत्ति की राहत या पुनः बहाली के लिए आवेदन का प्ररूप

तारीख:

श्री/सुश्री/श्रीमती* _____ श्री _____ की पुत्र/पुत्री/विधवा* की _____ को एक दुर्घटना में मृत्यु/घायल हो गई थी। अन्य सूचना नीचे दी गई है :-

1. आवेदक की जानकारी:

(i.) आवेदक का नाम:

(ii.) पिता का नाम:

(iii.) पता:

(iv.) शहर: _____ राज्य: _____ ज़िप: _____

(v.) संपर्क सं.: _____

2. प्रभावित पक्षकार की जानकारी:

(i.) नाम :

(ii.) पिता का नाम :

(iii.) घायल/मृत/प्रभावित व्यक्ति का लिंग :

(iv.) लगी चोटों की प्रकृति :

(v.) घायल/मृत व्यक्ति की उपजीविका :

- (vi.) आवेदक के साथ संबंध:
 (vii.) पता:
 (viii.) शहर: राज्य: ज़िप:

3. घटना का ब्यौरा :

- (i.) घटना की तारीख:
 (ii.) घटना का समय:
 (iii.) घटना का अवस्थान:
 (iv.) घटना का प्रकार: (निम्नलिखित पर निशान लगाइए)
 [] दुर्घटना से निजी संपत्ति को नुकसान
 [] किसी भी व्यक्ति (कर्मकार के सिवाय) की मृत्यु या क्षति

4. प्रस्तावित वित्तीय हानि (यदि लागू हो):

5. घटना और नुकसान का वर्णन:

6. संलग्न संगत दस्तावेजों की सूची :

- (i.) मृत्यु, क्षति या निःशक्तता के मामले में चिकित्सा प्रमाणपत्र
 (ii.) संपत्ति के नुकसान के संबंध में किया गया दावा
 (iii.) मजदूरी की हानि के मामले में रोजगार और प्राप्त मजदूरी का प्रमाण
 (iv.) कोई अन्य दस्तावेज

7. अतिरिक्त सूचना :

- (i.) जिस पुलिस स्टेशन के अधिकार-क्षेत्र में दुर्घटना हुई थी या रजिस्ट्रीकृत थी, उसका नाम और पता:
 (ii.) घायल/मृत व्यक्ति का उपचार करने वाले चिकित्सा अधिकारी/चिकित्सक का नाम और पता:
 (iii.) कोई अन्य जानकारी जिसे दावे के निपटान में आवश्यक या सहायक माना जा सकता है:
 मैं शपथ लेता हूँ और पुष्टि करता हूँ कि ऊपर वर्णित सभी तथ्य मेरी जानकारी और विश्वास के अनुसार सत्य हैं।

आवेदक/दावेदार के हस्ताक्षर

तारीख:.....

स्थान:.....

* जो भी लागू न हो उसे काट दें

प्ररूप॥

[नियम 3क(1) देखें]

पर्यावरणीय राहत कोष से निधियों के आबंटन के लिए आवेदन का प्ररूप

श्री/श्रीमती/सुश्री _____ केंद्रीय प्रदूषण नियंत्रण बोर्ड/राज्य प्रदूषण नियंत्रण बोर्ड, [सीपीसीबी/एसपीसीबी] की ओर से, लोक दायित्व बीमा अधिनियम, 1991 की धारा 7क के आधीन स्थापित पर्यावरणीय राहत कोष (ईआरएफ) से निधियों के आबंटन के लिए एतद्वारा आवेदन प्रस्तुत करते हैं। आवेदन का ब्यौरा नीचे दिया गया है :

1. ब्यौरा :

- i. [सीपीसीबी/एसपीसीबी] का नाम: _____
- ii. पता: _____
- iii. जिस व्यक्ति से संपर्क करना है: _____
- iv. दूरभाष नं.: _____
- v. ई-मेल: _____

2. आबंटन का प्रयोजन :

3. प्रस्तावित पर्यावरणीय प्रभाव : _____

4. अनुमानित अपेक्षित निधि:

- i. कुल अनुमानित अपेक्षित निधि: _____
- ii. निधि के उपयोग का विवरण : _____

5. संलग्न संगत दस्तावेजों की सूची :

6. अतिरिक्त जानकारी :

- i. स्वामी/स्वामियों के ब्यौरे सहित इकाई/इकाइयों का नाम: _____
- ii. दुर्घटना करने वाली इकाई/इकाइयों द्वारा विनिर्मित/संभाले जाने वाले रसायन का नाम _____

iii. स्थान के निर्देशांक और पता: _____

iv. दुर्घटना का स्थान, तारीख और समय: _____

v. एसपीसीबी जिसके अधिकार क्षेत्र में पर्यावरणीय क्षति हुई या रजिस्ट्रीकृत की गई थी: _____

vi. कोई अन्य जानकारी: _____

मैं घोषणा करता हूँ/करती हूँ कि इस आवेदन में दी गई सूचना मेरी जानकारी के अनुसार सही है।

तारीख:.....

स्थान:.....

[हस्ताक्षर]

[नाम]

[पदनाम]

[संगठन का नाम]

प्ररूप-III

[देखें- नियम 3क(2)]

आवेदन सं.

