

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,**  
**NEW DELHI**

OA NO. 1360/2024

IN THE MATTER OF

PREM PRAKASH THAPLIYAL

...COMPLAINANT

VERSUS

STATE OF UTTARAKHAND & ORS

... RESPONDENTS

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Dated: 18.09.2025



  
Adv Anjali Rajput

Counsel for respondent No 2.

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,**  
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OA NO. 1360/2024

IN THE MATTER OF

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...COMPLAINANT

VERSUS

STATE OF UTTARAKHAND & ORS

... RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.2 DIRECTOR,**  
**DIRECTORATE OF GEOLOGY AND MINING, UTTARAKHAND IN**  
**COMPLIANCE OF THE ORDER DATED 27.05.2025 AND 25.02.2025**  
**PASSED BY THIS HON'BLE TRIBUNAL.**

Most respectfully showeth:

I Rajpal Legha Aged about 46 years S/o Sh Chandu Ram Legha, presently posted as Director, Directorate of Geology and Mining Department, Government of Uttarakhand hereby solemnly affirm on oath and state as under:

1. That in my above-mentioned official capacity, I am acquainted with the facts and circumstances of the present case, and I am fully competent to file present Reply by way of affidavit.
2. That above mentioned cased was listed before this Hon'ble court on 27.05.2025 and 25.02.2025 this Hon'ble Tribunal was pleased to pass following orders:

Order dated: 27.05.2025 :



*"2.Learned Counsel for the Respondent No. 2 seeks four weeks' time to file the reply."...*

**Order dated 25.02.2025:-**

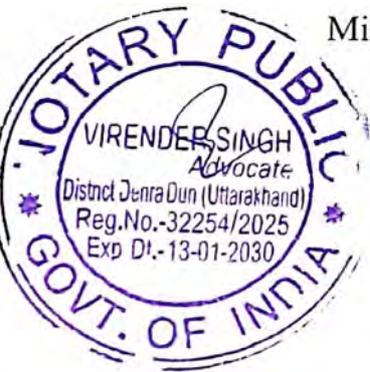
*"3. Issue notice to the respondents for filing the reply by way of affidavit. Applicant is directed to serve the respondents and file the affidavit of service at least one week before the next date of hearing."...*

Copy of the order dated 27.05.2025 and 25.02.2025 are Annexed herewith as **Annexure A**.

3. It is informed that prior to the formation of the state of Uttarakhand, Uttar Pradesh Mineral (prevention) Rules 1963 were in place and as per these rules lease for mining minor minerals in river bed were granted by tender by the concerned District Magistrates. That upon the formation of the State, the State Government exercising power u/s 15 of The Mines and Minerals (Development and Regulation) Act 1957 i.e:

*"Power of State Governments to make rules in respect of minor minerals.-(1) The State Government may, by notification in the Official Gazette, make rules for, regulating the grant of 5[quarry leases, mining leases or other mineral concessions) in respect of minor minerals and for purposes connected therewith"*

Promulgated Uttaranchal Sub-Mineral (concession) Rules, 2001 vide notification no. 1187/O.V./2001-22B/2001 dated 30.04.2001. That these rules were amended from time to time. That as per these rules any for mining/excavation work in riverbed of forest areas was to be done by Uttarakhand Forest Development Corporation, in revenue land of river bed in Kumaon Division by Kumaon Mandal Vikas Nigam and in revenue land of riverbed in Garhwal Division by Garhwal Mandal Vikas



*Virender Singh*

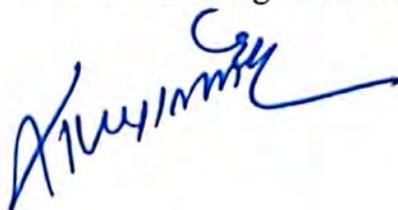
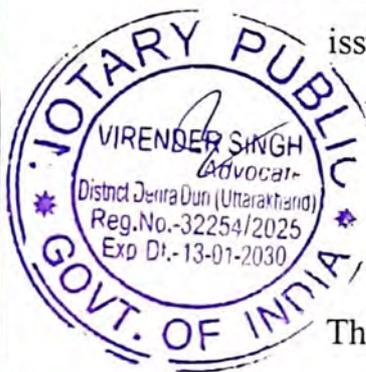
Nigam. Copy of the Uttaranchal Sub-Mineral (concession) Rules, 2001 amended rules 2002 is annexed herewith as **Annexure B**.

4. It is submitted that as per judgment *Rural Litigation & Entitlement Kendra vs. State of UP & Ors. vide order dated 30.08.1988 (AIR 1988 SC 2187) 11 (W. P No. (civil) 8209 & 8821 of 1983)*, Hon'ble Supreme Court of India, the Court dealt with and issued directions limestone mining and quarrying, considering their effect on the delicate ecosystem. It is also submitted herein that the hon'ble Supreme Court of India in this landmark judgement has confined to the environmental hazards posed by limestone extraction.
5. That it is submitted herein that The Doon Valley notification of 1989, issued under the Environment (Protection) Act, 1986 states as under:

(ii) *Mining – Approval of the Union Ministry of Environment Forests must be obtained before starting any mining activity.*

That it is clear from the above provision that any new or existing mining operation to get a mandatory clearance from the central government. Doon Valley Notification 1989 classified industries into "Red," "Orange," and "Green" categories based on their pollution potential and further regulated where and how certain types of industries, including those related to mining, could operate and provided for regulatory framework. Copy of Doon Valley Notification 1989 **Annexure C**.

6. That the Doon Valley Notification 1989, dated 01.02.1989 was amended by MoEF & CC vide Notification dated 06.01.2020 and for clauses (i), (ii), (iii), (iv) and (v) and annexure, the following were substituted:

(i) *Location/siting of industrial units - It has to be as per modified directions issued by the Central Pollution Control Board (CPCB) vide letter No. B-29012/ESS(CPA)/2015-16, dated the 7th March, 2016 under section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 regarding harmonization of classification of industrial sectors under red/orange/green/white categories and as may be amended from time to time by the CPCB and the Ministry of Environment, Forest and Climate Change.*

(ii) *Mining - Approval of the Union Ministry of Environment, Forest and Climate Change must be obtained before starting any mining activity.*

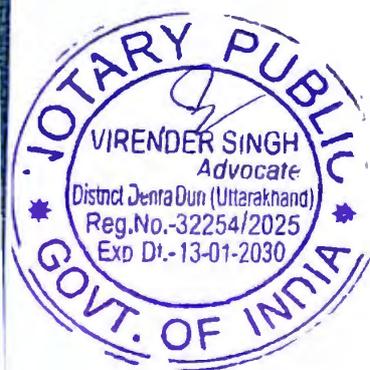
(iii) *Tourism - It should as per Tourism Development Plan (TDP), to be prepared by the State Department of Tourism and duly approved by the Union Ministry of Environment, Forest and Climate Change.*

(iv) *Grazing - As per the plan to be prepared by the State Government and duly approved by the Union Ministry of Environment, Forest and Climate Change.*

(v) *Land Use - As per Master Plan of development and Land Use Plan of the entire area, to be prepared by the State Government and approved by the Union Ministry of Environment, Forest and Climate Change.*

**Note:**

- (a) *Red categories of industries shall not be permitted in Doon Valley;*  
 (b) *The total number of fuel burning industries that shall be permitted in the Doon Valley shall be limited by 8 tonnes per day of Sulphur*



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*Dioxide from all sources. (This corresponds to 400 tonnes per day Coal with 1 % Sulphur);*

*(c) Siting of Industrial areas shall be based on the prescribed criterion and with prior approval of Competent Authority;*

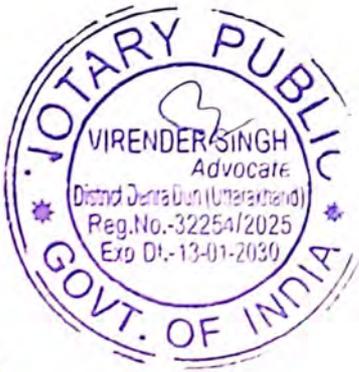
*(d) Existing orange categories industries, which are now in the red categories of industries shall be continued, however, no expansion shall be allowed."*

Pursuant to the Doon Valley Notification, 1989, as amended by the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide Notification dated 06.01.2020, the commencement of any mining activity within the Doon Valley is subject to the prior approval of the MoEF&CC. This imposes restrictions on mining operations and other developmental activities within the designated area, affirming that such activities cannot proceed without the required central government clearance. Copy of the notification dated 06.01.2020 is Annexed herewith as **Annexure D.**

7. It is stated in Environment Impact Assessment notification 2006 (EIA notification 2006) issued by Ministry of Environment and Forests, Government of India as amended in Environment Impact Assessment notification 2009 (EIA notification 2009) states that:

**4. Categorization of projects and activities: -**

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

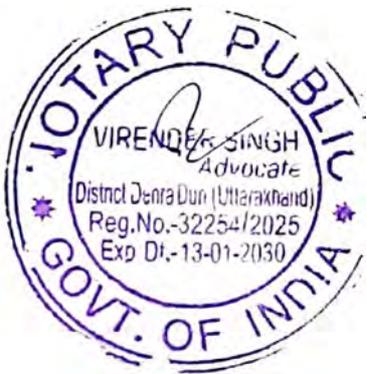


*Virender Singh*

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

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

Note:- V(xvii) "General Condition (GC): Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii)



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



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

Copy of the EIA notification 2006 along with amendment 2009 is annexed herewith as **Annexure E**.

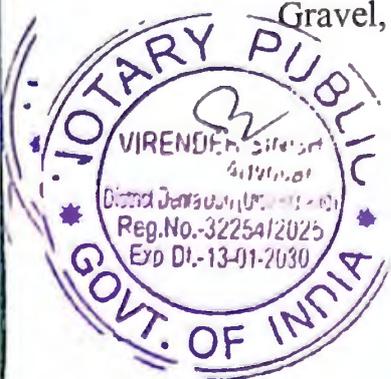
8. It is submitted that Hon'ble Supreme Court, vide order dated 27.02.2012 in case titles as *Deepak Kumar & Ors. v. State of Haryana & Ors.* (SLP (C) Nos. 19628-19629 of 2009) directed that prior environmental clearance from the Ministry of Environment and Forests, Government of India, is mandatory for all leases for minor minerals areas of less than 5 hectares. That considering the directions of Hon'ble Supreme court of India, Ministry of Environment and Forests, Government of India vide OM No. L-11011/47/2011-IAII (M), dated 18.05.2012, State Government of Uttarakhand took decision that irrespective of the area of the mining lease, for new lease permissions and renewal of minor minerals, it will be mandatory to take prior environmental clearance from the Ministry of Environment and Forests, Government of India was mandatory.

Therefore, since there was no need for prospecting required in cases related to mining lease of Minor minerals as per Government order no 922/VII-I/11-

Writ/2012 dated 26.07.2012 para no 5, therefore, it was prerequisite to issue letter of intent before issuing mining/lease permits for minor minerals, but after the Hon'ble Apex courts decision in *Deepak Kumar's Case* dated 27.02.2012 and office memorandum dated 18.05.2012 issued by Moef & CC, Government of India, it became necessary to conduct Environment impact assessment before grant of any mining lease permits for minor minerals in all mining lease areas of the state, irrespective of the area i.e less than 5.00 hectares or more than 5.00 hectares. It was therefore decided that all proposals for issuance of letter of intent for all permits related to minor minerals will be made available to the Government by The Director, Geology and Mining Unit. Copy of the Ministry of Environment and Forests, Government of India vide OM No. L-11011/47/2011-IAII (M), dated 18.05.2012 and Government order no 922/VII-I/11-Writ/2012 dated 26.07.2012 is annexed herewith as Annexure E.

9. It is submitted as per the provisions of Uttarakhand Sub Mineral (Sand, Gravel, Boulder) Chugan Policy-2016, that vide GO No. 3170/VII-1/2019/05(32)/2018 dated 16.06.2019, 5 year mining lease was granted in favor of Managing Director, Garhwal Mandal Vikas Nigam on revenue land bearing lot no 21/1 total area 123.19 hectare in village in Dakpathar Nawabgarh, Mandi Gangseva and Bhimawala of Tehsil Vikasnagar of Dehradun district, MOU of the mining lot was signed with the Corporation on 24.09.2021, after necessary permissions i.e environmental clearance, permission from NBWL, CTE, CTO were obtained. Copy of the Uttarakhand Sub Mineral (Sand, Gravel, Boulder) Chugan Policy-2016 is annexed herewith as Annexure G.

10. It is also submitted as per the provisions of Uttarakhand Sub Mineral (Sand, Gravel, Boulder) Chugan Policy-2016, that vide GO No. No. 2024/VII-



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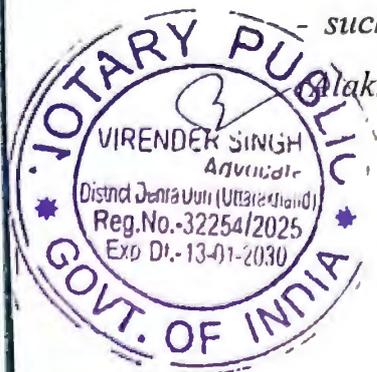
1/108K/2016 dated 03.01.2017, 5 year mining lease was granted in favor of Managing Director, Garhwal Mandal Vikas Nigam on revenue land bearing lot no 21/3 total area 68.364 hectare in khasra no 1(A), 2A.618 village in Dakpathar Nawabgarh, Mandi Gangseva and Bhimawala of Tehsil Vikasnagar of Dehradun district, MOU of the mining lot was signed with the Corporation on 24.09.2021, after necessary permissions i.e environmental clearance, permission from NBWL, CTE, CTO were obtained.

11. The State of Uttarakhand formulated Minor Mineral Policy, 2001 as amended on 17.10.2002 has following provisions:-

*"2.1 In order to eradicate the possibilities of monopoly in the mining sites covered with minor minerals and to ensure that the work of mining/picking is carried out in a scientific manner while keeping the environment safe, this work will be done by government corporations only like last year.*

*2.2 As far as possible, river-wise mining/picking leases will be granted to government corporations so that better coordination and control can be ensured in this work. For this, mining/picking of minor minerals will be done by Garhwal Mandal Vikas Nigam in all areas of Dehradun district and by Uttaranchal Forest Development Corporation in all areas of Gola river. But due to the abundance of minor mineral dominated area in district Haridwar, mining/picking of minor minerals in forest areas will be done by Uttaranchal Forest Development Corporation and mining in revenue areas by Garhwal Mandal Vikas Nigam.*

*2.3 Under the Mineral Policy 2001, arrangements will be made for mining/picking in some of the left out places from the category of plain areas - such as Tanakpur (Sharda), Ramnagar, Kotdwar, Satpuli and Srinagar (Bhaknanda) through appropriate corporation. The concerned District*



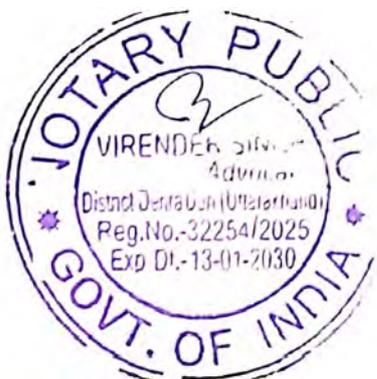
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Magistrate will immediately make the proposal available to the Government after consultation with the officers of Forest Development Corporation /Garhwal Mandal Vikas Nigam/Kumaon Mandal Vikas Nigam regarding these rivers/areas and other such left out rivers/areas, if any.

2.4 In respect of small lots of various rivers of hilly and plain areas, where mining/picking of minor minerals was being done/could be done, but this work is not possible due to non- grant of permission/clearance under the Forest Conservation Act 1980, district-wise overall proposal shall be prepared by the concerned corporations or Uttaranchal State Cooperative Marketing Federation and sent to the Government of India for permission/clearance through the District Magistrate. In this way, after obtaining permission/clearance from the Government of India under the Forest Conservation Act, 1980, the work of picking of minor mineral in the said areas will be done by the Government Corporation/Uttaranchal State Cooperative Marketing Federation itself. If due to any circumstances the above mentioned institutions are unable to carry out the said work themselves, then alternative arrangements will be made to get this work done from the local persons/institution under the supervision of the above mentioned institutions with the permission of the government.

2.5 In addition to the above paragraphs 2.2 and 2.3, it will be mandatory to obtain the permission of the government before the lease/short-term mining license for mining/picking of minor mineral is approved/granted from the district level on private land or under any other circumstances....

Copy of the amended policy is Annexed herewith as Annexure H.



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12. That the state of Uttarakhand while exercising powers u/s 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Notification No. 67/1957) has formulated The Uttarakhand Minor Minerals (Concession) Rules- 2023 in supersession of The Uttarakhand Minor Minerals Concession Rules, 2001 and all the existing Rules. It is specified in rule 16 that:

**16. Mining/ Picking Work by Corporations/ Other Contractors/ Bidders-**

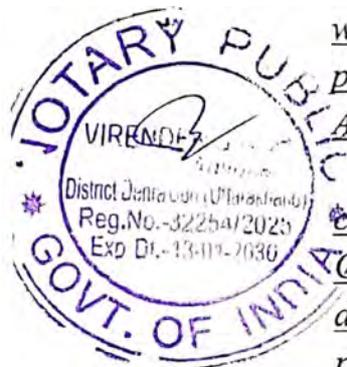
1. *The allotment of mining areas existing in forest land, situated in river bed to be done by Uttarakhand Forest Development Corporation, for mining lots in Revenue areas falling within the jurisdiction of Garhwal Mandal, the Garhwal Mandal Vikas Nigam Limited and for those within the jurisdiction of Kumaon Mandal, the Kumaon Mandal Vikas Nigam Limited, shall be accepted after applications made by them, according to rules laid down in Chapter 02 and in the prescribed formats. The Mining/ picking work shall be done by the corporations themselves for the accepted mining lots in favour of the said corporations. In case the Corporations fail to do the Mining/ picking work themselves, in that case the same shall be got done by selected persons/committee/firms/company which shall be selected by way of E-Auctions.*

*However, in case the State Government comes to the conclusion that the Mining/ picking work being carried out by the Corporations is causing any loss to the State Exchequer/ Revenue department, then the State Government shall take back the entire or any part of the allocated mining lease and shall allocate the same to the successful Tenderer/ Contractor under Rule 69 of chapter 2 of the Rules*

Copy of the Uttarakhand Minor Minerals (Concession) Rules- 2023 is annexed herewith as **Annexure I.**

13. It is submitted herein that as per point no 1 of minutes of the meeting dated 31.07.2024, issued on 27.08.2024 vide letter no. 1433/VII-A-1/2024/05(27)/2020 2024 by Industrial Development (Mining) Section-1, Uttarakhand Government held under the chairmanship of Chief Secretary,

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Uttarakhand Government, directions were issued that in interest of generating revenue, any minor mineral mining lot/leases granted/identified in favor of the Garhwal Mandal Vikas Nigam (GMVN) and the Nigam is unable to operate due to any reason, such lots should be immediately surrendered to the Mining Department. Copy of the minutes of the meeting dated 21.07.2024 issued on 27.08.2024 is annexed herewith as **Annexure J.**

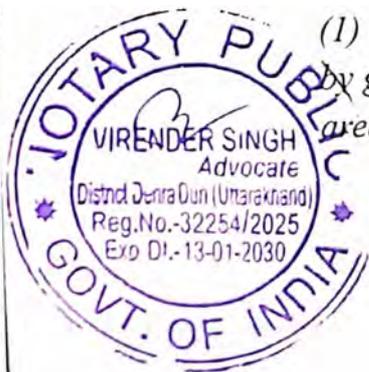
14. The Managing Director, Garhwal Mandal Vikas Nigam (GMVN) vide his letter no 423/10/3-10/2-24-25 dated 09.08.2024 and in light of the directions issued in meeting held under the chairmanship of Chief Secretary, State of Uttarakhand dated 31.07.2024, surrendered lots no 21/1 and 21/3 to the Government. Copy of the letter dated 09.08.2024 is Annexed herewith as **Annexure K.**

15. In light of the decision and directions of meeting held under the chairmanship of Chief Secretary, State of Uttarakhand dated 31.07.2024 and surrender of Yamuna lots no 21/1 and 21/3 vide letter no 423/10/3-10/2-24-25 dated 09.08.2024 by Managing Director, Garhwal Mandal Vikas Nigam (GMVN), Industrial Development (Mining) Section-1, Government of Uttarakhand after recovering complete liabilities accepted the surrender of lots no 21/1 and 21/3 vide letter no 1302/VII-A-1/2024/05(32)/2018 dated 27.08.2024 and issued directions to further take action as per prevailing rules of Uttarakhand Minor Minerals (Concession) Rules- 2023.

16. As per clause 20 chapter 4 (Auction – lease) of Uttarakhand Minor Minerals (Concession) Rules- 2023:

20. Declaration of areas for E- Auction:

(1) The Director General/ Director, Directorate of Geology and Mining, by general or special Order, can declare such river beds of revenue/ forest areas wherein mineral, sand, bajri, boulder, RBM, exists and for areas of



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revenue/ forest which are separate from river beds wherein In-situ kind of rock minerals like soapstone, silica sand, barite, dolomite, slate, quartzite, stone, gypsum etc. exists, which can be auctioned through bidding or through auction or e-bidding/ e-auction.

(a) The allotment of lease for mining/ picking of all available mineral like sand, bajri, boulder, RBM, existing in river bed and other then river bed private ownership land and In-situ kind of rock minerals like soapstone, silica sand, barite, dolomite, slate, quartzite, stone, gypsum etc., will be done as per rules mentioned in chapter 2 of the Rules.

As per above rules Online E- tender cum e-auctions was invited for technical and financial tender for allotment of sub-mineral lots for a period of 10 years for more than 05 hectares area vide notice no 4655/30/Land Mining Corporation/E- auction/2024-25 dated 25.10.2024, to citizens of India / committees of citizens / firms / companies. That thereafter the technical tender was opened on 19.11.2024 however the same was cancelled vide Directorate's letter no 5234,5235 dated 20.11.2024 due to the non-receipt of the qualified bidders.

17. That again 20.11.2024 re-E-tender was invited vide tender invitation no 5244 by Directorate, which was opened on 5.12.2024 and the selection process took place on 11.12.2024 and 13.12.2024. The selection of the successful tenderer for 07 sub-mineral lots, the bidders were directed to deposit the difference of 25 percent of the highest bid amount. The difference amount was deposited to successful 07 tenderers and the directorate issued letter of intent in favor of the successful/ selected bidders. Copy of the re-e-tenders no 5244 is Annexed herewith as Annexure L.

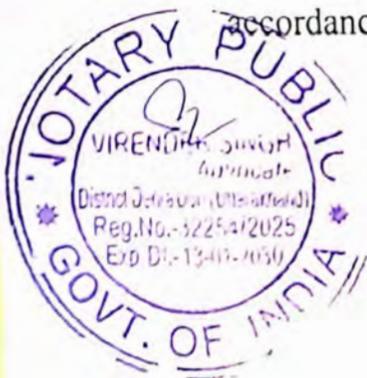
18. It is also submitted that as per serial no 34, column no 3 of table G-2 final list of red category of the revised classification of Industrial Sector under Red,



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Orange, Green and White Category issued by Central Pollution Control Board dated 07.03.2016 vid letter no B-29012/ESS(CPA)/2015-16, Mining and ore beneficiation has been mentioned, it has also been mentioned in column of remarks, Both air and water polluting industries and the Score is normalized with air and water pollution. However, in district Dehradun (Doon Valley), mining leases are granted only after obtaining environmental clearance from the Ministry of Environment, Forest and Climate Change, Government of India and state level Environment Impact assessment Authority, and operation only starts after obtaining Consent to Establish (CTE) & Consent to Operate (CTO) from the State Environment Protection and Pollution Control Board. Copy of the CPCB notification dated 07.03.2016 is Annexed herewith as **Annexure M.**

19. It is submitted herein that there in all 13 districts of State of Uttarakhand, mining/dragging work in river bed mining and outside river bed is being done in compliance of the EIA, 2006 Notification and order dated 27.02.2012 passed by hon'ble Supreme Court of India in *Deepak Kumar Vs State of Haryana & ors* are permitted after obtaining Environmental Clearance from the Ministry of Environment, Forest and Climate Change, Government of India/State Level Environmental Impact Assessment Authority (SIEAA) under EIA Notification 2006, permission under Forest Clearance Act 1980, if applicable, permission of National Board for Wildlife (NBWL) under Wildlife Protection Act 1972, if applicable, Uttarakhand Sub Mineral Avoidance Rules 2001 as amended from time to time and in force. After a mining lease is approved, the boundaries are demarcated and marked with pillars. Following this, and after ensuring a safe distance is maintained from both sides of the river, excavation and mining work is started. It is also made sure that mining works are being carried out in accordance with the approved mining plan and the Sustainable Sand Mining



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Guidelines of 2016 and only after obtaining Consent to Establish (CTE) and Consent to Operate (CTO) from the State Environment Protection and Pollution Control Board.

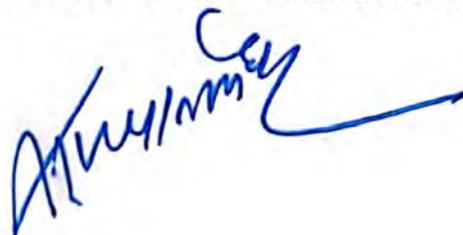
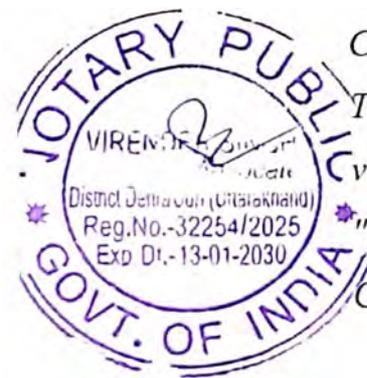
20. It is submitted that as per *Junaid Ayyubi vs State of Uttarakhand and Others M.A no 121/2023 in O.A. No 692 of 2022* vide order dated 17.07.2025 has specified that the illegality was of the mining lots was because of the non-compliance of environmental regulations. That the said order has clearly stated that there was failure on the part of the leaseholder i.e Garwal Mandal Vikas Nigam (GMVN) that transferred the mining lease to the private contractors without transferring the Environmental Clearance (EC) in their name which constituted the violation of EIA Notification, 2006 and other environmental Laws. That it has been observed by this Hon'ble National Green Tribunal in the order dated 17.07.2025 that:

*130. It is not in dispute that the area in operation was within the ambit of Doon Valley Notification dated 01.02.1989. Notification dated 06.01.2020 (annexure A-6 at page 139) clearly says that for mining in the area in question, approval of Union Ministry of Environment, Forest and Climate Change has to be obtained before starting any mining activity.*

*The amendment made vide clause (ii) in Notification dated 01.02.1989 vide notification dated 06.01.2020 reads as under:*

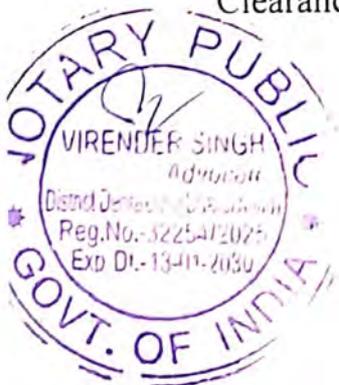
*"(ii) Mining - Approval of the Union Ministry of Environment, Forest and Climate Change must be obtained before starting any mining activity."*

Copy of the order dated 17.07.2025 in case titled as *Junaid Ayyubi vs State of Uttarakhand and Others M.A no 121/2023 in O.A. No 692 of 2022* passed by Hon'ble National Green Tribunal is annexed herewith as **Annexure N.**

21. It is submitted that, as of the present, a total of 16 mining lots are in operation within the Doon Valley of district Dehradun, encompassing a cumulative area of 646.823 hectares, of this total of 559.05 hectares, or 86.43%, are located on forest land. In order to ensure the sustained availability of extractable sub-mineral resources in the riverbed forest areas, the Uttarakhand Forest Development Corporation, conducts a mandatory survey for a Baseline Data Assessment Report and a Replenishment Study. A rapid survey has been duly conducted across all remaining areas within the revenue mining lots. Furthermore, it is hereby submitted that pursuant to Government Order No. 2458, dated 15.09.2025, a directive has been issued for the mandatory, conduct of a Replenishment Study in revenue mining lots. Copy of the Government Order No. 2458 dated 15.09.2025 is annexed herewith as Annexure O.

22. It is submitted herein that the Public Interest Litigation, *Akash Vashisht vs. State of Uttarakhand & Others (WPPIL 225 of 2021)* is not applicable in the present case, the PIL before Hon'ble High Court of Uttarakhand, At Nainital primarily deals with the issue of non-compliance with the Doon Valley Notification of 1989, specifically regarding the absence of a comprehensive tourism development plan. It is submitted herein that the applicant has failed to produce the complete observations of the Honorable High Court as contained in the order dated 06.09.2023. It is further submitted that only selective portions of said observations have been reproduced in paragraph D of the grounds of the petition. It is submitted herein that since the formation of the State, the Government, through a series of policies and amendments, has consistently mandated that all corporations and leaseholders obtain prior Environmental Clearance from the Ministry of Environment, Forests and Climate Change



(MoEF& CC). Copy of the order dated 06.09.2023 is annexed herewith as Annexure P.

23. It is imperative to mention that for the first time, the Central Pollution Control Board (CPCB), through its draft notification of 2023, has differentiated and classified mining in riverbeds as a distinct "Other Special Category." Consequently, the CPCB, vide final directions dated 12.02.2025, bearing reference no. CP-18/1/2023-IPC-VI-HO-CPCB-HO, withdrew its earlier directions dated March 7, 2016. It is also apprised that the Ministry of Environment, Forests and Climate Change (MoEF& CC) has made amendments to the Doon Valley Notification, as originally issued under S.O. 102 (E) dated February 1, 1989, through the subsequent notification S.O. 2125 (E), dated May 13, 2025. Copy of the Central Pollution Control Board directions dated 12.02.2025 bearing no. CP-18/1/2023-IPC-VI-HO-CPCB-HO and S.O. 2125 (E) dated 13.05.2025 issued by Moef & CC are annexed herewith as Annexure Q (COLLY).

24. It is most humbly submitted that the Deponent is committed and will take all necessary actions to follow the orders of this Hon'ble Tribunal, in letter and spirit.

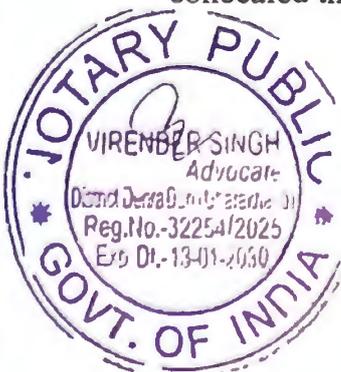
*[Handwritten Signature]*  
DEPONENT

Verification:

Verified in Dehradun on this 18...day of September, 2025 that the contents of the above affidavit are true and correct and no part of it is false material has been concealed therefrom.

SR. No. 580  
Date. 18-09-2025

*[Handwritten Signature]*  
DEPONENT



Identified by  
*[Handwritten Signature]*  
23/09/25

This affidavit is sworn before me on  
ann. Rajpal Jeeha  
who is identified by Sri. Harshpal Singh Bisht  
at Dehradun on 18-09-2025  
Virender Singh  
Advocate & Notary Dehradun Time - 01-01 P.M.

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1360/2024

Prem Prakash Thapliyal

Applicant

Versus

State of Uttarakhand &amp; Ors.

Respondent(s)

Date of hearing: 25.02.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Parantap Singh, Advocate

**ORDER**

1. In this original application, applicant has raised a grievance against river bed Mineral (R.B.M.) mining in the Doon Valley area. Submission of counsel for the applicant is that Doon Valley area is highly environmentally sensitive and there are restrictions put by the courts in different orders, as also there are restrictions contained in the notifications in respect of the red category industries. He submits that mining falls in the red category in the classification of industries done by the Central Pollution Control Board (CPCB).

2. In support of his submission, he has placed reliance upon the notification dated 01.02.1989 (Page No. 57) as amended by the notification dated 06.01.2020 (Page No. 143) wherein it has been clearly stipulated that the red category of industries will not be permitted in Doon Valley. He has also relied upon the categorization of the industries as done by the CPCB and has referred to entry 35 (Page No. 111) wherein Mining and ore beneficiation are included in red category. In support of his submission,

learned counsel for the applicant has also placed reliance upon the Judgment of the Hon'ble Supreme Court in the matter of *Rural Litigation & Entitlement Kendra vs. State of U.P & Ors.* reported in 1989 Supp 1 SCC 504 and also the Judgment of the NGT in the matter of *Junaid Ayyubi vs. State of Uttarakhand and Ors.* dated 30.01.2023 passed in OA No. 692/2022. He has also submitted that the Uttarakhand High Court in the matter of *Vijay Ram Sharma Vs. State of Uttarakhand & Ors.* vide its order dated 02.07.2015 in W.P. PIL No. 66/2014 has already imposed certain restrictions and this order has been taken note of by the Hon'ble Supreme Court in the order dated 24.10.2024 passed in I.A. No. 157777 and 157782 of 2023 filed in W.P.C. No. 202/1995 *In Re: T.N. Godavarman Thirumulpad Vs. Union of India & Ors.*

3. Issue notice to the respondents for filing the reply by way of affidavit. Applicant is directed to serve the respondents and file the affidavit of service at least one week before the next date of hearing.
4. List on 27.05.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 25, 2025  
Original Application No. 1360/2024  
AS..

Item No. 17

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1360/2024

Prem Prakash Thapliyal

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 27.05.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Parantap Singh, Advocate for Applicant

Respondents: Mr. Deepak Bora & Mr. Sai Darshan Patra, Advs. for the State of Uttarakhand

**ORDER**

1. Reply on behalf of Respondent No. 1 has been filed.
2. Learned Counsel for the Respondent No. 2 seeks four weeks' time to file the reply.
3. The oral prayer made by Counsel for the Applicant seeking permission to implead the District Magistrate, Dehradun is allowed. Counsel for the Applicant is permitted to amend the cause title of the OA and serve the newly added respondent and file affidavit of service.
4. List on 19.09.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

May 27, 2025  
dv

प्रेषक,

श्री दया राम,  
अपर सचिव,  
उत्तरांचल।

गजा में,

समस्त जिलाधिकारी,  
उत्तरांचल।

औद्योगिक विकास विभाग  
दिनांक 30 अप्रैल-2001

देहरादून

**विषय:** उत्तरांचल राज्य खनिज नीति-2001

महोदय,

उत्तरांचल राज्य में विभिन्न प्रकार के उपलब्ध खनिजों का दोहन आधुनिक तथा वैज्ञानिक विधि द्वारा सुनिश्चित करने, पर्यावरण का संरक्षण एवं खनिज क्षेत्रों की पुनर्स्थापना करने, खनिज भण्डारों का आधुनिक तकनीक द्वारा विस्तृत अन्वेषण का कार्य करने तथा खनिजों के दोहन एवं चुगान के कार्यों में माफियाओं के एकाधिकार को समाप्त करने हेतु शासन द्वारा उत्तरांचल राज्य खनिज नीति-2001 प्रख्यापित की गयी है। अतः उत्तरांचल राज्य के आर्थिक एवं औद्योगिक विकास में वांछित आवश्यकताओं की पूर्ति एवं मानव संसाधनों को प्रोत्साहित करने के उद्देश्य से निम्नलिखित निर्णयों को चरणबद्ध व समयबद्ध किये जाने का निर्णय लिया गया है:-

**मुख्य खनिज:**

मुख्य खनिजों का विकास एवं विनियम खान एवं खनिज (विकास एवं विनियम) अधिनियम-1957 की धारों एवं खनिज परिहार नियमावली-1960 के प्रावधानों के अन्तर्गत किया जाता है। उक्त अधिनियम व नियमावली भारत-सरकार द्वारा प्रवृत्त की गई है। उक्त अधिनियम की प्रथम अनुसूची के भाग-ए एवं बी में स्पेसिफाइड मिनरल्स अंकित हैं, जिसको रिकोनेड्संस परमिट/पी0एल0/एम0एल0 पर स्वीकृत करने से पूर्व राज्य सरकार द्वारा भारत-सरकार से अनुमति प्राप्त करना आवश्यक होता है। अन्य मुख्य खनिज, जो उक्त अधिनियम के द्वितीय अनुसूची में अंकित हैं, को रिकोनेड्संस/पी0एल0/एम0एल0 पर स्वीकृत करने के लिए राज्य सरकार द्वारा भारत-सरकार से पूर्वानुमति लेने की आवश्यकता नहीं पड़ती है। प्रदेश के अन्तर्गत सतही एवं भूगर्भ में पाये जाने वाले खनिज प्रदेश की सम्पत्ति होती है तथा सतही अधिकार प्रदेश में निहित है, इसलिए खनिज देय रायल्टी प्रदेश सरकार द्वारा ही वसूल की जायेगी।

मुख्य खनिजों के सुनियोजित विकास के लिए निम्नलिखित कार्यवाही की जायेगी:-

1. शासन द्वारा सचिव, औद्योगिक विकास की अध्यक्षता में एक कार्यकारी दल का गठन किया जायेगा। कार्यकारी दल द्वारा मुख्य खनिजों के खनन में अपनायी जा रही तकनीक, उनका पर्यावरण पर प्रभाव तथा खनन से सम्बन्धित प्रचलित कार्यप्रणाली को व्यवहारिक बनाने के सम्बन्ध में उपाय एवं सुझाव तैयार कराये जायेंगे। कार्यकारी दल के गठन का मुख्य उद्देश्य भारत-सरकार को मुख्य खनिजों के खनन से सम्बन्धित खन एवं खनिज (विकास एवं विनियम) अधिनियम-1957 के सम्बन्ध में सुझाव देने का भी होगा।
2. मुख्य खनिजों के खनन हेतु निजी क्षेत्र के ऐसे उद्यमियों को प्रोत्साहित किया जायेगा, जिनके पास यह कार्य करने हेतु पर्याप्त पूंजी एवं आधुनिक तकनीक उपलब्ध हो।

3. खनिज युक्त क्षेत्रों में अवस्थापना की सुविधाएँ प्रलम्ब कराने हुए राज्य सरकार द्वारा खनिज स्टेट स्थापित किये जायेंगे।

4. खनिज विकास एवं अन्वेषण कार्यों के लिए खनिज विकास निधि की स्थापना की जायेगी। मुख्य खनिजों के खनन से प्राप्त रायल्टी का 5 प्रतिशत इस निधि में जमा किया जायेगा।

5. खनिज के परिहार, खनिज पर आधारित उद्योग तथा खनिज सम्बन्धी अन्वेषण कार्य को सुगम बनाने हेतु खनिज निदेशालय में एकल भेज व्यवस्था (सिंगल विंडो सिस्टम) की स्थापना की जायेगी।

6. निम्न श्रेणी, सीमांत श्रेणी, खनन मलवा एवं खनिज आधारित उद्योगों के सह-उत्पादों को उपयोग में लाने का यथा सम्भव प्रयास किया जायेगा।

#### उप-खनिज:

वर्तमान में वन क्षेत्रों के बाहर उपखनिजों का खनन/चुगान का कार्य मुख्य रूप से निजी पेटाधारकों के द्वारा ही किया जा रहा है। ऐसा अनुभव किया गया है कि इस प्रक्रिया के अन्तर्गत धीरे-धीरे खनन एवं चुगान आदि कार्यों में एकाधिकार बढ़ता जा रहा है। इस प्रक्रिया पर अंकुश लगाने के लिए तथा उपखनिजों का दोहन आधुनिक तथा वैज्ञानिक विधि द्वारा करने हेतु उपखनिजों के खनन व चुगान का कार्य शासकीय नियमों या विभागों द्वारा ही कराया जाये।

वन क्षेत्रों में वनों के संरक्षण को दृष्टिगत रखते हुए खनिजों के खनन एवं चुगान का कार्य उत्तरांचल वन विकास निगम के माध्यम से कराया जायेगा। निगम द्वारा यह कार्य स्वयं किया जायेगा तथा किसी को सबलेंट नहीं किया जायेगा।

वन क्षेत्र के बाहर सिविल क्षेत्रों में उप-खनिजों के खनन एवं चुगान का कार्य सरकारी निगमों/सरकारी विभागों/कानूनी निगमों द्वारा किया जायेगा। इस कार्य हेतु इन संस्थाओं को आयोजनोत्तर पक्ष में कोट्टा भी अतिरिक्त धनराशि देय नहीं होगी तथा उनके द्वारा कोई अतिरिक्त दायित्व भी सृजित नहीं किया जायेगा। यदि किसी अपरिहार्य परिस्थिति में सरकारी निगमों एवं शासकीय विभागों द्वारा उपखनिज के खनन/चुगान के कार्यों को निष्पादित करने में असमर्थता, व्यक्त की जाती है या वे शासन द्वारा इस कार्य में अक्षम पाये जाते हैं, तो इन परिस्थितियों में अपवाद स्वरूप यह कार्य निजी क्षेत्र के व्यक्तियों को पेटेंट के आधार पर निम्नलिखित शर्तों पर दिया जायेगा:-

1. सर्वप्रथम छोटे आकार के लाट्स बनाये जायेंगे।
2. किसी भी व्यक्ति को एक से अधिक लाट का पेट्टा स्वीकृत नहीं किया जायेगा।
3. पेट्टा हेतु जनपद के मूल निवासी को प्राथमिकता दी जायेगी।
4. यह सुनिश्चित किया जायेगा कि पेट्टे हेतु आवेदन करने वाला व्यक्ति अपराधिक प्रवृत्ति का न हो। निवास एवं चरित्र सम्बन्धी प्रमाण पत्र जिला प्रशासन से प्राप्त किया जायेगा।

मैदानी क्षेत्र, विकासनगर, देहरादून, डोईवाला, ऋषिकेश, हल्द्वानी, उधमसिंहनगर, हरिद्वार को छोड़कर, शेष पर्वतीय क्षेत्रों में, जिलाधिकारियों को निम्न अधिकार दिये जायेंगे:-

1. निजी भवनों के निर्माण हेतु आपश्यकतानुसार स्थानीय लोगों को निर्धारित दर पर निःशुल्क अधिकतम 150 घनमीटर तक बोल्टर, बजरी, रेत आदि का परमिट दिया जायेगा।

उप खनिजों की रायल्टी के सम्बन्ध में सम्प्रति सामान्य आंकलन के आधार पर वर्तमान में प्रचलित दरों में 20 प्रतिशत की बढ़ोतरी की जायेगी। रायल्टी का अंतिम रूप से निर्धारण विभिन्न बिन्दुओं पर विचारोपरांत तकनीकी दृष्टिकोण से प्रशासनिक दृष्टिकोण से, एवं राजस्व हित को देखते हुए किया जायेगा। और तदनुसार निर्णयोपरांत शासनादेश शीघ्र ही निर्गत कर दिया जायेगा। वन विकास निगम एवं अन्य सरकारी विभाग/निगम, जो उपखनिजों के खनन के कार्य के लिए अधिकृत होंगे, वे प्राप्त राजस्व की सूचना हर माह खनिज निदेशालय को उपलब्ध करायेंगे। प्रशंगत् निगम/विभाग रायल्टी पर 10 प्रतिशत सर्विस चार्ज प्राप्त करने के अधिकारी होंगे।

उप खनिजों के खनन से प्राप्त राजस्व का 5 प्रतिशत धनराशि को खनिज निधि में इस उद्देश्य से रखा जायेगा, जिसका उपयोग वन खनिजों के खनन क्षेत्रों में भू-भाग पुनर्स्थापना हेतु किया जायेगा।

उप खनिजों के चुगान/खनन की संक्रियायें उत्तरांचल उपखनिज (परिहार) नियमावली-2001 के प्राविधानों के अन्तर्गत की जायेंगी।

अतः आपसे अनुरोध है कि उपरोक्तानुसार कार्यवाही सुनिश्चित करें, और कृत-कार्यवाही से समय-समय पर शासन को अवगत कराने का कष्ट करें।

भवदीय

(दया राम)  
अपर सचिव

पृष्ठांकन संख्या 1031/औ0वि0/2001 तद्दिनांकितः

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः-

1. सभी सरकारी निगमों के प्रबन्ध निदेशकों को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
2. निदेशक, भूतत्व एवं खनिजकर्म विभाग, उत्तरांचल।
3. नोडल अधिकारी/उप-निदेशक, भूतत्व एवं खनिकर्म विभाग, देहरादून।
4. प्रभारी अधिकारी, क्षेत्रीय कार्यालय भूतत्व एवं खनिकर्म विभाग, देहरादून/हल्द्वानी।
5. गार्ड-फाइल।

आज्ञा से

(दया राम)  
अपर सचिव

**MINISTRY OF ENVIRONMENT & FORESTS**  
(Department of Environment, Forests & Wildlife)

New Delhi, the 1<sup>st</sup> February 1989

**NOTIFICATION**

Notification under 3(2)(v) of Environment (Protection) Act, 1986, and Rule 5(3)(d) of Environment (Protection) Rules, 1986, restricting location of industries, mining operations and other development activities in the Doon Valley in Uttar Pradesh.