तारीख:

स्वीकृति आदेश

मैं केन्द्रीय प्रदूषण नियंत्रण बोर्ड/राज्य प्रदूषण नियंत्रण बोर्ड को उनके द्वारा प्रस्तुत आवेदन संख्या के संदर्भ में..... स्थान/इकाई/इलाके में पर्यावरणीय क्षति की भरपाई के लिए पर्यावरण राहत निधि से रु.मंजूर करता हूँ।

संबंधित प्राधिकृत अधिकारी के हस्ताक्षर

प्रति:

1. निधि प्रबंधक
2. सीपीसीबी/एसपीसीबी का कार्यालय।

प्ररूप-IV

नोटिस का प्रारूप

[देखें:- नियम 9]

रजिस्ट्रीकृत डाक द्वारा पावती देय

से*

को,

सार्वजनिक दायित्व बीमा अधिनियम, 1991 की धारा 18 के खंड (ख) के आधीन नोटिस;

जहांकि मुझे/हमें ऐसा प्रतीत होता है कि सार्वजनिक दायित्व बीमा अधिनियम, 1991 (1991 का 6) के अंतर्गत निम्न के द्वारा कोई अपराध किया गया है/किया जा रहा है**

मैं/हम सार्वजनिक दायित्व बीमा अधिनियम, 1991 की धारा 18 के खंड (ख) के आधीन साठ दिनों का नोटिस देता हूँ/देते हैं कि मैं/हमारा आशय" निम्न के विरुद्ध न्यायालयमें शिकायत दर्ज करने का है।

लोक दायित्व बीमा अधिनियम, 1991 की धारा के उल्लंघन के कारण

मैं/हम, इस नोटिस के समर्थन में, लोक दायित्व बीमा अधिनियम, 1991 के उल्लंघन के साक्ष्य के रूप में निम्नलिखित दस्तावेजों को संलग्न करता हूँ:-

स्थान _____

तारीख _____

हस्ताक्षर _____

* यदि नोटिस कंपनी के नाम से दिया गया है, तो नोटिस पर हस्ताक्षर करने के लिए व्यक्ति को अधिकृत करने वाला दस्तावेजी साक्ष्य इस नोटिस के साथ संलग्न किया जाएगा।

** यहाँ कथित अपराधी का नाम और पता दें। संभलाई/ विनिर्माण/ प्रसंस्करण/ संचालन इकाई के मामले में इकाई/स्थान का नाम और क्रियाकलाप की प्रकृति बताएं,

*** दस्तावेजी साक्ष्य में कथित उल्लंघन/अपराध से संबंधित क्षेत्र की तस्वीरें, तकनीकी रिपोर्ट/स्वास्थ्य रिपोर्ट शामिल हैं।

प्ररूपV

[देखें- नियम 12]

सेवा में,

न्याय निर्णयन अधिकारी

.....

1. शिकायतकर्ता का विवरण:-

(क) नाम:

(ख) सेवा के लिए पता:

(ग) संपर्क नंबर:

(घ) ईमेल (सेवा के लिए):

2. शिकायत का विवरण: -

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

(ख) उल्लंघन का विवरण जिसमें सभी सुसंगत सामग्री विवरण दिए गए हों:

(ग) कथन के समर्थन में साक्ष्य:

(घ) क्षति की अनुमानित राशि (आर्थिक दृष्टि से) लागत विवरण सहित।

मैं/हम....., शिकायतकर्ता,.....घोषणा करता हूँ/करती हूँ/करते हैं कि इसमें वर्णित तथ्य मेरे/हमारे ज्ञान के अनुसार पूरी तरह से सही हैं।

3. शिकायतकर्ता का नाम और हस्ताक्षर:

टिप्पण.- जो लागू न हो उसे काट दें।

प्ररूप-VI

[देखें नियम 13(1)]

सेवा में,

कारण बताओ नोटिस

विषय: लोक दायित्व बीमा अधिनियम, 1991 का उल्लंघन।

महोदय/महोदया,

तारीख.....को प्राप्त शिकायत (प्रतिलिपि संलग्न) के अनुसार,..... में लोक दायित्व बीमा अधिनियम, 1991 की धारा ----- के आधीन उल्लंघन किया गया है

2. उपरोक्त उल्लंघन दंडयोग्य है।

3. अतः, आपको इस नोटिस की तामील के ----- दिनों की अवधि के भीतर कारण बताना होगा कि आपके विरुद्ध सार्वजनिक दायित्व बीमा अधिनियम, 1991 के आधीन जुर्माना लगाने के लिए जांच शुरू क्यों न की जाए। यदि दी गई अवधि के भीतर कोई जवाब नहीं मिलता है, तो अधिनियम के आधीन आगे की कार्रवाई की जाएगी।

तारीख _____

स्थान _____

न्याय-निर्णयन अधिकारी
 (कार्यालय का नाम और मुहर)

प्ररूप-VII

[देखें- नियम 13(5)]

उल्लंघनकर्ता द्वारा या उसकी ओर से दस्तावेज़ या साक्ष्य प्रस्तुत करना

सेवा में
 न्याय-निर्णयन अधिकारी

.....