S.O. 102(E)--Whereas notification under sub-rule (3) of rule 5 of the Environment (protection) Rules, 1986, inviting objections against the imposition of restriction on location of industries, mining operations and other developmental activities in the Doon Valley, in Uttar Pradesh was published vide No. S.O. 923(E), dated the 6<sup>th</sup> October, 1988;

And whereas all objections received have been duly considered by the Central Government:

Now, therefore, in exercise of the Powers conferred by Clause (d) of sub-rule (3) of Rule (5) of the said rules, the Central Government hereby imposes restrictions on the following activities in the Doon Valley, bounded on the North by Mussoorie ridge, in the North-East by Lesser Himalayan ranges, on the South-West by Shivalik ranges, river Ganga in the South-East and river Yamuna in the North-West, except those activities which are permitted by the Central Government after examining the environmental impacts:

- (i) Location/siting of industrial units--It has to be as per guidelines given in the annexure or guidelines as may be issued from time to time by the Ministry of Environment & Forests, Government of India.
- (ii) Mining--Approval of the Union Ministry of Environment & Forests must be obtained before starting any mining activity.

- (iii) Tourism--It should be as per Tourism Development Plan (TDP), to be prepared by the State Department of Tourism and duly approved by the Union Ministry of Environment & Forest
- (iv) Grazing--As per the plan to be prepared by the State Government and duly approved by the Union Ministry of Environment & Forests.
- (v) Land Use--As per Master Plan of development and Land Use Plan of the entire area, to be prepared by the State Government and approved by the Union Ministry of Environment & Forests.

(No. J-20012/38/86-IA)  
K. P. GEETHAKRISHNAN  
Secretary.

#### **ANNEXURE**

Guidelines for permitting/restricting industrial units in the Doon Valley area

Industries will be classified under Green, Orange and Red Categories, as shown below for purposes of permitting/restricting such industrial units in the Doon Valley from the environmental and ecological considerations:

#### **CATEGORY GREEN**

- A. LIST OF INDUSTRIES IN APPROVED INDUSTRIAL AREAS, WHICH MAY BE DIRECTLY CONSIDERED FOR ISSUE OF NO OBJECTION CERTIFICATE WITHOUT REFERRING TO (MINISTRY OF ENVIRONMENT & FORESTS) (IN CASE OF DOUBTS REFERENCE WILL BE MADE TO MINISTRY OF ENVIRONMENT & FORESTS).
  - 1. All such non-obnoxious and non-hazardous industries employing upto 100 persons. The obnoxious and hazardous industries are those using inflammable, explosive, corrosive or toxic substances.

2. All such industries which do not discharge industrial effluents of a polluting nature and which do not undertake any of the following processes:

Electroplating  
 Galvanising  
 Bleaching  
 Degreasing  
 Phosphating  
 Dyeing  
 Pickling, tanning  
 Polishing  
 Cooking of fibres and Digesting  
 Desizing of Fabric  
 Unhairing, Soaking, delimiting and bating of hides  
 Washing of fabric  
 Trimming, Pulling, juicing and blanching of fruits and vegetables  
 Washing of equipment and regular floor washing, using of considerable cooling water  
 Separated milk, buttermilk and whey  
 Stopping and processing of grain  
 Distillation of alcohol, stillage and evaporation  
 Slaughtering of animals, rendering of bones, washing of meat  
 Juicing of sugar cane, extraction of sugar Filtration, centrifugation, distillation  
 Pulping and fermenting of coffee beans  
 Processing of fish  
 Filter back wash in D.M. Plants exceeding 20 K.l. per day capacity  
 Pulp making, pulp processing and papermaking  
 Coking of coal washing of blast furnace flue gases,  
 Stripping of oxides;  
 Washing of used sand by hydraulic discharge;  
 Washing of latex etc.  
 Solvent extraction.

3. All such industries which do not use fuel in their manufacturing process or in any subsidiary process and which do not emit fugitive emissions of a diffused nature.

Industries not satisfying any one of the three criteria are recommended to be referred to Ministry of Environment & Forests.

The following industries appear to fall in non-hazardous, non-obnoxious and non-polluting category, subject to fulfilment of above three conditions :

1. Atta-chakkies
2. Rice Mullors
3. Iceboxes
4. Dal mills
5. Groundnut decortinating (dry)
6. Chilling
7. Tailoring and garment making
8. Apparel making
9. Cotton and woollen Hosiery
10. Hand loom weaving
11. Shoe lace manufacturing
12. Gold and silver thread and sari work
13. Gold and silver smithy
14. Leather foot wear and leather products excluding tanning & hide processing
15. Manufacture of mirror from sheet glass and photo-frame
16. Musical instruments, manufacturing
17. Sports goods
18. Bamboo and cane products (only dry operations)
19. Card Board and paper products (Paper & pulp manufacture excluding)
20. Insulation and other coated papers (Paper & pulp manufacture excluded)
21. Scientific and Mathematical instruments
22. Furniture (Wooden and Steel)
23. Assembly of Domestic electrical appliances
24. Radio assembling
25. Fountain pens
26. Polythene, plastic and P.V.C. goods through extrusion/moulding
27. Surgical gauges and bandages

28. Railway sleepers (only concrete)
29. Cotton spinning and weaving
30. Rope (cotton and plastic)
31. Carpet weaving
32. Assembly of Air coolers
33. Wires, pipes-extruded shapes from metals
34. Automobile servicing & repair stations
35. Assembly of Bicycles, baby carriages and other small non-motorized vehicles.
36. Electronics equipment (assembly)
37. Toys
38. Candles
39. Carpentry-excluding saw mill
40. Cold storages (small scale)
41. Restaurants
42. Oil-ginning/expelling (non-hydrogenation and no refining)
43. Ice cream
44. Mineralized water
45. Jobbing & Machining
46. Manufacture of Steel trunks & suit cases
47. Paper pins & U-clips
48. Block making for printing
49. Optical frames

### **CATEGORY ORANGE**

#### **B. LIST OF INDUSTRIES THAT CAN BE PERMITTED IN THE DOON VALLEY WITH PROPER ENVIRONMENTAL CONTROL ARRANGEMENT.**

1. All such industries which discharge some liquid effluents (below 500 kl/day) that can be controlled with suitable proven technology.
2. All such industries in which the daily consumption of coal/fuel is less than 24mt/day and the particular emissions from which can be controlled with suitable proven technology.
3. All such industries employing not more than 500 persons.

The following industries with adoption of proven pollution control technology subject to fulfilling the above three condition fall under this category :

1. Lime manufacture-pending decision on proven pollution control device and Supreme Court's decision on quarrying.
2. Ceramics
3. Sanitaryware;
4. Tyres and tubes.
5. Refuse incineration (controlled)
6. Flour mills;
7. Vegetable oils including solvent extracted oils;
8. Soap without steam boiling process and synthetic detergents formulation.
9. Steam generating plants.
10. Manufacture of office and house-hold equipment and appliances involving use of fossil fuel combustion
11. Manufacture of machineries and machine tools and equipment
12. Industrial gases (only Nitrogen, Oxygen and  $\text{CO}_2$ )
13. Miscellaneous glassware without involving use of fossil-fuel combustion.
14. Optical glass
15. Laboratory ware
16. Petroleum storage & transfer facilities.
17. Surgical and medical products including & prophylactics and latex products
18. Foot-wear (Rubber)
19. Bakery products, Biscuits & Confectioners
20. Instant tea/coffee; coffee processing
21. Malted food
22. Manufacture of power driven pumps, compressors refrigeration units, fire fighting equipment etc.
23. Wire drawing (cold process) & bailing straps.
24. Steel furniture, fasteners etc.
25. Plastic processed goods
26. Medical & Surgical instruments
27. Acetylene (synthetic)
28. Glue & gelatine
29. Potassium permanganate
30. Metallic sodium

31. Photographic films, papers & photographic chemicals
32. Surface coating industries
33. Fragrances, flavours & food additives
  
34. Plant nutrients (only manure)
35. Aerated water/soft drink.

**NOTE :-**

- (a) Industries falling within the above identified list shall be assessed by the state pollution control Board and referred to the Union Department of Environment for consideration, before according No Objection Certificate.
  
- (b) The total number of fuel burning industries that shall be permitted in the Valley will be limited by 8 tonnes per day of Sulphur Dioxide from all sources. (This corresponds to 400 tonnes per day Coal with 1% sulphur).
  
- (c) Siting of Industrial areas should be based on sound criteria.

**CATEGORY RED**

**C. LIST OF INDUSTRIES THAT CANNOT BE PERMITTED IN THE DOON VALLEY**

1. All those industries which discharge effluents of a polluting nature at the rate of more than 500 kl/day and for which the natural course for sufficient dilution is not available, and effluents from which cannot be controlled with suitable technology.
  
2. All such industries employing more than 500 persons/day.
  
3. All such industries in which the daily consumption of coal/fuel is more than 24 mt/day.

The following industries appear to fall under this category covered by all the points as above:

1. Ferrous and non-ferrous metal extraction, refining, casting, forging, alloy making processing etc.
2. Dry Coal Processing/Mineral processing industries like Ore sintering beneficiation, pelletization etc.
3. Phosphate rock processing plants.
4. Cement plants with horizontal rotary kilns.
5. Glass and glass products involving use of coal.
6. Petroleum refinery
7. Petro-chemical Industries
8. Manufacture of lubricating oils and greases
9. Synthetic rubber manufacture;
10. Coal, oil, wood or nuclear based thermal power plants
11. Vanaspati, hydrogenated vegetable oils for industrial purposes
12. Sugar mills (White and Khandasari)
13. Craft paper mills
14. Coke oven by products and coal tar distillation products
15. Alkalies
16. Caustic soda
17. Potash
18. Electro-thermal products (artificial abrasives, Calcium carbide etc.)
19. Phosphorous and its compounds
20. Acids and their salts (organic & inorganic)
21. Nitrogen compounds (Cyanides, cyanamides and other nitrogen compounds)
22. Explosive (including industrial explosives, detonators & fuses)
23. Phthalic anhydride
24. Processes involving chlorinated hydrocarbon
25. Chlorine, flourine, bromine, iodine & their compounds
26. Fertilizer industry
27. Paper board and straw boards
28. Synthetics fibres
29. Insecticides, fungicides, herbicides & pesticides (basic manufacture & formulation).

30. Basic drugs
31. Alcohol (Industrial or potable)
32. Leather industry including tanning and processing
33. Coke making, coal liquification and fuel gas making industries
34. Fibre glass production and processing
35. Manufacture of pulp-wood, pulp, mechanical or chemical (including dissolving pulp)
  
36. Pigment dyes and their intermediates
37. Industrial carbons (including graphite electrodes, anodes, midget electrodes, graphite blocks, graphite crucibles, gas carbons activated carbon, synthetic diamonds, carbon black, channel black, lamp black etc.)
38. Electro-chemicals (other than those covered under Alkali group)
39. Paints, enamels & varnishes
40. Polypropylene
41. Poly Vinyl chloride
42. Cement with vertical shaft kiln technology pending certification of proven technology on pollution control
43. Chlorates, perchlorates & peroxides
44. Polishes
45. Synthetic resin & plastic products.

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रजिस्ट्री सं. सी.एन.-350049/B

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# भारत का राजपत्र

## The Gazette of India

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 6 जनवरी, 2020

का.आ. 94(अ).— अधिसूचना संख्या का.आ. 102 (अ), तारीख 7 फरवरी, 1989 (इसके अन्तर्गत इस अधिनियम बनाया है) की तत्कालीन प्रस्तावना और वन मंत्रालय ने तत्कालीन उत्तर प्रदेश (अब उत्तराखण्ड) में बना पार्टी में, इन में संशोधन के द्वारा, उत्तराखण्ड में हिमालयी पर्यटन, पश्चिम-पश्चिम से शिवानिक शोधों के अलावा इच्छित-पूर्व में गंगा नदी और उत्तर-पश्चिम में यमुना नदी में इलाकों, सनरा जलो और अन्य विकासवाक्य क्रियाकलापों पर, इस में पर्यावरणीय प्रभाव को ध्यान में रखते हुए प्रतिबंध बना दिया है।

और, एक अधिसूचना के अन्तर्गत अधिसूचना संख्या का.आ. 943 (अ), तारीख 4 मई, 2005 और का.आ. 2125 (अ), तारीख 13 दिसंबर, 2007 द्वारा जारी किए गए हैं।

और, इस बीच, केंद्रीय वन्य जीव नियंत्रण बोर्ड (सीपीसी) ने वन सं. सी-2901 अधिसूचना (सीपीसी)/2015-16, तारीख 7 मार्च, 2016 को अधिसूचना के अंतर्गत पर श्री विज्ञापित-देश जारी किए हैं।

और, उपरोक्त संशोधन से पत्र सं. 122(डी)-3-19-13(14)/2018, तारीख 10 अप्रैल, 2019 को इस अधिनियम में संशोधन के लिए प्रस्तावित वन और जलवायु परिवर्तन मंत्रालय से अनुमति दिया।

**और**, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने उत्तराखंड सरकार के अनुरोध की जांच की है;

**और**, उपर्युक्त संशोधनों और दिशा-निर्देशों को समेकित करने और उक्त निर्देशों और संशोधनों के आधार पर शर्तों का सामंजस्य करने की भी आवश्यकता है;

अतः, अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की उपधारा (1), के साथ धारा 3 की उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित संशोधन करती हैं और उपरोक्त मानदंड में मिल कर बनने वाली दून घाटी में आने वाले क्रियाकलापों के संबंध में निम्नलिखित शर्तें अधिरोपित करें, अर्थात्:-

उक्त अधिसूचना में, खंड (i), (ii), (iii), (iv), (v) और उपाबंध, के लिए निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात्:-

“ (i) **औद्योगिक इकाइयों के अवस्थान/स्थल** – केंद्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) द्वारा पत्र सं. बी-29012/ईएसएस(सीपीए)/2015-16, तारीख 7 मार्च, 2016 को धारा 18 (1) (बी) के तहत जल (प्रदूषण की रोकथाम और नियंत्रण) अधिनियम, 1974 और वायु (प्रदूषण की रोकथाम और नियंत्रण) अधिनियम, 1981 लाल/नारंगी/हरा/सफ़ेद श्रेणियों के अंतर्गत औद्योगिक क्षेत्रों के वर्गीकरण के सामंजस्य के संबंध में जारी किए गए संशोधित दिशा-निर्देशों के अनुसार होना चाहिए और सीपीसीबी और पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा समय-समय पर संशोधित किया जा सकता है।

(ii) **खनन**- किसी भी खनन क्रियाकलाप को शुरू करने से पहले संघ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की मंजूरी अभिप्राप्त करनी होगी।

(iii) **पर्यटन**- पर्यटन विकास योजना (टीडीपी) के अनुसार, राज्य पर्यटन विभाग द्वारा तैयार किया जाना चाहिए और संघ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा यथानियम अनुमोदित किया जाना चाहिए।

(iv) **चराई**- राज्य सरकार द्वारा तैयार की जाने वाली योजना के अनुसार और संघ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा यथानियम अनुमोदित किया जाना चाहिए।

(v) **भूमि उपयोग**- संपूर्ण क्षेत्र के विकास और भूमि उपयोग योजना के महायोजना के अनुसार, राज्य सरकार द्वारा तैयार किया जाना है और संघ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा अनुमोदित किया जाएगा।

#### टिप्पण:

- (क) दून घाटी में उद्योगों की लाल प्रवर्गों की अनुमति नहीं होगी;
- (ख) दून घाटी में ईंधन जलाने वाले उद्योगों की कुल संख्या को सभी स्रोतों से सल्फर डाइऑक्साइड के 8 टन प्रति दिन तक सीमित किया जाएगा। (यह 1% सल्फर के साथ प्रति दिन 400 टन कोयले के समान है);
- (ग) औद्योगिक क्षेत्रों के स्थल निर्धारित मानदंड पर और सक्षम प्राधिकारी की पूर्व स्वीकृति के साथ होगी;
- (घ) विद्यमान नारंगी प्रवर्ग के उद्योग, जो अब उद्योगों की लाल प्रवर्गों में हैं, को जारी रखा जाएगा, तथापि, किसी विस्तार की अनुमति नहीं प्रदान की जाएगी।”।

[फा. सं. 25/6/2012-ईएसजेड]

डॉ. सतीश चन्द्र गढ़कोटी, वैज्ञानिक 'जी'

**टिप्पण:** मूल अधिसूचना भारत के राजपत्र में, असाधारण, भाग II, धारा 3, उप-धारा (ii), संख्या का.आ. 102 (अ), तारीख 1 फरवरी, 1989 को प्रकाशित की गई थी।

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

**NOTIFICATION**

New Delhi, the 6th January, 2020

**S.O. 94(E).—WHEREAS,** *vide* notification number S.O. 102(E), dated the 1st February, 1989 (hereinafter referred as the said notification) the erstwhile Ministry of Environment and Forests imposed restriction on location of industries, mining operations and other developmental activities in the Doon Valley, bounded on the North by Mussoorie ridge, in the North-East by Lesser Himalayan ranges, on the South-West by Shivalik ranges, river Ganga in the South-East and river Yamuna in the North-West in erstwhile Uttar Pradesh (now Uttarakhand), keeping in view the environmental impact in the region;

**AND WHEREAS,** in respect of the said notification certain directions have been issued *vide* notification number S.O. 943 (E), dated the 4<sup>th</sup> July, 2005 and S.O. 2125 (E), dated the 13<sup>th</sup> December, 2007;

**AND WHEREAS,** in the meantime the Central Pollution Control Board (CPCB) has also issued directions on the categorisation of industries *vide* letter No. B-29012/ESS(CPA)/2015-16, dated the 7<sup>th</sup> March, 2016;

**AND WHEREAS,** the Government of Uttarakhand *vide* letter No. 122/D-3-19-13(04)/2018, dated the 10<sup>th</sup> April, 2019 requested the Ministry of Environment, Forest and Climate Change for amendment in the said notification;

**AND WHEREAS,** the Ministry of Environment, Forest and Climate Change has examined the request of the Government of Uttarakhand;

**AND WHEREAS,** there is a need to consolidate the amendments and the directions as above and also to harmonise the conditions based on the said directions and amendments;

**NOW THEREFORE,** in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with sub-rule (4) of Rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification and impose following conditions in respect of the activities falling the Doon Valley comprising of the above criteria, namely: -

In the said notification, for clauses (i), (ii), (iii), (iv), (v) and ANNEXURE, the following shall be substituted, namely:-

“(i) **Location/siting of industrial units** – It has to be as per modified directions issued by the Central Pollution Control Board (CPCB) *vide* letter No. B-29012/ESS(CPA)/2015-16, dated the 7<sup>th</sup> March, 2016 under section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 regarding harmonization of classification of industrial sectors under red/orange/green/white categories and as may be amended from time to time by the CPCB and the Ministry of Environment, Forest and Climate Change.

(ii) **Mining** – Approval of the Union Ministry of Environment, Forest and Climate Change must be obtained before starting any mining activity.

(iii) **Tourism** – It should as per Tourism Development Plan (TDP), to be prepared by the State Department of Tourism and duly approved by the Union Ministry of Environment, Forest and Climate Change.

(iv) **Grazing** – As per the plan to be prepared by the State Government and duly approved by the Union Ministry of Environment, Forest and Climate Change.

(v) **Land Use** – As per Master Plan of development and Land Use Plan of the entire area, to be prepared by the State Government and approved by the Union Ministry of Environment, Forest and Climate Change.

**Note:**

- (a) Red categories of industries shall not be permitted in Doon Valley;
- (b) The total number of fuel burning industries that shall be permitted in the Doon Valley shall be limited by 8 tonnes per day of Sulphur Dioxide from all sources. (This corresponds to 400 tonnes per day Coal with 1 % Sulphur);
- (c) Siting of Industrial areas shall be based on the prescribed criterion and with prior approval of Competent Authority;
- (d) Existing orange categories industries, which are now in the red categories of industries shall be continued, however, no expansion shall be allowed.”.

[F. No. 25/6/2012-ESZ]

DR. SATISH C. GARKOTI, Scientist ‘G’

**Note:** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 102 (E), dated the 1<sup>st</sup> February, 1989.

(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)  
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14<sup>th</sup> September, 2006

Notification

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India<sup>1</sup>, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18<sup>th</sup> May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15<sup>th</sup> September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

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

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

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

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<sup>1</sup>Includes the territorial waters

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

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

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

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

**4. Categorization of projects and activities:-**

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

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

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

#### **5. Screening, Scoping and Appraisal Committees:-**

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

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

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

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

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

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

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

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

### **I. Stage (1) - Screening:**

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

### **II. Stage (2) - Scoping:**

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

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

Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

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

### III. Stage (3) - Public Consultation:

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

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

(a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five ) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period

directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

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

#### **IV. Stage (4) - Appraisal:**

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

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant

validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

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

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

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

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

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

#### **9. Validity of Environmental Clearance (EC):**

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

#### **10. Post Environmental Clearance Monitoring:**

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1<sup>st</sup> June and 1<sup>st</sup> December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

**11. Transferability of Environmental Clearance (EC):**

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

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

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

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)  
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

## SCHEDULE

(See paragraph 2 and 7)

## LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

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

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

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

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

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

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

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

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

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

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

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

**Specific Condition (SC):**

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

**APPENDIX I**

(See paragraph – 6)

**FORM 1****(I) Basic Information**

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: \*

Expected cost of the project:

Contact Information:

Screening Category:

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

**(II) Activity**

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

| S.No. | Information/Checklist confirmation  | Yes/No | Details thereof (with approximate quantities /rates, wherever possible) with source of information data |
|-------|---|--------|---|
| 1.1   | Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan) |        |   |
| 1.2   | Clearance of existing land, vegetation and buildings?   |        |   |
| 1.3   | Creation of new land uses?  |        |   |
| 1.4   | Pre-construction investigations e.g. bore houses, soil testing?   |        |   |
| 1.5   | Construction works?   |        |   |

|      |   |  |  |
|------|---|--|--|
| 1.6  | Demolition works?   |  |  |
| 1.7  | Temporary sites used for construction works or housing of construction workers?   |  |  |
| 1.8  | Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations                           |  |  |
| 1.9  | Underground works including mining or tunneling?  |  |  |
| 1.10 | Reclamation works?  |  |  |
| 1.11 | Dredging?   |  |  |
| 1.12 | Offshore structures?  |  |  |
| 1.13 | Production and manufacturing processes?   |  |  |
| 1.14 | Facilities for storage of goods or materials?   |  |  |
| 1.15 | Facilities for treatment or disposal of solid waste or liquid effluents?  |  |  |
| 1.16 | Facilities for long term housing of operational workers?  |  |  |
| 1.17 | New road, rail or sea traffic during construction or operation?   |  |  |
| 1.18 | New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc? |  |  |
| 1.19 | Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?                        |  |  |
| 1.20 | New or diverted transmission lines or pipelines?  |  |  |
| 1.21 | Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?                        |  |  |
| 1.22 | Stream crossings?   |  |  |
| 1.23 | Abstraction or transfers of water from ground or surface waters?  |  |  |
| 1.24 | Changes in water bodies or the land surface affecting drainage or run-off?  |  |  |

|      |  |  |  |
|------|--|--|--|
| 1.25 | Transport of personnel or materials for construction, operation or decommissioning?    |  |  |
| 1.26 | Long-term dismantling or decommissioning or restoration works?                         |  |  |
| 1.27 | Ongoing activity during decommissioning which could have an impact on the environment? |  |  |
| 1.28 | Influx of people to an area in either temporarily or permanently?                      |  |  |
| 1.29 | Introduction of alien species?   |  |  |
| 1.30 | Loss of native species or genetic diversity?   |  |  |
| 1.31 | Any other actions?   |  |  |

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

| <b>S.No.</b> | <b>Information/checklist confirmation</b>   | <b>Yes/No</b> | <b>Details thereof (with approximate quantities /rates, wherever possible) with source of information data</b> |
|--------------|---|---------------|--|
| 2.1          | Land especially undeveloped or agricultural land (ha)   |               |  |
| 2.2          | Water (expected source & competing users) unit: KLD   |               |  |
| 2.3          | Minerals (MT)   |               |  |
| 2.4          | Construction material – stone, aggregates, and / soil (expected source – MT)                  |               |  |
| 2.5          | Forests and timber (source – MT)  |               |  |
| 2.6          | Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW) |               |  |
| 2.7          | Any other natural resources (use appropriate standard units)                                  |               |  |

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

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

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

| S.No. | Information/Checklist confirmation                         | Yes/No | Details thereof (with approximate quantities/rates, wherever possible) with source of information data |
|-------|--|--------|--|
| 4.1   | Spoil, overburden or mine wastes                           |        |  |
| 4.2   | Municipal waste (domestic and or commercial wastes)        |        |  |
| 4.3   | Hazardous wastes (as per Hazardous Waste Management Rules) |        |  |

|      |   |  |  |
|------|---|--|--|
| 4.4  | Other industrial process wastes                       |  |  |
| 4.5  | Surplus product                                       |  |  |
| 4.6  | Sewage sludge or other sludge from effluent treatment |  |  |
| 4.7  | Construction or demolition wastes                     |  |  |
| 4.8  | Redundant machinery or equipment                      |  |  |
| 4.9  | Contaminated soils or other materials                 |  |  |
| 4.10 | Agricultural wastes                                   |  |  |
| 4.11 | Other solid wastes                                    |  |  |

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

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

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

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

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

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

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

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

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

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

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

**(III) Environmental Sensitivity**

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

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

**(IV). Proposed Terms of Reference for EIA studies**

## APPENDIX II

(See paragraph 6)

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

#### CHECK LIST OF ENVIRONMENTAL IMPACTS

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

#### 1. LAND ENVIRONMENT

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

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

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

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

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

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

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

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

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

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

#### 2. WATER ENVIRONMENT

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

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

### **3. VEGETATION**

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

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

#### **4. FAUNA**

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

#### **5. AIR ENVIRONMENT**

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

#### **6. AESTHETICS**

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

#### **7. SOCIO-ECONOMIC ASPECTS**

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

7.2. Give details of the existing social infrastructure around the proposed project.

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

## **8. BUILDING MATERIALS**

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

## **9. ENERGY CONSERVATION**

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

9.2. What type of, and capacity of, power back-up to you plan to provide?

9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.

9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

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

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

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

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

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

#### **10. Environment Management Plan**

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

**APPENDIX III**

(See paragraph 7

**GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT**

| <b>S.NO</b> | <b>EIA STRUCTURE</b> | <b>CONTENTS</b>   |
|-------------|----------------------|---|
| 1.          | Introduction         | <ul style="list-style-type: none"> <li>• Purpose of the report</li> <li>• Identification of project &amp; project proponent</li> <li>• Brief description of nature, size, location of the project and its importance to the country, region</li> <li>• Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)</li> </ul>  |
| 2.          | Project Description  | <ul style="list-style-type: none"> <li>• Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: <ul style="list-style-type: none"> <li>• Type of project</li> <li>• Need for the project</li> <li>• Location (maps showing general location, specific location, project boundary &amp; project site layout)</li> <li>• Size or magnitude of operation (incl. Associated activities required by or for the project)</li> <li>• Proposed schedule for approval and implementation</li> <li>• Technology and process description</li> <li>• Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose</li> <li>• Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope)</li> <li>• Assessment of New &amp; untested technology for the risk of technological failure</li> </ul> </li> </ul> |

|    |   |   |
|----|---|---|
| 3. | Description of the Environment                          | <ul style="list-style-type: none"> <li>• Study area, period, components &amp; methodology</li> <li>• Establishment of baseline for valued environmental components, as identified in the scope</li> <li>• Base maps of all environmental components</li> </ul>  |
| 4. | Anticipated Environmental Impacts & Mitigation Measures | <ul style="list-style-type: none"> <li>• Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project</li> <li>• Measures for minimizing and / or offsetting adverse impacts identified</li> <li>• Irreversible and Irretrievable commitments of environmental components</li> <li>• Assessment of significance of impacts (Criteria for determining significance, Assigning significance)</li> <li>• Mitigation measures</li> </ul> |
| 5. | Analysis of Alternatives (Technology & Site)            | <ul style="list-style-type: none"> <li>• In case, the scoping exercise results in need for alternatives:</li> <li>• Description of each alternative</li> <li>• Summary of adverse impacts of each alternative</li> <li>• Mitigation measures proposed for each alternative and</li> <li>• Selection of alternative</li> </ul>   |
| 6. | Environmental Monitoring Program                        | <ul style="list-style-type: none"> <li>• Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget &amp; procurement schedules)</li> </ul>  |
| 7. | Additional Studies                                      | <ul style="list-style-type: none"> <li>• Public Consultation</li> <li>• Risk assessment</li> <li>• Social Impact Assessment. R&amp;R Action Plans</li> </ul>  |
| 8. | Project Benefits  | <ul style="list-style-type: none"> <li>• Improvements in the physical infrastructure</li> <li>• Improvements in the social infrastructure</li> <li>• Employment potential –skilled; semi-skilled and unskilled</li> <li>• Other tangible benefits</li> </ul>  |

|     |   |   |
|-----|---|---|
| 9.  | Environmental Cost<br>Benefit Analysis  | If recommended at the Scoping stage   |
| 10. | EMP   | <ul style="list-style-type: none"> <li>• Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA</li> </ul> |
| 11  | Summary & Conclusion<br>(This will constitute the<br>summary of the EIA<br>Report ) | <ul style="list-style-type: none"> <li>• Overall justification for implementation of the project</li> <li>• Explanation of how, adverse effects have been mitigated</li> </ul>                                  |
| 12. | Disclosure of<br>Consultants engaged  | <ul style="list-style-type: none"> <li>• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered</li> </ul>   |

**APPENDIX III A**  
**(See paragraph 7)**

**CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

**APPENDIX IV**  
(See paragraph 7)

**PROCEDURE FOR CONDUCT OF PUBLIC HEARING**

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

**2.0 The Process:**

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

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

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

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

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

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

### **3.0 Notice of Public Hearing:**

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

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

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

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

### **4.0 The Panel**

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

### **5.0 Videography**

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

### **6.0 Proceedings**

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

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

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

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

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

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

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

#### 7.0 **Time period for completion of public hearing**

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

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

**APPENDIX –V**  
**(See paragraph 7)**

**PROCEDURE PRESCRIBED FOR APPRAISAL**

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

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

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

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

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

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

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

## APPENDIX VI

(See paragraph 5)

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

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

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

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

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

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

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

- **Environmental Economics Expert with experience in project appraisal**

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

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

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

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

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

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





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 1 दिसम्बर, 2009

का.आ. 3067(अ).—पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) में दी गई शक्तियों का प्रयोग करते हुए, पर्यावरण समाघात निर्धारण अधिसूचना, 2006 में कतिपय संशोधन करने वाली एक प्रारूप अधिसूचना जो का.आ. 1533(अ), तारीख 14 सितम्बर, 2006 द्वारा जारी की गई थी, जो पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के अधीन का.आ. 195(अ), तारीख 19 जनवरी, 2009 द्वारा प्रकाशित की गई थी जिसमें उन सभी व्यक्तियों के जिसके उससे प्रभावित होने की संभावना है, राजपत्र में उक्त अधिसूचना के प्रकाशन की तारीख से 60 दिन के भीतर आक्षेप और सुझाव मांगे गए थे;

और उपरोक्त उल्लिखित प्रारूप अधिसूचना के उत्तर में सभी आक्षेप और सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में,—

(1) पैरा 3 के उप-पैरा (7) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“(7) एसईआईए के सभी विनिश्चय बैठक में बहुमत द्वारा लिए जाएंगे :

परंतु बहुमत द्वारा लिए गए विनिश्चय की दशा में इसके प्रति या इसके विरुद्ध विचार के ब्यौरे कार्यवृत्त में स्पष्ट रूप से अभिलिखित किए जाएंगे और इसकी एक प्रति पर्यावरण और वन मंत्रालय को भेजी जाएगी।”;

(II) पैरा 4 के उप-पैरा (iii) में, “एसईआईए सम्यक् रूप से गठित एसईआईए या एसईएसी की अनुपस्थिति में कोई प्रवर्ग ‘ख’ परियोजना प्रवर्ग ‘क’ परियोजना समझी जाएगी” शब्दों और अक्षरों के स्थान पर, “सम्यक् रूप से गठित एसईआईए या एसईएसी के अभाव में, किसी प्रवर्ग

‘ख’ परियोजना केन्द्रीय स्तर पर प्रवर्ग ‘ख’ परियोजना समझी जाएगी” शब्द और अक्षर रखे जाएंगे ;

(III) पैरा 7(i) में लोक परामर्श से संबंधित प्रक्रम (3) के उपपैरा (iii) के खंड (i) में,—

(i) मद (ग) के पश्चात् निम्नलिखित मद अंतःस्थापित की जाएगी, अर्थात् :—

“(गग) तलकर्षण अनुरक्षण परन्तु तलकर्षित सामग्री का निपटान पत्तन सीमाओं के भीतर किया जाएगा ।”;

(ii) मद (घ) के स्थान पर निम्नलिखित मद रखी जाएगी, अर्थात् :—

“(घ) सभी भवन या संनिर्माण परियोजनाएं या क्षेत्र विकास परियोजनाएं (जिसके अंतर्गत कोई प्रवर्ग ‘क’ परियोजनाएं या क्रियाकलाप नहीं है) और नगरीय परियोजनाएं (अधिसूचना की अनुसूची के मद 8(क) और 8(ख) में) ।”;

(IV) पश्च पर्यावरणीय अनापत्ति को मानीटर करने से संबंधित पैरा 10 में,—

(क) विद्यमान उपपैरा (i) को उपपैरा (ii) के रूप में पुनःसंख्यांकित किया जाएगा और इस प्रकार पुनःसंख्यांकित उपपैरा (ii) के पूर्व निम्नलिखित उपपैरा अंतःस्थापित किया जाएगा, अर्थात् :—

“(i) (क) प्रवर्ग ‘क’ परियोजनाओं के संबंध में, परियोजना प्रस्तावक के लिए यह आज्ञापक होगा कि वह पर्यावरणीय शर्तों और रक्षोपाय सहित अपनी परियोजना के लिए अनुदत्त पर्यावरणीय अनापत्ति को अपने खर्च पर उस जिले या राज्य के, जहां परियोजना अवस्थित है कम से कम दो स्थानीय समाचारपत्रों में विज्ञापित करके सार्वजनिक करें। इसके अतिरिक्त, परियोजना का प्रस्तावक की वेबसाइट में परियोजना को स्थायी रूप से दर्शित किया जाएगा। (ख) प्रवर्ग ‘ख’ परियोजनाओं के संबंध में, पर्यावरण और वन मंत्रालय/एसईआईएए के अनापत्तियों को विचार में लाए बिना परियोजना प्रस्तावक समाचार पत्रों में यह दर्शित करते हुए कि परियोजना की पर्यावरण अनापत्ति प्राप्त कर ली गई है और उसके ब्यौरे पर्यावरण और वन मंत्रालय की वेबसाइट पर जहां वह प्रदर्शित हैं प्रमुखता से विज्ञापित कराएगा। (ग) पर्यावरण और वन मंत्रालय तथा राज्य या संघ राज्यक्षेत्र स्तर का पर्यावरण समाघात निर्धारण प्राधिकरण भी पर्यावरणीय अनापत्ति को सरकारी पोर्टल पर लोक क्षेत्र में रखेगा। (घ) परियोजना प्रस्तावकों द्वारा प्रस्तुत पर्यावरणीय अनापत्ति की प्रतियां स्थानीय निकायों, पंचायतों और नगरपालिका निकायों के प्रधानों को भी प्रस्तुत की जाएगी। इसके अतिरिक्त, सरकार के सुसंगत कार्यालय में प्राप्ति की तारीख से 30 दिन के भीतर उसे दर्शित करेगा”;

(ख) विद्यमान उपपैरा (ii) को उपपैरा (iii) के रूप में पुनःसंख्यांकित किया जाएगा ।

(V) अनुसूची में,-

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

| (1)   | (2)  | (3)   | (4)  | (5)  |
|-------|--|---|--|--|
| “1(क) | (i) खनिजों का खनन ।<br><br>(ii) पारिस्थितिकीय रूप से संवेदनशील क्षेत्रों राष्ट्रीय उद्यानों/पक्षी उद्यान/प्रवाल भित्ति से होकर गुजरने वाली पतली पाइप लाइनें (कोयला लिग्नाइट और अन्य अयस्क) | गैर कोयला खान पट्टे के संबंध में खनन पट्टा क्षेत्र का $\geq 50$ है० ।<br><br>कोयला खान पट्टे के संबंध में खनन पट्टा क्षेत्र का $>150$ है० ।<br><br>खनन क्षेत्र पर ध्यान दिए बना एसवेस्टोज खनन ।<br>सभी परियोजनाएं । | गैर कोयला खान पट्टे के संबंध में $<50$ हैक्टेयर $\geq 5$ हैक्टेयर खनन पट्टा क्षेत्र कोयला खान पट्टे के संबंध में खनन पट्टा क्षेत्र का $\leq 150$ हैक्टेयर $\geq 5$ है० । | साधारण शर्त लागू होगी ।<br><br>टिप्पण : खनिज पूर्वक्षण को छूट दी जाती है ।”; |

(ii) मद 1(ग) के सामने स्तंभ (5) की प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

“साधारण शर्त लागू होगी ।

टिप्पण : जल मग्नता या अंतरराज्यिक क्षेत्र वाली सिंचाई परियोजना अंतर्वलित नहीं है को एसईआईएए द्वारा प्रवर्ग 'ख' परियोजनाओं के रूप में निर्धारित किया जाएगा ।”;

(iii) मद 1(घ) के सामने,-

(क) स्तंभ (3) में प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

“ $\geq 500$  मेगावाट (कोयला/लिग्नाइट/नेफ्था गैस आधारित) ;

$\geq 50$  मेगावाट (पेट कोक, डीजल और बायोमास के सिवाय परिशोधन संयंत्रों के सभी अपशिष्ट तेल के रूप में सभी अन्य ईंधन) ;

$\geq 20$  मेगावाट (ईंधन के रूप में बायोमास या गैर परिसंकटमय नगरपालिका ठोस अपशिष्ट पर आधारित) ;

(ख) स्तंभ (4) में, प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

“ $< 500$  मेगावाट (कोयला लिग्नाइट/नेफ्था और गैस आधारित) ;

$< 50$  मेगावाट  $\geq 5$  मेगावाट (पेट कोक, डीजल और सभी अन्य ईंधन बायोमास के सिवाय परिशोधन संयंत्रों के सभी अपशिष्ट तेल के रूप में सभी अन्य ईंधन) ।”;

(ग) स्तंभ (5) में, प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

“साधारण शर्त लागू होगी ।

टिप्पण :

(i) बायोमास और अतिरिक्त ईंधन जैसे कोयला/लिग्नाइट/ पेट्रोलियम उत्पाद जैसे ईंधन पर आधारित 15 मेगावाट तक के विद्युत संयंत्रों में 15% तक छूट प्राप्त है ।

(ii) गैर परिसंकटमय नगरपालिक अपशिष्ट और अतिरिक्त ईंधन जैसे कोयला/लिग्नाइट/ पेट्रोलियम उत्पाद ईंधन पर आधारित 15 मेगावाट तक विद्युत संयंत्र में 15% तक छूट प्राप्त हैं ।

(iii) किसी अतिरिक्त ईंधन के बिना अपशिष्ट ऊष्मा बायलर का उपयोग करने वाले विद्युत संयंत्र छूट प्राप्त हैं ।”;

(iv) मद 3(क) के सामने, स्तंभ (5) में प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :—

“साधारण शर्त लागू होगी ।

टिप्पण :

- (i) एचएसएम नियमों के अधीन आने वाली पुनःचक्रण औद्योगिक यूनिटें जिनके लिए रजिस्ट्रीकरण अपेक्षित हैं छूट प्राप्त हैं ।
- (ii) गौण धातुकर्म प्रसंस्करण औद्योगिक इकाईयों की दशा में केवल वे परियोजनाएं जिनमें भट्टियों का प्रचालन अंतर्वलित है जैसे कि प्रेरण और विद्युत आर्क भट्टी, सबमर्ज आर्क भट्टी और 30,000 टन प्रति वाष्पक उष्मता क्षमता वाली गुम्बदी भट्टी को पर्यावरणीय अनापत्ति अपेक्षित होगी ।
- (iii) नगरपालिक ठोस अपशिष्ट (अपरिसंकटमय) पर आधारित विद्युत संयंत्र से भिन्न (अनुसूची की प्रविष्टि सं. 1(घ) के सामने दिया गया है) संयंत्र/इकाईयां छूट प्राप्त है ।”;

(v) मद 4(ख) के सामने, स्तंभ (5) में प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“साधारण शर्तें लागू होंगी ।”;

(vi) मद 4(घ) के सामने,—

(क) स्तंभ (4) में प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :—

“(i) आकार पर ध्यान दिए बिना, सभी परियोजनाएं, यदि वे अधिसूचित औद्योगिक क्षेत्र/संपदा में अवस्थित हैं ।

(ii) <300 (टन प्रतिदिन) और अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित ।”;

(ख) स्तंभ (5) में, प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“साधारण और विनिर्दिष्ट शर्तें लागू होंगी ।”;

किसी नए मरकरी सेल आधारित संयंत्र की अनुज्ञा नहीं दी जाएगी। मेंबरेन सेल प्रौद्योगिकी की संपरिवर्तित विद्यमान इकाई को अधिसूचना से छूट प्राप्त है।”;

(vii) मद 4(च) के सामने स्तंभ (5) में विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“साधारण और विनिर्दिष्ट शर्तें लागू होंगी।”;

(viii) मद 5(क) के सामने,—

(क) स्तंभ (3) में, विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :—

“एकल सुपर फास्फेट को छोड़कर सभी परियोजनाएं।”;

(ख) स्तंभ (4) में, प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“एकल सुपर फास्फेट।”;

(ix) मद 5(ड) के सामने स्तंभ (5) में विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“साधारण के साथ विनिर्दिष्ट शर्तें लागू होंगी।”;

(x) मद 5(च) के सामने, स्तंभ (5) में विद्यमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“साधारण और विनिर्दिष्ट शर्तें लागू होंगी।”;

(xi) मद 5(ट) और उससे संबंधित प्रविष्टियों का लोप किया जाएगा ;

(xii) मद 7(क) के सामने,—

(क) स्तंभ (3) में, विद्यमान प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“सभी परियोजनाएं, जिनके अंतर्गत ऐसी वायु पट्टियां भी हैं जो वाणिज्यिक उपयोग के लिए हैं।”;

(ख) स्तंभ (5) में, प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

“टिप्पण :

ऐसी वायु पट्टियां जिनमें बंकर/पुनःईंधन भरण सुविधा सम्मिलित नहीं है और/या वायुमार्ग यातायात नियंत्रण छूट प्राप्त हैं ।

(xiii) मद 7(ग) के सामने, स्तंभ (5) में प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

“साधारण और विनिर्दिष्ट शर्तें लागू होंगी ।

टिप्पण :

1. 500 हे० से कम क्षेत्र वाली औद्योगिक संपदा जिसमें प्रवर्ग क या प्रवर्ग ख का कोई उद्योग स्थित नहीं है को अनापत्ति अपेक्षित नहीं है ।
2. यदि क्षेत्र 500 हे० से कम है किन्तु उसमें >20,000 वर्गमीटर के भवन और संनिर्माण परियोजनाएं और/या 50 हे० से अधिक विकास क्षेत्र अंतर्विष्ट है तो उसे यथास्थिति अनुसूची में क्रम सं० 8(क) या 8(ख) में सूचीबद्ध कार्यकलाप माना जाएगा ।”

(xiv) मद 7(ड) के सामने,-

(क) स्तंभ (2) में, प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

“पत्तन, बंदरगाह, तरंग रोध, तलकर्षण ।”;

(ख) स्तंभ (5) में, प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी अर्थात् :-

“ साधारण शर्तें लागू होंगी ।

टिप्पण :

1. पत्तन या बंदरगाह और जलान्तराल के अंदर और बाहर मुख्य झमाई शामिल हैं ।”

2. झमाई अनुरक्षण को छूट प्राप्त है परंतु यह उस मूल प्रस्ताव का भाग हो जिसके लिए पर्यावरण प्रबंधन योजना (ईएमपी) तैयार की गई थी और पर्यावरणीय अनापत्ति प्राप्त की गई थी।

(xv) मद 7 (च) के सामने,

(क) स्तंभ (4) की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :--

(i) सभी राज्य राजमार्ग परियोजनाएं ; और

(ii) पहाड़ी धरती में राज्य राजमार्ग विस्तार परियोजनाएं (1,000 मी. एम.एस.एल से ऊपर) और/या पारिस्थितिकी संवेदनशील क्षेत्र।”;

(ख) स्तंभ (5) में विद्यमान प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :--

“साधारण शर्तें लागू होंगी ।

टिप्पण :

राजमार्ग में एक्सप्रेस मार्ग सम्मिलित हैं।”;

(xvi) मद संख्या 7 (छ) के सामने --

(क) स्तंभ (3), में प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :--

“ (i) 1000 मीटर और इससे ऊपर की ऊंचाई पर स्थित सभी परियोजनाएं;

(ii) अधिसूचित पारिस्थितिक क्षेत्रों में स्थित सभी परियोजना।”;

(ख) स्तंभ (4) में प्रविष्टि के स्थान निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :--

“ स्तंभ (3), में आने वाली परियोजनाओं के सिवाय सभी परियोजनाएं।”;

(xvii) अनुसूची के पश्चात् टिप्पण में साधारण शर्त (सा. श.) से संबंधित उपशीर्षक के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :--

“साधारण शर्त (सा.श.) :

प्रवर्ग ‘ख’ में विनिर्दिष्ट कोई परियोजना या क्रियाकलाप प्रवर्ग ‘क’ के रूप में समझा जाएगा यदि वह : (i) वन्य जीव (संरक्षण) अधिनियम, 1972 के अधीन संरक्षित क्षेत्र अधिसूचित है; (ii) समय-समय पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा यथा पहचान किए गए गंभीर रूप से प्रदूषित क्षेत्र है ; (iii) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 के अधीन यथा अधिसूचित पारिस्थितिकी संवेदनशील क्षेत्र जैसे महाबलेश्वर, पंचगनी, मथेरन, पंचमढी दहानू, दून घाटी, आदि और (iv) अंतरराज्यिक सीमाओं और अंतरराष्ट्रीय सीमाओं से 10 कि.मी. के भीतर पूर्ण रूप से या आंशिक रूप से अवस्थित हैं :

परंतु यदि उपरोक्त मद (i), मद (ii) और मद (iii) में उल्लिखित क्षेत्रों में 10 किमी के अंतर्गत के क्रियाकलाप नहीं आते हैं, अंतरराज्यीय सीमाओं की 10 कि.मी.की दूरी से संबंधित

अपेक्षा को, एक ही सीमा के संबद्ध राज्यों या संघ राज्यक्षेत्रों के बीच करार द्वारा कम किया जा सकता है या पूरी तरह से हटाया जा सकता है ।

(VIII) परिशिष्ट 1 के प्ररूप 1 में, --

(क) आधारभूत जानकारी से संबंधित मद (I) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :--

“(I) आधारभूत जानकारी

| क्रम संख्या | मद   | ब्यौरे |
|-------------|--|--------|
| 1.          | परियोजना/परियोजनाओं का नाम   |        |
| 2.          | अनुसूची में क्रम संख्या  |        |
| 3.          | प्रस्तावित क्षमता/क्षेत्र/लंबाई /उपयोग किए जाने वाले टन/समादेश क्षेत्र/पट्टाक्षेत्र/निष्कर्षी कुओं की संख्या |        |
| 4.          | नया/विस्तार/आधुनिकीकरण   |        |
| 5.          | विद्यमान क्षमता/क्षेत्र आदि  |        |
| 6.          | परियोजना का प्रवर्ग अर्थात् ‘क’ या ‘ख’   |        |
| 7.          | क्या इसे साधारण शर्त लागू होती है ? यदि हां, तो कृपया विनिदिष्ट करें ।                                       |        |
| 8.          | क्या इसे विनिर्दिष्ट शर्त लागू होती है ? यदि हां, तो कृपया विनिदिष्ट करें ।                                  |        |
| 9.          | स्थान<br>प्लाट/सर्वे/ खसरा सं०<br>ग्राम<br>तहसील<br>जिला<br>राज्य  |        |
| 10.         | किलोमीटर में दूरी के साथ समीपस्थ रेलवे स्टेशन/<br>वायुपत्तन  |        |
| 11.         | किलोमीटर में दूरी के साथ निकटतम शहर, नगर, जिला<br>मुख्यालय   |        |
| 12.         | ग्राम पंचायत, जिला परिषद्, नगरपालिक निगम, स्थानीय<br>निकाय (टेलीफोन न. के साथ पूर्णकालिक पता दें)            |        |
| 13.         | आवेदक का नाम   |        |

|     |  |                                    |
|-----|--|------------------------------------|
| 14. | रजिस्ट्रीकृत पता   |                                    |
| 15. | पत्राचार का पता<br>नाम<br>पदनाम (स्वामी/भागीदार/सीई ओ) ,<br>पता<br>पिन कोड<br>ई मेल<br>दूरभाष सं.<br>फैक्स सं०   |                                    |
| 16. | जाच की गई अनुकल्पी स्थल, यदि कोई हो, के ब्यौरे।<br>इन स्थलों की अवस्थिति टापशीट पर दर्शाई जाए ।  | ग्राम-जिला-राज्य<br>1.<br>2.<br>3. |
| 17. | जुड़ी परियोजनाएं   |                                    |
| 18. | क्या जुड़ी परियोजना के लिए पृथक आवेदन किया गया है ।  |                                    |
| 19. | यदि हां, प्रस्तुतीकरण की तारीख   |                                    |
| 20. | यदि नहीं, कारण   |                                    |
| 21. | क्या प्रस्ताव के लिए :<br>(क) वन (संरक्षण) अधिनियम, 1980<br>(ख) वन्य जीव (संरक्षण) अधिनियम, 1972<br>(ग) सी.आर.जेड अधिसूचना, 1991 के अधीन<br>अनुमोदन/अनापत्ति की आवश्यकता है : यदि हां तो,<br>उनके ब्यौरे या उनकी प्रास्थिति दीजिए ।          |                                    |
| 22. | क्या स्थल से सुसंगत/संबद्ध कोई सरकारी आदेश/नीति है   |                                    |
| 23. | अंतर्वलित वन भूमि (हैक्टेयर)   |                                    |
| 24. | क्या परियोजना और/या भूमि जिसमें परियोजना का<br>स्थापित किया जाना प्रस्तावित है के विरुद्ध कोई वाद<br>लंबित है<br>(क) न्यायालय का नाम<br>(ख) वाद संख्या<br>(ग) न्यायालय का आदेश/निदेश, यदि कोई है और<br>प्रस्तावित परियोजना के लिए इसका महत्व |                                    |

(ख) अंत में निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

में यह वचन देता हूँ कि आवेदन और संलग्नकों में दिए गए आंकड़े और सूचना मेरे सर्वोत्तम ज्ञान और विश्वास में सही है और मुझे यह जानकारी है कि यदि प्रस्तुत आंकड़े और सूचना का कोई भाग किसी प्रक्रम पर असत्य या भ्रामक पाया जाता है तो परियोजना को अस्वीकार कर दिया जाएगा और परियोजना को दी गई अनापत्ति, यदि कोई है, हमारे जोखिम और लागत पर प्रतिसंहत की जाएगी।

तारीख :

स्थान :

आवेदक का हस्ताक्षर  
नाम और पूरा पता  
(परियोजना प्रस्तावक/ प्राधिकृत हस्ताक्षरकर्ता)

टिप्पण :

1. तटीय विनियमन जोन अधिसूचना, 1991 के अधीन अनापत्ति वाली परियोजनाएं आवेदन के साथ परियोजना क्रिया कलाप, डब्लू आर टी, सी आर जैड (टी.ओ.आर.की अवस्था में) दर्शाते हुए एक प्राधिकृत अभिकरण द्वारा सम्यक रूप से रेखांकित सी आर जैड नक्शा और राज्य तटीय जोन प्रबंध प्राधिकरण (ई.सी. की अवस्था में) की सिफारिशें प्रस्तुत करेंगी। सी आर जैड में की जाने वाली क्रियाकलापों के लिए सी आर जैड अधिसूचना, 1991 के उपबंधों के अधीन अपेक्षित अनापत्ति अभिप्राप्त करने के लिए भी साथ साथ कारवाई की जाएगी।
2. राष्ट्रीय उद्यान अभ्यारण्य, जीव मंडल आरक्षित क्षेत्र वन्य पशुओं के प्रवासी कारीडोर की 10कि.मी. के भीतर स्थापित की जाने वाली परियोजनाओं के संबंध में परियोजना प्रस्तावक इन लक्षणों के साथ साथ परियोजना अवस्थिति दर्शाते हुए मुख्य वन प्राणी वर्डन द्वारा सम्यक रूप से अधिप्रमाणित नक्शा और उस पर मुख्य वन प्राणी वर्डन की सिफारिशें या टिप्पणियां प्रस्तुत करेंगी।
3. टी.ओ.आर./पर्यावरणीय अनापत्ति के लिए आवेदन, पश्चात स्पष्टीकरण के प्रस्तुति करने सहित पर्यावरण और वन मंत्रालय के साथ सभी पत्राचार समय-समय पर अपेक्षित हैं, परियोजना प्रस्तावक के निमित्त ई.ए.सी. में भागीदारी केवल प्राधिकृत हस्ताक्षरधारी द्वारा की जाएगी। प्राधिकृत हस्ताक्षरी, विनिर्दिष्ट परियोजना के लिए परियोजना के लिए प्राधिकृत हस्ताक्षरी के अपने दावे के समर्थन में दस्तावेज प्रस्तुत करेंगी।

(1x) परिशिष्ट 4 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :--

“परिशिष्ट 4  
(पैरा 7 देखिए)

लोक सुनवाई को संचालित करने के लिए प्रक्रिया

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

## 2.0 प्रक्रिया :

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

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

- (क) जिला मजिस्ट्रेट/ जिला कलक्टर/उपायुक्त
- (ख) जिला परिषद या नगर निगम या पंचायत संघ
- (ग) जिला उद्योग कार्यालय
- (घ) शहरी स्थानीय निकाय /संबद्ध पी आर आई/विकास प्राधिकरण
- (ङ) पर्यावरण और वन मंत्रालय का संबंधित प्रदेशिक कार्यालय

2.3 ऊपर उल्लिखित प्राधिकारी, पर्यावरण और वन मंत्रालय के क्षेत्रीय कार्यालय के सिवाय, प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की प्राप्ति पर अपनी अधिकारिता के भीतर उसमें हितबद्ध व्यक्तियों से संबंधित विनियामक प्राधिकरणों को अपनी टीका-टिप्पणियां भेजने का अनुरोध करते हुए, विस्तृत प्रचार करने की व्यवस्था करेंगे। वे लोक सुनवाई होने तक सामान्य कार्यालय घंटों के

दौरान जनता को इलैक्ट्रानिक रूप से या अन्यथा निरीक्षण करने के लिए प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट भी उपलब्ध कराएंगे ।

2.4 संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति भी राज्य/संघ राज्यक्षेत्र के भीतर परियोजना की बाबत प्रचार करने के लिए उसी प्रकार की व्यवस्था करेगी और चयनित कार्यालयों या लोक पुस्तकालयों या किसी अन्य उपयुक्त स्थानों आदि में निरीक्षण के लिए प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट (परिशिष्ट 3क) का संक्षिप्त सार उपलब्ध कराएगी । वे जैसा पैरा 2.2 में वर्णित है, उपर्युक्त पांच प्राधिकारियों/कार्यालयों, को अतिरिक्त रूप प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट की एक प्रति से भी उपलब्ध कराएंगे ।

### 3.0 लोक सुनवाई की सूचना

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

3.2 विज्ञापन, जनता को उन स्थानों या कार्यालयों की बाबत भी सूचित करेगा जहां प्रारूप पर्यावरणीय समाघात निर्धारण रिपोर्ट और पर्यावरणीय समाघात निर्धारण रिपोर्ट के संक्षिप्त सार तक सुनवाई से पूर्व जनता की पहुंच हो सके । ऐसे स्थानों को जहाँ समाचार पत्र नहीं पहुंचते हैं, वहां सक्षम प्राधिकारी को डोल बजाकर और रेडियो/टेलीविजन पर विज्ञापन /घोषणा द्वारा जैसे अन्य माध्यमों से जनता को आम जानकारी उपलब्ध कराने की व्यवस्था करनी चाहिए ।

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

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

4.0 पर्यवेक्षण और सुनवाई का पीठासीन अधिकारी

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

### 5.0 वीडियोग्राफी

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

### 6.0 कार्यवाहियां

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

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

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

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

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

6.6 लोक सुनवाई की कार्यवाहियों को उस पंचायत घर के कार्यालय पर, जिसकी अधिकारिता में परियोजना अवस्थित है, संबंधित जिला परिषद्, जिला मजिस्ट्रेट/ जिला कलक्टर/उपायुक्त और राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति के कार्यालय में सहजदृश्य रूप से प्रदर्शित किया जाएगा । राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति

साधारण जानकारी के लिए अपने वेबसाइट पर कार्यवाहियों को प्रदर्शित भी करेगी। कार्यवाहियों पर टीका-टिप्पणियों को, यदि कोई हों, संबंधित विनियामक प्राधिकरणों और संबंधित आवेदक को प्रत्यक्षतः भेजी जा सकेगी।

### 7.0 लोक सुनवाई को पूरा करने के लिए कालावधि

7.1 लोक सुनवाई आवेदक से अनुरोध पत्र की प्राप्ति की तारीख से पैंतालीस दिन की अवधि के भीतर पूरी की जाएगी। इसके पश्चात् संबंधित राज्य प्रदूषण नियंत्रण बोर्ड या संघ राज्यक्षेत्र प्रदूषण नियंत्रण समिति लोक सुनवाई के पूरा होने के आठ दिनों के भीतर संबंधित विनियामक प्राधिकरण को लोक सुनवाई की कार्यवाहियों को भेजेगी। उसी तरह एक प्रति परियोजना प्रस्तावक को भी भेजी जाएगी। आवेदक, उन समुदायों को संबोधित करते हुए कार्रवाई योजना और वित्तीय आबंटन मद्-बाद के साथ लोक सुनवाई में व्यक्त विताओं को सम्मिलित करते हुए लोक सुनवाई और लोक परामर्श के पश्चात् तैयार की गई अंतिम पर्यावरणीय समाघात रिपोर्ट या प्रारूप पर्यावरण समाघात निर्धारण रिपोर्ट पर अनुरोध रिपोर्ट की प्रति के साथ संबंधित विनियामक प्राधिकरण की, अनुमोदित लोक सुनवाई कार्यवाहियों की एक प्रति प्रत्यक्षतः भी अग्रेषित करेगा।

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

### VIII परिशिष्ट 5 के पैरा 3 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :--

"3. जहां कोई लोक परामर्श आज्ञापक नहीं है वहां आकलन अनुसूची की मद 8 के अलावा सभी परियोजनाओं और क्रियाकलापों की दशा में विहित आवेदन प्रारूप 1 और ईआईए रिपोर्ट के आधार पर किया जाएगा। अनुसूची की मद 8 की दशा में इसके विलक्षण परियोजना चक्र को ध्यान में रखते हुए संबद्ध पर्यावरणीय निर्धारण समिति या राज्य पर्यावरणीय निर्धारण समिति प्रारूप 1 प्रारूप - 1क और धारणा योजना के आधार पर सभी प्रवर्ग ख परियोजनाओं या क्रियाकलापों का आकलन करेगी और परियोजना के लिए पर्यावरणीय अनापत्ति देने या अन्यथा के अनुमोदन के बारे में सिफारिश करेगी और पर्यावरणीय अनापत्ति के लिए शर्तों का भी अनुबंध करेगी।"

[सं. जे-11013/56/2004-1 ए. II(1)]

जी. के. पाण्डेय, सलाहकार

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में अधिसूचना संख्या का.आ. 1533 (अ) तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और उनको का.आ. 1737 (अ) तारीख 11 अक्टूबर, 2007 द्वारा संशोधित किया गया।

## MINISTRY OF ENVIRONMENT AND FORESTS

## NOTIFICATION

New Delhi, the 1st December, 2009

S.O. 3067(E).— Whereas, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), a draft notification for making certain amendments in the Environment Impact Assessment notification, 2006 issued vide no. S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006, was published under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, vide number S.O. 195 (E), dated the 19<sup>th</sup> January, 2009, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of 60 days from the date of publication of the said notification in the Gazette of India;

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

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said notification, -

**I in para 3, for sub-para (7), the following shall be substituted, namely:—**

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

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

**II in para 4, in sub-para (iii), for the words and letters “In the absence of a duly constituted SEIAA or SEAC, a Category ‘B’ project shall be treated as a Category ‘A’ project”, the words and letters “In the absence of a duly constituted SEIAA or SEAC, a Category ‘B’ project shall be considered at the Central Level as a Category ‘B’ project” shall be substituted.**

**III in para 7(i), in sub-para III relating to Stage (3) - Public Consultation, in clause (i),—**

(i) after item (c), the following item shall be inserted, namely:—

“(cc) maintenance dredging provided the dredged material shall be disposed within port limits.”;

(ii) for item (d), the following item shall be substituted, namely:—

“(d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8(a) and 8(b) in the Schedule to the notification).”.

**IV In para 10 relating to Post Environmental Clearance Monitoring,-**

(a) the existing sub-para (i) shall be renumbered as sub-para (ii) and before sub-para (ii) as so re-numbered, the following sub-para shall be inserted namely;

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

(b) existing sub-para (ii) shall be renumbered as sub-para (iii).

**V in the Schedule,—**

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

| (1)   | (2)   | (3)   | (4)   | (5)   |
|-------|---|---|---|---|
| "1(a) | (i) Mining of minerals.   | <p>≥50 ha of mining lease area in respect of non-coal mine lease.</p> <p>&gt;150 ha of mining lease area in respect of coal mine lease.</p> <p>Asbestos mining irrespective of mining area.</p> | <p>&lt;50 ha ≥5 ha of mining lease area in respect of non-coal mine lease.</p> <p>≤150 ha ≥5 ha of mining lease area in respect of coal mine lease.</p> | <p>General Condition shall apply.</p> <p>Note: Mineral prospecting is exempted.”;</p> |
|       | (ii) Slurry pipelines (coal lignite and other ores) passing through national parks/ sanctuaries/ coral reefs, ecologically sensitive areas. | All projects.   |   |   |

(ii) against item 1(c), for the entries in column (5), the following entries shall be substituted, namely:—

“General Condition shall apply.

Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category 'B' Projects.”;

(iii) against item 1(d),—

(a) in column (3), for the entries, the following entries shall be substituted, namely—

“≥ 500 MW (coal/lignite/naphtha and gas based);  
 ≥ 50 MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass);

≥ 20 MW (based on biomass or non hazardous municipal solid waste as fuel).”;

**(b) in column (4), for the entries, the following entries shall be substituted, namely:—**

“<500MW (coal/lignite/naphtha and gas based);  
<50 MW ≥ 5 MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass);  
<20MW > 15MW (based on biomass or non hazardous municipal solid waste as fuel).”;

**(c) in column (5), for the entries, the following entries shall be substituted, namely:—**

“General Condition shall apply.

Note:

- (i) Power plants up to 15 MW, based on biomass and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt.
- (ii) Power plants up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt.
- (iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.”;

**(iv) against item 3(a), in column (5), for the entries, the following entries shall be substituted, namely:—**

“General condition shall apply.

Note:

- (i) The recycling industrial units registered under the HSM Rules, are exempted.
- (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electric arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance.
- (iii) Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.”.

- (v) **against item 4(b), in column (5), for the entry, the following entry shall be substituted, namely:—**

“General conditions shall apply.”;

- (vi) **against item 4(d),—**

- (a) **in column (4), for the entry, the following entry shall be substituted, namely:—**

- (i) All projects irrespective of the size, if it is located in a Notified Industrial Area/Estate.  
(ii) < 300 tonnes per day (TPD) and located outside a Notified Industrial Area/ Estate.”;

- (b) **in column (5), for the entry, the following entry shall be substituted, namely:—**

“General as well as specific conditions shall apply.

No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempt from the notification.”;

- (vii) **against item 4(f), in column (5), for the existing entry, the following entry shall be substituted, namely:—**

“General as well as specific conditions shall apply.”;

- (viii) **against item 5(a),—**

- (a) **in column (3), for the existing entry, the following entry shall be substituted, namely:—**

“All projects except Single Super Phosphate.”;

- (b) **in column (4), for the entry, the following entry shall be substituted, namely:—**

“Single Super Phosphate.”;

**(ix) against item 5(e), in column (5), for the existing entry, the following entry shall be substituted, namely:—**

"General as well as specific conditions shall apply.";

**(x) against item 5(f), in column (5), for the existing entry, the following entry shall be substituted, namely:—**

"General and specific conditions shall apply." ;

**(xi) item 5(k) and the entries relating thereto shall be omitted;**

**(xii) against item 7(a),—**

**(a) in column (3), for the entry, the following entry shall be substituted, namely:—**

"All projects including airstrips, which are for commercial use.";

**(b) in column (5), for the entry, the following entry shall be substituted, namely:—**

"Note:

Air strips, which do not involve bunkering/ refueling facility and or Air Traffic Control, are exempted.";

**(xiii) against item 7(c), in column (5), for the entry, the following entry shall be substituted, namely:—**

"General as well as specific conditions shall apply.

Note:

1. Industrial Estate of area below 500 ha. and not housing any industry of Category 'A' or 'B' does not require clearance.
2. If the area is less than 500 ha. but contains building and construction projects > 20,000 Sq. mtr. and or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be.";

**(xiv) against item 7(e),—**

**(a) in column (2), for the entry, the following entry shall be substituted, namely:—**

“Ports, harbours, break waters, dredging.”

**(b) in column (5), for the entry, the following entry shall be substituted, namely:—**

“General Condition shall apply.

Note:

1. Capital dredging inside and outside the ports or harbors and channels are included;
2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained.”;

**(xv) against item 7(f),**

**(a) in column (4), for the entry, the following entry shall be substituted namely:-**

- “(i) All State Highway Projects; and
- (ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas.”;

**(b) in column (5) for the existing entry, the following entry shall be substituted, namely:-**

“General Condition shall apply.

Note:

Highways include expressways.”;

**(xvi) against item 7(g),—**

**(a) in column (3), for the entry, the following entry shall be substituted, namely:—**

- "(i) All projects located at altitude of 1,000 mtr. and above.  
(ii) All projects located in notified ecologically sensitive areas.";

**(b) in column (4), for the entry, the following entry shall be substituted, namely:—**

"All projects except those covered in column (3).";

**(xvii) after the Schedule, in the 'Note', for sub-heading relating to 'General Condition (GC)', the following shall be substituted, namely:—**

**"General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category 'A', if located in whole or in part within 10 km from the boundary of: (i) Protected areas notified under the Wildlife (Protection) Act, 1972; (ii) Critically polluted areas as identified by the Central Pollution Control Board from time to time; (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

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

**VI in the Appendix I, in Form I,—**

**(a) for item (I) relating to the Basic Information, the following shall be substituted, namely:—**

**"(I) Basic Information**

| Serial Number | Item                   | Details |
|---------------|------------------------|---------|
| 1.            | Name of the project/s  |         |
| 2.            | S. No. in the schedule |         |

|     |   |  |
|-----|---|--|
| 3.  | Proposed capacity/area/length/tonnage to be handled/command area/lease area/number of wells to be drilled                         |  |
| 4.  | New/Expansion/Modernization   |  |
| 5.  | Existing Capacity/Area etc.   |  |
| 6.  | Category of Project i.e. 'A' or 'B'   |  |
| 7.  | Does it attract the general condition? If yes, please specify.  |  |
| 8.  | Does it attract the specific condition? If yes, please specify.   |  |
| 9.  | Location  |  |
|     | Plot/Survey/Khasra No.  |  |
|     | Village   |  |
|     | Tehsil  |  |
|     | District  |  |
| 9.  | State   |  |
|     |   |  |
| 10. | Nearest railway station/airport along with distance in kms.   |  |
| 11. | Nearest Town, city, District Headquarters along with distance in kms.   |  |
| 12. | Village Panchayats, Zilla Parishad, Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given) |  |
| 13. | Name of the applicant   |  |
| 14. | Registered Address  |  |
| 15. | Address for correspondence :  |  |
|     | Name  |  |
|     | Designation (Owner/Partner/CEO)   |  |
|     | Address   |  |
|     | Pin Code  |  |
|     | E-mail  |  |
|     | Telephone No.   |  |
| 16. | Details of Alternative Sites examined, if any. Location of these sites should be shown on a topo sheet.                           | Village-District-State<br>1.<br>2.<br>3. " |
| 17. | Interlinked Projects  |  |
| 18. | Whether separate application of interlinked project has been submitted?   |  |
| 19. | If yes, date of submission  |  |
| 20. | If no, reason   |  |

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

**(b) the following shall be inserted at the end, namely:—**

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

Date: \_\_\_\_\_

Place: \_\_\_\_\_

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

**NOTE:**

1. The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C.R.Z map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z Notification, 1991 for the activities to be located in the CRZ.
2. The projects to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the

- recommendations or comments of the Chief Wildlife Warden thereon (at the stage of EC)."
3. All correspondence with the Ministry of Environment & Forests including submission of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being an authorized signatory for the specific project."

**VII for Appendix IV, the following shall be substituted, namely:—**

**"APPENDIX IV  
(See paragraph 7)**

**PROCEDURE FOR CONDUCT OF PUBLIC HEARING**

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

**2.0 The Process:**

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

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

- (a) District Magistrate/**District collector/Deputy commissioner/s**
- (b) Zila Parishad or Municipal Corporation **or Panchayats Union**

- (c) District Industries Office
- (d) Urban Local Bodies (ULBs) / PRIs Concerned/**Development authorities**
- (e) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the Regional Office of MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or any other suitable location etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices as given in para 2.2.

### **3.0 Notice of Public Hearing:**

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

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing. In places where the newspapers do not reach, the Competent Authority should arrange to inform the local public about the public hearing by other means such as by way of beating of drums as well as advertisement / announcement on radio / television.

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

3.4 In the above exceptional circumstances, fresh date, time and venue for the public consultation shall be decided by the Member – Secretary of the concerned SPCB or UTPCC only in consultation with the District

Magistrate/**District Collector/Deputy Commissioner** and notified afresh as per procedure under 3.1 above.

#### **4.0 Supervision and Presiding over the Hearing:**

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

#### **5.0 Videography**

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

#### **6.0 Proceedings**

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

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

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

6.4 Persons present at the venue shall be granted the opportunity to seek information or clarifications on the project from the applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the **local/vernacular** language and the agreed minutes shall be signed by the District Magistrate/**District Collector/Deputy Commissioner** or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the applicant shall also be prepared in the local language or the Official State language, as the case may be, and in English and annexed to the proceedings:

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

## 7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of forty five days from date of receipt of the request letter from the applicant. Thereafter the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within eight days of the completion of the public hearing. ***Simultaneously, a copy will also be provided to the project proponent.*** The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item-wise, to address those concerns."

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

### VIII in Appendix V, for para 3, the following para shall be substituted, namely:—

"3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA report, in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and make recommendations on the project regarding grant of environmental clearance or otherwise and also stipulate the conditions for environmental clearance."

[No. J-11013/56/2004-IA. II(I)]

G. K. PANDEY, Advisor

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

No. L-11011/47/2011-IA.II(M)  
**Government of India**  
**Ministry of Environment & Forests**

Paryavaran Bhavan,  
C.G.O. Complex, Lodi Road,  
New Delhi-110003.  
Telefax: 24362434

Dated the 18<sup>th</sup> May, 2012

**OFFICE MEMORANDUM**

**Sub: Order of Hon'ble Supreme Court dated 27.2.2012 in I.A. no. 12-13 of 2011 in SLP (C) no. 19628-19629 of 2009 in the matter of Deepak Kumar etc. Vs State of Haryana and Ors. - Implementation thereof - Regarding.**

Reference is invited to the above mentioned order of the Hon'ble Supreme Court directing inter-alia as under:

**"We in the meanwhile, order that leases of minor mineral including their renewal for an area of less than 5 ha be granted by the States / UTs only after getting environmental clearance from the MoEF."**

2. The Environment Impact Assessment (EIA) Notification, 2006, as amended, requires mining projects (new projects, expansion or modernization of existing projects as also at the stage of renewal of mine lease) with lease area of 5 ha and above, irrespective of the mineral (major or minor) to obtain prior environment clearance under the provisions thereof. Mining projects with lease area of 5 ha and above and less than 50 ha are categorized as category 'B' whereas projects with lease area of 50 ha and above are categorized as category 'A'. The category 'A' projects are considered at the central level in the Ministry of Environment & Forests while category 'B' projects are considered by the respective State/UT Level Environment Impact Assessment Authority, notified by MoEF under the EIA Notification, 2006.

3. In order to ensure compliance of the above referred order of the Hon'ble Supreme Court dated 27.2.2012, it has now been decided that all mining projects of minor minerals including their renewal, irrespective of the size of the lease would henceforth require prior environment clearance. Mining projects with lease area up to less than 50 ha including projects of minor mineral with lease area less than 5 ha would be treated as category 'B' as defined in the EIA Notification, 2006 and will be considered by the respective SEIAAs notified by MoEF and following the procedure prescribed under EIA Notification, 2006.

4. Further, the Hon'ble Supreme Court in its order dated 16.4.2012 in the above mentioned matter and the linked applications has observed as under:

**"All the same, liberty is granted to the applicants before us to approach the Ministry of Environment and Forests for permission to carry on mining below five hectares and in the event of which Ministry will dispose of all the applications within ten days from the date of receipt of the applications in accordance with law."**

Accordingly, the respective SEIAAs in dealing with the applications of the applicants referred to in the above mentioned order shall ensure that the directions of the Hon'ble Supreme Court are effectively complied with and the applications of such applicants are disposed of within the time limit prescribed by the Hon'ble Court in accordance with law.

This issues with the approval of the Competent Authority.