1.	मैं/हम, प्ररूप । में की गई शिकायत पर प्रति-वयान देता हूँ, जिन आधारों पर प्रति-वयान दिया गया है वे इस प्रकार हैं: -	
2.	मोबाइल नंबर और ई-मेल सहित डाक सूची संख्या/कोड और राज्य सहित पूरा पता	
3.	उल्लंघनकर्ता या उसके अधिकृत प्रतिनिधि के हस्ताक्षर:	
4.	हस्ताक्षर करने वाले व्यक्ति का नाम एवं मोबाइल नम्बर	

दूसरी अनुसूची
[देखें- नियम 10(5)]

प्रत्येक मामले में किए गए चिकित्सा व्यय की प्रतिपूर्ति और अन्य राहतें निम्नानुसार होंगी:-

क. घातक दुर्घटनाओं के कारण मृत्यु होने पर, राहत राशि 5,00,000/- रुपये प्रति व्यक्ति होगी, इसके अतिरिक्त चिकित्सा व्यय की प्रतिपूर्ति, यदि कोई हो, अधिकतम 1,50,000/- रुपये तक की जाएगी;

ख. पूर्ण स्थायी या आंशिक स्थायी विकलांगता होने पर, राहत इस प्रकार होगी-

(i) यदि कोई चिकित्सा व्यय हुआ हो तो उसकी प्रतिपूर्ति, प्रत्येक मामले में अधिकतम 25,000/- रुपये तक; तथा

(ii) पूर्ण स्थायी विकलांगता के मामले में रजिस्ट्रीकृत चिकित्सा व्यवसायी द्वारा प्रमाणित विकलांगता के प्रतिशत के आधार पर नकद राहत 5,00,000/- रुपये होगी;

ग. अस्थायी आंशिक विकलांगता के कारण दैनिक-आय की हानि, जिससे पीड़ित के धनार्जन करने की क्षमता कम हो जाती है, एक निश्चित मासिक राहत वास्तविक राशि होगी जो अधिकतम 25,000/- रुपये प्रति माह होगी और अधिकतम 3 महीने तक होगी, यदि पीड़ित 3 दिनों से अधिक अवधि के लिए अस्पताल में भर्ती रहा हो और उसकी आयु 16 वर्ष से अधिक हो;

घ. निजी संपत्ति को हुए नुकसान के मामले में, राहत राशि प्रत्येक मामले में वास्तविक क्षति के आधार पर 50,00,000/- रुपये से अधिक नहीं होगी।

ङ. अन्य चोट या बीमारी के लिए, प्रत्येक मामले में वास्तविक राशि की 25,000/- रुपये से अधिक राशि की प्रतिपूर्ति नहीं की जाएगी।"

[फ़ा. सं. एचएसएम-12/96/2020-एचएसएम]

वेद प्रकाश मिश्रा, संयुक्त सचिव

टिप्पण: मूल नियम एस.ओ.330 (ई) तारीख 1 मई, 1991 को प्रकाशित किए गए थे और तत्पश्चात् जी.एस.आर संख्या 596 (ई) तारीख 20 सितंबर, 1991, जी.एस.आर. संख्या 87 (ई) तारीख 6 फरवरी 1992 और जी.एस.आर संख्या 391 (ई) तारीख 23 अप्रैल 1993 के माध्यम से संशोधित किए गए।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
NOTIFICATION

New Delhi the 17th December, 2024

G.S.R. 772(E) - Whereas the draft notification in exercise of the powers conferred by sections 23 of the Public Liability Insurance Act, 1991 (6 of 1991), for bringing out amendment to the Public Liability Insurance Rules, 1991 were published by the Government of India in the Ministry of Environment, Forest and Climate Change, *vide* notification number S.O. 2872(E), dated the 19th July, 2024 in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii) inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS, the copies of the Gazette containing the said notification were made available to the public on the 19th July, 2024;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft notification within the said period have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section 23 of the Public Liability Insurance Act, 1991 the Central Government hereby makes the following rules to further amend the Public Liability Insurance Rules, 1991, namely: -

1. (1) These rules may be called the Public Liability Insurance (Amendment) Rules, 2024.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Public Liability Insurance Rules, 1991 (hereinafter referred to as the said rules), in rule 2, -
 - (1) after clause (a), the following clause shall be inserted, namely :-
“aa) “adjudicating officer” means an officer appointed under section 15A of the Act;”.
 - (2) after clause (c), the following clause shall be inserted, namely:-
“(ca) “form” means a form set out in the First Schedule appended to these rules;”.
 - (3) after clause (d), the following clause shall be inserted, namely:-
“(da) “Schedule” means a Schedule appended to these rules;”.
3. For rule 3 of the said rules, the following rule shall be substituted, namely: -

“3. Application for claim for relief or restoration of property - (1) An application for claim for relief or restoration of property under section 6 of the Act shall be made to the Collector in Form I.

(2) An application for claim for restoration of the property may also be filed by a person who holds an interest in the affected public property, and who can demonstrate a direct and substantial connection with that property.”.

4. After rule 3 of the said rules, the following rule shall be inserted, namely: -

“3A. Allocation of funds from Environmental Relief Fund for restoration of environmental damage. – (1) The Central Pollution Control Board or State Pollution Control Board as the case may be, shall make an application for allocation of funds from the Environmental Relief Fund to the Central Government for restoration of the damage in Form II.

(2) The Central Government shall, upon receipt of an application under sub-rule (1) scrutinise the extent of the damage caused and determine the amount to be allocated from the Environmental Relief Fund for restoration of such damage and issue an order in Form-III.

(3) The amount of the Funds allocated for restoration of damage shall not exceed ten percent of the amount available in the Environmental Relief Fund.

(4) The Central Pollution Control Board and the State Pollution Control Board shall maintain proper accounts and records of the allocation and utilisation of funds, and shall submit annual reports to the Central Government containing the details of the progress of restoration of damage and funds so utilised.

(5) The Central Government shall monitor the utilisation of funds allocated from the Environmental Relief Fund for the restoration of the damage under sub-section (9) of section 7 of the Act.”.

5. After rule 5 of the said rules, the following rule shall be inserted, namely: -

“5A. Publication of right to claim for relief by the Industrial unit. - In case any accident occur in any industrial unit, the industrial unit shall publicise among the affected persons regarding their right to claim for relief under the Act and these rules.”.