  
(Dr. S.K. Aggarwal)  
Director

**To**

1. The Secretary, Ministry of Mines, Shastri Bhawan, New Delhi.
2. The Chief Secretaries of all the States / UTs
3. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
4. Chairman, CPCB
5. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

**Copy to:-**

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to JS(RG)
4. All the Officers of IA Division
5. Website, MoEF
6. Guard File

प्रेषक,

संख्या: 922 /VII-I/11-रिट/2012

राकेश शर्मा,  
प्रमुख सचिव,  
उत्तराखण्ड शासन।

सेवा में,

1. समस्त जिलाधिकारी,  
उत्तराखण्ड।

2. निदेशक,  
भूतत्त्व एवं खनिकर्म इकाई,  
उद्योग निदेशालय, उत्तराखण्ड,  
भोपालपानी, देहरादून।

औद्योगिक विकास अनुभाग-1

देहरादून : दिनांक: 26 जुलाई, 2012

विषय: विशेष अनुज्ञा याचिका (सी) संख्या 19628-19629 ऑफ 2009 दीपक कुमार एवं अन्य बनाम हरियाणा राज्य एवं अन्य संलग्न विशेष अनुज्ञा याचिका संख्या 729-731/2011, 21833/2009, 12498-499/2010, विशेष अनुज्ञा याचिका संख्या सी.सी....16157/2011 & सी.सी. 18235/2011 के सम्बन्ध में।

महोदय,

उपरोक्त विषयक आपका ध्यान आकृष्ट करते हुए अवगत कराना है कि मा0 उच्चतम न्यायालय में दायर विशेष अनुज्ञा याचिका (सी) संख्या 19628-19629 ऑफ 2009 दीपक कुमार एवं अन्य बनाम हरियाणा राज्य एवं अन्य संलग्न विशेष अनुज्ञा याचिका संख्या 729-731/2011, 21833/2009, 12498-499/2010, विशेष अनुज्ञा याचिका संख्या सी.सी....16157/2011 & सी.सी. 18235/2011 में मा0 न्यायालय द्वारा दिनांक 27 फरवरी, 2012 को पारित आदेशों के द्वारा 500 हेक्टेयर से कम मुख्य खनिज/उपखनिज के खनन पट्टों को स्वीकृत/नवीनीकृत किये जाने से पूर्व पर्यावरण एवं वन मंत्रालय, भारत सरकार से पूर्वानुमति प्राप्त किया जाना सभी राज्यों के लिए अनिवार्य कर दिया गया है। दिनांक 27 फरवरी, 2012 को पारित आदेश के मुख्य अंश निम्नवत् है :-

**We, in the meanwhile, order that leases of minor mineral including their renewal for an area of less than five hectares be granted by the States/Union Territories only after getting environmental clearance from the MoEF. Ordered accordingly.**

प्रश्नगत विशेष अनुज्ञा याचिका में मा0 न्यायालय द्वारा दिनांक 27 फरवरी, 2012 को पारित निर्णय के क्रम में पर्यावरण एवं वन मंत्रालय, भारत सरकार, पर्यावरण भवन, नई दिल्ली द्वारा निर्गत कार्यालय ज्ञाप दिनांक 18 मई, 2012 (प्रति संलग्न) में दिये गये दिशा-निर्देशानुसार राज्य के समस्त मुख्य

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खनिज/उपखनिज खनन पट्टा क्षेत्रों जिनका क्षेत्रफल चाहे कितना भी हो (अर्थात् 5.00 हैक्टेयर से कम एवं 5.00 हैक्टेयर से अधिक) में खनन पट्टों को स्वीकृत/नवीनीकृत किये जाने से पूर्व पर्यावरण एवं वन मंत्रालय, भारत सरकार से पर्यावरणीय अनुमति प्राप्त किया जाना अनिवार्य होगा।

मा0 उच्चतम न्यायालय के आदेश दिनांक 27 फरवरी, 2012 एवं पर्यावरण एवं वन मंत्रालय, भारत सरकार, पर्यावरण भवन, नई दिल्ली द्वारा निर्गत कार्यालय ज्ञाप दिनांक 18 मई, 2012 में दिये गये दिशा-निर्देशानुसार सम्यक विचारोपरान्त राज्य के मुख्य खनिजों एवं उपखनिजों के पट्टे निर्गत किये जाने हेतु निम्नानुसार दिशा-निर्देश जारी किये जाने का मुझे निदेश हुआ है :-

- (i) E.I.A. Notification दिनांक 14.09.2006 के अनुसार 50 हैक्टेयर से अधिक मुख्य खनिज एवं उपखनिजों के पट्टे श्रेणी 'ए' में होंगे। श्रेणी 'ए' के खनन पट्टों हेतु E.I.A. Notification दिनांक 14.09.2006 के अनुसार पर्यावरण एवं वन मंत्रालय, भारत सरकार से पर्यावरणीय अनुमति प्राप्त किया जाना अनिवार्य होगा। पर्यावरणीय अनुमति प्राप्त होने के उपरान्त ही खनन पट्टे निष्पादित किए जायेंगे। तदुपरान्त ही खनन/चुगान कार्य प्रारम्भ किया जा सकेगा। दून वैली क्षेत्रान्तर्गत ऐसे चुगान/खनन पट्टों हेतु दूनी वैली नोटिफिकेशन, 1989 के अन्तर्गत पर्यावरण एवं वन मंत्रालय, भारत सरकार से पर्यावरणीय अनुमति प्राप्त किया जाना आवश्यक होगा।
- (ii) पर्यावरण एवं वन मंत्रालय, भारत सरकार के कार्यालय ज्ञाप दिनांक 18.05.2012 के अनुसार 50.00 हैक्टेयर से कम क्षेत्रफल के मुख्य खनिज/उपखनिज पट्टे सहित उपखनिजों के 5.00 हैक्टेयर से कम क्षेत्रफल के उपखनिज पट्टों को E.I.A. Notification दिनांक 14.09.2006 की अनुसूची के श्रेणी 'बी' में रखा गया है। अतः ऐसे खनन/उपखनिज पट्टे दिये जाने से पूर्व पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा-3(3) के अन्तर्गत गठित राज्य पर्यावरण प्रभाव आंकलन प्राधिकरण (SEIAAs) से पर्यावरणीय अनुमति प्राप्त किया जाना आवश्यक होगा।
- (iii) भविष्य में निर्गत किये जाने वाले समस्त खनन पट्टों/उपखनिज पट्टों के स्वीकृति/नवीनीकरण किये जाने से पूर्व उपरोक्तानुसार पर्यावरणीय अनुमति प्राप्त किये जाने के उपरान्त ही खनन पट्टे स्वीकृत/नवीनीकृत किये जायेंगे।
- (iv) राज्य के समस्त मुख्य खनिज/उपखनिज के खनन पट्टा क्षेत्रों जिनका क्षेत्रफल कितना भी हो (अर्थात् 5.00 हैक्टेयर से कम एवं 5.00 हैक्टेयर से अधिक क्षेत्रफल) में पर्यावरणीय अनुमति प्राप्त की जानी आवश्यक होगी।
- (v) उपखनिज सम्बन्धी प्रकरणों में प्रोस्पेक्टिंग की आवश्यकता नहीं होती है। अतः उपखनिजों के पट्टे/अनुज्ञा पत्र निर्गत किये जाने से पूर्व अब तक आशय पत्र निर्गत किये जाने की आवश्यकता नहीं रही है। किन्तु अब मा0 उच्चतम न्यायालय के निर्णय दिनांक 27 फरवरी, 2012 एवं पर्यावरण एवं वन मंत्रालय, भारत सरकार के कार्यालय ज्ञाप दिनांक 18.05.2012 के अनुपालन में राज्य के समस्त उपखनिज खनन पट्टा क्षेत्रों जिनका क्षेत्रफल चाहे जितना भी हो (अर्थात् 5.00 हैक्टेयर से कम एवं 5.00 हैक्टेयर से अधिक क्षेत्रफल) उपखनिजों के खनन पट्टे/अनुज्ञा पत्र दिये जाने से पूर्व पर्यावरणीय प्रभाव का

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(vi) आंकलन कराया जाना आवश्यक हो गया है। अतः भविष्य में उपखनिजों से सम्बन्धित समस्त प्रकरणों के भी आशय पत्र निर्गत किये जायेंगे। सम्बन्धित पक्ष द्वारा पर्यावरणीय अनुमति प्राप्त किये जाने के उपरान्त ही खनन पट्टे/अनुज्ञा पत्र निर्गत किये जाने जाने का प्रस्ताव निदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा शासन को उपलब्ध कराया जायेगा। मुख्य खनिजों के प्रोस्पेक्टिंग लाईसेंस का आशय पत्र जारी किये जाने हेतु प्रस्तावित शर्तों के अतिरिक्त आवेदक के संज्ञानार्थ यह भी इंगित किया जायेगा कि आवेदनकर्ता को खनन पट्टे का आशय पत्र जारी किये जाने के उपरान्त खनन पट्टे के शासनादेश जारी किये जाने से पूर्व E.I.A. Notification, 2006 के प्राविधानानुसार 5.00 हैक्टेयर से कम क्षेत्रफल में भी खनन पट्टा स्वीकृति से पूर्व पर्यावरण एवं वन मंत्रालय, भारत सरकार से पर्यावरणीय अनुमति प्राप्त कर शासन को उपलब्ध कराया जाना आवश्यक होगा।

तदनुसार आवश्यक कार्यवाही सुनिश्चित करने का कष्ट करें।

संलग्नक-यथोक्त।

भवदीय,

(1)  
(शिकेश शर्मा)  
प्रमुख सचिव।

पृष्ठांकन संख्या: 922 (1)/VII-1/11-रिट/2012, तददिनांकित।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. निजी सचिव, मा0 मुख्यमंत्री जी को मा0 मुख्यमंत्री जी के संज्ञानार्थ।
2. निजी सचिव, मुख्य सचिव को मुख्य सचिव महोदय के संज्ञानार्थ।
3. निदेशक, पर्यावरण एवं वन मंत्रालय, भारत सरकार, पर्यावरण भवन, सी0जी0ओ0 कॉम्प्लेक्स लौदी रोड, नई दिल्ली-110003.
4. समस्त प्रमुख सचिव/सचिव, उत्तराखण्ड शासन।
5. प्रमुख सचिव, वन एवं पर्यावरण विभाग, उत्तराखण्ड शासन को इस अनुरोध के साथ प्रेषित कि E.I.A. Notification, 2006 के प्राविधानानुसार State Level Environment Impact Assessment Authority का गठन करने का कष्ट करें।
6. मण्डलायुक्त, कुमाऊँ/गढ़वाल, उत्तराखण्ड।
7. प्रबन्ध निदेशक, कुमाऊँ मण्डल विकास निगम/गढ़वाल मण्डल विकास निगम/उत्तराखण्ड वन विकास निगम, देहरादून।
8. निदेशक, एन0आई0सी0, सचिवालय परिसर, देहरादून।
9. गार्ड फाईल।

आज्ञा से,

(किशन नाथ)

अपर सचिव।

क्रम संख्या-151

पंजीकरण संख्या-यू0ए0/डी0ओ0/डी0डी0एन0/30/2015-17



# सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

## असाधारण

विधायी परिशिष्ट

भाग-4, खण्ड (ख)

(परिनियत आदेश)

देहरादून, शुक्रवार, 30 सितम्बर, 2016 ई0

आश्विन 08, 1938 शक सम्वत्

उत्तराखण्ड शासन

औद्योगिक विकास अनुभाग-1

संख्या 1561/VII-1/80-ख/2016

देहरादून, 30 सितम्बर, 2016

कार्यालय ज्ञाप

प0 आ0-136

उत्तराखण्ड राज्य में विभिन्न प्रकार के खनिजों का दोहन आधुनिक एवं वैज्ञानिक विधि से सुनिश्चित करने, पर्यावरण एवं पारिस्थितिकी का संरक्षण करने, बेरोजगारों को रोजगार उपलब्ध कराने, खनिजों से राजस्व में वृद्धि करने तथा अवैध खनन/अवैध परिवहन की रोकथाम एवं प्रभावी नियंत्रण सुनिश्चित करने हेतु राज्य के आर्थिक एवं औद्योगिक विकास की पूर्ति एवं मानव संसाधनों को प्रोत्साहित करने के उद्देश्य से शासन के कार्यालय ज्ञाप संख्या-1033/VII-1/2015/146-ख/2010 दिनांक 31 जुलाई, 2015 द्वारा उत्तराखण्ड उपखनिज (बालू, बजरी, बोल्टर, ईट आदि) नीति, 2015 का प्रख्यापन किया गया था। वर्तमान में उपखनिजों के बालू, बजरी एवं बोल्टर के चुगान कार्य के सरलीकरण हेतु इस संबंध में विद्यमान नीति और आदेशों को अतिक्रमित करते हुए खनिज विकास एवं राजस्व हित में राज्यपाल निम्नवत् उत्तराखण्ड उपखनिज (बालू, बजरी, बोल्टर) चुगान नीति, 2016 प्रख्यापित किये जाने की सहर्ष स्वीकृति प्रदान करते हैं :-

उत्तराखण्ड उपखनिज (बालू, बजरी, बोल्टर) चुगान नीति, 2016

- संक्षिप्त नाम और प्रारम्भ
- 1 (1) इस नीति का संक्षिप्त नाम उत्तराखण्ड उपखनिज (बालू, बजरी, बोल्टर) चुगान नीति, 2016 है।
  - (2) यह तुरन्त प्रवृत्त होगी।

2 उत्तराखण्ड असाधारण गजट, 30 सितम्बर, 2016 ई0 (आश्विन 08, 1938 शक सम्बत्)

परिभाषाएं

2 जब तक इस नीति में अन्य कोई बात अयोक्त न हो—

- (क) "राज्यपाल" से उत्तराखण्ड का राज्यपाल अभिप्रेत है;
- (ख) "सरकार" से उत्तराखण्ड राज्य सरकार अभिप्रेत है;
- (ग) "आयुक्त" से किसी मण्डल के राजस्व प्रशासन का मुख्य भारधारक अधिकारी अभिप्रेत है;
- (घ) "कलेक्टर" से किसी जिले के राजस्व प्रशासन का मुख्य भार साधक अधिकारी अभिप्रेत है;
- (ङ) "निदेशक" से अभिप्रेत निदेशक, भूतत्व एवं खनिकर्म इकाई, उद्योग निदेशालय, उत्तराखण्ड से है;
- (च) "निदेशक द्वारा प्राधिकृत अधिकारी" से अभिप्रेत जनपद स्तर पर तैनात सहायक भूवैज्ञानिक/खान अधिकारी, उप निदेशक/भूवैज्ञानिक/उप निदेशक/ज्येष्ठ खान अधिकारी से है;
- (छ) "स्थानीय अधिकारी" से अभिप्रेत नगर पंचायत, नगर पालिका, नगर निगम और जिला बोर्ड का निकाय या अन्य प्राधिकारी जो क्रमशः नगर पंचायत, नगर पालिका, नगर निगम और जिला पंचायत के नियंत्रण या प्रबन्ध का सरकार द्वारा न्यस्त है;
- (ज) "व्यक्ति" के अन्तर्गत कोई कम्पनी या संगम या व्यक्ति निकाय, चाहे निर्गमित हो या नहीं सम्मिलित है;
- (झ) पर्वतीय क्षेत्र : पर्वतीय क्षेत्र के अन्तर्गत जिला उत्तराकाशी, चमोली, रुद्रप्रयाग, बागेश्वर एवं पिथौरागढ़, जिला टिहरी गढ़वाल (तहसील नरेन्द्रनगर का मैदानी भाग छोड़कर), पौड़ी गढ़वाल (तहसील कोटद्वार का मैदानी भाग छोड़कर), अल्मोडा (सम्पूर्ण भाग), चम्पावत (तहसील पूर्णागिरी का मैदानी भाग छोड़कर), जिला नैनीताल (तहसील हल्द्वानी, कालादूंगी, रामनगर का मैदानी क्षेत्र छोड़कर), जिला देहरादून (तहसील ऋषिकेश, डोईवाला, देहरादून, विकासनगर और कालसी का मैदानी भाग), जिला हरिद्वार एवं जिला उधमसिंहनगर के सम्पूर्ण भाग सम्मिलित है;
- (ट) "चुगान" का तात्पर्य नदी के जल प्रवाह को नदी के मध्य में केन्द्रित करने हेतु नदी द्वारा निक्षेपित/जमा उपखनिज बालू, बजरी, बोल्टर, का मानव शक्ति से निकासी ;
- (ड) "चुगान वर्ष" का तात्पर्य वर्षाकाल के उपरान्त 01 अक्टूबर से 30 जून तक की अवधि का है;
- (ड) "शब्द" और "पद" जो परिभाषित नहीं हैं, परन्तु साधारण खण्ड अधिनियम, 1897 में परिभाषित हैं, के वही अर्थ होंगे, जो उनके लिए उक्त अधिनियम में दिये गये हैं;

खनिज की मात्रा 3 का आंकलन

(ख) राजसू नदी उपखनिज क्षेत्रों में सम्बन्धित निगम के द्वारा प्रत्येक वर्ष वर्षा काल के उपरान्त रेपिड सर्वे (Rapid Survey) भूतत्व एवं खनिकर्म इकाई के अधिकारियों के साथ करने के उपरान्त संबंधित चुगान क्षेत्र में निकासी योग्य उपखनिज की मात्रा घोषित करेगा। उक्त घोषित मात्रा को उक्त चुगान क्षेत्र को निविदा प्रणाली से राज्य के स्थानीय व्यक्ति/संस्थाओं को आवंटित किये जाने हेतु निविदित आधार मात्रा माना जायेगा।

(ग) निगमों द्वारा छोड़े गये लाटों को जनपद के निजी व्यक्तियों/संस्थाओं को निविदा प्रणाली के माध्यम से आवंटन किये जाने हेतु ई०आई०ए० की मात्रा का 50 प्रतिशत आधार मात्रा (Tender Base Quantity) होगा।

(घ) नदी तल स्थित नाप भूमि चुगान क्षेत्रों में चुगान वर्ष हेतु पर्यावरणीय अनुमति में निर्धारित की गयी उपखनिज की मात्रा अथवा मूलतत्त्व एवं खनिकर्म विभाग के द्वारा आंगणित की गयी मात्रा चुगान हेतु मान्य होगी।

(ङ) पर्वतीय क्षेत्रों हेतु रायल्टी दर तत्समय निर्धारित न्यूनतम रायल्टी दर का 50 प्रतिशत लागू होगा।

(च) नदी चुगान क्षेत्रों अथवा नदी क्षेत्र के इतर चुगान क्षेत्रों से उप खनिज की निकासी अधिकतम 1.5 मी० की गहराई या under ground water table जो भी न्यून हो, तक चुगान किया जायेगा।

चुगान पट्टे/  
अनुज्ञा हेतु  
आवेदन

4 निगमों एवं निजी व्यक्तियों के द्वारा चुगान पट्टे हेतु आवेदन उत्तराखण्ड उपखनिज परिहार नियमावली, 2001 (समय-समय पर यथासंशोधित) के नियम-6 में निर्धारित प्रारूप प्रपत्र एम०एम०-1 में तथा अल्प अवधि के अनुज्ञा हेतु आवेदन नियम-52 में निर्धारित प्रपत्र एम०एम०-8 में सम्बन्धित जिलाधिकारी कार्यालय में चार प्रतियों में आवश्यक संलग्नकों सहित प्रस्तुत किया जायेगा।

चुगान पट्टे/  
अनुज्ञा हेतु  
आवेदन शुल्क

5 चुगान पट्टे हेतु आवेदन शुल्क ₹ 1,00,000/- तथा अल्प अवधि के चुगान अनुज्ञा हेतु आवेदन शुल्क ₹ 5000/- होगा, जो ट्रेजरी, चालान के माध्यम से निर्धारित लेखाशीर्षक-"0853 अलौह धातु खनन एवं धातुकर्म उद्योग" में सम्बन्धित जनपद के कोषागार में आवेदक द्वारा जमा कराया जाना होगा।

उपखनिज क्षेत्रों के  
विन्दीकरण हेतु  
समिति

6 नदी तल उपखनिज क्षेत्रों के विन्दीकरण एवं स्थलीय संयुक्त निरीक्षण हेतु निम्नानुसार जनपद स्तर पर समिति का गठन किया जाता है:-

- 1- उपजिलाधिकारी - अध्यक्ष।
- 2- प्रभागीय वनाधिकारी के प्रतिनिधि - सदस्य।
- 3- सिंचाई विभाग के सहायक अभियन्ता - सदस्य।
- 4- भूवैज्ञानिक - सदस्य।
- 5- खान अधिकारी - सदस्य सचिव।

उप खनिज क्षेत्रों में  
उप खनिज की  
मात्रा के  
आंकलन/सत्यापन  
हेतु समिति

(ख) प्रत्येक वर्ष वर्षाकाल के समाप्ति के उपरान्त 15 सितम्बर से 30 सितम्बर तक समस्त उपखनिज क्षेत्रों में निक्षेपित उपखनिज बालू, बजरी, बोल्टर की मात्रा का आंकलन/सत्यापन एवं स्थलीय निरीक्षण हेतु निम्नानुसार गठित समिति द्वारा किया जायेगा :-

- 1- उपजिलाधिकारी - अध्यक्ष।
- 2- भूवैज्ञानिक/खान अधिकारी - सदस्य।

उक्त समिति द्वारा संयुक्त निरीक्षण आख्या सम्बन्धित जिलाधिकारी को 30 सितम्बर तक उपलब्ध करायी जायेगी।

(ग) समिति द्वारा उपखनिज रेत, बजरी एवं बोल्टर के आंकलन के उपरान्त पट्टाधारकों के द्वारा निम्नवत सूचना भूतत्व एवं खनिकर्म कार्यालय में उपलब्ध कराया जाना आवश्यक होगा :-

क. चुगान स्थल का सेटेलाइट फोटोग्राफ (Satellite Photograph)।

ख. जी0पी0एस0 लोकेशन कोर्डिनेट्स।

ग. जमा आर0बी0एम0 का आधुनिक उपकरण जैसे ड्रोन से लिया गया फोटोग्राफ।

उक्तानुसार कार्यवाही में आने वाला व्यय संबंधित निगम एवं संबंधित निजी पट्टाधारक द्वारा किया जायेगा।

उप खनिजों की 7  
निकासी हेतु  
न्यूनतम निर्धारित  
शुल्क

खनिजों की निकासी पर निगम एवं निजी पट्टाधारकों द्वारा निम्नलिखित शुल्क समान रूप से देय होंगे :- उपखनिज की रायल्टी दर, स्टाम्प शुल्क, रिवर ट्रेनिंग, विकास शुल्क एवं क्षतिपूर्ति। इस संबंध में शासन द्वारा पृथक से आदेश निर्गत किये जायेंगे।

निगम/निजी व्यक्ति उक्त निर्धारित मर्दों के अतिरिक्त अन्य व्यय, जो निगम/निजी व्यक्ति उचित समझे, व्यापार कर/आयकर के साथ जोड़ कर प्रतिस्पर्धात्मक दृष्टि से निर्धारित किये जाने हेतु स्वतंत्र होंगे।

राजस्व भूमि/निजी भूमि के खनन पट्टा/अनुज्ञाधारक रिवर ट्रेनिंग, विकास शुल्क एवं क्षतिपूर्ति की धनराशि जिला खनिज फाउण्डेशन में जमा की जायेगी। वन क्षेत्रों हेतु वन संरक्षण अधिनियम, 1980 के अधीन प्राप्त अनुमति में उल्लिखित दिशा-निर्देशों के अनुसार जमा की जायेगी।

निगमों हेतु राजस्व 8  
नदी उपखनिज  
क्षेत्रों में चुगान की  
प्रक्रिया

(क) राज्य के राजस्व नदी उपखनिज क्षेत्रों में उपखनिज बालू, बजरी एवं बोल्टर के चुगान हेतु पट्टे गढ़वाल क्षेत्र में गढ़वाल मण्डल विकास निगम, कुमाऊं मण्डल क्षेत्र में कुमाऊं मण्डल विकास निगम को तथा वन क्षेत्र में प्रवाहित होने वाले नदी तल के उपखनिज क्षेत्रों में उपखनिज के चुगान के पट्टे उत्तराखण्ड वन विकास निगम को उत्तराखण्ड उपखनिज परिहार नियमावली, 2001 के प्रावधानानुसार निर्धारित

प्रपत्र एम0एम0-1 में निर्धारित आवेदन शुल्क सहित आवेदन करने के उपरान्त तथा ई0आई0ए0 नोटिफिकेशन, 2006 के अन्तर्गत पर्यावरणीय अनुमति व अन्य वांछित अनुमतियां प्राप्त होने के उपरान्त पांच वर्ष की अवधि हेतु निदेशक भूतत्व एवं खनिकर्म की संस्तुति के उपरान्त शासन द्वारा स्वीकृत किये जायेंगे।

(ख) निगमों द्वारा प्रत्येक वर्ष आवंटित राजस्व लाटों में Rapid survey के उपरान्त आंकलित उपखनिज की निकासी योग्य मात्रा के आधार पर निविदा की कार्यवाही की जायेगी। आधार मात्रा के ऊपर अधिकतम मात्रा की निविदा देने वाले निविदादाता को सफल निविदादाता घोषित किया जायेगा। निविदादाता द्वारा निविदा में लगाई गई अधिकतम निविदा ई0आई0ए0 में निर्धारित मात्रा से अधिक नहीं होगी। यदि निविदा में दो या दो से अधिक निविदादाताओं के द्वारा समान मात्रा की निविदा लगाई जाती है तो उस दशा में सफल निविदादाता का चयन संबंधित निविदादाताओं की उपस्थिति में लॉटरी प्रक्रिया से किया जायेगा।

निविदा (Tender) प्रक्रिया के माध्यम से निविदित मात्रा के चुगान का चयनित व्यक्ति/संस्था द्वारा वर्षा काल के उपरान्त चुगान सत्र 01 अक्टूबर से आगामी 30 जून तक करया जायेगा। निविदा हेतु राज्य के ऐसे उद्यमी/व्यक्ति/संस्था पात्र होंगे, जिनको पूर्व में खनन पट्टा/स्टोन केशर/स्कीनिंग प्लान्ट/मण्डारण अनुज्ञा स्वीकृत किया गया हो,

प्रतिबन्ध यह होगा कि मण्डारण अनुज्ञाधारक के पास कम से कम 5000 टन मण्डारण क्षमता के संचालन का न्यूनतम एक वर्ष का अनुभव तथा खनन पट्टाधारक के पक्ष में स्वीकृत खनन पट्टा संचालन का 01 वर्ष का अनुभव हो।

- (ग) निगमों के द्वारा राजस्व चुगान क्षेत्रों को निविदा प्रक्रिया से आवंटन हेतु कार्यवाही 21 दिन की विज्ञप्ति स्थानीय समाचार पत्रों में प्रकाशित कर की जायेगी। प्रथम विज्ञप्ति के उपरान्त चुगान क्षेत्रों के आवंटन न होने पर दूसरी विज्ञप्ति एक सप्ताह के लिये प्रकाशित की जायेगी। दूसरी विज्ञप्ति के उपरान्त भी यदि चुगान क्षेत्र निविदा पर आवंटित नहीं हो पाता है, तो उस दशा में चुगान का कार्य स्वयं निगम के द्वारा किया जायेगा।
- (घ) चुगान वर्ष में निविदित मात्रा की निकासी हो जाने पर यदि सफल निविदादाता अथवा निगम द्वारा और अधिक मात्रा निकालने का अनुरोध करने पर जनपद स्तर पर गठित समिति की संस्तुति पर जिलाधिकारी अधिकतम पर्यावरणीय अनुमति में निर्धारित मात्रा तक अवशेष खनिज की मात्रा पर देय रायल्टी धनराशि सफल निविदादाता अथवा निगम से अग्रिम रूप से जमा कराने के उपरान्त अवशेष अवधि हेतु अनुमति प्रदान की जायेगी, जिसकी सूचना निदेशक, भूतत्व एवं खनिकर्म इकाई को प्रेषित की जायेगी।
- (ङ) निगमों के द्वारा स्वीकृत क्षेत्र में चुगान कार्य करने से पूर्व एवं चुगान समाप्ति के समय का आधुनिक उपकरण जैसे ड्रोन से लिये गये फोटोग्राफ की प्रति भूतत्व एवं खनिकर्म इकाई एवं सम्बन्धित जिलाधिकारी कार्यालय में जमा कराया जाना आवश्यक होगा।

निगमों द्वारा छोड़े गये राजस्व/वन नदी तल उपखनिज क्षेत्रों में चुगान की प्रक्रिया

9 निगमों द्वारा छोड़े गये लाटों की गठित समिति की संयुक्त निरीक्षण आख्या के आधार पर पर्यावरणीय स्वीकृति भूतत्व एवं खनिकर्म इकाई द्वारा करायी जायेगी। तदोपरान्त निदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा घोषित चुगान लाटों को संबंधित जनपद के जिलाधिकारी के द्वारा निविदा (Tender) प्रक्रिया के माध्यम से जनपद के स्थानीय व्यक्तियों/संस्थाओं को चुगान वर्ष 01 अक्टूबर से 30 जून तक के लिये आवंटित किया जायेगा।

जिलाधिकारी के द्वारा चुगान क्षेत्रों को निविदा प्रक्रिया से आवंटन हेतु कार्यवाही 21 दिन की विज्ञप्ति स्थानीय समाचार पत्रों में प्रकाशित कर की जायेगी। प्रथम विज्ञप्ति के उपरान्त चुगान क्षेत्रों के आवंटन न होने पर दूसरी विज्ञप्ति एक सप्ताह के लिये प्रकाशित की जायेगी। दूसरी विज्ञप्ति के उपरान्त भी यदि चुगान क्षेत्र टेण्डर पर आवंटित नहीं हो पाता है, तो उस दशा में संबंधित जिलाधिकारी के द्वारा उक्त चुगान क्षेत्र में निक्षेपित उपखनिज की मात्रा का पुनः आंकलन कराये जाने हेतु निदेशक, भूतत्व एवं खनिकर्म इकाई को कारण सहित सूचित करेगा। निदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा उक्त चुगान क्षेत्र के सम्बन्ध में शासन को अवगत कराते हुये उक्त चुगान क्षेत्र में निक्षेपित उपखनिज का पुनः आंकलन कराते हुये सम्बन्धित जिलाधिकारी को पुनः निविदा के माध्यम से आवंटन हेतु सूचित करेगा।

चुगान वर्ष में निविदा में निर्धारित उपखनिज की मात्रा की निकासी के उपरान्त उक्त क्षेत्र में पट्टाधारक द्वारा अतिरिक्त जमा उपखनिज के चुगान हेतु अनुरोध करने पर उपजिलाधिकारी की अध्यक्षता में जनपद स्तरीय समिति की स्थलीय निरीक्षण आख्या के आधार पर अवशेष आंगणित उपखनिज की मात्रा पर देय रायल्टी धनराशि पट्टाधारक से अग्रिम रूप से जमा कराने के उपरान्त अवशेष अवधि हेतु अनुमति संबंधित जिलाधिकारी के द्वारा प्रदान की जायेगी, जिसकी सूचना निदेशक, भूतत्व एवं खनिकर्म इकाई को प्रेषित की जायेगी।

उक्त लाटों हेतु 01 चुगान वर्ष हेतु ई०आई०ए० अथवा भूतत्व एवं खनिकर्म इकाई द्वारा निर्धारित उपखनिज की मात्रा ही निकासी की अधिकतम मात्रा के रूप में मान्य होगी। सफल निविदादाता द्वारा स्वीकृत चुगान क्षेत्र में चुगान कार्य करने से पूर्व एवं उक्त

चुगान वर्ष में चुगान समाप्ति के समय का आधुनिक उपकरण जैसे ड्रोन से लिये गये फोटोग्राफ की प्रति भूतत्व एवं खनिकर्म इकाई एवं सम्बन्धित जिलाधिकारी कार्यालय में जमा कराया जाना आवश्यक होगा। उक्तानुसार कार्यवाही में आने वाला व्यय संबंधित सफल निविदादाता द्वारा स्वयं वहन किया जायेगा।

निजी व्यक्तियों को 10 नदी तल स्थित नाप भूमि में चुगान की प्रक्रिया

नदी तल से संबंधित निजी नाप भूमि में चुगान के पट्टे स्थानीय व्यक्तियों को उत्तराखण्ड उपखनिज परिहार नियमावली, 2001 (समय-समय पर यथासंशोधित) के प्रावधानानुसार बिना विज्ञापिकरण के ई0आई0ए0 नोटिफिकेशन, 2006 के अन्तर्गत पर्यावरणीय अनुमति के उपरान्त चुगान वर्ष की अवधि (01 अक्टूबर से 30 जून तक) हेतु जिलाधिकारी एवं निदेशक भूतत्व एवं खनिकर्म इकाई की संस्तुति के आधार पर राज्य सरकार द्वारा स्वीकृत किये जायेंगे, जिसमें भूस्वामी अथवा भूस्वामी द्वारा सहमति प्राप्त आवेदक, जो उत्तराखण्ड राज्य का स्थायी निवासी हो तो उसे चुगान पट्टा दिया जायेगा। संबंधित चुगान लाट से निकासी हेतु अधिकतम मात्रा वही मान्य होगी, जो पर्यावरणीय अनुमति में निर्धारित की गयी हो अथवा भूतत्व एवं खनिकर्म इकाई के अधिकारियों के द्वारा आंगणित की गयी हो। निकासी हेतु निर्धारित मात्रा पर देय रायल्टी की धनराशि का आंकलन निदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा प्राधिकृत विभागीय अधिकारी के द्वारा किया जायेगा। पट्टाधारक के द्वारा चुगान वर्ष हेतु निर्धारित रायल्टी धनराशि का भुगतान जिलाधिकारी द्वारा निर्धारित किरातों में किया जायेगा।

निजी भूमि के पट्टों के संबंध में यदि भूमि अनुसूचित जाति/अनुसूचित जनजाति के व्यक्तियों की हैं, तो उक्त भूमि के पट्टे अनुसूचित जाति/अनुसूचित जनजाति के व्यक्तियों को ही आवंटित किये जायेंगे।

पट्टाधारक के द्वारा स्वीकृत चुगान क्षेत्र में चुगान कार्य करने से पूर्व एवं उक्त चुगान वर्ष में चुगान समाप्ति के समय का आधुनिक उपकरण जैसे ड्रोन से लिये गये फोटोग्राफ की प्रति भूतत्व एवं खनिकर्म इकाई एवं सम्बन्धित जिलाधिकारी कार्यालय में जमा कराया जाना आवश्यक होगा।

इस नीति के प्रख्यापन के पूर्व से स्वीकृत पट्टाधारकों के द्वारा प्रत्येक चुगान वर्ष के प्रारम्भ एवं समाप्ति में स्वीकृत चुगान पट्टा के संबंध में निम्नवत सूचना भूतत्व एवं खनिकर्म कार्यालय में उपलब्ध कराया जाना आवश्यक होगा :-

क. चुगान स्थल का सेटेलाइट फोटोग्राफ (Satellite Photograph)।

ख. जी0पी0एस0 लोकेशन कोर्डिनेट्स।

ग. जमा आर0बी0एम0 का आधुनिक उपकरण जैसे ड्रोन से लिया गया फोटोग्राफ।

पूर्व से स्वीकृत पट्टाधारकों के द्वारा उपरोक्त सूचना उपलब्ध न कराये जाने पर निदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा प्राधिकृत विभागीय अधिकारी द्वारा ई-रक्त्ता निर्गत नहीं किया जायेगा।

इस नीति के प्रख्यापन से पूर्व निजी नाप भूमि में विभिन्न अवधियों हेतु स्वीकृत चुगान पट्टों का प्रत्येक वर्ष नवीनीकरण स्वीकृत अवधि तक जिलाधिकारी की संस्तुति पर निदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा किया जायेगा।

चुगान पट्टे की 11 निगमों एवं निजी नाप भूमि में बालू, बजरी एवं बोल्टर के चुगान पट्टों की अवधि निम्नवत् रहेगी :-

(क) निगमों के लिए चुगान पट्टे की अवधि :- 05 वर्ष

(ख) निगमों एवं निगमों द्वारा छोड़े गये लाटों पर निविदा के आधार पर लाट पर चुगान की अवधि :- 01 अक्टूबर से आगामी 30 जून तक।

(ग) निजी नाप भूमि में चुगान की अवधि :- 01 वर्ष।

परन्तु पूर्व से स्वीकृत निजी नाप भूमि के पट्टे स्वीकृत अवधि तक चलते रहेंगे।

चुगान अनुज्ञा की 12 उत्तराखण्ड उपखनिज परिहार नियमावली, 2001 के नियम-51 के प्रावधानानुसार चुगान अनुज्ञा की अधिकतम अवधि 06 माह तक होगी।

उपखनिज पर देय 13 प्रत्येक चुगान क्षेत्र से निकाली किये गये उपखनिज पर रायल्टी का आंगण उत्तराखण्ड रायल्टी का निर्धारण उपखनिज परिहार नियमावली, 2001 (समय-समय पर यथासंशोधित) के नियम-21 की प्रथम अनुसूची में निर्धारित उपखनिज की रायल्टी दर के अनुसार किया जायेगा।

उपखनिज क्षेत्र का 14 चुगान पट्टे पर स्वीकृत क्षेत्र का वार्षिक अपरिहार्य भाटक (Dead rent) का आंगण चुगान अपरिहार्य क्षेत्रों हेतु Rapid Survey द्वारा आगणित मात्रा का 50 प्रतिशत मात्रा पर देय रायल्टी की धनराशि वार्षिक अपरिहार्य भाटक/पट्टा धनराशि के रूप में आगणित की जायेगी, जिसे निगम एवं निजी पट्टाधारकों द्वारा निर्धारित लेखाशीर्षक में जमा कराय जाना अनिवार्य होगा।

आगामी वर्षों में अपरिहार्य भाटक/पट्टा धनराशि के आंकलन में वार्षिक वृद्धि नहीं की जायेगी जब तक नियमानुसार उपखनिजों की रायल्टी पुनर्निर्धारित नहीं होती है।

पट्टा धनराशि/ 15 पट्टाधारक के द्वारा पट्टाधनराशि/अपरिहार्य भाटक की धनराशि का भुगतान निर्धारित अपरिहार्य भाटक की लेखाशीर्षक में पट्टाविलेख में निर्धारित मासिक किस्तों में निर्धारित समयान्तर्गत किया धनराशि का भुगतान की प्रक्रिया जायेगा।

प्रतिबन्ध यह होगा कि निकासी की रायल्टी या पट्टा धनराशि/अपरिहार्य भाटक की धनराशि, जो भी अधिक हो, देय होगा।

पट्टा धनराशि/ 16 पट्टाधारक के द्वारा पट्टा धनराशि/अपरिहार्य भाटक या रायल्टी की धनराशि का भुगतान अपरिहार्य भाटक की धनराशि का भुगतान न किये जाने का परिणाम न किये जाने का परिणाम

चुगान पट्टा का 17 निजी भूमि पट्टाधारकों के द्वारा स्वीकृत चुगान पट्टा विलेख का निष्पादन उत्तराखण्ड पट्टाविलेख/ उपखनिज परिहार नियमावली, 2001 के नियम-14 के अन्तर्गत निर्धारित प्रारूप एम०ओ०यू०-3 में निर्धारित स्टाम्प पर कराया जाना होगा।

निविदा का 18 निगम चुगान प्रारम्भ करने से पूर्व निदेशक, भूतत्व एवं खनिकर्म इकाई से समस्त औपचारिकतायें पूर्ण करते हुये निर्धारित प्रपत्र पर एम०ओ०यू० हस्ताक्षर करने के उपरान्त ही उपखनिज का चुगान प्रारम्भ करेंगे।

निगम क्षेत्र हेतु निविदा में घोषित सफल निविदाकार द्वारा प्रबन्ध निदेशक के साथ एम०ओ०यू० किया जायेगा तथा निगम द्वारा छोड़े गये लाट हेतु घोषित सफल निविदाकार द्वारा जिलाधिकारी के साथ पट्टा विलेख किया जायेगा।

चुगान पट्टे का 18 कोई पट्टेदार चुगान पट्टे के समर्पण हेतु राज्य सरकार को कम से कम 02 माह की लिखित नोटिस देने के पश्चात् ही चुगान पट्टा समाप्त करेगा। संबंधित जिलाधिकारी के द्वारा पट्टेदार द्वारा प्रस्तुत चुगान पट्टे के समर्पण हेतु नोटिस के क्रम में चुगान लाट का सत्यापन उपजिलाधिकारी की गठित समिति से कराने के उपरान्त समर्पण स्वीकार करने हेतु प्रस्ताव निदेशक, भूतत्व एवं खनिकर्म इकाई को प्रेषित किया जायेगा तथा निदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति के उपरान्त पट्टे का समर्पण शासन द्वारा स्वीकार किया जा सकेगा।

चुगान पट्टे का 19 निजी चुगान पट्टाधारक की मृत्यु की दशा में स्वीकृत चुगान पट्टा उनके विधिक वारिस को पट्टे की अवशेष अवधि हेतु हस्तान्तरित होगा। पट्टाधारक की मृत्यु की तिथि से विधिक वारिस घोषित होने के उपरान्त राजस्व विभाग द्वारा विधिक वारिस के सत्यापन संबंधी आस्था उपलब्ध कराने तक चुगान क्षेत्र में कार्य स्थगन रहेगा। विधिक वारिस के सत्यापन आस्था उपलब्ध होने के 01 माह के अन्तर चुगान पट्टे के हस्तान्तरण हेतु जिलाधिकारी तथा निदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति के उपरान्त शासन द्वारा अनुमति प्रदान की जायेगी।

8 उत्तराखण्ड असाधारण गजट, 30 सितम्बर, 2016 ई0 (आश्विन 08, 1938 शक सम्बत्)

- सार्वजनिक स्थल, 20 (1) राज्य के वन नदी क्षेत्रों में नदी की कुल चौड़ाई का दोनों किनारों से एक चौथाई नदी पर निर्मित भाग छोड़कर तथा वन नदी तलों से भिन्न राजस्व नदी क्षेत्रों में नदी की कुल पुल, नदी के किनारे चौड़ाई का दोनों किनारों से 15-15 प्रतिशत भाग छोड़कर उपखनिज का चुगान आदि से सुरक्षित कार्य किया जायेगा।  
दूरी
- (2) इसके अतिरिक्त पूल, शमशान, सार्वजनिक स्थल आदि से अपस्ट्रीम साईड में 100 मी0 तथा डाउन स्ट्रीम में भी 100 मी0 की क्षेत्र को प्रतिबन्धित करते हुये उपखनिज का चुगान कार्य अनुमत गहराई तक किया जायेगा।
- चुगान पट्टा/ 21 (1) निगम के चुगान क्षेत्रों में उपखनिज बालू, बजरी, बोल्टर के चुगान के लिये अनुज्ञा हेतु ई0आई0ए0 नोटिफिकेशन, 2006 के अन्तर्गत पर्यावरणीय अनुमति हेतु आशय पत्र पर्यावरणीय अनुमति (Letter of Intent) द्वारा जारी किया जायेगा।  
हेतु आशय पत्र (Letter of Intent)
- (2) निजी नाम भूमि में उपखनिज बालू, बजरी, बोल्टर एवं पत्थर के चुगान पट्टा/चुगान अनुज्ञा हेतु ई0आई0ए0 नोटिफिकेशन, 2006 के अन्तर्गत पर्यावरणीय अनुमति प्राप्त किये जाने हेतु आशय पत्र (Letter of Intent) शासन के द्वारा जारी किया जायेगा।

चुगान प्रशासन का 22 (1) चुगान पट्टा क्षेत्रों से निकासी किये गये उपखनिज की मात्रा का आंगणन आयतन सफल संचालन (Volume) में न करके भार (Weight) के अनुसार किया जायेगा।

(2) राज्य के समस्त नदी तल उपखनिज क्षेत्रों से उपखनिज का चुगान का कार्य निदेशक द्वारा उत्तराखण्ड उपखनिज परिहार नियमावली, 2001 (समय-समय पर यथासंशोधित) के नियम 34 के अनुसार अनुमोदित खनन योजना के अनुसार किया जायेगा। इस हेतु आवेदन शुल्क ₹ 50,000/- देय होगा।

(3) प्रत्येक पट्टाधारक के द्वारा चुगान पट्टा क्षेत्र के प्रवेश एवं निकासी गेटों पर कम्प्यूटाईज्ड धर्मकांटा एवं सी0सी0टी0वी0 कैमरा स्वयं के व्यय पर स्थापित किया जायेगा तथा रिकार्डिंग की सी0डी0 प्रत्येक माह भूतत्व एवं खनिकर्म विभाग के जिला कार्यालय व जिलाधिकारी कार्यालय में प्रस्तुत किया जायेगा। सी0डी के परीक्षणोपरान्त रिपोर्ट निदेशक, भूतत्व एवं खनिकर्म इकाई के द्वारा शासन को प्रस्तुत की जायेगी।

(4) चुगान पट्टा क्षेत्रों से खनिजों के परिवहन हेतु उपयोग में लाये जाने वाले पंजीकृत वाहन की सूचना पट्टाधारक के द्वारा निदेशक, भूतत्व एवं खनिकर्म इकाई को उपलब्ध कराई जायेगी।

(5) पट्टाधारक के द्वारा पट्टा क्षेत्र से निकासी किये गये खनिज का मासिक विकरण निर्धारित प्रारूप पर जिलाधिकारी कार्यालय, वाणिज्य कर विभाग एवं भूतत्व एवं खनिकर्म निदेशालय के जनपद स्तरीय कार्यालयों में प्रत्येक माह प्रस्तुत किया जाना आवश्यक होगा। समयन्तर्गत मासिक विकरण प्रस्तुत न करने पर पट्टाधारक पर प्रत्येक माह ₹ 2000/- का अर्धदण्ड अधिरोपित किया जायेगा।

(6) प्रत्येक पट्टाधारक/अनुज्ञापत्र धारक को चुगान कार्य प्रारम्भ करने से पूर्व वाणिज्य कर विभाग एवं भूतत्व एवं खनिकर्म निदेशालय में पंजीकरण कराया जाना अनिवार्य होगा।

विविध 23 (1) जल विद्युत परियोजनाओं द्वारा जलाशय/सुरंग (Tunnel) आदि के निर्माण कार्य से निकलने वाले Muck (उपखनिज पत्थर/बोल्टर/बालू आदि) को परियोजना के निर्माण कार्य में उपयोग हेतु परियोजना के निर्माण आगणन (Estimate) की जांच/निरीक्षण व मूल्यांकन उपजिलाधिकारी की अध्यक्षता में गठित जनपद स्तरीय समिति की संस्तुति के आधार पर अल्प अवधि की अनुज्ञा संबंधित जिलाधिकारी के द्वारा स्वीकृत किया जायेगा तथा खनन पट्टा जिलाधिकारी एवं निदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति पर उत्तराखण्ड उपखनिज परिहार नियमावली,

2001 के नियम-88 के अन्तर्गत नियम-72 को शिथिल करते हुए नियमानुसार बुगान पट्टा परियोजना को समाप्ति अवधि अथवा याचित अवधि तक शासन द्वारा स्वीकृत किया जायेगा।

- (2) सरकारी निर्माण इकाईयाँ जैसे लोक निर्माण विभाग, ग्रामीण अभियन्त्रण सेवा, डी0जी0बी0आर(ग्रेफ), सिंचाई विभाग आदि द्वारा सड़क, पहुँच मार्ग आदि बनाये जाने के दौरान निर्माण स्थल से निकलने वाले बोल्टर, प्रथर, बजरी आदि को निर्माण कार्य में उपयोग हेतु निर्माण आगंनन (Estimate) की जांच/निरीक्षण व मूल्यांकन उपजिलाधिकारी अध्यक्षता में गठित जनपद स्तरीय समिति से कराते हुए उत्तराखण्ड उपखनिज परिहार नियमावली, 2001 के नियम 68 के अन्तर्गत नियम 72 को शिथिल करते हुए नियमानुसार अनुज्ञा पत्र सम्बन्धित जिलाधिकारी के द्वारा स्वीकृत किया जायेगा। यह प्रक्रिया राज्य के जलाशयों एवं नहरों में जमा उपखनिज की सफाई/निकासी के लिए भी अपनायी जायेगी। सरकारी विभागों के प्रबन्धन वाले जलाशयों में संबंधित विभाग की संस्तुति पर उप जिलाधिकारी की अध्यक्षता में गठित समिति की संस्तुति पर संबंधित ग्राम पंचायत को जिलाधिकारी द्वारा अल्प अवधि (अधिकतम 06 माह) के लिए अनुज्ञा स्वीकृत की जायेगी।
- (3) भवनों के बेसमेन्ट से मिट्टी की खुदाई व निजी नाप भूमि में मिट्टी का समतलीकरण, व्यवसायिक उपयोग के लिए मिट्टी की खुदाई हेतु विकास हित में निदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा प्राधिकृत विभागीय अधिकारी एवं उपजिलाधिकारी की स्थलीय निरीक्षण आख्या के आधार पर अल्प अवधि का अनुज्ञा सम्बन्धित जिलाधिकारी के द्वारा उपखनिज परिहार नियमावली, 2001 के अध्याय-6 के अनुसार स्वीकृत किया जायेगा। भवनों के बेसमेन्ट से मिट्टी का खुदान व भूमि समतलीकरण का कार्य हेतु जे0सी0बी0 का उपयोग किया जा सकेगा। समतलीकरण हेतु विशेष परिस्थितियों में निदेशक, भूतत्व एवं खनिकर्म इकाई द्वारा प्राधिकृत विभागीय अधिकारी द्वारा उल्लिखित करने पर ही मिट्टी के अन्यत्र स्थान पर परिवहन हेतु ई-रवना/प्रपत्र एम0एम0-11 निर्गत किये जाने की अनुमति प्रदान की जायेगी।
- (4) नदी तल से लगे निजी नाप भूमि में उपखनिज बालू, बजरी, बोल्टर के समतलीकरण व मत्स्य पालन हेतु तालाब, जिससे बालू, बजरी, बोल्टर, मिट्टी खनिज निकलने की सम्भावना हो, जिसे आवेदक द्वारा निकासी के उपरान्त उक्त स्थल पर ही रखने की मंशा हो, के अल्प अवधि की अनुज्ञा संबंधित जिलाधिकारी द्वारा स्वीकृत की जायेगी, किन्तु उक्त कार्य के दौरान निकाले गये उपखनिज बालू, बजरी, बोल्टर के विक्रय/अन्यत्र प्रेषण किये जाने की स्थिति में इसकी अनुज्ञा उपजिलाधिकारी की अध्यक्षता में गठित जनपद स्तरीय समिति की निरीक्षण आख्या पर जिलाधिकारी एवं निदेशक, भूतत्व एवं खनिकर्म इकाई की संस्तुति के उपरान्त शासन द्वारा स्वीकृत की जायेगी।
- (5) वर्षाकाल के दौरान निजी नाप भूमि में गंधेरो से मलवा/पत्थर जमा होने की दशा में सम्बन्धित भूमिधर के द्वारा जमा मलवे/पत्थर को हटाने हेतु आवेदन करने पर संबंधित जिलाधिकारी के द्वारा उपजिलाधिकारी की अध्यक्षता में गठित समिति की आख्या के आधार पर अधिकतम 03 माह की अवधि हेतु अनुज्ञा संबंधित जिलाधिकारी के द्वारा स्वीकृत की जायेगी।
- (6) राष्ट्रीय राजमार्ग प्राधिकरण, डी0जी0बी0आर (ग्रेफ), बी0आर0ओ0, आई0टी0बी0पी0 के द्वारा राष्ट्रीय राजमार्गों के निर्माण कार्य हेतु रिक्त राजस्व नदी उपखनिज क्षेत्रों में बुगान पट्टा स्वीकृति हेतु निर्धारित प्रपत्र एम0एम0-1 में आवेदन शुल्क सहित आवेदन जिलाधिकारी कार्यालय में प्रस्तुत करने पर गठित समिति की संयुक्त निरीक्षण आख्या के आधार पर पर्यावरणीय अनुमति हेतु बुगान पट्टा का आशय पत्र

10 उत्तराखण्ड असाधारण गजट, 30 सितम्बर, 2018 ई0 (आश्विन 08, 1938 शक संवत्)

सम्बन्धित जिलाधिकारी के द्वारा निर्गत किया जायेगा तथा पर्यावरणीय अनुमति के उपरान्त संबंधित जिलाधिकारी द्वारा परियोजना की समाप्ति तक अथवा 05 वर्ष की अवधि जो भी कम तक के लिये चुगान पट्टा की स्वीकृति इस शर्त के साथ प्रदान की जायेगी कि वे चुगान लाटो से निकले उपखनिजों का व्यापक उपयोग नहीं करेंगे।

- (7) राज्य सरकार किसी भी मामले में यदि उसकी राय हो तो विकास एवं राष्ट्र हित में लिखित आज्ञा द्वारा और उन कारणों से जो अभिलिखित किये जायेंगे ऐसा करना आवश्यक है, पूर्व में निगमों/निजी व्यक्तियों/संस्थाओं को स्वीकृत राजस्व चुगान लाटों को उनसे वापस लेते हुये राष्ट्रीय राज्य मार्गों/जल विद्युत परियोजनाओं के निर्माण कार्य हेतु परियोजना की समाप्ति तक अथवा 05 वर्ष की अवधि, जो भी कम तक के लिये चुगान पट्टे को देने या किसी खान का कार्य करने का प्राधिकार राष्ट्रीय राजमार्ग प्राधिकरण, डी०जी०वी०आर (ग्रेफ), बी०आर०ओ०, एन०टी०पी०सी०, एन०एच०पी०सी० एवं यू०जे०वी०एन०एल० आदि को दे सकती है।
- (8) नदी तल से निकासी किये गये आर०बी०एम० (बालू, बजरी एवं बोल्टर) का राज्य से बाहर परिवहन/निर्यात पूर्णतः प्रतिबन्धित रहेगा, परन्तु क्रशड सामग्री (Crushed material) का परिवहन/निर्यात राज्य सरकार द्वारा निर्धारित शर्तों के अधीन किया जा सकेगा। राष्ट्रीय महत्व की परियोजनाओं एवं विशेष परिस्थितियों में शासन की अनुमति के उपरान्त आर०बी०एम० (बालू, बजरी एवं बोल्टर) का राज्य से बाहर परिवहन/निर्यात की अनुमति होगी।

- (9) उत्तराखण्ड एवं उत्तर प्रदेश की सीमा के 02 किमी० की परिधि में उपखनिजों के भण्डारण की अनुज्ञा स्वीकृत नहीं की जायेगी, परन्तु विशेष परिस्थितियों में निदेशक, मूलत्व एवं खनिकम इकाई की संस्तुति पर शासन द्वारा शिथिलता प्रदान करते हुए अनुमति प्रदान की जायेगी।

जिला खनिज  
फाउन्डेशन  
(District Mineral  
Foundation)

- 24 (1) राज्य के प्रत्येक जनपद, जो खनन सक्रियाओं से प्रभावित है, के लिये राज्य सरकार अधिसूचना के माध्यम से एक लामरहित ट्रस्ट की स्थापना करेगी, जिसे जिला खनिज फाउन्डेशन कहा जायेगा।
- (2) जिला खनिज फाउन्डेशन का मुख्य उद्देश्य ऐसे व्यक्तियों एवं क्षेत्रों के हितों के लिये कार्य करना होगा जो खनन सक्रियाओं से प्रभावित हो जैसा कि राज्य सरकार द्वारा निर्धारित की जाय।

- (3) जिला खनिज संस्थान न्यास हेतु धनराशि, जैसा कि समय-समय पर राज्य सरकार द्वारा निर्धारित किया जायेगा, पट्टाधारकों द्वारा देय होगा।

नीति का स्पष्टीकरण 25 नीति में किये गये प्राक्धान का कोई भी स्पष्टीकरण (Clarification) करने का अधिकार शासन में निहित होगा।

आज्ञा से,  
शैलेश बगौली,  
सचिव।

संख्या: 3498 / औ0वि0-22 ख/2001

प्रेषक:

श्री एस0 कृष्णन,  
प्रमुख सचिव।

सेवा में,

समस्त जिलाधिकारी,  
उत्तरांचल।

औद्योगिक विकास

देहरादून: दिनांक: अक्टूबर 17, 2002

विषय: खनिज नीति-2001 में संशोधन।

महोदय,

उत्तरांचल राज्य में विभिन्न प्रकार के उपलब्ध खनिजों का दोहन आधुनिक विधि द्वारा सुनिश्चित करने, पर्यावरण का संरक्षण एवं खनिज भण्डारों का आधुनिक तकनीकी से विस्तृत अन्वेषण का कार्य करने के साथ ही साथ उप-खनिजों के खदान/चुगान कार्यों में एकाधिकार समाप्त किये जाने के उद्देश्य से खनिज नीति-2001 दिनांक 30.4.2001 प्रख्यापित की गयी थी।

2. राज्य की खनिज नीति-2001 के पुनरावलोकन की आवश्यकताओं को महसूस करते हुए नीति का विस्तृत परीक्षण पर्यावरण संरक्षण, राजस्व प्राप्ति, उपभोक्ताओं तथा निर्माण संस्थाओं को उप-खनिजों की उचित मूल्य पर सहज उपलब्धता तथा स्थानीय व्यक्तियों के लिये रोजगार के अवसर सृजित करने के उद्देश्य को संज्ञान में रखते हुए किया गया। राज्य की वर्तमान खनिज नीति को अधिक प्रभावशाली एवं विकासोन्मुखी बनाये जाने के परिपेक्ष्य में राज्य में उपलब्ध उप-खनिज सम्पदा का खदान/चुगान कराये जाने हेतु शासन द्वारा निम्नलिखित निर्णय लिये गये हैं :-

2.1 उप-खनिजों से आच्छादित खनन क्षेत्रों में एकाधिकार की संभावनाओं को समाप्त करने एवं खदान/चुगान का कार्य पर्यावरण को सुरक्षित रखते हुये वैज्ञानिक विधि से सुनिश्चित करने हेतु यह कार्य गत वर्ष की भांति सरकारी निगमों द्वारा ही कराया जायेगा।

2.2 यथासम्भव सरकारी निगमों को नदीवार खदान/चुगान के पट्टे स्वीकृत किये जायेंगे ताकि इस कार्य में बेहतर समन्वय एवं नियन्त्रण सुनिश्चित हो सके। इस हेतु जनपद देहरादून के समस्त क्षेत्रों में गढवाल मंडल विकास निगम द्वारा तथा गोला नदी के समस्त क्षेत्रों में उत्तरांचल वन विकास निगम द्वारा उप-खनिजों

का खदान/चुगान किया जायेगा। परन्तु जनपद हरिद्वार में उप-खनिज बाहुल्य क्षेत्र की अधिकता के कारण वन क्षेत्रों में उप-खनिजों का खदान/चुगान उत्तरांचल वन विकास निगम एवं राजस्व क्षेत्रों में उप-खनिजों के खदान/चुगान का कार्य गढ़वाल मंडल विकास निगम द्वारा किया जायेगा।

2.3 खनिज नीति-2001 के अन्तर्गत मैदानी क्षेत्रों की श्रेणी में से कतिपय छोटे हुए स्थानों यथा टनकपुर (शारदा), रामनगर, कोटद्वार, सतपुली एवं श्रीनगर (अलकनन्दा) में भी उपयुक्त निगम के माध्यम से खदान चुगान की व्यवस्था की जायेगी। सम्बन्धित जिलाधिकारी इन नदियों/क्षेत्रों तथा इस प्रकार के यदि कोई नदियां/क्षेत्र हों, के सम्बन्ध में वन विकास निगम/गढ़वाल मण्डल विकास निगम/कुमायूं मण्डल विकास निगम के अधिकारियों से विचार विमर्श के उपरान्त तुरन्त प्रस्ताव शासन को उपलब्ध करायेंगे।

2.4 पर्वतीय एवं मैदानी क्षेत्रों की विभिन्न नदियों के छोटे-छोटे लाटों में जहां उप-खनिजों का खदान/चुगान होता था/हो सकता है, परन्तु वन संरक्षण अधिनियम-1980 के अन्तर्गत अनुमति न मिलने के कारण संभव नहीं हो रहा है, के जनपदवार समग्र प्रस्ताव सम्बन्धित निगमों या उत्तरांचल राज्य सहकारी विपणन संघ द्वारा तैयार कर जिलाधिकारी के माध्यम से भारत सरकार को अनुमति हेतु प्रेषित किये जायेंगे। इस प्रकार भारत सरकार से वन संरक्षण अधिनियम-1980 के अन्तर्गत चुगान की अनुमति प्राप्त होने पर उक्त क्षेत्रों में चुगान का कार्य सरकारी निगम/ उत्तरांचल राज्य सहकारी विपणन संघ स्वयं करेंगे। यदि किन्हीं परिस्थितियोंवश उपरोक्त संस्थायें उक्त कार्य स्वयं करने में असमर्थ हों तो यह कार्य उपरोक्त संस्थाओं की देख-रेख में स्थानीय व्यक्तियों/संस्था से कराये जाने की वैकल्पिक व्यवस्था शासन की अनुमति से सुनिश्चित करेंगे।

2.5 उपरोक्त प्रस्तर 2.2 एवं 2.3 के अतिरिक्त निजी नाप भूमि पर अथवा किन्हीं अन्य परिस्थितियों में जिला स्तर से उप-खनिजों के खदान/चुगान के पट्टे/अत्यावधि के खनन अनुज्ञा पत्र स्वीकृत किये जाने से पूर्व शासन की अनुमति प्राप्त करना अनिवार्य होगा।

2.6 उप-खनिजों के दुरुपयोग तथा राजस्व की क्षति रोकने के उद्देश्य से स्टोन केशर्स में आने वाले उप-खनिजों की मात्रा एवं उनके द्वारा तैयार माल को समय-समय पर चैक किया जाना एवं स्टोन केशर्स से उप-खनिजों की निकासी पर भी प्रभावी पर्यवेक्षण जिलाधिकारी द्वारा सुनिश्चित किया जायेगा।

2.7 उत्तरांचल में स्टोन केशर्स की स्थापना के सम्बन्ध में निम्नलिखित निर्णय लिये गये हैं :-

- (1) स्टोन केशर स्कूल कालेज/चिकित्सालय/मंदिर/पुल/नहर से कम से कम 500 मीटर दूर होने चाहिए।
- (2) प्रदूषण मुक्त होने के लिये प्रदूषण नियंत्रण बोर्ड से अनापत्ति प्रमाण-पत्र लेना होगा।
- (3) राजस्व विभाग से इस आशय का अनापत्ति प्रमाण-पत्र लेना होगा कि प्रस्तावित स्टोन केशर नदी तट, आरक्षित वन क्षेत्र एवं मुख्य सड़क मार्ग (राष्ट्रीय राजमार्ग एवं राज्यीय राजमार्ग) से कम से कम 500 मीटर की दूरी पर हों तथा दो स्टोन केशरों के बीच की दूरी कम से कम 500 मीटर होनी चाहिए।

2.8 दड़ा (आर.बी.एम.) की रॉयल्टी रेट मिश्रण में पाये जाने वाले अधिकतम रॉयल्टी वाले उप-खनिज अर्थात् बजरी के रॉयल्टी रेट के बराबर होगी।

2.9 निगमों के क्षेत्रों में उप-खनिजों के खदान/चुगान, छनाई एवं लदान कार्य में लगे श्रमिकों की वांछित मजदूरी का नियमित भुगतान सुनिश्चित कराने हेतु आवश्यक कार्यवाही की जाये। इसी क्रम में चुगान क्षेत्र से अवैध खनन एवं निकासी पर प्रभावी नियंत्रण रखना भी सुनिश्चित किया जाये।

2.10.1 राजकीय निर्माण कार्यों हेतु निर्माण सामग्री उचित मूल्य पर उपलब्ध कराये जाने के उद्देश्य से चिन्हित स्थलों पर (जनपद देहरादून, उधमसिंह नगर, हरिद्वार व जनपद नैनीताल की हल्द्वानी व रामनगर तहसीलों को छोड़कर) उप-खनिजों के चुगान के पट्टे निर्माण विभागों द्वारा आवेदन करने पर जिलाधिकारी द्वारा दिये जायेंगे।

2.10.2 जहां किन्हीं कारणोंवश ऐसी व्यवस्था उपलब्ध/संभव न हो वहां संबन्धित निर्माण संस्था के अधिशासी अभियन्ता के प्रमाण-पत्र पर निगम के प्रख्यापित मूल्यों पर निर्माण सामग्री सम्बन्धित निगम द्वारा कार्यदायी संस्था के अधिकृत व्यक्ति को उपलब्ध करायी जायेगी ताकि सरकारी निर्माण संस्थाओं को उनकी न्यूनतम आवश्यकतानुसार निर्माण सामग्री न्यूनतम दूरी से उचित मूल्य पर उपलब्ध हो सके। इस प्रकार की व्यवस्था प्रधानमंत्री ग्रामीण सड़क योजना के लिये भी लागू रहेगी।

2.10.3 उपरोक्त सरकारी महत्व के कार्यों में निर्माण सामग्री की उपलब्धता के सम्बन्ध में सम्बन्धित मण्डलायुक्त आपूर्ति व्यवस्था की लगातार समीक्षा कर समय-समय पर आने वाली कठिनाईयों का निराकरण अपने स्तर से करेंगे। आवश्यकतानुसार प्रकरण शासन को संदर्भित किया जायेगा।

3. मुझे यह कहने का निदेश हुआ है कि शासन द्वारा लिये गये उपरोक्त निर्णयों का अनुपालन एवं क्रियान्वयन प्रभावी ढंग से किया जाना सुनिश्चित करने का कष्ट करें तथा कृत कार्यवाही से शासन को अवगत कराने का कष्ट करें।

भवदीय,

*Shirhan*  
(एस० कृष्णन)  
प्रमुख सचिव।

पृ०सं०: 398/औ०वि०- 22 ख/2001

देहरादून दिनांक अक्टूबर 17, 2002

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. समस्त प्रमुख सचिव/सचिव, उत्तरांचल शासन।
2. निदेशक, उद्योग, उद्योग निदेशालय, उत्तरांचल, देहरादून।
3. मण्डलायुक्त, गढ़वाल/कुमायूँ, उत्तरांचल।
4. प्रबन्ध निदेशक, गढ़वाल मण्डल विकास निगम/कुमायूँ मण्डल विकास निगम/उत्तरांचल वन विकास निगम।
5. स्टाफ आफीसर, मुख्य सचिव, उत्तरांचल शासन।
6. अपर निदेशक, भूतत्व एवं खनिकर्म इकाई, देहरादून।
7. निजी सचिव, मा० औद्योगिक विकास मंत्री।
8. गोपन अनुभाग।
9. उप-निदेशक, राजकीय मुद्रणालय रुडकी, जनपद हरिद्वार को आगामी गजट में प्रकाशनार्थ प्रेषित।

आज्ञा से,

*Puneet K. S.*  
17/10/02

(पुनीत कंसल)  
अपर सचिव।

**Government of Uttarakhand**  
**Industrial Development Department – 1**  
**Number 977/VII-A-1/2023-24 Kha /2007**

**Dehradun, Dated 16<sup>th</sup> June 2023**

**Notification**

The Governor, by exercising the powers conferred under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Notification No. 67/1957) as applicable in the State of Uttarakhand is pleased to give his assent to The Uttarakhand Minor Minerals (Concession) Rules- 2023 in supersession of The Uttarakhand Minor Minerals Concession Rules, 2001 and all the existing Rules and Orders on this subject w.r.t. the State of Uttarakhand, which are provided as hereunder: -

**The Uttarakhand Minor Minerals (Concession) Rules, 2023**

**Chapter-1**

**Preliminary**

**1. Short title, extent, commencement and application:**

- (1) These rules may be called the Uttarakhand Minor Minerals (Concession) Rules- 2023.
- (2) They shall extend to the entire State of Uttarakhand.
- (3) They shall come into force with effect from the date of their publication in the Gazette.
- (4) They shall apply to all the minor minerals available in the state.
- (5) These rules shall not affect the right of the State Government to get the mining works done through the

Government Departments, Government Corporations or other Legal Corporations.

**2. Definitions:** In these rules, unless the context otherwise requires:

- (1) "Act" means the Mines and Minerals (Development and Regulation) Act, 1957 (Act No. 67 of 1957), as amended from time to time.
  - a) "Committee" means the committee constituted under the Sub Divisional Magistrate for Identifying mining areas/ committee formed for inspection, in the area in which mining area situate.
  - b) "District Mining Committee" means a committee constituted under the Chair of the District Magistrate, consisting of Divisional Forest Officer, District Mines Officer, Regional Transport Officer, Superintendent of Police and Executive Engineer, Irrigation Department.
  - c) "Director General" means Director General, Directorate of Geology and Mining, Uttarakhand.
  - d) "Director" means the Director of Directorate of Geology and Mining, Uttarakhand.
- (2) "District Officer" means the Collector of the area, in which the land is situated.
  - a) "District Mines Officer" means the Mines Officer of that area, in which the land is situated.
- (3) "Form" means a form set out in the Third Schedule to these Rules.
  - a) "In situ rock mineral deposit" means all the minor mineral found in the form of rocks like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc., which have not been relocated from their place of origin.

- (4) "Mining" and "Owner" shall have the meanings respectively assigned to them in the Mines Act, 1952 (Act No. 35 of 1952).
- (5) "Mining operations" means any operation undertaken for the purpose of winning any minor mineral.
- (6) "Mining lease" means such a mining lease, which have been sanctioned by the government or authorized officer of the government, for extraction of minor mineral under these rules, after obtaining environmental clearance and other required permissions.
- (7) "Mining permit" means a permit granted under these rules to extract a specified quantity of minor mineral within the period stipulated in the permit.
- (8) "Minor mineral" means building stones, sand, gravel, boulder, RBM (sand, gravel, boulder in mix state), clay, ordinary sand other than sand used for prescribed purposes, mineral soapstone, silica sand, barite, slate or any such other minerals which the Central Government has declared from time to time or may declare, by notification in the official Gazette, to be a minor mineral, under clause (e) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act No. 67 of 1957).
  - a. "Pits mouth value" means the sale price of the minor minerals at the pit head or at the point of production.
- (9) "Railway" and "Railway Administration" shall have the meanings respectively assigned to them in the Indian Railways Act, 1890 (Act NO.9 of 1890).
- (10) "River Bed Material (RBM)" means the sand, bajri, boulder in mix state or in separate-separate state, existing in River/Nala/Gadhera or in the adjacent land.

- (11) "Mining period for minor mineral areas of river bed" means the period from 1<sup>st</sup> October to 30<sup>th</sup> June, after the rainy season.
- (12) "Mining period for In Situ rocks and minor mineral areas other than river bed" means the period from 1<sup>st</sup> April to 31<sup>st</sup> March.
- (13) Hilly region- In Hilly regions of the districts of Uttarkashi, Chamoli, Rudraprayag, Bagheshwar and Pithoragarh, Tehri Garhwal (Excluding the plain regions of Tehsil Narendra Nagar), Pauri Garhwal (Excluding the plain regions of Tehsil Kotdwara), Almora (Entire area), Chamapawat (Excluding the plain regions of Tehsil Poornagiri), Nainital (Excluding the plain regions of Tehsil Haldwani, Kaladoongi, Ramnagar), Dehradun, (Excluding the plain regions of Tehsil Rishikesh, Doiwala, Dehradun, Vikasnagar and Kalsi).
- (14) Plain Region- In Plain regions the districts of Tehri Garhwal (Plain region of Narendranagar), Pauri Garhwal (Plain region of Kotdwara), Chamapawat (plain regions of Tehsil Poornagiri), Nainital (plain regions of Tehsil Haldwani, Kaladoongi, Ramnagar), Dehradun, (plain regions of Tehsil Rishikesh, Doiwala, Dehradun, Vikasnagar and Kalsi) and entire area of Haridwar and Udham Singh Nagar.
- (15) "Picking (*Chugan*)" means the extraction of sand, bajri and boulder, through manual power existing in the river/ deposited, for the purpose of concentrating the flow of water at the centre of river.
- (16) "Schedule" means a Schedule appended to these rules.
- (17) "State" and "State Government" respectively mean the State of Uttarakhand and Government of Uttarakhand.

(18) "Family" means mother, father, husband, wife, son, brother, unmarried daughter and unmarried sister.

(19) "words" and "position" which are not defined, will have the same meaning as are defined under the General Clauses Act, 1897.

### **3. Mining operations to be under a mining lease or mining permit: -**

(1) No person shall undertake any mining operations in any area within the State of any minor mineral to which these rules are applicable, except under and in accordance with the terms and conditions of a mining lease or mining permit granted under these rules:

Provided that nothing shall affect any operation undertaken in accordance with the terms and conditions of mining lease or permit duly granted before the commencement of these rules.

(2) No mining lease or mining permit shall be granted otherwise than in accordance with the provisions of these rules.

## **Chapter – 2**

### **Grant of Mining Lease of Mining Area**

#### **4. Restriction on the grant of mining lease-**

No mining lease shall be granted to any person who is not an Indian National.

Explanation :- For the purpose of these Rules, a person shall be deemed to be an Indian national-

(I). In the case of a public company, as defined in the Companies Act, 1956, only if a majority of the directors of the company are citizen of India and not less than fifty-one percent of the share capital thereof is held by persons who

are either citizen of India, or Companies as defined in the Companies Act, 1956;

- (II). In the case of a private company as defined in the Companies Act, 1956, only if all the members of the company are citizen of India;
- (III). In the case of firm or other association or individuals, only if all the partners of the firm or members of the association are citizen of India, and
- (IV). In the case of an individual, only if he is a citizen of India.

**5. Application for grant or renewal of mining lease: -**

- (1) An Application for grant of a mining lease or for its renewal shall be given or in Form MM-1(a) and shall be presented to the Office of District Mining Officer.
- (2) The application referred to in sub-rule (1) shall be submitted in six sets to the District Mining Officer or to an officer authorised in this behalf by the State Government. Such officer shall endorse the receipt of the application on all the six copies entering the place, time and date of receipt. One copy shall be returned immediately to the person presenting the application and one copy to the Office of Director, Directorate of Geology and Mining for Information.
- (3) In case of death of the Applicant for Mining lease, the application shall be deemed to be submitted by his legal heir, for the purpose of which the legal heir shall have to submit Succession certificate issued at the competent level with notarized Affidavit of request showing his willingness, which shall be submitted to the Office of District Mines Officer within the period of 03 months, otherwise the Original application form shall be deemed to be cancelled and the area applied will be deemed vacant.

- (4) The application referred to in sub-rule (1) shall be entered in a register of mining applications in form MM-2.

**6. Application fee for grant of mining lease and deposit of documents:**

- (1) Every application for grant of mining lease shall be accompanied by-

- (a) the application fee of Rs. 01 lakh for the Minor Mineral areas of private/ revenue/forest land existing in river bed, and for In situ nature of mineral in personal land other than river bed, the application fee of Rs. 02 lakhs up to an area of 05 hectares and Rs. 05 lakhs for an area more than 05 hectares, which shall be deposited in the prescribed account head.

- (b) For scientific mining of In situ minerals like soapstone, silica sand, barite, dolomite, gypsum etc., the applied area shall not be less than 4.0 hectares, which would be a combined division.

However, for such mineral for In situ rocks which are used in construction work like slate, quartzite, stone, the minimum area shall be 01 acre.

- (c) The self-attested copies of Revenue khasra map in which applied area is shown by red colour, duly attested by the Revenue Department along with google map wherein the applied area is shown.

- (2) The attested copies of khasra khatauni by the Revenue Department.
- (3) The copy of Mining No Dues certificate issued by the District Mines Officer.
- (4) The copy of the No Dues certificate of Income Tax/ Affidavit.
- (5) The copy of the Character Certificate.

- (6) The copy of the certificate of original resident/ permanent resident.
- (7) The copy of the GST.
- (8) Duly notarized No Objection by the concerned land owners with respect to the mineral of personal land of owners.
- (9) The copy of the certificate that the land of personal land owners is not mortgaged.
- (10) The notarized consent of private land owners of 60% area of the total mining lease land applied in In situ rock mineral like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc.
- (11) If the application is not complete in any respect or is not accompanied by the fee deposit receipt or the documents mentioned in sub-rule (1) then the District Mines Officer or the officer authorised by the State Government in this behalf, shall, by notice require the applicant to complete the application in all respects or to deposit the fee or furnish the documents within such time as may be specified in the notice and the date of completion of all the formalities shall be deemed to be the date of submission of the application.
- (12) In case of mining dues existing against the applicant or his family member, the application for mining lease shall be rejected.

**6. Application fee for renewal of mining lease etc.: -**

- (a) An application for renewal of mining lease may be made at least six months before the date of expiry of the mining lease along with six copies of the map of lease hold area showing clearly the area applied for renewal and the provisions of clause (a) of sub-rule (1) of Rule 6 shall mutatis mutandis apply.
- (b) The State Government may condone the delay caused in making the application for renewal of mining lease after the period specified in sub rule 1.

## 7. Enquiry and reports :-

(1) For the purpose of enquiry of the spot position of area applied, enquiry of records, assessment of nature and quantity of minerals, demarcation etc. for mining lease, the following committee shall be constituted by the District Officer at the District level:

1. Sub Divisional Magistrate- Chairman
2. Assistant Engineer, Irrigation Department (For River bed mining areas)- Member
3. Nominated representative by the Divisional Forest Officer- Member
4. District Mines Officer- Member Secretary

However, in case of non-availability of Sub Divisional Magistrate in the abovesaid constituted committee, the Tehsildar/ Naib Tehsildar having training under Rule 66 of the Rules shall preside over the said committee.

(2) The recommendation of the constituted committee shall be sent to the District Magistrate, after getting the spot inspection/ enquiry within a period of one month, on the application forms received from District Mines Officer, in prescribed form; thereafter the proposal shall be sent to the Director General, Geology and Mining Directorate with all the Annexures, by District Officer after his recommendation.

## 8. Sanction of Mining Lease -

(a) The Government can reject the report received from District Officer on the recommendation of Director General, Directorate of Geology and Mining, w.r.t. acceptance of mining lease regarding sand, bajri, boulder (RBM) existing in river bed/ land adjacent to river bed and In situ rocks like

Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc. after examining the records within the provisions of these rules; Or can issue the Letter of Intent/ grant sanction for the mining plan, environmental clearance and other required permissions, on the recommendation of District Officer and Director General, Directorate of Mining and Geology, with respect to the area applied or any part thereof, for a period of 06 months with respect to mining lease of minerals like sand, bajri, boulder (RBM) and with respect to mining lease of In situ rocks like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc. for 01 year as deemed proper.

- (b) After obtainment of the permissions like mining plan, environment clearance and other required permissions, mentioned in Letter of Intent issued for mining lease, the Government will sanction the mining lease on the recommendation of the Director General.

#### **9. Preferential rights of certain persons :-**

1. Where two or more persons have applied for a mining lease in respect of the same land, the applicant whose application was received earlier shall have a preferential right for the grant of lease over the applicant whose application was received later;

Provided that where such applications are received on the same day, the State Government may, after taking into consideration the matters specified in sub-rule (2), grant the mining lease to one of such applicant, it may deem fit.

2. The matters directed to in sub-rule (1) are-
  - a. Excepting the land owner or the applicant with permission of the land owner, the other applicants shall have special knowledge or experience in mining operations;

- b. Excepting the land owner or the applicant with permission of the land owner, for other applicants, the financial implications for that mining lease area should not be less than double the determined compulsory rent.
  - c. The nature and quality of the technical staff employed or to be employed by the applicant;
  - d. The conduct of the applicant in carrying out mining operations on the basis of any previous lease or permit and in complying with conditions of such lease or permit or the provisions of any law in connection therewith; and
  - e. The mining based industrial stone crusher/ screen plant owners will be given precedence in sanction of mining lease, and
  - f. selected Contractors/ successful applicants Under Rule-69 of the Rules will be given preference in vacant Minor mineral areas for mining lease in river beds, within the territory of the State according to Rules laid down in chapter 2.
  - g. Such other matters as may be considered necessary by the State Government.
3. Notwithstanding anything contained in sub-rule (1) and (2), the State Government may, for any special reasons to be recorded in writing, grant a mining lease, to an applicant whose application was received later in preference to an applicant whose application was received earlier.

#### **10. Period of mining lease –**

- (1) The mining lease will be sanctioned in mining areas of river beds of revenue/ forest land up to 05 hectares, for a period of 05 years and for an area of more than 05 hectares, for a period of 10 years, in which the three months of rainy season (July, August, September) will remain included but the mining/ picking work shall be totally banned during that period.

- (2) For In situ rock minerals like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc., the mining lease will be sanctioned for a maximum period of 25 years.
- (3) For In situ rock minerals which are used in construction work, like slate, quartzite, stone, the mining lease up to 05 hectares will be for a maximum period upto 10 years and for area of more than 05 hectares the mining lease for a maximum period upto 15 years will be sanctioned; but in case the state government is of the view that in the interest of mineral development it finds necessary then for such In situ rock minerals, the mining lease can be sanctioned for more than 20 years but which shall not be more than 25 years, by recording the reason in writing, for such permission.

#### **11. Survey/ Demarcation of the area leased-**

- (1) When a mining lease is granted, arrangement shall be made by the Director for survey and demarcation of the area granted under the lease for which lessees shall be charged at the following rates:

In the entire mining leased area of the State :-

- (1) for area up to 05 hectares Rs. 5,000.00
  - (2) for areas beyond 05 hectares at the additional rate of Rs. 1000.00 per hectares.
- (2) The lessee shall, after the lease is granted to him, pay the demarcation charges through treasury challan or e-challan payment gateway and submit a map of the area granted under the lease, certified by the Revenue Department, to the concerned mines officer or to such authorized officer who may be authorised by the Director in this behalf. The Mines Officer or the officer so authorised shall, on receipt

of the certified map and satisfying that demarcation charges have been deposited, survey and demarcate the area within fifteen days from the date of such receipt.

- (3) The Officer authorized by Director General, Directorate of Geology and Mining, may, for the purpose of survey and demarcation of the area, take the help of such officer of the revenue and forest department of the District as he may consider necessary.
- (4) If any dispute arises in respect of demarcation of the area, the matter shall be referred to the Director, who shall, after giving the parties a reasonable opportunity of being heard, decide the matter.
- (5) The decision of the Director under sub-rule (1) shall be final.

## **12. Security deposit-**

- (1) The applicant of a mining lease shall, before the deed referred to in rule 13 is executed, shall deposit as security, for the due observance of the terms and conditions of the lease, a sum equal to twenty five percent of the annual lease amount of the leased area for the mineral, sand, bajri and boulder in the leased area, which shall be pledged with the Director, Directorate of Geology and Mining.
- (2) For mining area upto 05 hectares of In situ rock minerals like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc., Rs. 25,000/- and for more than an area of 05 hectares, Rs. 50,000/- will be pledged with the Director, Directorate of Geology and Mining.

## **13. Execution of Lease Deed :-**

- (1) After the grant of Order for sanction of lease by the State Government, the lease holder shall make 25% of annual lease rent amount, as security deposit in the form of FDR which shall be pledged with Director, Directorate of

Geology and Mining, and thereafter on the basis of the Stamp Fee informed by the District Sub Registrar, the lease deed (for river bed area) to be prepared in the prescribed form, MM- 3 and will be got executed within 01 month of the sanction by Director General, Geology and Mining, and for areas other than river bed will be got executed within 01 month of the sanction of the Government on the recommendation of the Director General. The mining lease holder shall get the said mining lease deed registered with the concerned District Sub Registrar Officer. After registration of the Lease deed, the lessee shall give 01 copy each to Director, Geology and Mining, concerned District Officer and Office of District Mines Officer within a period of 01 week.

- (2) The date of start of mining lease shall be the date of execution of lease deed as per sub rule 01 to be from the date of registration done by the Sub Registrar.
- (3) The lessee shall pay the annual lease amount as mentioned in the lease deed by 09 equal monthly instalments (excepting the period of the month of July to September) before the date fixed, in which every instalment shall be deposited in advance for every month.
- (4) The mining lease/ renewal in favour of Corporations in Revenue or Forest areas, the MoU on the prescribed form shall be got signed with Director General, Geology and Mining within a period of one month and only after signing of the MoU, the picking of mineral/ mining operation will be started.

#### **14. Surrender of Lease :-**

Any lessee, for surrender of mining lease, shall give an application in writing to the concerned District Mines Officer by depositing 03 months lease rent in advance and on the recommendation of District Magistrate and Director/ Director

General, Geology and Mining, the surrender of lease deed will be accepted.

**15. Transfer of lease :-**

(1) Lessee :-

- (a) shall not assign, sublet, mortgage, or in any other manner transfer the mining lease, or any right, title or interest therein; or
- (b) shall not enter into or make any arrangement, contract or understanding, whereby the lessee may be directly or indirectly financed to a substantial extent or may be substantially controlled in mining operations by any person or body of persons, other than himself.