6. For rule 9 of the said rules, the following rule shall be substituted namely:-

“9. Manner of giving notice.- (1) Any person may give notice of his intention to make a complaint of an alleged offence under clause (b) of section 18 of the Act in Form IV through registered speed post or electronic mail.

(2) Notice referred to in sub-rule (1) may be given,-

(a) to the Central Pollution Control Board or to the Secretary to the Government of India in the Ministry of Environment, Forest and Climate Change, in case the offence is committed in Union Territory.

(b) to the State Pollution Control Board or to the Secretary of the State Government in charge of the Department of Environment and Forest, in case offence is committed in the State.

(3) The period of sixty days mentioned in clause (b) of section 18 of the Act shall be reckoned from the Date the notice is first delivered to the authorities mentioned above.

7. In rule 10 of the said rules, -

(a) for sub-rule (1), the following sub-rule shall be substituted, namely: -

“(1) The maximum aggregate of the insurance policy under sub-section 2A of section 4 of the act shall not exceed two hundred and fifty crore rupees and in case of more than one accident during the currency of insurance policy or one year, whichever is less, shall not exceed, five hundred crore rupees in the aggregate.”;

(b) after sub-rule (4), the following sub-rule shall be inserted, namely: -

“(5) The owner shall be liable to reimburse such amount, or provide such other relief for the loss or damage under sub-section (1) of section 3 of the Act as specified in the Schedule to these rules.

8. After rule 11 of the said rules, the following rules shall be inserted, namely: -

12. **Complaint.** — The Central Pollution Control Board and State Pollution Control Boards, through their authorized Officers, or any other person, may file a complaint in Form-V through electronic means or speed post or by hand to the adjudicating officer regarding any contravention committed under sections 14, 15 and 17 of the Act.

13. **Manner of Holding Inquiry.** — (1) The adjudicating officer, within thirty days from the date of receipt of the complaint, shall issue a notice in Form VI to such person requiring him to show cause within such periods as may be specified in the notice, not being less than fifteen days from the date of service of notice, why an inquiry should not be held against him.

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

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

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

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

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

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

(8) Every order made under sub-rule (7) shall specify the provision of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

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

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

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

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

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

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

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

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

(2) All sums realised by way of penalties under the Act shall be credited to the Environmental Relief Fund.’’.

9. For Form I and II in the said rules, the following Schedules shall be substituted, namely: -

THE FIRST SCHEDULE

FORM I

[See rule 3(1)]

FORM OF APPLICATION FOR RELIEF OR RESTORATION OF PROPERTY

Date:

Mr/Ms/Mrs.* _____ Son of/ daughter of/ Widow* of
 Mr. _____ died/had sustained- injuries in an accident on
 _____ Other information are given below: -

1. Applicant Information:

(i) Name of the Applicant:

(ii) Father's name:

(iii) Address:

(iv) City:

State:

Zip:

(v) Contact No.:

2. Affected Party information:

(i) Name:

- (ii) Father's Name:
 (iii) Sex of the person injured/dead/affected:
 (iv) Nature of injuries sustained:
 (v) Occupation of the person injured/dead:
 (vi) Relationship with applicant:
 (vii) Address:
 (viii) City: State: Zip:

3. Details of Accident:

- (i) Date of Accident:
 (ii) Time of Accident:
 (iii) Location of Accident:
 (iv) Type of Accident: (tick the following)
 [] Damage to private property from an accident
 [] Death or Injury to any person (other than workman)

4. Estimated financial loss (if applicable):

5. Description of accident and damage:

6. List of relevant documents attached:

- (i) Medical certificate in case of death, injury or disability
 (ii) Damage to property claimed
 (iii) Proof of employment and wages received in case of wage loss
 (iv) Any other document.

7. Additional Information:

- (i) Name and address of police station in whose jurisdiction accident took place or was registered:
 (ii) Name and address of the registered medical practitioner who attended on the injured or dead:
 (iii) Any other information that may be considered necessary or helpful in the disposal of the claim:

I hereby swear and affirm that all the facts noted above are true to the best of my knowledge and belief.

SIGNATURE OF THE APPLICANT/CLAIMANT

Date: _____

Place: _____

* Strike out whichever is not applicable

FORM II**[See rule 3A(1)]****FORM OF APPLICATION FOR ALLOCATION OF FUNDS FROM ENVIRONMENTAL RELIEF FUND**

Mr./Mrs./Miss _____ on behalf of Central Pollution Control Board / the State Pollution Control Board, [CPCB/SPCB], hereby submit an application for the allocation of funds from the Environmental Relief Fund (ERF) established under section 7A of the Public Liability Insurance Act, 1991. The details of the application are provided below:

1. Details:

- (i) Name of [CPCB/SPCB]: _____
- (ii) Address: _____
- (iii) Contact person: _____
- (iv) Contact number: _____
- (v) Email address: _____

2. Purpose of allocation:

3. Assessed environmental damage: _____**4. Estimated fund requirement:**

- (i) Total estimated fund requirement: _____
 - (ii) Breakdown of fund utilization: _____
- _____

5. List of relevant documents attached:**6. Additional information:**

- (i) Name of the Unit/Units with detail of owner/owners: _____
- (ii) Name of chemical manufactured/ handled by the unit/units causing accident: _____
- (iii) Address and co-ordinates of the Site: _____
- (iv) Place, date and time of Accident: _____
- (v) State Pollution Control Board in whose Jurisdiction environmental damage took place or was registered: _____
- (vi) Any other information: _____

I hereby declare that the information provided in this application is accurate to the best of my knowledge.

Date: _____

Place: _____

[Signature]

[Name]

[Designation]

[Organization Name]

FORM-III
[See rule 3A(2)]

Application No.
Date:

SANCTION ORDER

I hereby sanction Rs. From the Environmental Relief Fund for restoration of environmental damage at the place/unit/locality..... to the Central Pollution Control Board/ State Pollution Control Board in reference to the application No..... submitted by them.

Signature of the Concerned Authroized Officer

Copy to:

1. Fund Manager
2. Office of CPCB/SPCB.

FORM IV
FORM OF NOTICE
[See rule 9]

By Registered post acknowledgement due

From*

To,

Notice under clause (b) of Section 18 of the Public Liabilty Insurance Act, 1991;

Whereas it appears to me/us that an offence under the public Liability Insurance Act, 1991 (6 of 1991) has been committed/ is being committed by**

I/We hereby give notice of sixty days under clause (b) of section 18 of the Public Liability Insurance Act, 1991 of my/our intention to file a complaint in the court against

for violation of section of the Public Liability Insurance Act,1991.

I/We, in support of this notice, hereby enclose the following documents *** evidence of proof of violation of the Public Liability Insurance Act, 1991 :-

Place _____

Date _____

Signature _____

* In case the notice is given in the name of the company, documentary evidence authorising the person to sign the notice shall be enclosed to this notice.

** here give the name and address of the alleged offender. In case of handling/ manufacturing/ processing/ operating unit indicate the name of the unit/location and nature of activity,

*** Documentary evidence includes, photographs technical report/health reports of the area; relating to the alleged violation/offence.

FORM V
[See rule 12]

To,

The Adjudication Officer

.....

1. Particulars of complainant: -

- (a) Name:
- (b) Address for service:
- (c) Contact No:
- (d) Email (for service):

2. Particulars of complaint: -

- (a) Date, time and instance of commission of the alleged contravention:
- (b) Statement of contravention setting out all relevant material particulars:
- (c) Evidence in support of the statement:
- (d) Tentative amount of damage (in pecuniary terms) with cost break-up.

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

3. Name and Signature of the Complainant:

Note. – Strike out whichever is not applicable.

Form –VI
[See rule 13(1)]

To

SHOW CAUSE NOTICE

Sub: Contravention of the Public Liability Insurance Act, 1991.

Sir/Madam,

As per the complaint received on dated _____(copy enclosed), contravention has been committed under section _____ of the Public Liability Insurance Act, 1991 in.....

2. The above contravention is liable for penalty.
3. Therefore, you are required to show cause within a period of ----- days of service of this notice, why an inquiry should not be initiated against you under the Public Liability Insurance Act, 1991 for imposition of penalty. In case, no reply is received within the given period, the further action shall be taken under the Act .

Date _____
Place _____

Adjudicating Officer
(Name and seal of the office)

FORM-VII [See rule 13(5)] Furnishing of document or evidence by or on behalf of the contravener		
To Adjudication Officer		
1.	I/We, hereby give a counter statement to the complaint made in Form-I The grounds in which the counter statement is made are as follows: -	
2.	Complete address including postal index number/code and state along with mobile number and e-mail.	
3.	Signature of the contravener or his authorised representative:	
4.	Name of the person along with mobile number who has signed.	

THE SECOND SCHEDULE

[See rule 10(5)]

Reimbursement of medical expenses incurred in each case and other reliefs shall be as follows:-

- (a) death due to fatal accidents, the relief will be Rs. 5,00,000/- per person in addition to reimbursement of medical expenses, if any, incurred on the person up to a maximum of Rs. 1,50,000/-;
- (b) permanent total or permanent partial disability, the relief will be -
 - (i) reimbursement of medical expenses incurred, if any, up to a maximum of Rs. 25,000/- in each case; and
 - (ii) cash relief on the basis of percentage of disablement as certified by a registered medical practitioner in case of total permanent disability will be Rs. 5,00,000/-;
- (c) loss of wages due to temporary partial disability which reduces the earning capacity of the victim, a fixed monthly relief will be actual amount not exceeding Rs. 25,000/- per month up to a maximum of 3 months in case the victim has been hospitalised for a period exceeding 3 days and is above 16 years of age;
- (d) damage to private property, relief will be an amount not exceeding Rs. 50,00,000/- depending on the actual damage in each case.
- (e) other injury or sickness, reimbursement of amount not exceeding Rs. 25,000/- of actual amount in each case.”.

[F. No. HSM-12/96/2020-HSM]
VED PRAKASH MISHRA, Jt .Secy.

Note: The Principal rules were published vide S.O.330 (E) dated 1st May, 1991 and amended subsequently vide G.S.R. No. 596 (E) dated 20th September, 1991, G.S.R. No. 87 (E) dated 6th February 1992 and G.S.R. No. 391 (E) dated 23rd April 1993.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-18122024-259490
CG-DL-E-18122024-259490

असाधारण
EXTRAORDINARY

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

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 5046]

नई दिल्ली, मंगलवार, दिसम्बर 17, 2024/ अग्रहायण 26 1946

No. 5046]

NEW DELHI, TUESDAY, DECEMBER 17, 2024/ AGRAHAYANA 26, 1946

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय अधिसूचना

नई दिल्ली, 17 दिसम्बर, 2024

का.आ. 5453(अ).— पर्यावरण राहत निधि स्कीम, 2008 में संशोधन करने के लिए प्रारूप अधिसूचना पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा अधिसूचना सं 2919 (अ), तारीख 23 जुलाई, 2024 द्वारा प्रकाशित की गई थी, जो उक्त अधिसूचना में अंतर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध कराए जाने की तारीख से साठ दिन की अवधि की समाप्ति से पूर्व, इससे प्रभावित होने वाले सभी व्यक्तियों से आपत्तियां और सुझाव आमंत्रित किए गए थे;