Provided that a lessee may, with the prior approval of the State Government and subject to such conditions and restrictions, as may be imposed by it, mortgage to a finance corporation owned and controlled by the State Government or to a scheduled Bank as defined in clause (a) of Section 2 of the Reserve Bank of India Act, 1934 or a Bank specified in Column 2 of the First Schedule to the Banking Companies (Acquisition and transfer of undertaking) Act 1970; or, assign to any other person/ firm without the consent of the land owner, but prior to starting the mining activity on the land of the concerned land owner it is compulsory to take his consent, can surrender or transfer, or can add or remove a partner of a firm, for which the below mentioned fees shall be payable:-

1. Fees for Transferring the Mining Lease in the name of any other Person/ Firm/ Company- Rs. 02 lakhs for upto 05 hectares and Rs. 05 lakhs for more than 05 hectares.

2. Fees for adding or removing the name of a partner in the affairs of the Firm- Rs. 02 lakhs.

- (2) The State Government, may by an order in writing, put an end to any lease at any time if the lessee has, in the opinion of the State Government assigned, sublet, mortgaged or in any other manner transferred the mining lease or any right, title or interest therein or entered into or made any arrangement, contract or understanding, without its prior approval or has committed breach of any condition or restriction specified by the State Government in this behalf.

Provided that no such order shall be made without giving the lessee a reasonable opportunity of stating his case.

- (3) In the case of death of a leaseholder of a private land, without the consent of the land owners and in case of death of a mining leaseholder of any other land apart from private land the legal heirs of the lease holder can get the lease deed transferred on the recommendation of the Director General/ Director, Geology and Mining Directorate, for the remaining duration of the lease, by way of a supplemental lease deed.

#### **16. Mining/ Picking Work by Corporations/ Other Contractors/ Bidders-**

1. The allotment of mining areas existing in forest land, situated in river bed to be done by Uttarakhand Forest Development Corporation, for mining lots in Revenue areas falling within the jurisdiction of Garhwal Mandal, the Garhwal Mandal Vikas Nigam Limited and for those within the jurisdiction of Kumaon Mandal, the Kumaon Mandal Vikas Nigam Limited, shall be accepted after applications

made by them, according to rules laid down in Chapter 02 and in the prescribed formats. The Mining/ picking work shall be done by the corporations themselves for the accepted mining lots in favour of the said corporations. In case the Corporations fail to do the Mining/ picking work themselves, in that case the same shall be got done by selected persons/committee/firms/company which shall be selected by way of E-Auctions.

However, in case the State Government comes to the conclusion that the Mining/ picking work being carried out by the Corporations is causing any loss to the State Exchequer/ Revenue department, then the State Government shall take back the entire or any part of the allocated mining lease and shall allocate the same to the successful Tenderer/ Contractor under Rule 69 of chapter 2 of the Rules.

2. If the State Government is of the opinion that it is in the Interest of Development or National Interest, then by way of a written Order, shall get the supply of minor minerals done for the important projects through the Implementing Institutions like the National Highway Authority, Rail Vikas Nigam Limited (RVNL), DGBR (Gref.), BRO, NTPC, UJVNL, NHPC etc., from any part/ gate of the accepted mining lots in favour of the corporation and on such directions, the corporation shall make supply of minor minerals as per the directions to the concerned Implementing Institutions.
- 17. Registers :-** The following registers shall be maintained in the office of the District Mining Officer :-
- (a) a register of applications for mining leases in Form MM-2, and
  - (b) a register of mining leases in Form MM-4.

### Chapter- 3

#### Payment of Royalty and Dead Rent

##### 18. Royalty :-

- (1) The holder of a mining lease granted on or after the commencement of these rules, shall pay royalty in respect of any mineral removed by him from the leased area, for which the quantity of the minor mineral is determined, shall pay in advance the royalty in accordance with the rates as determined at that point of time, as per the determined quantity, as given in the First Schedule of these rules, but the lease holder in regard to In situ rocks, shall pay the royalty in advance in accordance with the determined rates as per the First schedule of these rules, for every mineral that he has removed from the area leased to him.
- (2) The State Government may, by notification in the Gazette, amend the First Schedule so as to include therein or exclude there from or enhance or reduce the rate of royalty in respect of any mineral with effect from such date as may be specified in the notification.

Provided that the State Government shall not enhance the rate of royalty in respect of any mineral for more than once during any period of three years and shall not fix the royalty at the rate of more than 20 percent of the pit's mouth value.

- (3) Where the royalty is to be charged on the pit's mouth value of the mineral, the State Government may assess such value at the time of the grant of the lease and the rate of royalty will be mentioned in the lease deed. It shall be open to the State Government to reassess,, not more than once in a year, the pit's mouth value, if it considers that an enhancement in necessary.

**19. Dead Rent :-** The lease holder during the period of lease, on account of any exceptional reason (Orders of the Hon'ble Courts, Orders of the Central or State Government, Orders of the Director General/ Director, Orders of the District Magistrate) is unsuccessful in doing Mining/ picking, in which there is no fault of the lease holder, which on being confirmed by the District Mines Officer of the related District, shall be granted equivalent duration as that of the interrupted/ banned duration, on which the liability of royalty shall be in accordance with the rate determined at that time, but if the lease holder refuses to accept the period granted accordingly, in that case the leaseholder shall pay the advance dead rent, as per the given rates in the second schedule of these rules, as shall be specified in the lease agreement by the State Government.

But in regard with In situ rock minerals the lease holder shall be liable to pay the dead rent or the amount of lease whichever shall be higher, but not both. If permission is given for the extraction of more than one mineral, then for every mineral, the dead rent shall be payable separately.

## **Chapter- 4**

### **Auction- Lease**

#### **20. Declaration of areas for E- Auction:**

- (1) The Director General/ Director, Directorate of Geology and Mining, by general or special Order, can declare such river beds of revenue/ forest areas wherein mineral, sand, bajri, boulder, RBM, exists and for areas of revenue/ forest which are separate from river beds wherein In-situ kind of rock minerals like soapstone, silica sand, barite, dolomite, slate,

quartzite, stone, gypsum etc. exists, which can be auctioned through bidding or through auction or e- bidding/ e-auction.

(a) The allotment of lease for mining/ picking of all available mineral like sand, bajri, boulder, RBM, existing in river bed and other than river bed private ownership land and In-situ kind of rock minerals like soapstone, silica sand, barite, dolomite, slate, quartzite, stone, gypsum etc., will be done as per rules mentioned in chapter 2 of the Rules.

- (2) The State Government, by general or special order issued from time to time in this respect, shall sanction the picking/ mining lease of mineral upto the area of 05 hectares existing in river bed for a period of 05 years and for areas more than 05 hectares the mining lease shall be granted for 10 years for any area or areas at one go, through e-tender cum e-auction. The mining lease for In situ Minerals shall be granted for maximum period of 25 years. The period of lease shall be calculated from the date of registration of mining lease deed. The river bed existing in revenue/ forest land and other than river bed, lease of mineral upto the area of 05 hectares shall be granted only to the original resident of the state/ society of the original residents/ firm/ company and for areas more than 05 hectares the mining lease shall be granted to the residents of India/ Society of persons/ firm/ company.
- (3) On declaration being made under sub rule (1) for some area or areas, the provisions under chapter 2,3 and 6 shall not apply to those area or areas, for which declaration has been made, the lease for such area or areas shall be granted in accordance with this chapter.
- (4) Before making a declaration under sub rule (1) for River Bed Revenue/ Forest Land mining area or areas, a

committee constituted under the chairmanship of SDM including Revenue Department, Irrigation department, (only for River Bed areas) forest department, mining department, or any other required department and will present report to the District Magistrate (DM) regarding the Identification, demarcation with GPS co-ordinates, quantity of deposited minerals, quality and availability of accessed routes etc. of the minor mineral areas and the DM shall present the combined inspection report by the above formed committee to the Director, Geology & Mining department for the further process of allotment through E- Auction.

However, the demarcation of In-situ kind of rock minerals like soapstone, silica sand, barite, dolomite, slate, quartzite, stone, gypsum etc., located in Revenue/Forest land shall be done under the observation of Joint Director Geology by a Department Team of Geologists or by an outside source. For the physical verification of the above marked areas a committee shall be constituted under the chairmanship of the Sub Divisional Magistrate (SDM) which shall include related SDM, representatives named by the related Divisional Forest officer, Geologists/assistants named by the Director, Geology & Mining, Geologist members. The above committee shall present the field inspection report of the demarcated Mining areas along with Khasra, Khatauni, Map etc. along with records through the related DM to the Director, Geology and Mining Directorate for further proceedings regarding allotment through e-auction.

- 21. Withdrawal of area from E-Auction:-** The State Govt. can take back any specified leased area through declaration under sub rule 1 of Rule 20 (declared any area or areas or any part thereof) and from the specified return date as mentioned in the declaration, which shall not be the return date as mentioned in the ordinary period of lease as given under this chapter, shall be

applicable on the area or areas as mentioned under the provision of chapter 2,3 and 6 of the Rules.

**22. Register of territorial areas declared for E- Auction:-**

An officer authorized by the Director, Geology and Mining Directorate shall under sub-Rule 1 of Rule 20 maintain a register of the areas in Form M.M. 5.

**23. Restriction of granting of lease-**

1. Such person shall not be granted permission to take part in the Auction/Tender/E- Auction/E-Tender/ E-Tender cum E auction, to participate in the process of bidding in auction for mining lease:-
  - i. Who is not a citizen of India.
  - ii. Against whom mineral dues are outstanding.
  - iii. Who has not obtained character certificate from the related area's DM or officer authorized by the State Government, where he permanently resides.
  - iv. Who has not presented the copy of his Adhaar card.
  - v. The person/firm/ company shall in any State on the due date (date on which it is taking part in the tender process) shall not be black listed/ debarred, has not presented such affidavit for taking part in Tender process.
  - vi. Any matters of the firm or company, who has not presented the copies of their PAN Card, GST Registration certificate, Registration certificate of the firm/ Memorandum of Article.
2. The participant auction bidder shall make the bid for such amount only which they are capable of paying, on failing to deposit the amount in accordance with the highest bid with the intent to hinder the bidding process, the earnest money deposited by the related bidder shall be ceased and the

successful bidder shall be restricted from the grant of mining lot tenders/ mining/ lease/mining permit/ storage permit/ stone crusher permit/ screening plant permit for a period of 01 year and shall also black listed.

3. The person/firm/committee/company/society etc. shall be allotted the Mining Lease by the department according to its status of having the 100% capacity in accordance with the maximum base price fixed by the department for Mining Lease and if the status presented by the successful bidder is found to be lower than the base price of the Mining Lease then the successful declared Mining Lease and his eligibility for other successfully declared mining lease shall be terminated.

#### **24. Process for E- Auction: -**

1. The areas under the State pertaining to the River Bed Revenue/ Forest land areas and areas other than River bed Revenue/ Forest Land in which the demarcated minor mineral lots under Rule 20 (1), the procedure for granting sanction to Private persons/ Cooperative Societies/Firms/ Companies of private persons shall be online through E-Auction in accordance with the provisions of Uttarakhand Procurement Rules, 2017, based on Technical Bid and Financial Bid, in which the process of technical and finance bid will be made on [uktenders.gov.in](http://uktenders.gov.in).
  - i. Documents required for Technical Bid:-
    - I. Copy of latest Aadhar card/ Voter ID card of the applicant; In case of the Firm, the copies of the Adhar card/ Voter ID card of the partners of the Firm; In case of the company copy of the certificate of the Director Identification Number (DIN) of the Managing Director of the company as provided by the Ministry of Corporate Affairs, Government of India; and in the case of

Cooperative Society, the Adhar card/ Voter ID card of the President, Vice President and the Secretary.

- II. Permanent Residence Certificate.
- III. Updated Character Certificate of the Applicant; In case of the matters of the Committee, the Character Certificate of the President/. Secretary; for matters of the Firm the Character Certificate of all partners of the Firm; for matters of the Company an Affidavit stating that the Company has not been convicted in any criminal matters. The Character Certificate shall be issue by the District Magistrate of that District in which the applicant permanently resides.
- IV. Copy of the PAN card of the applicant.
- V. Copy of the GST Number of the applicant.
- VI. Details of the Bank Account, in which the entire financial transfers related to E- auction shall be done, alongwith the name and branch of the Bank, account number. IFSC Code alongwith copy of a cancelled cheque.
- VII. No- dues mining certificate issued by the authorized officer of the Director, Geology and Mining Directorate, Uttarakhand. Copy of the Affidavit attesting that the applicant does not remit any mineral within the State.
- VIII. Self-attested copy of all pages of the resolution related to the Cooperative Society. Copies of the Partnership deed of the Firm and registration certificate related to the Firm, and in the matters

of the company, the copy of the Articles of association.

- IX. Affidavit attesting that they have not been blacklisted in relation to the Mining activities in any State.
- X. If there are any dues pending against the applicant or any member of his family, in that case the application shall be rejected.
- XI. Other documents, Fees and monetary amount required for participation in E- Auction:-

Fees- The applicant willing to take part in the E- Auction, for the mining lots in River Bed revenue/ forest area the application fees shall be Rs. 1,00,000/- (One lakh rupees only) and for In situ minor minerals in areas other than River beds in Revenue/ Forest land the application fees shall be Rs. 2.00 lakhs for an area upto 05 hectares and for an area more than five hectares the application fees shall be Rs 5 Lakhs which shall be payable through the Departmental gateway or through Treasury challan as will be decided by the Director General/director from time to time, and shall be deposited with the accounts Departments and the scanned copy of challan /receipts be affixed with the technical bid and original copy be deposited in the district office of the Geology and Mining department, the complete responsibility shall be that of the applicant. The required fees shall be deposited as per the lots separately, as published in the advertisement for the mining lease.

1. Earnest Money:- It will be compulsory for the bidders to deposit Earnest Money for taking part in the E- Auction for

any area, which shall be 25% of the base price of the tendered area. The earnest money shall be deposited in the form of FDR in any Nationalized Bank which shall be mortgaged in the name of Director, Geology and Mining Directorate for a period of 01 year and a photocopy of the same shall be uploaded with the Technical Bid and the original shall be deposited at the Headquarter before the last date of uploading the Technical Bid, compulsorily. Such application shall not be technically accepted, if the Original Copy of the Earnest Money is not deposited at the Headquarter.

The applicant shall be required to create the FDR from his own account.

The applicant shall be responsible for updating the period of validity for the FDR deposited as earnest money in case of repetition of advertisement for any minor mineral lot. In case the FDR deposited in the past becomes time barred, then such participating tenderer shall not be considered valid for the then ongoing E- Auction process and the applications of such applicants shall be rejected.

The Earnest money deposited as security money by bidders, other than successful technical bidders shall be returned.

**3. Status Certificate:-** The status certificate or property certificate or solvency certificate issued by the District Magistrate or the Authorized Officer by the District Magistrate shall not be lower than the base price of the mining area applied.

OR

If the updated solvency certificate is not available then it can be considered as an Interim arrangement and on such condition that the applicant will submit an Affidavit that during this period (ahead of the date of solvency

certificate) the auction bidder's movable/ immovable property as mentioned in the accompanied solvency certificate is not sold/ transferred.

OR

The FDR (of Nationalized Bank made for a minimum of 06 months) for the base price of amount of mining area applied, can be deposited after being pledged with Director, Geology and Mining unit.

OR

In case the solvency certificate is of lower value than the base price of mining area applied, then the FDR (of Nationalized Bank made for a minimum of 06 months), equivalent to the said amount may be deposited, being pledged to the Director, Geology and Mining.

## **25. Allotment of Lease through E Auction:-**

1. After completion of the Financial Bid and declaration of serial wise successful bidders (H1 to H3), the H1 bidder of successful bidders of Financial Bid will be given the opportunity to submit an amount equal to 25% of his highest bid amount (additional amount than the Earnest money deposited earlier) as Security money within 15 working days in the form of FDR. If within the prescribed time limit the said amount is not deposited by H1 bidder, then after forfeiting the Earnest Money of the concerned, action shall be taken as per Rule 23 (2) against him and the H2 bidder in the said serial number will be given the opportunity to deposit an amount equal to 25% of the highest bid amount as per H1 bidder, (additional amount than the Earnest money deposited earlier) as Security money within 15 working days in the form of FDR. The said process will be applied up to H3 in the said Serial number. On non-compliance of the same by H3 within the

prescribed time, the E- Auction process will be declared closed and the process of E- Auction will be started again.

2. On deposit of 25% of highest bid money, Security Money by the successful bidder, along with documents, the Director General, Geology and Mining, will issue the Letter of Intent for the period of 06 months w.r.t. River Bed mining areas, and for areas other than River Bed of Revenue/ Forest land, In situ nature minerals, for a period of 01 year (out of which the period of 06 months is included for prospecting work by the applicant) in favour of the concerned for obtaining the permissions for demarcation of boundaries, getting the mining plan prepared, Environment clearance, NBWL (if required). In case of non-compliance of the letter of intent within the prescribed time, the holder of letter of intent can present satisfactory reasons for the delays in compliance along with evidence and the renewal of the letter of intent shall be done by the Director General Geology and Mining for the additional period of six month.

However, on non-compliance of the terms and conditions of the letter of intent up to the period of two years from the acceptance of letter of intent, by the holder, a sum equivalent to 5% per annum of the highest bid amount, will be additionally charged from the intent holder.

3. The intent holder will get the Mining plan prepared through registered R.Q.P and getting the fee of Rs 50,000 deposited in the concerned account heads will submit to the office of District Mining Officer of the concerned district. The district mining officer after examining and verifying the said mining plan will send it to Director General, Geology and Mining and accordingly the Director will recommend the mining plan after due consideration.
4. The intent holder shall get the approvals for his mining areas under the letter of intent, from ministry of environment forest and climate change Government of

India, as per the provision of E.I.A. dated 14.09.2006, the environment clearance, the permission from NBWL in case the sanction areas is within the boundaries of 10 km of National Park/Sanctuary and in case of land being forest land, the forest clearance for land transfer under the Forest Conservation Act 1980, and the minerals existing in other areas of revenue/forest land, other than river bed, the prospecting report and other required approvals and standards which are prescribed by the state government from time to time will be obtained.

5. The Orders by the Government, Hon'ble Courts and the National Green Tribunal, passed from time to time shall be binding.
6. In case during the pendency of the process regarding mining lease being carried on the by the successful bidder, such person dies from an untimely death or suffers from a serious illness, the Legal heirs can proceed with the further process.
7. Other than the Letter of Intent holder, the Pre- Bid Earnest money of other participants (except for the ceased ones) in the Financial Bid shall be returned.
8. After completion of all the formalities as mentioned in the Letter of Intent, the Letter of Intent holder shall deposit all the documents on the portal of the Director, Geology and Mining Directorate in Online/ Offline in the office and on the Online/ Offline recommendation of the Director General, Geology and Mining Directorate, the state government shall accept the mining lease.
9. Other terms and conditions as laid down by the State Government from time to time shall be applicable.

## **26. Execution of Lease Deed:-**

1. After the Order is made by the State Government on the acceptance of the mining lease, the lease holder shall before the execution of lease deed, shall deposit 25% of

the yearly auction lease money in respect of the FDR deposited earlier as Security Money shall be deposited with the Departmental Accounting Head, which shall be adjusted against the annual lease amount in the last year of the lease. In respect of minerals located in the river bed, the execution shall be done in the prescribed form MM6 based on the stamp duty notified by the District Sub-Registrar to the Director General and for the In situ type of minor minerals located in revenue/ forest lands other than river beds shall be executed by the government on the instructions of the Director General. The lease holder will get the mining lease deed registered with the District Sub Registrar Officer of the concern district. After the registration of the lease deed the lease holder shall within one week send the copies of same to the Director, Geology and Mining, related District Magistrate and to the office of District Mines Officer.

2. **Computation of period of lease** :- The calculation of period of lease for the accepted mining / picking lots shall be after the date of registration of the lease deed execution in the river bed situated revenue / forest land In situ miner minerals in the mining leases for the upcoming period of five years and for mining leases of areas more than five hectares, for a period of ten years and for a period of twenty five years in case of mining in area of In Situ to type of minor minerals.

However the mining leases which have been accepted in the past through E-tender and E- auction, the period of lease of which has been calculated from the date of letter of intent, the calculation of period of lease shall be for the further period of five years from the date of registration of execution of lease deed. The above provisions shall only be applicable on those mining leases whose time period remains till date 31.12.2023.

3. The mining leases accepted in the past through E-tender and E- auction, for successful bidder amount (10% of E-Auction bid) and for prospective lease holder amount (10% of E- Auction bid) and for the subsequent year for renewal of lease, the deposit of 20% amount can be adjusted against the lease amount of subsequent years of the said mining lease.
4. If the Revenue/forest land situate on river bed contains sand or gravel or bajri or boulder or any of these in a mixed state, where the order has been passed for grant of mining lease, for 25 % of the highest bid amount, the bidder shall have to pay 25 % of the highest bid amount within seven days from the date of order or within such period beyond seven days as is permitted by the Director, Geology And Mining Directorate, shall be deposited on M.M.-6 form or on such similar form, as may be required by the circumstances of each case, a lease deed shall be executed within a period of one month or such extended period as is permitted by the Director, Geology And Mining Directorate.

However, in case of Revenue/ Forest land other than river bed existing in In situ rocks like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc., order has been made for lease deed to be granted for the same, then 25 % of the highest bid amount shall be deposited within a period of 07 days from the date of Order or within such further period exceeding 07 days, as the State Government may permit shall be deposited on M.M.-6 form or on such similar form, as may be required by the circumstances of each case, a lease deed shall be executed within a period of one month or such extended period as is permitted by the State Government.

## **27. Register of Lease:-**

1. A register of mining leases shall be maintained in Form M. M. 7 in the Office of District Magistrate and District Mines Officer and a copy of the same shall be sent by the District Mines Officer to the Director, Geology and Mining.

## **Chapter- 5**

### **Terms of Mining Lease**

#### **28. Terms mentioned in this Chapter shall apply to all lease:-**

- (1) Every mining lease shall be subject to the conditions mentioned in this chapter which shall be deemed to be incorporated in every mining lease granted under these rules;

#### **29. Discovery of other minerals: -**

- (I). The lessee shall report the discovery of any non-specified mineral in the leased area, to the State Government, within thirty days of such discovery.
- (II). If any mineral not specified in the lease is discovered in the leased area the lessee shall not win and dispose off such mineral, unless a separate lease is obtained for the same.

#### **30. Foreign national not to be employed:-** Except with the prior approval of the State Government, the lessee shall not employ in connection with the mining operations any person who is not an Indian national.

#### **31. Mining operations to commence within one month:-**

- (I). Except where the State Government, for sufficient reasons, permits otherwise, the lessee shall commence mining operations within one month from the date of execution of the lease deed and registration of the deed by the Sub-Registrar, and shall thereafter conduct such operations

without deliberate intermissions, in a proper manner like a skilled workman.

- (II). Mining operation shall, in respect of river bed minor mineral areas and in situ rock deposits, be undertaken in accordance with the mining plan, detailing yearly development plans, duly approved by the Director, Directorate of Geology and Mining.
- (III). A mining plan referred to in sub-rule (2) shall be prepared by a (R.Q.P) Registered qualified person registered with the Directorate of Geology and Mining in accordance with the provisions of Mineral Concession Rules, 1960 made under the Mines and Minerals (Regulation and Development) Act, 1957.
- (IV). The lease holder shall submit 04 copies of the mining plan prepared through R.Q.P. (Registered qualified person) for approval to the concerned District Mining Officer and after examination and verification of the Mining plan the District Mining Officer shall send the same to the Director, Geology and Mining, within a period of 15 days. The Director, within a period of 01 month from the date of receipt of the same, can either approve, modify or reject the Mining plan. For approval of Mining plans of mining leases in River bed, or sand, gravel, boulder (RBM) related minor minerals in areas adjoining the river bed and In-situ minerals like soapstone, silica sand, barite, dolomite, gypsum etc., the fees of Rs. 50,000/- shall be deposited in the prescribed departmental accounting Head.
- (V). The mining plan prepared by the Registered Qualified Personnel (RQP) shall contain a description of the quantity of mineral to be extracted and the method of conducting mining operations from a technical and environmental perspective. The mining plan shall have the DGPS Co-ordinates described and marked on the Geo-referenced

Khasra Map of the mining area, and the description of the area of revenue land or forest land included in the mining area, shall be duly verified by the revenue department and attached with the mining plan. Apart from this, a satellite map of scale 1:10,000 shall be attached in the mining plan, highlighting all the approved mining lots, public places, nearby bridges falling within a radius of 500 metres within the mining plan, in which the current boundary of the river are clearly marked, and the area of the chosen site suitable for mining is highlighted after leaving the permissible distance from both the banks of the river. The DGPS coordinates highlighting corners of mining area shall be compulsorily marked, and in the case of large mining areas, the DGPS coordinates shall be marked at a distance of every 100 metres. On the Revenue and satellite maps the present Revenue, Forest land and private lands shall be marked in a clear manner. The digital copies of all the maps shall also be submitted.

- (VI). The approved scheme relating to mining lease of In-situ minerals like soapstone, silica sand, barite, dolomite, gypsum etc. shall be submitted to the Director, Geology and Mining Directorate for approval, at least three months before the expiry of the mining period, and if the approved period has expired, then those mines shall immediately be closed down. The District Mining Officer will ensure that no mine is operational without the approval of a mining plan.
- (VII). The mining lease holders of In situ minerals like soapstone, silica sand, barite, dolomite, gypsum etc. shall submit a Bank Guarantee in favour of Director, Geology and Mining Directorate, for a period of 05 years of Rs. 2 lakhs (Two Lakhs rupees) for an area of 05 hectares and for an area more than 05 hectares, Rs. 05 lakhs (Five Lakh rupees), in relation to enforcement of compliance of the terms of mining plan, mining scheme and progressive mines closure

plan, shall be presented in favour of the Director, Geology and Mining for a period of 05 years.

(VIII). In case the mining operations of mining lease of In situ minerals like soapstone, silica sand, barite, dolomite, gypsum etc., remain closed for a period of 2 years continuously in such case, the mining lease shall automatically deem to be lapsed and after providing a reasonable opportunity of hearing to such lease holders, action for lease termination shall be taken by the Director, Geology and Mining on the recommendations of the District Mining Officer.

**32. Erection and maintenance of boundary marks:-** The lessee shall, after the survey and demarcation of the area granted under the lease, and before executing the lease deed, at his own expense, erect and at all times maintain and keep in good shape the boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease deed and after the ending of the monsoons each year, shall reinstall the damaged boundary pillars.

**33. Maintenance of correct accounts of minerals:-** The lessee shall keep correct accounts of the minerals showing the quantity and other particulars of all minerals obtained and dispatched from the mining site, giving mode of transport, registration number of vehicle, person in charge of vehicle or animal, and nature and quantity of minerals carried, the prices and all other particulars of all sales of mineral, the number and nationality of persons employed therein, and complete plans of the mine, and shall allow any officer authorised by the Central or the State Government in this behalf, to examine at any time, any accounts, plans and records maintained by him and shall furnish to the Central or the State Government or any officer authorised in this behalf.

- 34. Maintenance of record of trenches, pits, etc. :-** The lessee shall keep accurate records of all trenches, pits and drills made by him in the course of mining operations carried on by him under the lease, and shall allow any officer authorised by the Central or the State Government to inspect the same. Such records shall contain the following particulars, namely;
- (a) The sub-soil and strata through which such trenches, pits are dug or drills and holes are made;
  - (b) Any mineral such extracted;
  - (c) Such other particulars as the Central or the State Government may, from time to time, require.
- 35. Lessee to strengthen, support, etc. :-** The lessee shall, to the satisfaction of the concerned Railway Administration or the State Government, as case may be, strengthen and support any part of the mine, which in the opinion of such administration or Government is necessary to be so strengthened or supported for the safety of any railway, reservoir, canal, road or any other public work or buildings.
- 36. Right of pre-emption :-**
- (1) The State Government shall at all times have the right of pre-emption of the minerals or products of minerals obtained from the land in respect of which lease has been granted, the price to be paid being the fair market price prevailing at the time of pre-emption.
  - (2) In order to assist in arriving at the said price, the lessee shall, if so required, furnish to the State Government for the confidential information, the description and prices of such minerals or products thereof sold to other customers and of such freight charters entered into for carriage of the same.
- 37. Liberties, power and privileges of the Lessees :-**

Subject to the terms and conditions mentioned in Rule 38, a person holding a mining lease under these rules may have the liberties, powers and privileges in respect of the following:-

- (a) To enter upon the land specified in the lease and to prospect for the mineral, to bore, dig, drill or otherwise obtain the mineral for which the lease is granted, to work, dress, process, alter, carry away and dispose of the mineral.
- (b) To make in the said lands any pits, shafts, inclines, levels, waterways or other works;
- (c) To erect and construct any machinery, plant, toilets, flooring, furnace, brick kiln, workshops, warehouses and other similar buildings on the land
- (d) To construct roads and other paths on the said land and to use them and to travel on them. If mining work is affected due to any canal/drain/path within the approved mining area, then the substitute arrangement of the said places can be made within the approved area at their own expense. The access road/kutchra road to the approved mining area can be constructed on the land of the State Government at their own expense.
- (e) to quarry and get stone gravel and other building and road materials and clay and to use the same and to manufacture such clay into bricks or tiles and to use such bricks or tiles but not to sell any such materials, bricks or tiles, without permission.
- (f) to use a substantial portion of the surface of the said land for the purpose of any production or operation carried on for mining and for the storage of tools, equipment, earth and goods and of any material dug or extracted, and
- (g) Subject to the existing rights of other persons and to the provisions of clause (d) of Rule 38, to clear undergrowth and

thick bushes and to fell and use any trees or timber standing or found on the said land. Provided that the District Magistrate may require the lessee to pay for any trees or timber fell and used by him at such rates as may be determined by the District Magistrate in view of their market value.

**38. Restrictions and conditions regarding exercise of the freedom, powers and privileges of the lessee :-**

The holder of a lease shall exercise the freedom, power and privileges mentioned in Rule 37 subject to the following restrictions and conditions :-

- (a) nothing shall be erected or set up and no surface operations shall be carried on at the following places:-
  - (1) Any public place, cremation ground or burial ground or any place held sacred by any class of persons or house or village ground, public road or any other place which may be declared to be a public place by the District Magistrate.
  - (2) Nothing shall be erected or placed and no surface operations shall be carried out in such a manner as to injure or adversely affect any building work, property or the rights of other persons.
- (b) No land shall be used for surface operations, which is already occupied by persons, other than the State Government for works or purposes not included in the lease or project.
- (c) The right to use any path, well or tank shall not be interfered with;
- (d) No entry shall be made on any reserved, protected or vested forest without the previous sanction in writing of the Divisional Forest Officer, nor shall any trees or timber be

filled, cut or used without obtaining the sanction in writing of that Officer nor otherwise than in accordance with such conditions as the State Government may impose in this behalf;

- (e) No mining operation shall be carried on at or to any point within a distance 50 metres from any railway line except with the previous written permission of the concerned Railway Administration, or from any reservoir, canal or other public works, such as public roads and buildings or inhabited site, except with the previous written permission of the District Magistrate or any other officer authorised by the State Government in this regard and otherwise than in accordance with such instructions and conditions either general or special, which may be attached to such permission. The said distance of 50 metres shall be measured in the case of railway, reservoir, canal or road horizontally from the outer toe of the Bank or the outer edge of the cutting, as the case may be, and in case of a building, horizontally from the plinth thereof; Provided that the distance in the case of a village road shall be 10 metres from the outer edge of the cutting.

**Explanation:** For the purpose of this sub-rule, the expression 'public road', shall mean a road which has been constructed after artificial levelling and is distinct from a track resulting from continuous use, and 'village road' will include any track shown in the revenue records as village road; and

- (f) In respect of any private land which is included in the land held by the lessee or is accessible from it, the present or future holders of Government lease or permit shall be given adequate facilities for movement thereto. In case any loss or damage is caused by such lease or permit holders by exercise of this freedom, a fair compensation (as may be mutually agreed upon or in the event of disagreement, as

may be decided by the District Magistrate) shall be payable therefore by such lease or permit holder to the lessee. Mining work shall be carried out in In-situ rocks with the mutual consent of the lease holder and the land owner. If the land owner has once entered into a contract for consent to carry out mining work for a specific period, then the consent given during the said period cannot be withdrawn and if at the time of new contract no consensus is reached between the lease holder and the land owner, in such a situation the lease holder will have to level the concerned land of the land owner, and pay the crop compensation to the landowner each year, so that mining work is not affected. In case of any dispute between the lease holder and the land owner, the concerned District Magistrate shall be the arbitrator in this regard and his decision shall be final.

- (g) Mining / Picking work will be carried out by leaseholder in the approved mining area in river beds up to a maximum depth of three metres or up to the ground water level, whichever is lower.
- 39. Lessee to indemnify Government against all claims:** The lessee shall guarantee the payment and pay such reasonable compensation as may be assessed by the State Government for all damage, injury or disturbance which may be done by him in exercise of the powers granted to him within the lease, and shall indemnify and keep indemnified fully and completely, the State Government, from and against all claims, suits and demands which may be made or brought by any person or persons in respect of any such damage, injury or disturbance and all costs and expenses in connection therewith.
- 40. Lessee to secure and keep all pits, shafts etc. in good condition :-**

The lessee shall, during the subsistence of the lease, sufficiently secure and keep open with timber or other durable means all pits, shafts and workings that may be made or used in

the land and make and maintain sufficient fences on all four sides, to the satisfaction of the State Government, around every such pit, shaft or workings, whether the same is abandoned or not, and shall, during the same period, keep all workings in the land, except such as may be abandoned, accessible and free from water and foul air, as far as possible.

**41. Lessee to allow inspection of working:-**

The lessee shall allow any Officer authorised by the Central Government or the State Government from the date of his entering onto the premises, in that behalf to enter upon the premises including any building, excavation or land comprised in the lease for the purpose of inspecting, examining, surveying and making plans thereof, sampling and collecting any data thereof, and the lessee shall, with a suitable person under his employment who is acquainted with the work of mines and mining, properly assist such officer and his agents, servants and workmen in conducting every such inspection, and shall afford and furnish to them all facilities and information, etc. connected with the working of the mines, which they may reasonably require, and shall also conform to and observe all orders and regulations which the Central Government or the State Government, as a result of such inspection or otherwise, may from time to time deem fit to make.

**42. Lessee to report accident:**

The lessee shall without delay, send to the District Magistrate and the District Mining Officer a report of any accident, causing death or serious injury to person, or serious damage to property, or seriously affecting or endangering life or property, which may occur in the course or any operations under the lease.

**43. The leaseholder shall make arrangements for modern measuring machines and CCTV cameras etc.-**

1. The lease holder shall construct a check post/gate with computerized weighing machine at the gate of the mining/picking lease area and install modern IP based CCTV cameras with 360 degree recording angle to monitor the entry and exit of vehicles at his own expense. The lessee shall also place an RFID scanner at the said check post/gate which will facilitate reading and safe keeping of the data of barcode printed on the E-Ravanna Form MM-11 issued in respect of each vehicle used for transportation of minerals from the concerned lease area and shall maintain it properly and keep it in working condition at all times. The lessee shall preserve all recordings made by the said CCTV cameras and RFID scanners for a minimum period of 30 days and shall make the said recordings available on demand of the authorised officer under the provisions of Rule 66. The lessee shall ensure strict compliance of the guidelines or orders issued by the State Government from time to time in respect of compliance of the above.
2. The lease holder shall display at the entry or exit gate of the approved mining area the full details of the approved mining area, such as name and address of the lessee in full, telephone number, approved area, number and date of approval order, approved lease period, type of mineral, approved quantity of extraction per year and the sale price of the mineral head.

**44. Permission from Uttarakhand Environment Protection and Pollution Control Board :-**

It will be mandatory for the lease holder to obtain Consent to Establish and Consent to Operate from the Uttarakhand Environment Protection and Pollution Control Board for mining operations in the mining lease area.

**45. Environment Clearance, Forest No Objection (If applicable), Permission from NBWL (If applicable):-**

Mining operations will be carried out subject to the conditions and guidelines given in the mining plan and the orders and guidelines issued by the State Government and the Hon'ble Court from time to time.

**46. Lessee shall deposit any additional amount necessary:**

Whenever the security deposit or any part or any additional money deposited with the State Government in satisfaction thereof is forfeited by the State Government in pursuance of the powers conferred by these rules, the lessee shall deposit with the State Government such further sum as may be necessary to make good the deficiency caused by such confiscation or application.

**47. Recovery of expenses incurred by the Government:**

If any of the works or matters which, in accordance with these rules, are to be carried out or performed by the lessee are not carried out or performed within the time specified in that behalf, the State Government may get the same to be carried out or performed and the lessee shall pay to the State Government, on demand, all expenses incurred by the State Government in connection therewith. The decision of the State Government as to such expenses shall be final.

**48. Refund of security deposits :-**

The security deposit lying with the State Government after the expiry of the mining lease, which is not required to be used towards any of the purposes mentioned in these rules, shall be refunded to the lessee ordinarily within a period of six months from the date of the termination of the lease period.

**49. Safe Distance from Public places, Bridge constructed on rivers, and river banks etc. :-**

a. In the forest river area of the state, the mining work shall be done after leaving one-fourth of the total width of the river

from both the banks and in the river bed areas of revenue or private lands, 15 percent of the total width of the river or a minimum of 10 meters from both the banks.

- b. The mining work of minerals shall be done up to the permitted depth while restricting the distance of 50 meters from crematoriums, public places etc.
- c. Picking work shall be prohibited up to a distance of 100 meters in the upstream and downstream of a river bridge or within the distance determined in the Government orders issued by the Government from time to time.

#### **50. Other Conditions regarding Mining lease-**

- (1) The quantity of mineral extracted from the lease area will be measured according to the weight and not in volume.
- (2) Registration of vehicles used for transportation of minerals from the Mining lease areas shall be mandatorily done at the Directorate of Geology and Mining, for which, if any fee is determined by the State Government, it will have to be paid by the vehicle owner.
- (3) Before starting the picking work, it will be mandatory for every lease holder and permit holder to get themselves registered at the District level offices of the Commercial Tax Department and the Directorate of Geology and Mining.
- (4) The royalty amount of In-situ rock minerals like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc. which are produced and sold from mining lease areas will be calculated on the quantity of the mineral extracted. In case the extraction is less than 50% of the annual extraction quantity determined in the mining plan, it will be mandatory for the lease holder to inform in writing the reasons for the same to the Director, Geology and Mining Directorate.

- (5) Keeping in view the difficult geographical conditions of the hilly areas of the State, the quantity and quality of mineral reserves in the mining lease areas approved on Letter of Intent for In-situ rock minerals like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc., can be assessed through fitting and trenching as before. The mining lease letter of intent holder will have the freedom to get the quantity and quality of mineral deposits in the mining lease area assessed with modern drilling machines.
- (6) Mining/ Picking work in River bed areas, will not be done by machines like JCB, Poclain, Suction machine, Lifter etc.  
In special circumstances like construction of access roads, removal of large sized boulders in the area, removal of stuck vehicles in the mining area etc., permission will be granted by the concerned Sub Divisional Magistrate on the recommendation of the Mining officer.
- (7) In the mining leases of In-situ rock minerals like Soapstone, Silica Sand, Barite, Dolomite, Slate, Quartzite, Stone, Gypsum, etc., for mining operations to be carried out by mechanized methods using machine, poclain, dozer, excavator etc., the permission will be given by the Director, Geology and Mining on the recommendation of the District Mining Officer.
- (8) The leaseholder shall pay taxes and fees as prescribed by the rules prescribed by the State Government or Central Government from time to time like TCS of Income Tax Department, DMF etc.
- (9) The lease holder shall extract and transport the minerals from the lease area between sunrise and sunset.
- (10) After issuance of letter of intent and Government order for mining lease in favour of the applicant, if the applicant dies, then it will be necessary for the legal heir of the applicant to submit the said letter of intent and Government order, the succession certificate issued from the competent authority alongwith a notarized request affidavit of being interested

to the Director, Geology and Mining within a period of three months. Otherwise, the approved letter of intent/ Government order would be cancelled and necessary action would be taken to vacate the applied area.

- (11) The extension of the duration of previously approved mining lease of rock type mineral soapstone will be done by the Director General, Geology and Mining Directorate on the request of the lease holder. The extension of the period of mining leases approved before the year 2015 will be up to 50 years from the date of registration of the mining lease. For this, the lease holder will have to get a supplementary lease deed executed on a stamp paper of Rs. 10,000. The extension of the period of previously approved mining leases will be required to be completed by the lease holder within 6 months from the date of promulgation of these rules.
- (12) In mining leases approved for in situ rocks, overburden/soil/debris will not be dumped outside the approved area. If overburden/soil/ debris is dumped outside the approved area by the leaseholder, then a fine of Rs 5 lakh will be imposed on the concerned leaseholder by the Director Geology and Mining Directorate on the instructions of the District Mining Officer.
- (13) If the land of the state government falls within the area applied for in In situ minerals like soapstone, silica sand, barite, dolomite, gypsum etc., then such land can be included with private land to the extent of 25% and royalty will be payable on the abovementioned area in Uttarakhand as per the rules. If the land of the state government falls under the previously approved mining lease, then minerals can be extracted from the said area and royalty will be payable on the extracted minerals as per the rules.
- (14) The mining of in-situ type rocks, during rainy season, shall be done by the lease holder with complete safety

measures by protecting the mine from land erosion and making arrangements for natural drainage.