और, उक्त अधिसूचना में अंतर्विष्ट राजपत्र की प्रतियां 23 जुलाई, 2024 को जनता के लिए उपलब्ध कराई गई थीं;

और, उक्त अवधि के भीतर उक्त प्रारूप अधिसूचना के संबंध में जनता से प्राप्त आपत्तियों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक रूप से विचार किया गया है;

अतः, अब, केंद्रीय सरकार लोक दायित्व बीमा अधिनियम, 1991 (1991 का 6) की धारा 7 क की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण राहत निधि स्कीम, 2008 में संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात्: —

- (1) इस स्कीम का संक्षिप्त नाम पर्यावरण राहत निधि (संशोधन) स्कीम, 2024 है।
- (2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. पर्यावरण राहत निधि स्कीम, 2008 में जिसे इसमें इसके पश्चात् उक्त स्कीम कहाँ गया है), पैरा 3 में, —

(क) उप-पैरा (1) के पश्चात्, निम्नलिखित उप-पैरा अंतःस्थापित किया जाएगा, अर्थात्:—

“(1क) यह राहत निधि केंद्रीय सरकार के पास निहित होगी।”;

(ख) उप-पैरा (4) में, खंड (ii) के स्थान पर, निम्नलिखित खंड अंतःस्थापित किए जाएंगे, अर्थात्: —

"(ii) राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) की धारा 24 के आधीन पर्यावरण को किसी भी क्षति के लिए प्रतिकर या राहत के रूप में प्रेषित राशि।”;

(iii) अधिनियम की धारा 14 या धारा 15 या धारा 17 के आधीन लगाए गए दंड और अतिरिक्त दंड;

(iv) राहत निधि के निवेश पर अर्जित ब्याज या प्रतिफल।”

3. उक्त स्कीम के पैरा 4 में, उप-पैरा (1) के स्थान पर निम्नलिखित उप-पैरा रखा जाएगा, अर्थात् -

(1) केंद्रीय प्रदूषण नियंत्रण बोर्ड 1 जनवरी, 2025 से पांच वर्ष की अवधि के लिए निधि प्रबंधक होगा।

4. उक्त स्कीम के पैरा 5 में। —

(क) "उप-पैरा (1) में, "यूनाइटेड इंडस्ट्रीज कंपनी लिमिटेड" शब्दों के स्थान पर "केंद्रीय प्रदूषण नियंत्रण बोर्ड", शब्द अंतःस्थापित किया जाएगा;"

(ख) उप-पैरा (4) में, "डिमांड ड्राफ्ट" शब्दों के पश्चात्, "या अन्य इलेक्ट्रॉनिक मोड" शब्द अंतःस्थापित किया जाएगा;

(ग) उप-पैरा (7) में, शब्द "1%" को "2%" शब्द के साथ अंतःस्थापित किया जाएगा और "समय-समय पर" शब्दों का लोप किया जाएगा;

(घ) उप-पैरा (9) के पश्चात्, निम्नलिखित उप-पैरा अंतःस्थापित जाएंगे, अर्थात्: —

“(10) केन्द्रीय सरकार के परामर्श से निधि प्रबंधक, इस स्कीम के कार्यान्वयन के प्रयोजन से एक ऑनलाइन पोर्टल विकसित करेगा और उसका रख-रखाव करेगा।

(11) निधि प्रबंधक इस अधिनियम के अंतर्गत यथास्थिति जिला कलेक्टर अथवा केन्द्रीय सरकार द्वारा जारी आदेश, राहत निधि से राशि का संवितरण करेगा।”

5. उक्त स्कीम के पैरा 6 के स्थान पर, निम्नलिखित पैरा को अंतःस्थापित किया जाएगा, अर्थात्:—

“6 राहत निधि के आधीन प्राप्त राशि का निवेश— (1) राहत निधि के आधीन प्राप्त राशि को निधि प्रबंधक द्वारा इस प्रकार निवेश किया जाएगा जिससे पंद्रह दिनों के भीतर राशि का वितरण किया जा सके।

(2) राहत निधि में राशि कंपनी अधिनियम, 2013 (2013 का 18) की धारा 2 के खंड (72) में परिभाषित सार्वजनिक वित्तीय संस्थानों में और बचत खातों में उचित रूप से निवेश की जाएगी जिससे इस स्कीम के आधीन संवितरण के लिए धन की समय पर उपलब्धता सुनिश्चित की जा सके।

(3) राहत निधि पर ब्याज त्रैमासिक संचयी होगा और इसे फिर से निवेश किया जाएगा।

(4) सावधि जमा पर पूर्ण परिपक्वता मूल्य का भी पुनर्निवेश किया जाएगा।

(5) निधि प्रबंधक राहत निधि के प्रबंधन पर लेखाओं का वार्षिक विवरण केन्द्रीय सरकार को प्रस्तुत करेगा।”

6. उक्त स्कीम के पैरा 7 में,

(क) उप-पैरा (1) के स्थान पर, निम्नलिखित पैरा अंतःस्थापित किए जाएंगे, अर्थात्:-

“(1) जहां कलेक्टर अधिनियम की धारा 7 के आधीन राहत निधि कोष से राशि के भुगतान का आदेश देता है, वह आदेश में निर्दिष्ट ऐसे व्यक्ति को भुगतान करने के लिए राहत निधि से राशि जारी करने के लिए प्रपत्र II में दिए गए ऐसे पुरस्कार की प्रति निधि प्रबंधक को अग्रेषित करेगा।