## **Chapter 06**

### **Mining Permit**

#### **51. Restrictions on grant of mining permit:**

1. No mining license shall be given to a person who is not an Indian citizen or he or his family has mining dues pending against him and he is not a original resident/ permanent resident of the State.
2. The permit will be granted for extraction of minerals in river bed/ gadhera/ drains in private and revenue lands, other than in river bed areas, from construction of buildings, basement digging, brick soil digging or extraction of ordinary soil etc. and useful minerals extracted from the soil cutting during construction of motor road and construction of tunnels in hydro power projects, by the working agencies, shall be used commercially/ for construction of projects.
3. The period of mining permit shall be maximum 6 months and the period of granted permit will not be extended.

#### **52. Application for grant of mining permit:-**

The application for grant of mining permit shall be submitted to the District Mining Officer in four sets as per M.M. 8, by whom the application form and the documents attached with the application form will be examined and the members of the committee will be informed for on-site inspection after getting the incomplete documents completed. The following shall be with the application form:

1. The receipt of application fee of Rs. 10,000.

2. Four attested copies of the land survey map or in case of the area not covered under such survey, the survey map in such scale in which at least 4 inches equals one mile, and four such copies in which the area for which the application has been made is clearly marked.
3. The attested copy of Khasra, Khatauni.
4. The mining permit certificate issued by the District Mining Officer of the concerned District.
5. The certificate regarding no dues from Income Tax Department or a copy of the affidavit
6. Copy of the updated character certificate.
7. The copy of the original residence or permanent residence certificate.
8. The copy of the GST certificate.
9. The copy of the status certificate.

**53. Disposal of application:-**

1. The on-site inspection for the applications submitted for the permissions mentioned in Rule 52 (2) above shall be conducted by a committee constituted under the chairmanship of the Sub District Magistrate.
2. In plain areas w.r.t. development of the place in personal measured land, its levelling, digging of basement or for levelling the land, will not require grant of sanction if the ordinary soil etc. which comes out during excavation or land levelling is used for land improvement of this private land, but before starting the said work by the concerned land owner, he has to inform the Sub-District Magistrate and District Block Officer about the above. In the hilly areas, permission for the activities mentioned above will be

granted for a short period, by the concerned Sub-District Magistrate on the recommendation of the concerned Mines Inspector or District Mines Officer. Excavator machines can be used for this. In the plain/ hilly areas, the mineral extracted under such process, in case transported elsewhere then the concerned land owner will get such material for transportation to be measured by the concerned mines officer/ District Mines Officer and by paying the prescribed royalty and other payments; to be deposited, the concerned Sub-District Magistrate will approve a short-term mining permit. The above activities will not come under the category of mining and there will be no need for environmental permission for the same.

3. The permits mentioned in Rule 51 (2) like digging of soil for brick formation, digging of normal soil and the useful minerals coming out from tunnel etc. of hydro power projects, being used for construction in commercial/ projects, the spot investigation/ inspection will be got done by the constituted committee as per Rule 7 of chapter 2. On the basis of the Investigation reports of the constituted committee, the concerned District Magistrate can refuse to grant permit or can grant permit for a fixed period of entire area or a part of the applied area, on the terms and conditions which are deemed necessary by him.

Provided that for an area, which is already covered under lease or mining permit, any application submitted for permit will be considered to be pre-mature and will be rejected and in case any application fee is submitted, the same will not be returned.

4. If the building owner does not have the arrangement to keep the ordinary soil and waste material coming out from the basement of the buildings for building construction in the hilly areas of the state and he does not use it commercially, then with the permission of the local

administration, it will be preserved in the dumping zone declared by the Tehsildar of the concerned tehsil, which will be used in future to make grounds / helipads etc. This process will be applicable only on ordinary soil and waste material coming out for the purpose of own building construction, for this royalty and other taxes will not be payable. For transporting ordinary soil and waste material elsewhere other than the dumping zone, the concerned landowner will get the quantity to be transported assessed by the District Mining Officer and will pay the prevailing royalty and other dues as per the rules and thereafter the concerned Sub-District Magistrate will grant permission for transporting the said sub-mineral elsewhere.

4. Short term permit for transportation of waste material coming out as overburden from approved mines of in-situ rock mineral deposits such as soapstone, silica sand, barite, dolomite, slate, gypsum etc. to other place, if it is waste material on the basis of analysis report of departmental chemical laboratory, will be approved by Director General/Director, Directorate of Geology & Mining on the recommendation of District Mining Officer, for which royalty and other dues will be paid as per rules.
5. The District Mining Officer of the concerned District will be authorized to issue required documents on deposit of advance royalty for the use of boulders, stones, gravel etc. coming out from the construction site during the construction of roads, approach roads etc. by Government construction units such as Public Works Department, Rural Engineering Service, Irrigation Department, DGBR (GREF), National Highway Authority etc.

#### **54. Deposit of royalty :-**

1. When an order granting a mining permit has been made under rule 53, the applicant shall, within fifteen days of the

communication of the order, deposit the royalty in advance for the total quantity of the mineral permitted in the said order, as given in Schedule-1 of the said rules, at the prescribed rate at that time. However, if the holder of the permit, due to any reason attributable on his part, could not extract the mineral within the permitted time, any amount deposited as royalty shall not be refunded.

2. If the applicant fails to deposit the royalty within the period mentioned in sub rule (1) or within such further period, as may be allowed by the officer granting the permit, the order granting the permit shall stand revoked and the fee mentioned in Part(1) of the rule 52 shall be forfeited to the State Government.

#### **55. Issue of mining permit :-**

A mining permit in form MM- 10 with such addition terms and conditions subject to which the order is made under rule 53 shall be issued to the applicant within fifteen days of the deposit of the royalty in accordance with sub-rule (1) of rule 54 and the permit so issued shall be valid until the date of expiry of the period specified in the permit or till such date when the permitted quantity of the mineral is removed, whichever is earlier.

#### **56. Register of mining permits :-**

A register of all applications for mining permits, with details of permits issued, shall be maintained in Form MM-9, in the office of District Officer/ District Mines Officer or the officer authorised to grant mining permits.

### **Chapter -07**

#### **Contraventions, Offences and Penalties**

#### **57. Penalty for unauthorised mining:**

- (1) Whoever violates the provisions of rule 3, on being proved guilty, shall be charged, for the first time, an amount equivalent to twice the royalty on the quantity of mineral illegally extracted and up to thrice the royalty, on consequent convictions, will be recovered.
- (2) For effective prevention of illegal mining, an enforcement team will be constituted at the directorate level under the Chairmanship of the Director of Geology and Mining, Directorate through whom surprise raids will be ensured on receipt of complaint of illegal mining or from time to time.
- (3) For effective prevention and control of illegal mining, the state government will issue appropriate rules or orders from time to time.
- (4) For prevention of illegal mining, mining surveillance system will be implemented from the directorate level.
- (5) Mentioning the confirmation of acts of illegal mining, the Directorate will have the right to suspend the E-Ravanna portal of the concerned lease holder or license holder or warehouse operator etc. after giving written information of the reasons, and take other action as per the rules.

**58. Consequences of non-payment of royalty rent or other dues:-**

- (1) The State Government or any officer authorised by it in this behalf may determine the mining lease after serving a notice on the lessee to pay within thirty days of the receipt of the notice any amount due or dead rent (For In Situ rocks) under the lease including the royalty due to the State Government if it was not paid within fifteen days next after the date fixed for such payment. This right shall be in addition to and without prejudice to the right of the State Government to realise such dues from the lessee as arrears of land revenue.

- (2) Without prejudice to the provisions of these rules, simple interest at the rate of 24 percent per annum may be charged on any rent, royalty, demarcation fee and any other dues under these rules, due to the State Government after the expiry of the period of notice under sub-rule (1).

**59. Consequences of contravention of certain conditions:**

If any person holding a mining lease violates any of the conditions laid down in the rules, he shall be punishable with a fine which may extend to two lakh rupees, if found guilty.

**60. Consequences of contravention of rules and conditions of lease generally:**

- (1) In case of any breach or contravention by a lessee of any of these rules or conditions and covenants contained or deemed to be contained in the lease except those relating to payment of royalty, rent or other sums due to the State Government, the State Government, after giving the lessee a reasonable opportunity to state his case, determine the lease. The right shall be in addition to and without prejudice to the provisions of rule 59.
- (2) If a lease is determined under sub-rule (1), the lessee may be black listed by the Director, Geology and Mining, for such period, not exceeding five years, as may be considered proper and during this period no mineral concession under these rules shall be granted to him. An entry in this regard shall be made in the remark's column of the registers of mining lease or the E- auction lease, as the case may be.

**Chapter -08**

**Miscellaneous**

**61. Power to rectify apparent mistakes:**

Any clerical or arithmetical mistake in any order passed under these rules by the State Government or any other competent authority or officer may be corrected by the State Government, authority or officer, as the case may be.

Provided that no order prejudicial to any person shall be passed unless he has been given reasonable opportunity for stating his case.

**62. Register to be open to inspection:**

- (1) All registers prescribed to be maintained by these rules shall be open to inspection on payment of a fee of five hundred rupees for an entry.
- (2) Certified copy of an entry of the register referred to in sub-rule (1) on any application may be obtained by any person on payment of a fee of –
  - (a) Rs. 1000.00 for obtaining the copy within seven days, and
  - (b) Rs. 5000.00 for obtaining the copy within twenty-four hours.

**Explanation 1:** 'An entry' means all entries in respect of one permit; or mining lease or E-auction lease as the case may be.

**Explanation 2:** The fee shall be paid in the manner prescribed under Rules and the treasury challan shall be accompanied with the application for inspection or for certified copies, as the case may be.

**63. Change of name, nationality, etc. to be intimated:-**

An applicant for or the holder of a mining lease shall intimate to the State Government within sixty days any change

that may take place in his name, nationality or other particulars mentioned in the relevant Forms.

**64. Mode of payment of fees and deposit:-**

Any amount payable under these rules shall be paid in such manner as the State Government may specify in this behalf.

**65. Facilities for training of students:-**

1. Every owner agent or manager of a mine shall permit students of mining and geological institutions approved by the State Government to acquire practical training of the mines and plants operated by them and provide all necessary facilities required for the training of such students.
2. Applications for training from students of institution teaching mining or Geology should be forwarded to the owner, agent or manager of a mine through the Principal or Head of the institutions. Cases of refusal to provide facilities for practical training by any owner, agent or manager of a mine should be referred to the Director General, of Geology and Mining Directorate, Uttarakhand.

**66. Power of assessment entry and inspection:-**

- (1) For the purpose of assessment of royalty and for ascertaining the position of the working, actual or prospective, of any mine or abandoned mine or for any purposes connected with these rules, the District Magistrate or the officer of the Directorate of Geology and Mining, Uttarakhand not below the rank of Mines inspectors appointed for such purposes by the Director or any other Officer authorised in his behalf by the State Government by general or special order may:-
  - (a) Enter and inspect any mine

- (b) Survey and take measurement in any such mine. 29
- (c) Weigh, measure or take measurement of the stock of mineral laying at any mine.
- (d) Examine any document, book, register or record in the possession or power of any person having the control of, or connected with any mine and place marks or identifications thereon and take extracts from or make copies of such documents, book, register or records:
- (e) Summon or order the production of any such document, book, register or record as is referred to in Clause (d).
- (f) Summon or examine any person having the control of, or connected with any mine; and
- (g) Call for such information or return as may be considered necessary;

Provided that by general or special order of the State government, the Officer of the revenue department as authorized for this purpose, who is not below the rank of Deputy Tehsildar (who has obtained the One week's training from the Department of Geology and Mining regarding mining activities with obtainment of such qualification certificate from Director), will also be authorized for the purpose. The concerned will get the Inquiry of illegal mining only and will present his report before the competent authorized level for necessary action.

- (2) Every person authorised by the State Government under sub-rule (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and every person to whom an order or summons is issued by

virtue of power conferred by clause (e) or clause (f) of the said sub-rule shall be legally bound to comply with such order or summons, as case may be.

**67. No restriction etc. to be imposed by owner of land on mining operation except demand of compensation :-**

1. No person, who has right in any capacity on the land covered by a mining lease or mining permit, shall be entitled to impose any prohibition or restriction on the mining operations by the holder of such lease or permit of such land or to demand any sum by way of premium or royalty for the removal of minor mineral.

Provided that such person shall be entitled to get annual compensation from the said holder of mining lease or permit for the use of surface of the land for mining operations, as may be agreed upon between them.

2. Where the holder of a mining lease or permit and the owner of the surface of the land could not agree upon the amount of annual compensation and a dispute arises in respect thereof, it shall be determined by the District Officer in such manner that :-
  - (a) In the case of agricultural land, the amount of annual compensation shall be worked out on the basis of the average annual net income from the cultivation of similar land for the past three years. The amount of compensation will not exceed five times the annual average net income, and
  - (b) In the case of non-agricultural land, the amount of annual compensation shall be worked out on the basis of average annual letting value of similar land for the previous three years. The amount of compensation will not exceed five times the annual rent;

- (c) In case any damage is caused to the residential house/ cowshed/ shop due to mining activity, then the revenue department will get the evaluation of the same done through Engineer of Public Works Department and in accordance with the actual evaluated compensatory cost, the same will be paid to the affected persons/ organizations by the leaseholder.

**68. Relaxation of rules in special cases:-**

The State Government may, if it is of opinion that in the interest of mineral development it is necessary so to do, by order in writing and for reasons to be recorded, authorise in any case the grant of any mining lease/ mining permit or the working of any mine for the purpose of winning any mineral on terms and conditions different from those laid down in these rules.

**69. Royalty or dead rent may be collected through a contractor:-**

- (1) The Government may arrange to collect the royalty or dead rent from the holders of mining leases through a selected contractor/ successful bidder, and such holders when directed by the State Government to do so, shall pay the royalty or dead rent to such contractors at the rates specified in their lease during such period as may be directed.
- (2) The consequences of non-payment by the mining lease holder to the selected contractors/ bidders or non-payment of royalty or dead rent, will be such as happens to the payment of State Government and in that case the State Government shall have all the rights for the recovery of the arrears from the lessee and in respect of determination of the lease as provided in these rules.
- (3) The State Government may enter into agreement with any person who is considered suitable, whether by holding an auction or by inviting E-tenders/ E Auction or in any other

manner to collect royalty or dead rent of the holders of mining leases in a specified area during a period not exceeding five years on such terms and conditions as are considered suitable. For the fixation of parameters of qualification and auction process for selection of the contractor/ bidder, the Director, Geology and Mining Directorate, will get a separate tender document prepared and get the approval of the government.

- (4) The selected contractors/ successful bidders, as above, will get priority as per chapter 2 of the rules, for mining lease in the vacant mineral areas existing in river bed, in the state.
- (5) The selected contractors/ successful bidders can get the permission on the request to Director, Directorate of Geology and Mining, for perusal of departmental e-ravanna portal, in order to fulfil their responsibilities under the agreement and for stoppage of illegal mining/ transport/ storage.

#### **70. Restrictions on transport of the minerals:-**

1. It will be mandatory for leaseholder/ licensee for the transport of minerals to get registration done on the E-Ravanna portal of the Directorate of Geology and Mining.
2. The holder of a mining lease or mining permit or a person authorised by him in this behalf shall issue a pass in Form M-11 to every person who carries out the consignment of the mineral by vehicle, animal or any other means of transport.
3. No person shall carry any mineral within the State by cattle, carriage or by any other mode of transport except rail without a pass issued under Sub Rule 1 of the said rule in E- Ravanna Form M 11 and outside the State in E- Ravanna Form M 11 "O.S.". However, the Director, Directorate of Geology and Mining shall have the right to

grant exemption for the use of online generation of transit pass (E- Ravanna Form M 11 and E-Ravanna Form M 11 "O.S.") under special circumstances. For such special circumstances, exemption should be given for the use of online e-transit pass (E-Ravana Form M-11 and E-Ravanna Form M 11 "O.S." can be used for transportation of minerals.

4. Every person carrying any minor mineral shall, on demand by any officer authorised under rule 66 or such officer as may be authorised by the State Government in this behalf, show the said pass to such officer and allow him to verify the correctness of the particulars of the pass with reference to the quantity of the minor mineral.
5. The Director General, Geology and Mining Directorate, shall for the stoppage of illegal transport of minerals may establish a check post/ Mobile Check Post for any area included in any mining lease or permit, and when a check post is so established public notice shall be given of this fact by publication in the Gazette and in such other manner as may be considered suitable by the Director General, Geology and Mining Directorate.
6. No person shall transport a minor mineral for which these rules apply from such area without first presenting the mineral at the check post established for that area for verification of the weight or measurement of the mineral.
7. If found illegally transporting minerals, action will be taken under the relevant rules of Uttarakhand Mineral (Illegal Mining, Transportation and Storage Prevention) Rules.
8. Any person found to have contravened any provision of this rule shall, on conviction, be punishable with imposition of fine which may extend to two lakh rupees.

9. In case of illegal transportation or misuse of E-Ravanna forms, the Directorate shall have the authority to temporarily suspend the E-Ravanna Portal of the concerned lease holder or license holder or warehouse owner etc. without prior notice and take other actions as per rules.

**71. Delegation:-**

The State Government may, by notification in the Gazette, direct that any power exercisable by it under these rules, may in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

**72. Availability of area for regrant on mining lease to be notified:-**

1. If any area, except for the private measure land, which was held under a mining lease under chapter-II or on reserved under section 17-A of the Act, becomes available for regrant on mining lease, the Director, Geology and Mining, shall notify the availability of the area through a notice inviting for applications for grant of mining lease specifying a date, which shall not be earlier than thirty days from the date of notice and giving description of such area and a copy of such notice shall be displayed on the notice board of his office and shall also be sent to the Sub District Magistrate and Mines Officer of such area.
2. The applications for grant of mining lease under sub-rule (1) shall be received within seven working days from the date specified in the notice referred to in the said sub-rule, if, however, the number of applications received for any area is less than three the Director may further extend the period for seven more working days and if even thereafter the number of applications remain less than three, the

Director, Geology and Mining, shall notify the availability of the area a fresh in accordance with the said subrule.

3. An application for grant of mining lease for such area, which is already held under a lease or notified under sub-rule (1) or rule 20 or reserved under section-17A of the Act and whose availability has not been notified under sub-rule (1) shall be deemed to be premature and shall not be considered and the application fee thereon if paid shall be refunded.

**73. Returns:-**

1. The holder of a mineral concession under these rules shall submit monthly returns in respect of each month in Form MM-12 to the District Magistrate and to the District Mines Officer for each month by 7<sup>th</sup> of each succeeding month.
2. Whenever any holder of mineral concession fails to submit the return within the time specified in sub-rule (1) he shall be liable to a penalty of Rs. 5000.00.

**74. Cognizance of offences:-**

1. No court shall take cognizance of any offence punishable under these rules, except on a complaint in writing of the facts constituting such offence by the District Officer or by any officer authorised by him in this behalf.
2. No court inferior to that of a magistrate of the first class, shall try any offence under these rules.

**75. Compounding of offence :-**

1. Any offence punishable under these rules may, either before or after the institution of the prosecution, be compounded by the Director, Geology and Mining Directorate or District Magistrate or such officer as the State Government may by general or special order

authorised in this behalf, on payment to the State Government of such sum as such officer may specify.

Provided that in the case of an offence punishable with fine only, no such sum shall exceed the maximum amount of fine, which may be imposed for that offence.

2. Where an offence is compounded under sub-rule (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender, if in custody, shall be released forthwith.
3. The officer compounding the offence under sub-rule (1) shall maintain a register showing the following details:
  - (a) Serial number (by financial year),
  - (b) Name and address of the offender,
  - (c) Date and details of offence,
  - (d) Sum of compounding amount and date of its payment,
  - (e) Signature of the officer with date and seal.

#### **76. Assistance of Police :-**

The Officer designated in Rule 66, may make an application for the help of the local police, for lawful exercise of his powers under these Rules and the local Police shall render all possible assistance, as may be necessary, to enable the officer to exercise the powers under these Rules.

#### **77. Appeal:**

An appeal against an order passed under these rules by the District Officer or the District Mines Officer shall lie to the Divisional Commissioner within a period of sixty days from the date of communication of such order to the party aggrieved.

**78. Revision:-**

The State Government may, either suo moto at any time or on an application made within ninety days from the date of communication of the order, call for and examine the record relating to any order passed or proceeding taken by the District Magistrate, Director or the Divisional Commissioner under these rules and pass such orders as it may think fit.

**79. Fees:**

The appeal under rule 77 or an application under rule 78 shall be presented in form MM-13 in duplicate and be accompanied with a treasury receipt showing that a fee of Twenty thousand rupees has been paid in Government Accounts Head to the credit of the State Government under the head specified under rule 64.

By Order of,

Dr. Pankaj Kumar Pandey,

Secretary

राजस्व प्राप्ति की समीक्षा हेतु मुख्य सचिव, उत्तराखण्ड शासन की अध्यक्षता में दिनांक

31.07.2024 को सम्पन्न बैठक का कार्यवृत्त:-

उपस्थिति:-

1. श्री बी0के0 सन्त, सचिव, औद्योगिक विकास (खनन) विभाग, उत्तराखण्ड शासन।
2. श्री अहमद इकबाल, अपर सचिव, वित्त विभाग, उत्तराखण्ड शासन।
3. श्री विनोद गिरी गोस्वामी, प्रबन्ध निदेशक, गढ़वाल मण्डल विकास निगम लि0।
4. श्री लक्ष्मण सिंह, अपर सचिव, औद्योगिक विकास (खनन) विभाग, उत्तराखण्ड शासन।
7. श्री राजपाल लेघा, निदेशक, भूतत्व एवं खनिकर्म निदेशालय, देहरादून।
8. श्री हनुमान प्रसाद तिवारी, उप सचिव, औद्योगिक विकास (खनन) विभाग, उत्तराखण्ड शासन।
9. श्रीमती विप्रा त्रिवेदी, महाप्रबन्धक (प्रशासन), गढ़वाल मण्डल विकास निगम लि0।
10. श्री भारत चन्द्र, महाप्रबन्धक (वित्त), गढ़वाल मण्डल विकास निगम लि0।
11. श्री दिनेश कुमार, उप निदेशक/भूवैज्ञानिक, भूतत्व एवं खनिकर्म निदेशालय, देहरादून।
12. श्री दीपक जोशी, अनुभाग अधिकारी औद्योगिक विकास (खनन) अनुभाग-1, उत्तराखण्ड शासन।
13. श्री बी0एस0दानू, प्रभारी खनन, गढ़वाल मण्डल विकास निगम।

गढ़वाल मण्डल विकास निगम के पक्ष में आवंटित राजस्व खनन लॉटों से विगत 10 वर्षों में राजस्व प्राप्ति से सम्बन्धित खनन विभाग द्वारा प्रस्तुत विवरण एवं प्रस्ताव पर उपस्थित सभी अधिकारियों के साथ हुये विचार-विमर्श उपरान्त की गयी समीक्षा में मुख्य सचिव महोदया द्वारा निम्नवत् निर्देशित किया गया:-

- 1 गढ़वाल मण्डल विकास निगम को आवंटित/चिन्हित खनन लॉटों में से ऐसे लॉट, जो गढ़वाल मण्डल विकास निगम संचालित करने में सक्षम नहीं हो पा रहा है अथवा किसी भी कारण से निगम द्वारा संचालन करना सम्भव नहीं हो पा रहा है, को तत्काल राजस्व हित में खनन विभाग को समर्पित कर दिया जाय।
- 2 अन्य अवशेष खनन लॉट, जो अपरिहार्य कारणवश सुचारू रूप से संचालित नहीं हो पा रहे हैं, उनके खनन विभाग को समर्पण आदि करने से पूर्व एक बार सचिव, खनन विभाग के स्तर पर गढ़वाल मण्डल विकास निगम के साथ बैठक कर ली जाय, तदोपरान्त आवश्यकतानुसार राजस्व प्राप्ति के हित में अपर मुख्य सचिव, वित्त विभाग के स्तर पर भी खनन विभाग एवं गढ़वाल मण्डल विकास निगम द्वारा बैठक के माध्यम से इस सम्बन्ध में आवश्यक कार्यवाही सुनिश्चित की जाय।

अन्त में उक्तानुसार सभी उपस्थित अधिकारियों का धन्यवाद ज्ञापित करते हुए बैठक सम्पन्न हुई।

(बृजेश कुमार संत)  
सचिव

.....2

उत्तराखण्ड शासन  
औद्योगिक विकास (खनन) अनुभाग-1  
संख्या-1433/VII-A-1/2024-05(27)2020  
देहरादून: दिनांक 27 अगस्त, 2024

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अपर मुख्य सचिव, वित्त विभाग, उत्तराखण्ड शासन।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, देहरादून।
3. प्रबन्ध निदेशक, गढ़वाल मण्डल विकास निगम, देहरादून।
4. संबंधित प्रतिभागीगण।
5. गार्ड फाईल।

आज्ञा से,  
  
(लक्ष्मण सिंह)  
अपर सचिव

**GMVN**

गढ़वाल मण्डल विकास निगम लि०  
(उत्तराखण्ड सरकार का उपक्रम)  
पञ्जीकृत कार्यालय-74/1 राजपुर रोड, देहरादून।  
उत्तराखण्ड। पिन कोड-248001  
CIN U31101UR1978BGC 004259

(207)

E-Mail: gmvnngstming@gmail.com

Phone : 2744408, 2748817, 2749308

पत्रांक 423/दस/तीन-10 (2024-25)

दिनांक 09 अगस्त 2024

प्रेषक,

प्रबन्ध निदेशक,  
गढ़वाल मण्डल विकास निगम लि०,  
देहरादून।

सेवा में,

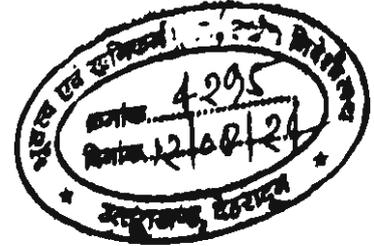
सचिव खनन,  
औद्योगिक विकास (खनन) अनुभाग-1,  
उत्तराखण्ड शासन, देहरादून।

DD  
Atul

12/8/24

SKO-1

14/8/24



विषय-दिनांक 31.07.2024 को मुख्य सचिव महोदय की अध्यक्षता में सम्पन्न बैठक में दिये गये निर्देशों के अनुपालन में यमुना के खनन लॉटों के समर्पण विषयक।

महोदय, अवगत कराना है कि दिनांक 31.07.2024 को मुख्य सचिव, उत्तराखण्ड शासन की अध्यक्षता में गढ़वाल मण्डल विकास निगम को आवंटित राजस्व लॉटों की समीक्षा बैठक में जिन लॉटों का संचालन नहीं हो पा रहा है, को समर्पित किये जाने हेतु निर्देशित किया गया है।

उक्त सम्बन्ध में अवगत कराना है कि वर्तमान समय में जनपद देहरादून क्षेत्रान्तर्गत राजस्व खनन लॉट यमुना 21/1 एवं 31/3 का संचालन मा० नेशनल ग्रीन ट्रिब्यूनल द्वारा स्थगित रखा गया है। साथ ही यह भी अवगत कराना है कि विगत वर्षों की देयता के सम्बन्ध में उक्त दोनों राजस्व खनन लॉट संचालकों द्वारा मा० उच्च न्यायालय में वाद दायर किये गये थे। मा० उच्च न्यायालय द्वारा दोनों प्रकरणों में श्री प्रदीप नंदराजोम, (सेवानिवृत्त) मुख्य न्यायाधीश, मुम्बई हाईकोर्ट को एकल मध्यस्थ नियुक्त किया गया था। मा० एकल मध्यस्थ महोदय द्वारा प्रकरण में अन्तिम सुनवाई के दौरान दोनों लॉट संचालकों द्वारा शासन को भी पार्टी बनाये जाने के दृष्टिगत कोई भी निर्णय पारित नहीं किया गया, किन्तु अद्यतन तिथि तक दोनों लॉट संचालकों द्वारा मा० उच्च न्यायालय में कोई वाद दायर नहीं किया गया है।

उक्त के अतिरिक्त शासन में पूर्व में आहूत बैठकों के दौरान उक्त दोनों राजस्व लॉटों को लक्ष्मवाड बहुउद्देशीय परियोजना हेतु यू०जे०वी०एन०एल० को आवंटन किये जाने के सम्बन्ध में भी विचार किया गया था, किन्तु तत्समय दोनों लॉटों को समर्पण किये जाने हेतु कोई निर्देश प्राप्त नहीं हुये। वर्तमान समय में भी उक्त राजस्व लॉट असंचालन की स्थिति में है। दोनों राजस्व खनन लॉटों में मा० उच्चतम न्यायालय से पारित आदेश के क्रम प्रकरण मा० नेशनल ग्रीन ट्रिब्यूनल में भी विचाराधीन है, जिस कारण वर्तमान समय में भी उक्त दोनों राजस्व खनन लॉटों में खनन सक्रियायें प्रारम्भ किया जाना संभव नहीं हो पा रहा है।

उपरोक्त के दृष्टिगत एवं मुख्य सचिव महोदय की अध्यक्षता में दिनांक 31.07.2024 को सम्पन्न बैठक के दौरान प्राप्त निर्देशानुसार राजस्व खनन लॉट यमुना 21/1 एवं 21/3 शासन को समर्पित किये जा रहे हैं।

भवदीय

(विनोद गोस्वामी)  
प्रबन्ध निदेशक

AO  
14/08/24

भूतत्व एवं खनिकर्म निदेशालय, उत्तराखण्ड,  
"खनिज भवन" भोपालपानी, देहरादून

संख्या: S244/खख0(ईनि)/भूखनिनिदेशा0/2024-25,

दिनांक: 20 नवम्बर, 2024

ई-निविदा सह ई-नीलामी हेतु अल्पकालीन पुर्ननिविदा (Re-Tender) आमंत्रण सूचना

उत्तराखण्ड शासन, औद्योगिक विकास अनुभाग-1 की अधिसूचना संख्या 977/VII-A-1/2023-24/2007 दिनांक 18 जून, 2023 के द्वारा प्रख्यापित उत्तराखण्ड उप-खनिज (परिहार) नियमावली-2023 के अध्याय-4 के नियम-20 (1), (2) एवं (4) में भूतत्व एवं खनिकर्म निदेशालय, उत्तराखण्ड, देहरादून के कार्यालय झाप संख्या 4846/खख0लॉ0/ई0नी0/विका0/भूखनिनि0/2024-25, दिनांक 25 अक्टूबर, 2024 के द्वारा विज्ञापित किये जाने की प्रदत्त स्वीकृति के क्रम में जनपद देहरादून के 07 उपखनिज लॉटों की दिनांक 25.10.2024 को निविदा आमंत्रित की गयी, जिसमें उल्लिखित लॉटों में निविदा अपूर्ण होने के आधार पर निदेशालय के पत्र दिनांक 20.11.2024 के द्वारा निविदा निरस्त की गयी, के दृष्टिगत उक्त 07 लॉटों को द्वितीय बार उक्त नियमावली के नियम-20(2) के प्रावधानानुसार 05 ई0 से अधिक क्षेत्रफल के उपखनिज लॉट को भारत के नागरिक/नागरिकों की समितियों/फर्म/कम्पनियों को 10 वर्ष की अवधि हेतु ई-निविदा सह ई-नीलामी (E-Tender cum E-Auction) के माध्यम से आवंटन के लिए तकनीकी निविदा (Technical bid) एवं वित्तीय निविदा (Financial Bid) इच्छुक बोलीदाताओं से Online निविदा आमंत्रित की जाती है:-

|  |  |
|--|--|
| विज्ञापन प्रकाशन की तिथि   | दिनांक 21.11.2024 (वृहस्पतिवार)                        |
| uktenders.gov.in पर निविदा अपलोड की तिथि   | दिनांक 21.11.2024 (वृहस्पतिवार)                        |
| uktenders.gov.in से निविदा डाउनलोड/बिक्री आरम्भ करने की तिथि   | दिनांक 21.11.2024 (वृहस्पतिवार)                        |
| ऑनलाइन ई-निविदा जमा करने हेतु आरम्भ तिथि   | दिनांक 22.11.2024 (शुक्रवार) को प्रातः 10:00 बजे से    |
| ऑनलाइन ई-निविदा जमा करने की अन्तिम तिथि एवं समय  | दिनांक 04.12.2024 (बुधवार) को सायं 05:00 बजे तक        |
| तकनीकी निविदा खोलने तथा ई-निविदा के परीक्षण/मूल्यांकन आरम्भ किये जाने की तिथि एवं समय  | दिनांक 05.12.2024 (वृहस्पतिवार) पूर्वाह्न 12:00 बजे से |
| समिति द्वारा तकनीकी निविदा के परीक्षण/मूल्यांकन के उपरान्त सफल निविदादाताओं की सूची वेबसाइट <a href="http://www.uktenders.gov.in">www.uktenders.gov.in</a> में अपलोड करते हुये वित्तीय निविदा खोलने की तिथि एवं समय की घोषणा की जायेगी एवं तदनुसार परिणाम उक्त वेबसाइट पर अपलोड किया जायेगा। |  |

समस्त प्रतिभागी निविदादाताओं को सूचित किया जाता है कि निविदित खनन लॉट एवं निविदा की प्रक्रिया का विस्तृत विवरण तकनीकी निविदा (Technical Bid) तथा वित्तीय निविदा (Financial Bid) प्रपत्र में किया गया है। उक्त निविदा प्रपत्र किसी भी कार्यदिवस में भूतत्व एवं खनिकर्म निदेशालय, उत्तराखण्ड, रायपुर-थानो रोड़, भोपालपानी, देहरादून से तथा राज्य सरकार की वेबसाइट [uktenders.gov.in](http://uktenders.gov.in) एवं विभागीय वेबसाइट [dgm.uk.gov.in](http://dgm.uk.gov.in) से डाउनलोड कर भी प्राप्त किया जा सकता है, जिस हेतु ₹0 20,000.00 (बीस हजार मात्र) विभागीय लेखाशीर्षक 0853-00-102-01-00 में + उक्त धनराशि का 18% GST का डिमाण्ड ड्राफ्ट निदेशक भूतत्व एवं खनिकर्म निदेशालय के पक्ष में पृथक से जमा कराते हुए जमा चालान एवं डिमाण्ड ड्राफ्ट की प्रति निविदा जमा करने की अन्तिम तिथि से पूर्व मूल में निदेशालय में जमा कराई जानी आवश्यक होगी। निविदा प्रपत्र क्रय किये जाने हेतु जमा चालान एवं डिमाण्ड ड्राफ्ट की प्रति तकनीकी निविदा (Technical Bid) के साथ भी अपलोड की जानी आवश्यक होगी। सभी निविदादाताओं से अपेक्षा की जाती है कि उक्तानुसार निविदा प्रपत्र प्राप्त कर उसका मूली भांति अध्ययन करने के उपरान्त ही निविदा प्रक्रिया में प्रतिभाग करना सुनिश्चित करें। अस्पष्ट एवं अपूर्ण निविदा प्रपत्रों/आवेदनों पर विचार नहीं किया जायेगा।

नोट- जिन प्रतिभागी निविदादाताओं के द्वारा पूर्व में उक्त निविदित लॉटों की ई-निविदा में प्रतिभाग किया गया है, के द्वारा जिस लॉट के सापेक्ष जो आवेदन शुल्क जमा किया गया, को पुनः उक्त लॉट हेतु प्रयुक्त किया जा सकेगा तथा निविदा प्रपत्र शुल्क नवीन चालान के माध्यम से एवं 18 प्रतिशत जी0एस0टी0 का डिमाण्ड ड्राफ्ट पृथक से पुनः जमा किया जायेगा। आवेदन शुल्क (₹0 दो लाख) को किसी दूसरे लॉट में प्रयुक्त किये जाने पर ऐसी निविदाओं पर विचार नहीं किया जायेगा तथा उक्तानुसार निविदा निरस्त कर दी जायेगी।

(राजपाल लेघा)  
निदेशक



WHEREAS, the report prepared by the Working Group was discussed in the 57<sup>th</sup> Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held in Delhi on September 15, 2011, wherein some modifications were proposed;

WHEREAS, the final report of the working group was prepared, incorporating the suggestions/observations made in the 57<sup>th</sup> Conference of Chairmen and Member Secretaries of CPCB & SPCBs/PCCs and in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water Act, 1974, following directions were issued for compliance to all SPCBs/PCCs to maintain uniformity in categorization of industries as red, orange and green as per list finalized by CPCB, which identified 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green':

a). To maintain uniformity in categorization of industries under Red/ Orange/Green category, the SPCBs /PCCs shall adopt the list as finalized by CPCB based on the recommendations of that Working Group for grant of Consent, inventorization of industries under Red, Orange and Green categories and other related activities.

(b). The SPCBs/PCCs shall revise the list of Red, Orange and Green categories of industries operating in their jurisdiction based on the criteria specified in the final report of that Working Group and submit the same to CPCB within 90 days in hard copy as well as soft copy;

WHEREAS, later-on, it was observed that the process of categorization thus far was primarily based on the size of the industries and consumption of resources and pollution due to discharge of emissions and effluents and its likely impact on health was not considered as primary criteria;

WHEREAS, there have been proposals from the SPCBs / PCCs and industrial associations for categorization of the industrial sectors in a more pragmatic manner. The issue was discussed during the national level conference of the Environment Ministers of the States, held in New Delhi during April 06-07, 2015 and also during the Conference of the Chairmen and Member Secretaries of CPCB and SPCBs/PCCs held in New Delhi on April 08, 2015. Accordingly, a 'Working Group' comprising of the Members from Central Pollution Control Board and State Pollution Control Boards representing the States of Andhra Pradesh, Punjab, Tamilnadu, West Bengal, Madhya Pradesh and Maharashtra, was constituted to revisit the criteria of categorization of industries and suggest rationale based on pollution potential for categorization of industrial sectors and adopting it for implementation of pollution control plan;

WHEREAS, the Working Group has developed the criteria of categorization of industrial sectors based on the concept of Pollution Index which is a function of the emissions (air pollutants), effluents (water pollutants), hazardous wastes generated and consumption of resources. For this purpose the references are taken from the the Water (Prevention and Control

of Pollution ) Cess (Amendment) Act, 2003, Standards so far prescribed for various pollutants under Environment (Protection) Act , 1986 and Doon Valley Notification, 1989 issued by MoEFCC. The Pollution Index (PI) of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector;

WHEREAS , based on the series of consultations with SPCBs, different Government / Non-government Institutions including industries and MoEFCC , the following criteria on 'Range of Pollution Index 'for the purpose of categorization of industrial sectors has been finalized:

- o Industrial Sectors having Pollution Index score of 60 and above - Red category
- o Industrial Sectors having Pollution Index score of 41 to 59 -Orange category
- o Industrial Sectors having Pollution Index score of 21 to 40 -Green category
- o Industrial Sectors having Pollution Index score incl. & upto 20 -White category

WHEREAS, based on the revised criteria, the 'Final Report on Revised Categorization of Industrial Sectors under Red/Orange/Green/White' has been evolved. The 'Categorization' is based on the relative pollution potential of the industrial sectors and grouping of the industrial sectors based on the use of raw materials, manufacturing process adopted and pollutants likely to be generated;

WHEREAS, based on relative Pollution Index, the number of industries in various categories are as under :

- i. The Red category of industrial sectors: 60
- ii. The Orange category of industrial sectors: 83
- iii. The Green category of industrial sectors: 63 and
- iv. The Newly introduced White category: 36

WHEREAS, there shall be no necessity of obtaining the Consent to Operate'' for White category of industries and an intimation to concerned SPCB / PCC shall suffice;

WHEREAS, the purpose of categorization is to ensure that the industry is established in a manner consistent with the environmental objectives and to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in generation of no or minimum pollutants.

WHEREAS the new categorization system shall also facilitate in self-assessment by industries;

Now, therefore, in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act , 1981 the earlier Directions issued in June 2012 in the context of categorisation of industries as Red, Orange & Green are withdrawn with immediate effect and following '**Directions**' are hereby issued for compliance by all SPCBs and PCCs :

1. That the SPCBs and PCCs shall adopt the Revised Criteria of categorization of industrial sectors as detailed in table nos. F1, F2, F3 and F4 and Revised Lists of Red, Orange, Green and White categories of industrial sectors, presented at table no. G2, G3, G4 and G5 respectively, in the 'Final Report' as attached herewith immediately.
2. That all pending applications for consideration of 'Consent to Establish' and 'Consent to Operate' and future such applications shall be processed as per revised criteria.
3. That the SPCBs and PCCs will provide the list of industries identified in each category existing in the State which have been considered for grant of consents. SPCBs/PCCs will forward the list of such industries before 31.05.2016 and the same will be uploaded on the websites of respective SPCB/PCC.
4. That the 'Revised Lists of Red, Orange, Green and White category of industrial sectors' shall be used by the SPCBs and PCCs for Consent Management and inventorization of industries under Red, Orange, Green and White categories. Siting of industries shall be only in conforming areas. SPCBs / PCCs shall evolve sector specific plans for control of pollution and industrial surveillance for verifying compliance.
5. That the SPCBs and PCCs shall revise /prepare the inventory of Red, Orange, Green and White categories of industries operating in their jurisdiction based on the revised criteria specified in the Final Report and submit the same to CPCB within 90 days i.e., before 30.05.2016 in hard copy as well as soft copy.
6. That the listed category of industries or those identified later-on under different categories shall not be linked to sanction of loan /finance or bank proceedings.
7. That any further addition of any new or left-over industrial sector and their categorization which is not listed in the revised list of Red, Orange, Green and White industrial sectors, shall be done at the level of concerned SPCB /PCC following revised criteria & guidelines as detailed in the attached document and no concurrence of CPCB shall normally be required. It is further clarified that while categorizing the industries, fractional numbers shall be rounded off to nearest integer.