"(1क) उप-पैरा (1) के आधीन पुरस्कार और आदेश की एक प्रति प्राप्त होने पर, निधि प्रबंधक, निधियों की उपलब्धता के अधीन, आदेश और पुरस्कार की प्राप्ति की तारीख से तीस दिनों की अवधि के भीतर कलेक्टर को राशि जारी करेगा।"

(ख) उप-पैरा (4) में, "राहत राशि" शब्दों के स्थान पर, "राशि" शब्द रखा जाएगा;

(ग) उप-पैरा (11) का लोप किया जाएगा।

7. उक्त स्कीम के पैरा 7 के पश्चात्, निम्नलिखित पैरा अंतःस्थापित किया जाएगा, अर्थात्:-

"7क. पर्यावरणीय क्षति की पुनः बहाली- (1) निधि प्रबंधक, लोक दायित्व बीमा नियम, 1991 के नियम 3क के अंतर्गत निधियों के आबंटन पर, अधिनियम की धारा 7 की उप-धारा (9) के अंतर्गत उपबंधित प्रयोजनों के लिए राहत निधि में निधियों को निर्धारित करता है।

(2) यथास्थिति, केन्द्रीय प्रदूषण नियंत्रण बोर्ड या राज्य प्रदूषण नियंत्रण बोर्ड, अधिनियम की धारा 7 की उप-धारा (9) के अधीन हुई क्षति की पुनः बहाली के लिए विस्तृत योजना बनाएगा और लागत के अनुमान के साथ केन्द्रीय सरकार को प्रस्तुत करेगा।

(3) केन्द्रीय सरकार, उप-पैरा (2) के अधीन प्रस्तुत योजना और अनुमान से संतुष्ट होने पर, क्षति की पुनः बहाली के प्रयोजन के लिए यथास्थिति केन्द्रीय प्रदूषण नियंत्रण बोर्ड या राज्य प्रदूषण नियंत्रण बोर्ड, को राशि के संवितरण के लिए नियमों के नियम 3क के उप-नियम (2) के अधीन आदेश दे सकेगी।

(4) उप-पैरा (3) के आधीन आदेश प्राप्त होने पर निधि प्रबंधक उक्त आदेश के अनुसार राशि के संवितरण की व्यवस्था करेगा।"

8. उक्त स्कीम के पैरा 8 में, उप-पैरा (3) के स्थान पर, निम्नलिखित उप-पैरा रखा जाएगा, अर्थात्: -

"(3) राहत निधि के लेखाओं की लेखापरीक्षा नियंत्रक एवं महालेखा परीक्षक द्वारा अनुमोदित पैनल में से केन्द्रीय सरकार द्वारा नियुक्त स्वतंत्र लेखा परीक्षक द्वारा की जाएगी।"

9. उक्त स्कीम में प्ररूप- II के स्थान पर, निम्नलिखित प्ररूप रखा जाएगा, अर्थात्:-

"प्ररूप-II

[पैरा 7(1) देखें]

कलेक्टर का कार्यालय _____ (जिला, राज्य)

क्रम सं.:

कलेक्टर:

तारीख

आदेश

मैं _____ रुपये (शब्दों में _____ रुपये) श्री/श्रीमती/कुमारी के (मृत्यु या चोट या संपत्ति को क्षति) के संबंध में श्री/श्रीमती/कुमारी ----- मृतक के विधिक प्रतिनिधि के रूप में अथवा श्री/श्रीमती/कुमारी----- (घायल का नाम) को राहत के रूप में मंजूरी देता हूँ जो ----- (औद्योगिक इकाई और स्थान का नाम) पर निर्माण, प्रसंस्करण, उपचार, पैकेज, भंडारण, वाहन द्वारा परिवहन, उपयोग, संग्रह, विध्वंस, रूपांतरण, बिक्री की पेशकश, ऐसे खतरनाक पदार्थों के हस्तांतरण के परिणामस्वरूप हुई है।

कलेक्टर का हस्ताक्षर

(मुहर)

तारीख:

स्थान:

प्रतिलिपि:

1. निधि प्रबंधक
2. बीमा कंपनी कार्यालय
3. दावाकर्ता
4. कलेक्टर कार्यालय फाइल
5. संबंधित स्वामी।”

[फा. सं. एचएसएम-12/96/2020-एचएसएम]

वेद प्रकाश मिश्रा, संयुक्त सचिव

टिप्पणी: प्रधान अधिसूचना सा.का.नि संख्या 768 (अ) तारीख 4 नवंबर, 2008 के द्वारा प्रकाशित की गई थी।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 17th December, 2024

S.O. 5453(E).—WHEREAS the draft notification for bringing out amendment to Environment Relief Fund Scheme, 2008 was published, by the Government of India in the Ministry of Environment, Forest and Climate Change, *vide* notification number S.O. 2919(E), dated the 23rd July, 2024, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS, the copies of the Gazette containing the said notification were made available to the public on the 23rd July, 2024;

AND WHEREAS, the objections and suggestions were received from the public in respect of the said draft notification within the said period have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (3) of section 7A of the Public Liability Insurance Act, 1991 (6 of 1991), the Central Government, hereby makes the following scheme further to amend the Environment Relief Fund Scheme 2008, namely:—

1. (1) This scheme may be called the Environment Relief Fund (Amendment) Scheme, 2024.
(2) It shall come into force on the date of its publication in the Official Gazette.
2. In the Environment Relief Fund Scheme, 2008 (hereinafter referred to as the said scheme), in paragraph 3, —
(a) after sub-paragraph (1), the following sub-paragraph shall be inserted, namely: —
“ (1A) The Relief Fund shall be vested in the Central Government.”;
(b) in sub-paragraph (4), for clause (ii), the following clauses shall be substituted, namely: —
“(ii) amount remitted as compensation or relief for any damage to the environment under section 24 of the National Green Tribunal Act, 2010 (19 of 2010).”;
(iii) penalties and additional penalties imposed under section 14 or section 15 or section 17 of the Act;
(iv) interest or returns earned on the investments of the Relief Fund.”.
3. In paragraph 4 of the said scheme, for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—
(1) Central Pollution Control Board shall be the fund manager for a period of five years with effect from 1st day of January, 2025.
4. In paragraph 5 of the said scheme. —

- (a) in sub-paragraph (1), for the words “United Insurance Company Limited”, the words “Central Pollution Control Board” shall be substituted;
 - (b) in sub-paragraph (4), after the words “Demand Draft”, the words “or other electronic mode” shall be inserted;
 - (c) in sub-paragraph (7), the word “1%” shall be substituted with word “2%” and words “from time to time,” shall be omitted;
 - (d) after sub-paragraph (9), the following sub-paragraphs shall be inserted, namely: —
 - “(10) The Fund Manager, in consultation with the Central Government, shall develop and maintain an online portal for the purpose of implementation of this scheme.
 - (11) The Fund Manager shall disburse the amount from the Relief Fund as per the order issued by the District Collector or the Central Government, as the case may be, under the Act.”.
5. For paragraph 6 of the said scheme, the following paragraph shall be substituted, namely: —
- “6. Investment of amount received under Relief Fund.** — (1) The amount received under the Relief Fund shall be invested by the Fund Manager in such a manner so that disbursement of amounts can be made within fifteen days.
- (2) Amounts in the Relief Fund shall be invested appropriately in public financial institutions as defined in clause (72) of section 2 of the Companies Act, 2013 (18 of 2013) and in saving accounts to ensure timely availability of funds for disbursement under this scheme.
 - (3) The interest on the Relief Fund shall be quarterly cumulative and shall be reinvested.
 - (4) The full maturity value on the fixed deposits shall also be reinvested.
 - (5) The Fund Manager shall submit an annual statement of accounts on the management of Relief Fund to the Central Government.”.
6. In paragraph 7 of the said scheme,
- (a) for sub-paragraph (1), the following paragraphs shall be substituted, namely: -
 - “(1) Where the Collector in an award made under section 7 of the Act orders the payment of amount from the Relief Fund, he shall forward the copy of such award made in Form II to the Fund Manager for release of the amount from the Relief Fund for making the payment to such person as specified in the order.
 - (1A) On receipt of a copy of the award and order under sub-paragraph (1), the Fund Manager shall, subject to the availability of funds, release the amount to the Collector within a period of thirty days from the date of receipt of the order and the award.”.
 - (b) in sub-paragraph (4), for the words “relief money”, the word “money” shall be substituted;
 - (c) sub-paragraph (11) shall be omitted.
7. After paragraph 7 of the said scheme, the following paragraph shall be inserted, namely: -
- “7A. Restoration of the environmental damage.** - (1) The Fund Manager, upon allocation of funds under rule 3A of the Public Liability Insurance Rules, 1991, earmark the funds in the Relief Fund for the purposes provided under sub-section (9) of section 7 of the Act.
- (2) The Central Pollution Control Board or the State Pollution Control Board as the case may be, shall make a detailed plan for restoration of the damage caused under sub-section (9) of section 7 of the Act and submit to the Central Government with the estimation of the cost.
 - (3) The Central Government on being satisfied with the plan and the estimation submitted under sub-paragraph (2), may make an order under sub-rule (2) of rule 3A of the rules for disbursement of amount to the Central Pollution Control Board or the State Pollution Control Board, as the case may be, for the purpose of restoration of damage.
 - (4) The Fund Manager, on receipt of order under sub-paragraph (3), shall make arrangements for disbursement of amount as per the said order.”.
8. In paragraph 8 of the said scheme, for sub-paragraph (3), the following sub-paragraph shall be substituted, namely: -
- “(3) The accounts of the Relief Fund shall be audited by an independent auditor appointed by the Central Government from the panel approved by the Comptroller and Auditor-General.”.
9. For Form-II in the said scheme, the following Form shall be substituted, namely: -

“FORM-II

[See paragraph 7(1)]

Office of Collector_____ (District, State)

SERIAL No.:

Collector:

Date

ORDER

I hereby sanction Rs. _____ (in words _____ rupees) as an relief in respect of (the death or injury or damage to property) of Shri/Shrimati/Km _____ resulting from accidents due to manufacture, processing, treatment, package, storage, transportation by vehicle, use, collection, destruction, conversion, offering for sale, transfer of the like of such hazardous substances which took place at _____ (Name of the industrial unit and Place) on _____ to Shri/Shrimati/Kumari _____ as the legal representative of the deceased or to Shri/Shrimati/Kumari _____ (Name of the injured).

Signature of the Collector

(seal)

Date:

Place:

Copy to:

1. Fund Manager
2. Office of the Insurance Company
3. The Claimant
4. Collector office file
5. The Owner concerned”.

[F. No. HSM-12/96/2020-HSM]

VED PRAKASH MISHRA, Jt. Secy.

Note: The Principal notification was published vide G.S.R. No. 768 (E) dated 4th November, 2008.