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the 'Action Taken Report' in compliance with these directions to CPCB before 15.04.2016.

(Arun Kumar Mehta)  
Chairman  
7/3/16

Copy to:

1. The Chief Secretary of all the States and UTs
2. The Secretary,  
Ministry of Micro, Small and Medium Entrepreneurs  
Udyog Bhawan, Raft Marg, New Delhi - 110 011
3. The Secretary,  
Ministry of Heavy Industries  
Udyog Bhawan, Raft Marg, New Delhi - 110 011
4. The Secretary,  
Ministry of New and Renewable Energy  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110 003.
5. The Advisor(CP Division)  
Ministry of Environment, Forests and Climate Change  
Indira Paryavaran Bhawan  
Jor Bagh Road, New Delhi - 110 003
6. All Zonal Offices of CPCB

(A. B. Akolkar)  
Member Secretary

Final Document  
on  
Revised  
Classification  
of  
Industrial Sectors  
Under

**Red, Orange, Green and White Categories**  
(February 29, 2016)



**Central Pollution Control Board**  
Delhi

## Executive Summary

### Categorization of Industrial Sectors under Red, Orange, Green and White Category

The Ministry of Environment, Forest and Climate Change (MoEFCC) had brought out notifications in 1989, with the purpose of prohibition/ restriction of operations of certain industries to protect ecologically sensitive Doon Valley. The notification introduced the concept of categorization of industries as " Red", "Orange "and "Green" with the purpose of facilitating decisions related to location of these industries. Subsequently, the application of this concept was extended in other parts of the country not only for the purpose of location of industries, but also for the purpose of Consent management and formulation of norms related to surveillance / inspection of industries.

The concept of categorization of industries continued to evolve and as different State Pollution Control Boards interpreted it differently, a need arose to bring about necessary uniformity in its application across the country. In order to harmonize the 'Criteria of categorization', Directions were issued by CPCB under Section 18(1)(b) of the Water ( Prevention & Control of Pollution) , Act, 1974 to all SPCBs/PCCs to maintain uniformity in categorization of industries as red, green and orange as per list finalized by CPCB, which identified 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green'.

The process of categorization thus far was primarily based on the size of the industries and consumption of resources. The pollution due to discharge of emissions & effluents and its likely impact on health was not considered as primary criteria. There was demand from the SPCBs / PCCs and industrial associations for categorization of the industrial sectors in a more transparent manner. Accordingly, the issue was discussed thoroughly during the national level conference of the Environment Ministers of the States, held in New Delhi during April 06-07, 2015 and a 'Working Group' comprising of the members from CPCB, APPCB, TNPCB, WBPCB, PPCB, MPPCB and Maharashtra PCB is constituted to revisit the criteria of categorization of industries and recommend measures for making the system transparent and rational.

The Working Group has developed the criteria of categorization of industrial sectors based on the Pollution Index which is a function of the emissions (air pollutants), effluents (water pollutants), hazardous wastes generated and consumption of resources. For this purpose the references are taken from the the Water (Prevention and Control of Pollution ) Cess (Amendment) Act, 2003, Standards so far prescribed for various pollutants under Environment (Protection) Act , 1986 and Doon Valley Notification, 1989 issued by MoEFCC. The Pollution Index PI of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector. Based on the series of brain storming sessions among CPCB, SPCBs and MoEFCC , the following criteria on 'Range of Pollution Index 'for the purpose of categorization of industrial sectors is finalized.

- |   |                  |
|---|------------------|
| ○ Industrial Sectors having Pollution Index score of 60 and above | - Red category   |
| ○ Industrial Sectors having Pollution Index score of 41 to 59     | -Orange category |
| ○ Industrial Sectors having Pollution Index score of 21 to 40     | -Green category  |
| ○ Industrial Sectors having Pollution Index score incl.&upto 20   | -White category  |

The newly introduced White category of industries pertains to those industrial sectors which are practically non-polluting such as Biscuit trays etc. from rolled PVC sheet (using automatic vacuum forming machines), Cotton and woolen hosiers making (Dry process only without any dyeing/washing operation), Electric lamp (bulb) and CFL manufacturing by assembling only, Scientific and mathematical instrument manufacturing, Solar power generation through photovoltaic cell, wind power and mini hydel power (less than 25 MW).

The salient features of the 'Re-categorization' Exercise are as follows :

- Due importance has been given to relative pollution potential of the industrial sectors based on scientific criteria . Further, wherever possible, splitting of the industrial sectors is also considered based on the use of raw materials, manufacturing process adopted and in-turn pollutants expected to be generated.
- The Red category of industrial sectors would be 60.
- The Orange category of industrial sectors would be 83.
- The Green category of industrial sectors would be 63.
- Newly introduced White category contains 36 industrial sectors which are practically non-polluting.
- There shall be no necessity of obtaining the Consent to Operate'' for White category of industries. An intimation to concerned SPCB / PCC shall suffice.
- No Red category of industries shall normally be permitted in the ecologically fragile area / protected area.

The purpose of categorization is to ensure that the industry is established in a manner which is consistent with the environmental objectives. The new criteria will prompt industrial sectors willing to adopt cleaner technologies, ultimately resulting in generation of fewer pollutants. Another feature of the new categorization system lies in facilitating self-assessment by industries as the subjectivity of earlier assessment has been eliminated. This 'Re-categorization' is a part of the efforts, policies and objective of present government to create a clean & transparent working environment in the country and promote the Ease of Doing Business.

Other similar efforts include installation of Continuous Online Emissions/ Effluent Monitoring Systems in the polluting industries, Revisiting of the CEPI (Comprehensive Environment Pollution Index) concept for assessment of polluted industrial clusters, Revision of existing industrial Emission/Effluent discharge standards, initiation of special drive on pollution control activities in Ganga River basin and many more in coming future.

## Revised Criteria of Categorization of Industries

“Securing industrial pollution control in accordance with the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 by linking with categorization of industries, consent management and vigilance – ‘In context of Red, Orange, Green and White categories of industries’”

### A: Genesis of Categorization:

- The Ministry of Environment, Forest and Climate Change (MoEFCC) had brought out notifications, which inter-alia refers to Prohibition/ Restriction on operation of industries to protect ecologically sensitive areas or areas of specific importance. This has for the first time brought the concept of categorization of industries to “Red”, “Orange” and “Green” and restrict their operation in certain areas of importance. Therefore, it is at-once interpreted that Red, Orange and Green categorization is linked with location specific needs.
- The notification of MoEF was first brought on 2<sup>nd</sup> February, 1989 in case of “Restriction on location of industries, mining operations and other developmental activities in Doon Valley in “Uttarakhand” and thereafter another notification on 24<sup>th</sup> February 1999 regarding restriction on the setting up of industries in Dahanu Taluka in Maharashtra. The categorization had been made mainly on the basis of size of the industries, man power and consumption of resources.
- However, in other parts of the country, there have been variations in context to the classification of industries under Red, Orange and Green categories. SPCBs / PCCs were following their own criteria in different States thereby creating confusion.
- In order to harmonize the ‘Criteria of categorization’, a ‘Working Group’ was formed as per resolution passed during the 57<sup>th</sup> Conference of the Chairmen & Member Secretaries of CPCB and SPCBs. Based on the recommendations of the Working Group, Directions dated 4/6/2012 under Section 18(1)(b) of the Water

(Prevention & Control of Pollution), Act, 1974 were issued to all SPCBs/PCCs with the effects to maintain uniformity in categorization of industries as red, green and orange as per list finalized by the Working Group. This indicative list included 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green'. However, these identified categories have not been assigned with scores as per existing criteria/ or any new criteria

**B: Categorization criteria used by SPCBs/PCCs:**

SPCBs and PCCs use the criteria of Red, Orange and Green categories for consent management and vigilance purposes for carrying out inspections to verify compliance to the stipulated standards. However the above categorization do not emphasize on sector-specific plan for control of pollution in accordance with priority based on pollution index.

**C: Gap in the process:**

1. The categorization has been made mainly on the basis of size of the industries and consumption of resources. The pollution due to discharge of emissions & effluents and its impact on health was not considered as primary criteria.
2. Categorization was on random basis, no scoring system was adopted.

**D: Resolutions made during National Level Conferences**

The issue was discussed thoroughly during the following national level conferences held in New Delhi:

- Conference of the Environment Ministers of Central Government and State Governments during April 06-07, 2015
- 59<sup>th</sup> Conference of Chairmen & Member Secretaries of Pollution Control Boards / Pollution Control Committees held on April 08, 2015

Accordingly following resolutions were made during the Conferences:

1. A 'Working Group' comprising of the members from CPCB, APPCB, TNPCB, WBPCB, PPCB, MPPCB and Maharashtra PCB is constituted.
2. This WG shall revisit the categorization of industries that is based on pollution index criteria & environmental issues such as generation of emission, effluent and hazardous wastes.
3. The categorization will be done on the basis of composite score (0-100 marks) of Pollution Index given in accordance with the following weightage.

|   |          |
|---|----------|
| Air Pollution Score based on parameters namely PM, CO, NO <sub>x</sub> , SO <sub>x</sub> , HMs, Benzene, Ammonia and other toxic parameters relevant to the industry.   | 40 Marks |
| Water Pollution Score based on parameters namely pH, TSS, NH <sub>3</sub> -N, BOD, Phenol and other toxic pollutants relevant to the industry.  | 40 Marks |
| Hazardous wastes (land fillable, incinerable, recyclable) as generated by the industry.   | 20 Marks |
| <p>Note :</p> <ul style="list-style-type: none"> <li>• Parameters to be decided on the basis of the nature of the wastes generating from the industrial sector.</li> <li>• Industries having only either water pollution or air pollution, the score will be normalized wrt 100.</li> </ul> |          |

4. Based on the score of the Pollution Index, following categorization be made :
  - Type of industries, if scores 60 and above be categorized as Red
  - Type of industries, if scores from 30 to 59 be categorized as Orange
  - Type of industries, if scores from 15 to 29 be categorized as Green
  - Type of industries, if less than 15 be categorized as White or non-polluting industry.
5. SPCBs/PCCs may issue consent to the industries
  - Red category of industries for 5 years.
  - Orange category of industries for 10 years.
  - Green category of industries for 15 years.
  - No necessity of consent for non-polluting industries.
6. No red categories of industries will be permitted to establish in eco-sensitive areas and protected areas.

### **E: Follow-up Actions made on the Resolutions :-**

- Accordingly, a Committee comprising the Chairmen of CPCB, APPCB, TNPCB, MPPCB, MPCB, PPCB, WBPCB and MS, CPCB was constituted vide CPCB OM dated

23.04.2015 to review & classify industrial sectors into different categories based on criteria of respective pollution potential.

- The categorization is made on the basis of following:
  - Quality of emissions (air pollutants) generated
  - Quality of effluents ( water pollutants) generated
  - Types of hazardous wastes generated
  - Consumption of resources
  
- Reference is taken from the following :
  - The Water (Prevention and Control of Pollution ) Cess Act, 1977
  - Standards so far prescribed for various pollutants under the Environment (Protection) Act , 1986
  - Doon Valley Notification, 1989 issued by MoEF.

#### **F : Scoring Methodology :**

The details on the scoring methodology in respect of the aforesaid 3 components is presented in the following tables F-1 to F-4 .

**Table F-1 : Water Pollution Scoring Methodology**

| Sl. No.   | Activity / Types of Discharges  | Score |
|---|---|-------|
| Part A : Score W1 : Score based on types of expected criteria water-pollutants present in industrial processes waste waters. <b>Maximum of the following seven categories is to be taken.</b> |   |       |
| W11   | Waste-water which is polluted and the pollutants are - <ul style="list-style-type: none"> <li>• not easily biodegradable ( very high strength waste waters having BOD &gt; 5000 mg/l ); or</li> <li>• toxic; or</li> <li>• both toxic and not easily biodegradable.</li> </ul> (Presence of criteria water pollutants having prescribed standard limits up-to 10 mg/l or having BOD > 5000 mg/l). For details appendix 1 may be referred) | 30    |
| W12   | Non-toxic high strength polluted waste-water having BOD in the range of 1000-5000 mg/l and the pollutants are biodegradable. <p>(Presence of criteria water pollutants having prescribed standard limits from 11 mg/l to 250 mg/l and having BOD strength in the range of 1000-5000 mg/l) . For details appendix 1 may be referred)</p>   | 25    |
| W13   | Non toxic- polluted waste-water having BOD below 1000 mg/l and the pollutants are easily biodegradable. <p>(Presence of criteria water pollutants having prescribed standard limits from 11mg/l to 250 mg/l and having BOD strength below 1000 mg/l) . For details appendix 1 may be referred)</p>  | 20    |
| W14   | Waste-water generated from the chemical processes and which is polluted due to presence of high TDS ( total dissolved solids) of inorganic nature. <p>(Presence of criteria water pollutants having prescribed standard limits more than 250 mg/l. For details appendix 1 may be referred)</p>  | 15    |
| W15   | Waste-water generated from the physical unit operations / processes and which is polluted due to presence of TDS (total dissolved solids) of inorganic nature and of natural origin like fresh-water RO rejects, boiler blow-downs, brine solution rejects etc. <p>(Presence of criteria water pollutants having prescribed standard limits more than 250 mg/l. For details appendix 1 may be referred)</p>                               | 12    |
| W16   | Non-toxic polluted waste-water from those units which are: <ul style="list-style-type: none"> <li>• Having the overall waste-water generation less than 10 KLD and</li> <li>• The pollutants are easily bio-degradable having BOD below 200 mg/l which can be easily treated in a single stage ASP (activated</li> </ul>  | 12    |

|   |   |    |
|---|---|----|
|   | sludge process) based Effluent Treatment Plant.<br>Note : This is a special category and is applicable to only those units having over-all liquid waste generation less than 10 KLD with low strength organic load. |    |
| W17   | Waste-water from cooling towers and cooling-re-circulation processes  | 10 |
| Part B : Score W2 : Score based on huge discharges of any kind (Penalty Clause) |   |    |
| W2  | Industry having overall liquid waste generation of 100 KLD or more including industrial & domestic waste-water.   | 10 |
| Overall Water Pollution Score $W = W1+W2$                                       |   |    |

## Appendix 1

- **Water Pollutants covered under Group W11:**
  - ✓ Free available Chlorine , Total residual chlorine, Fluoride (as F), Sulphide (as S), Free Ammonical Nitrogen, Dissolved phosphates (as P), Free ammonia (as NH<sub>3</sub>), Nitrate Nitrogen, Mercury (As Hg), Selenium (as Se), Hexa-valent chromium (as Cr + 6), Lead (as Pb), Tin , Vanadium (as V), Cadmium (as Cd), Manganese (as Mn), Total chromium (as Cr), Copper (as Cu), Iron (as Fe), Nickel (as Ni), Zinc (as Zn), Benzene, Arsenic (as As), Benzo-a-pyrene, Cyanide (as CN), Phenolic compounds (as C<sub>6</sub>H<sub>5</sub>OH) , Adsorbable Organic Halogens (AOX), Boron and /or
  - ✓ BOD strength of waste water > 5000 mg/l
- **Water Pollutants covered under Group W12:**
  - ✓ Sodium Absorption Ratio (SAR) , Biochemical oxygen demand (3 days at 27°C), Total Kjeldahl nitrogen (TKN), Ammonical nitrogen (as N), Suspended solids, Total nitrogen (as N), Chemical oxygen demand, Oils & grease and
  - ✓ BOD strength of waste water is in the range of 1000-5000 mg/l
- **Water Pollutants covered under Group W13:**
  - ✓ Sodium Absorption Ratio (SAR), Biochemical oxygen demand (3 days at 27°C), Total Kjeldahl nitrogen (TKN), Ammonical nitrogen (as N), Suspended solids, Total nitrogen (as N), Chemical oxygen demand and
  - ✓ BOD strength of waste water is below 1000 mg/l
- **Water Pollutants covered under Group W14 and W15:**

Chlorides as Cl, Colour , Total dissolved solids (TDS - Inorganic)
- **Water Pollutants covered under Group W16**
  - ✓ BOD strength of waste water is below 200 mg/l and overall discharge is less than 10 KLD.

**Table F-2 : Air Pollution Score**

| Sl. No.   | Air Pollutants Group | 'Range of Prescribed Standard' of criteria pollutants  | Marks |
|---|----------------------|--|-------|
| Part 1 : Score A1 = Score based on types of expected criteria Air Pollutants present in the emissions . Maximum of the following seven categories is to be taken. For details appendix 2 may be referred. |                      |  |       |
| 1   | Group A1A            | Presence of criteria air pollutants having prescribed standard limits up - to 2 mg/Nm <sup>3</sup>   | 30    |
| 2   | Group A1B            | Presence of criteria air pollutants having prescribed standard from 3 to 10 mg/Nm <sup>3</sup>   | 25    |
| 3   | Group A1C            | Presence of criteria air pollutants having prescribed standard from 11 to 50 mg/Nm <sup>3</sup>  | 20    |
| 4   | Group A1D            | Presence of criteria air pollutants having prescribed standard from 51 to 250 mg/Nm <sup>3</sup>   | 15    |
| 5   | Group A1E            | Presence of criteria air pollutants having prescribed standard from 251 mg/Nm <sup>3</sup> & above.  | 10    |
| 6   | Group A1F            | <ul style="list-style-type: none"> <li>• Generation of fugitive emissions of Particulate Matters which are:               <ul style="list-style-type: none"> <li>○ Not generated as a result of combustion of any kind of fossil-fuel.</li> <li>○ Generated due to handling / processing of materials without involving the use of any kind of chemicals.</li> <li>○ Which can be easily contained /controlled with simple conventional methods</li> </ul> </li> </ul> | 10    |
| 7   | Group A1G            | <ul style="list-style-type: none"> <li>• Generation of Odours which are :               <ul style="list-style-type: none"> <li>○ Generated due to application of binding gums / cements /adhesives /enamels</li> <li>○ Which can be easily contained /controlled with simple conventional methods</li> </ul> </li> </ul>   | 10    |
| Part 2 : Score A2 = Score based on consumption of fuels and technologies required for air pollution control :   |                      |  |       |
| 6   | Group A2F1           | <ul style="list-style-type: none"> <li>• All such industries in which the daily consumption of coal/fuel is more than 24 MT/day and the particular (Particulate/gaseous/process) emissions from which can be controlled only with high level equipments / technology like ESPs, Bag House Filters, High Efficiency chemical wet scrubbers etc.</li> </ul>  | 10    |
| 7   | Group A2F2           | <ul style="list-style-type: none"> <li>• All such industries in which the daily consumption of coal/fuel is from 12 MT/day to 24 MT/day and the particular (Particulate/gaseous/process) emissions from which can be controlled with suitable proven technology.</li> </ul>  | 5     |
| Overall Air Pollution Score -A = A1 + A2  |                      |  |       |

## Appendix 2

- **Air pollutants covered under Group A1A:**  
Cd+Th, Dioxins & Furans, Mercury, Asbestos
- **Air Pollutants covered under Group A1B:**  
HF, Nickel+ Vanadium, HBr, Manganese, Lead, H<sub>2</sub>S, P<sub>2</sub>O<sub>5</sub> as H<sub>3</sub>PO<sub>4</sub>
- **Air Pollutants covered under Group A1C:**  
Chlorine, Pesticide compounds, CH<sub>3</sub>Cl, TOC, Total Fluoride, Hydrocarbons, NH<sub>3</sub>, HCL vapour & Mist, H<sub>2</sub>SO<sub>4</sub> Mist, SO<sub>2</sub>
- **Air Pollutants covered under Group A1D:**  
CO, PM, CO, NO<sub>x</sub>
- **Air Pollutants covered under Group A1E:**  
NO<sub>x</sub> with liquid-fuel, SO<sub>2</sub> with liquid-fuel

**Table F-3: Hazardous Waste Generation Score**

| Sl.No. | Types of Hazardous Waste Generated as per Schedule 1 / Schedule 2 of Hazardous Waste ( Management, Handling & Trans-boundary Movement) Rules , 2008 . <b>Maximum of the following four categories is to be taken</b>   | Score |
|--------|--|-------|
| HW1    | <ul style="list-style-type: none"> <li>• Land disposable HW which require special care &amp; treatment for stabilization before disposal.</li> </ul>   | 20    |
| HW2    | <ul style="list-style-type: none"> <li>• Incinerable HW</li> </ul>   | 15    |
| HW3    | <ul style="list-style-type: none"> <li>• Land disposable HW which doesn't require treatment &amp; stabilization before disposal.</li> <li>• High volume low effect wastes such as fly-ash, phspho-gypsum, red-mud, slags from pyro-metallurgical operations, mine tailings and ore beneficiation rejects)</li> </ul> | 10    |
| HW4    | <ul style="list-style-type: none"> <li>• Recyclable HW, which are easily recyclable with proven technologies.</li> </ul>   | 10    |

**Table F-4 : Calculation Sheet**  
Industrial Sector - .....

|                               |                        |       |  |
|-------------------------------|------------------------|-------|--|
| 1. Water Pollution Score (W)  |                        |       |  |
| Scores                        | Waste Water Category   | Value |  |
| Score on W1                   |                        |       |  |
| Score on W2                   |                        |       |  |
| Water Pollution Score = W1+W2 |                        |       |  |
| 2. Air Pollution Score (A)    |                        |       |  |
| Scores                        | Air Pollutant Category | Value |  |
| Score on A1                   |                        |       |  |
| Score on A2                   | -                      | -     |  |
| Air Pollution Score = A1+A2   |                        |       |  |
| 3. Hazardous Waste Score (HW) |                        |       |  |
| Score                         | HW Category            | Value |  |
| HW                            |                        |       |  |
| Grand Total = W + A + HW      |                        |       |  |

Note :

- Any of the industrial sector having only either air pollution (A) or water pollution (W) , the score will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times W \text{ ( or A)}\} / 40$$

- Any of the industrial sector having air pollution (A) and water pollution (W) both but no hazardous waste generation (H) , the joint score of air & water pollution will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (W+A)\} / 80$$

- Any of the industrial sector having air pollution (A) & hazardous waste generation (H) but no water pollution (W), the joint score of air pollution & hazardous waste generation will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (A+H)\} / 60$$

- Any of the industrial sector having water pollution (W) and hazardous waste generation (H) but no air pollution (A), the joint score of water pollution & hazardous waste generation will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (W+H)\} / 60$$

## G : Developments :

- i. The existing Red ( 85 sectors) , Orange ( 73 sectors) and Green ( 86 sectors) i.e a total of 244 industrial sectors have been assessed as per the proposed formula by the Working Group. For this purpose, concerned Engineers / Scientists from the Member SPCBs were also involved & consulted during May 28-29, 2015.
- ii. After careful examination and consideration of the suggestions of concerned stake-holders the “Draft Document on Revised Concept of Categorization of Industrial Sectors “ was prepared by the Committee and circulated to all the SPCBs, PCCs and concerned Ministries for their information & comments. The ‘ Draft Document ’ was uploaded on the website of CPCB also for information & comments of one & all.
- iii. The matter was discussed during the 170<sup>th</sup> Board Meeting also and issues raised by the Board Members pertaining to some of the industrial sectors were clarified.
- iv. Responses were received from various concerned Ministries, SPCBs, Industrial Associations including individuals.
- v. Based on the above, final meeting was convened by the Secretary , MoEFCC with CPCB and senior officers of MoEFCC on January 06, 2016 to resolve the issues appropriately and finalize the ‘Re-categorization’. Accordingly , following modifications in the ‘Range of Pollution Index ‘for the purpose of categorization of industrial sectors were suggested :
  - Industrial Sectors having Pollution Index score of 60 and above – Red category
  - Industrial Sectors having Pollution Index score of 41 to 59 –Orange category
  - Industrial Sectors having Pollution Index score of 21 to 40 –Green category
  - Industrial Sectors having Pollution Index score incl.& upto 20 –White category
- vi. Based on the final criteria as described in v above , the final categorization is as follows :

| Category of Industrial Sector | Existing Categorization | Proposed (New) categorization |
|-------------------------------|-------------------------|-------------------------------|
| Red                           | 85                      | 60                            |
| Orange                        | 73                      | 83                            |
| Green                         | 86                      | 63                            |
| White                         | ---                     | 36                            |
| Total                         | 244                     | 242                           |

- vii. In the proposed categorization, some of the industrial sectors have been either deleted due to duplication or merged with similar type of sectors on account of same

characteristics of pollution generation. In a similar way, some of the industrial sectors are split into more sectors on account of variation in the raw materials / manufacturing process. As a result final totals of the existing and proposed categorization are different.

- viii. The industrial sector which doesn't fall under any of the above four categories ( Red, Orange, Green and White) , decision with regard to its categorization will be taken at the level of concerned SPCB/PCC by a committee headed by the Member Secretary , SPCB/PCC and comprising of two senior cadre Engineers / Scientists of the SPCB / PCC in accordance with the scoring-criteria specified in this document.
- ix. The summary is presented in the following Table G-1 and final lists of Red, Orange, Green and White categories of industries are presented in Tables G-2, G-3, G-4 and G-5 respectively, which are self explanatory.

**Table G-1: Final Summary Table Red , Orange, Green and White Categories of Industries (16-01-16)**

| Sl No.                      | Original Categorization | Initial Nos. | Addition by Splitting into further classes | Deletion/ Shifting to foot-note due to vague term / Merger / other reasons | Re-categorization to Red | Re-categorization to Orange | Re-categorization to Green | Re-categorization to White | Check   |
|-----------------------------|-------------------------|--------------|--|--|--------------------------|-----------------------------|----------------------------|----------------------------|---|
|                             |                         |              |  |  | 1                        | 2                           | 3                          | 4                          | 5   |
| 1                           | Red                     | 85           | 11   | 7  | 60                       | 26                          | 3                          | Nil                        | 96=96   |
| 2                           | Orange                  | 73           | 2  | 3  | Nil                      | 51                          | 19                         | 2                          | 75=75   |
| 3                           | Green                   | 86           | Nil  | 3+2=5  | Nil                      | 6                           | 41                         | 34                         | 86=86   |
| <b>Final Categorization</b> |                         | 244          | 13   | 15   | <b>60<br/>(Red )</b>     | <b>83<br/>(Orange)</b>      | <b>63<br/>(Green)</b>      | <b>36<br/>(White)</b>      | <b>257<br/>=257<br/>(Total categories including in foot-note)</b> |

Table G-2 : Final List of Red Category of Industrial Sectors

| Sl No. | Orgnl Sl.No | Industry Sector  | W1 | W2 | W  | A1 | A2 | A  | H  | W+A+H | Revised Category | REMARKS   |
|--------|-------------|--|----|----|----|----|----|----|----|-------|------------------|---|
| 1.     | 38          | Isolated storage of hazardous chemicals (as per schedule of manufacturing, storage of hazardous chemicals rules ,1989 as amended)  |    |    |    |    |    |    |    |       | R-R              | As per provisions of Rules, to be kept under Red category especially for safety purposes.   |
| 2.     | 4           | Automobile Manufacturing (integrated facilities)   | 30 | -  | 30 | 20 | -  | 20 | 10 | 60    | R-R              | i. Such types of plants are having either one or combinations of polluting activities viz. washing, metal surface finishing operations, pickling, plating, electro-plating , phosphating, painting , heat treatment etc.<br>ii. Some of such plants may outsource some /all of the polluting activities. In such cases, after thorough inspection of such units by concerned SPCB, re-categorization of the industry shall be made accordingly. |
| 3.     | 34          | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Spent cleared metal catalyst containing copper,, Spent cleared metal catalyst containing zinc,, | 30 | -  | 30 | 20 | -  | 20 | 10 | 60    | R-R              | All the three types of pollutants are expected.   |
| 4.     | 44          | Manufacturing of lubricating oils ,grease and petroleum based products   | 20 | -  | 20 | 20 | -  | 20 | 20 | 60    | R-R              | Generates all sorts of pollution.   |
| 5.     | 66 E        | DG Set of capacity > 5 MVA   | -  | -  | -  | 20 | 5  | 25 | -  | 62.5  | R-R              | i. Mainly air polluting.<br>ii. DG sets consume the diesel @ 0.21 litres/hr/KVA at full load.<br>iii. Average running is taken @ 12 hrs / day although many of the DG sets run for more than this period.   |
| 6.     | 31          | Industrial carbon including electrodes and graphite blocks, activated carbon, carbon black   | 10 | -  | -  | 20 | 5  | 25 | 10 | 62.5  | R-R              | Mainly air polluting. Air pollution score is normalized to 100.   |

|    |    |  |    |   |    |    |   |    |    |      |            |   |
|----|----|--|----|---|----|----|---|----|----|------|------------|---|
| 7. | 39 | Lead acid battery manufacturing(excluding assembling and charging of lead-acid battery in micro scale) | 10 | - | 10 | 25 | - | 25 | 10 | 62.5 | <b>R-R</b> | <p>i. Mainly air polluting. Air pollution scores are normalized to 100.</p> <p>ii. Lead Acid Battery manufacturing consists of various stages which broadly involve (after producing or receiving lead oxide): Paste Mixing , Grid Casting , Grid Pasting &amp; Curing , Hydro-setting, parting &amp; enveloping , Stacking, grouping &amp; inter-cell welding ,Formation.</p> <p>iii. Exposure of workmen to lead during all or any of the processes outlined above exceeds the prescribed standards if appropriate equipment in this respect is not installed at any Battery Manufacturing Unit.</p> <p>iv. All of the above processes, some more than others, involve release of lead particles or fumes into the environment. Pollution from the above processes can be grouped into two possible types, viz: (a) Lead Oxide becomes airborne and there is Particulate Pollution (b) Fumes are generated and there is Gaseous Pollution</p> |
| 8. | 62 | Phosphate rock processing plant  | 30 | - | 30 | 20 | - | 20 | -  | 62.5 | <b>R-R</b> | <p>i. The separation of phosphate rock from impurities and non-phosphate materials for use in fertilizer manufacture consists of beneficiation, drying or calcining at some operations, and grinding. Phosphate rock from the mines is first sent to beneficiation units to separate sand and clay and to remove impurities. Steps used in beneficiation depend on the type of rock.</p> <p>ii. The water &amp; air pollution scores are normalized to 100.</p>   |

|     |    |   |    |    |    |    |    |    |    |      |     |  |
|-----|----|---|----|----|----|----|----|----|----|------|-----|--|
| 9.  | 66 | Power generation plant [except Wind and Solar renewable power plants of all capacities and Mini Hydel power plant of capacity <25MW]  | 10 | -  | 10 | 15 | 10 | 25 |    | 62.5 | R-R | 1. Mainly air polluting. It uses a mixture of biomass (agro based) and coal ( < 10 %) as a fuel. Almost, round the year operation. 2. In case of DG sets of 5 MVA & more and emissions of SO <sub>2</sub> will take place due to use of liquid fuel. Air pollution score will be =20 + 10 = 30, Normalized score will be 75. 3. In case of 'Waste to Energy Plants' , water will be used for cooling and air score will be - 30+10 = 40. |
| 10. | 34 | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Spent catalyst containing nickel, cadmium, Zinc, copper, arsenic, vanadium and cobalt, | 30 | -  | 30 | 25 | -  | 25 | 10 | 65   | R-R | All the three types of pollutants are expected.  |
| 11. | 67 | Processes involving chlorinated hydrocarbons  | 30 | -  | 30 | 20 | -  | 20 | 15 | 65   | R-R | Chlorinated hydrocarbons are used in the manufacture of insecticides, pesticides and organo chloro pesticides. Effluents & emissions are toxic in nature.  |
| 12. | 74 | Sugar ( excluding Khandsari)  | 20 | 10 | 30 | 15 | 10 | 25 | 10 | 65   | R-R | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Sugar mills generate all sorts of pollution problems.  |
| 13. | 22 | Fibre glass production and processing (excluding moulding)  | -  | -  | -  | 20 | -  | 20 | 20 | 67   | R-R | i. The use of styrene in most methods of fiberglass production causes hazardous air pollution that is harmful to breathe at excessive levels.<br>ii. It is mainly air polluting & HW generating industry. The air pollution & HW scores are normalized to 100.<br>iii. In case of lead containing glass, the score of A1 will be 25 and final normalized score will be 75 and shall be categorized as Red.                               |
| 14. | 23 | Fire crackers manufacturing and bulk storage facilities   | -  | -  | -  | 20 | -  | 20 | 20 | 67   | R-R | i. This is the normalized score based on air pollution & HW generation.<br>ii. Various hazardous chemicals are used in the manufacturing process.<br>iii. These chemicals are namely Potassium Nitrate , Potassium per-chlorate, Barium Nitrate, Aluminium compounds, Copper Chloride etc.   |

|     |    |  |    |    |    |    |    |    |    |       |     |   |
|-----|----|--|----|----|----|----|----|----|----|-------|-----|---|
|     |    |  |    |    |    |    |    |    |    |       |     | iv. These chemicals are highly hazardous and cause serious diseases among the workers. especially ability of blood to carry oxygen leading to headaches, methemoglobinemia and kidney problems , skin problems, thyroid metal fume etc. |
| 15. | 34 | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Dismantlers Recycling Plants -- Components of waste electrical and electronic assembles comprising accumulators and other batteries included on list A, mercury-switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with Schedule 2 constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of this Schedule. | -  | -  | -  | 30 | 0  | 30 | 10 | 67    | R-R | Mainly air polluting and hazardous waste generating. Air & HW pollution scores are jointly normalized to 100.   |
| 16. | 47 | Milk processes and dairy products(integrated project)  | 20 | 10 | 30 | 20 | 5  | 25 | -  | 68.75 | R-R | i. Water as well as air polluting due to use of boilers.<br>ii. Water & air pollution scores are normalized to 100.   |
| 17. | 63 | Phosphorous and its compounds  | 30 | -  | 30 | 25 | -  | 25 | -  | 68.75 | R-R | Water pollution & air pollution containing compounds of phosphorous are expected  |
| 18. | 61 | Pulp & Paper ( waste paper based without bleaching process to manufacture Kraft paper)   | 20 | 10 | 30 | 15 | 10 | 25 | 0  | 68.75 | R-R | Mainly water & air polluting . Water & air pollution scores are normalized to 100.  |
| 19. | 13 | Coke making , liquefaction, coal tar distillation or fuel gas making   | 30 | -  | 30 | 20 | -  | 20 | 20 | 70    | R-R | It is a kind of petrochemical industry.   |

|     |    |   |    |    |    |    |   |    |    |    |     |   |
|-----|----|---|----|----|----|----|---|----|----|----|-----|---|
| 20. | 41 | Manufacturing of explosives, detonators, fuses including management and handling activities | 30 | -  | 30 | 20 | - | 20 | 20 | 70 | R-R | <ul style="list-style-type: none"> <li>i. Explosives manufacture and use contribute some measure of hazardous waste to the environment.</li> <li>ii. Nitroglycerin produces several toxic byproducts such as acids, caustics, and oils contaminated with heavy metals. These must be disposed of properly by neutralization or stabilization and transported to a hazardous waste landfill.</li> <li>iii. The use of explosives creates large amounts of dust and particulate from the explosion, and, in some cases, releases asbestos, <b>lead</b>, and other hazardous materials into the atmosphere.</li> </ul> |
| 21. | 45 | Manufacturing of paints varnishes, pigments and intermediate (excluding blending/mixing)    | 30 | -  | 30 | 25 | - | 25 | 15 | 70 | R-R | <ul style="list-style-type: none"> <li>i. The process may cause considerable emissions of volatile organic compounds (VOC). VOC contribute to the creation of ozone in the lower layers of the atmosphere (photochemical air pollution) and can present danger to health.</li> <li>ii. Dust and odour may also be a problem.</li> <li>iii. Washing of vessels will contribute waste-waters.</li> <li>iv. Large quantity of HWs are also produced.</li> </ul>  |
| 22. | 56 | Organic Chemicals manufacturing   | 30 | -  | 30 | 20 | - | 50 | 20 | 70 | R-R | Such types of industrial sectors generate all sorts of pollution.   |
| 23. | 1  | Airports and Commercial Air Strips  | 20 | 10 | 30 | -  | - | -  | 10 | 75 | R-R | <ul style="list-style-type: none"> <li>i. The Airports are generating mainly the waste-waters.</li> <li>ii. This is the water pollution normalized score for airports having discharge more than 100 KLD.</li> <li>iii. The airports / strips having discharge less than 100 KLD will have score of 50 and hence orange category.</li> <li>iv. If the score is normalized wrt water + HW both, then all the airports will come under Orange category (score - 58.33).</li> </ul>  |
| 24. | 3  | Asbestos and asbestos based industries  | -  | -  | -  | 30 | - | 30 | 10 | 75 | R-R | <ul style="list-style-type: none"> <li>i. This is mainly air polluting industry.</li> <li>ii. Final score is based on air pollution score only.</li> <li>iii. Asbestos is carcinogenic and banned in many countries.</li> </ul>   |
| 25. | 5  | Basic chemicals and electro chemicals and its derivatives including manufacturing of acid   | 30 | -  | 30 | -  | - | -  | 10 | 75 | R-R | <ul style="list-style-type: none"> <li>i. Standards prescribed for Inorganic Chemicals are adopted.</li> <li>ii. It is mainly water polluting industry having effluents which are toxic and not easily biodegradable.</li> </ul>  |

|     |    |  |    |    |    |    |    |    |    |    |     |  |  |
|-----|----|--|----|----|----|----|----|----|----|----|-----|--|--|
|     |    |  |    |    |    |    |    |    |    |    |     |  | <ul style="list-style-type: none"> <li>iii. Water pollution score normalized to 100 is undertaken.</li> <li>iv. The earlier Red category industrial sector namely "Hydrocyanic acid and its derivatives " is also merged under this industrial sector.</li> </ul>  |
| 26. | 7  | Cement   | -  | -  | -  | 20 | 10 | 30 | -  | 75 | R-R |  | This is mainly air polluting industry & hence normalized air pollution score.  |
| 27. | 9  | Chlorates, per-chlorates & peroxides                             | 30 | -  | 30 | -  | -  | -  | -  | 75 | R-R |  | <ul style="list-style-type: none"> <li>i. It is mainly water polluting industry having effluents which are toxic and not easily biodegradable.</li> <li>ii. Water pollution score normalized to 100 is undertaken.</li> </ul>  |
| 28. | 10 | Chlorine, fluorine, bromine, iodine and their compounds          | 30 | -  | 30 | -  | -  | -  | -  | 75 | R-R |  | <ul style="list-style-type: none"> <li>i. It is mainly water polluting industry having effluents which are toxic and not easily biodegradable.</li> <li>ii. Water pollution score normalized to 100 is undertaken.</li> </ul>  |
| 29. | 16 | Dyes and Dye- Intermediates                                      | 30 | -  | 30 | 20 | 5  | 25 | 20 | 75 | R-R |  | <ul style="list-style-type: none"> <li>i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.</li> <li>ii. Such types of industrial sectors generate all sorts of pollution.</li> </ul>  |
| 30. | 26 | Health-care Establishment ( as defined in BMW Rules)             | 20 | 10 | 30 | -  | -  | -  | -  | 75 | R-R |  | <ul style="list-style-type: none"> <li>i. Mainly water polluting.</li> <li>ii. The water pollution score is normalized to 100 &amp; valid for Hospitals having total waste-water generation &gt; 100 KLD.</li> <li>iii. The hospitals with incinerator will be categorized as Red irrespective of the quantity of the waste-water generation.</li> <li>iv. The hospitals having total waste-water generation less than 100 KLD and without incinerator, the normalized water pollution score will be 50 and will be categorized as Orange category.</li> </ul> |
| 31. | 29 | Hotels having overall waste-water generation @ 100 KLD and more. | 20 | 10 | 30 | 15 | -  | 15 | -  | 75 | R-R |  | <ul style="list-style-type: none"> <li>i. Mainly water polluting. Small boiler may be installed.</li> <li>ii. The water pollution score is normalized to 100 &amp; valid for Hotels having waste-water generation &gt; 100 KLD.</li> <li>iii. The hotels having more than 20 rooms and waste-water generation less than 100 KLD and having a coal / oil fired boiler , the pollution score will be 35/40 &amp; are categorized as Orange.</li> <li>iv. The hotels having more than 20 rooms and waste-water generation less than 10 KLD and</li> </ul>         |

|     |    |   |    |    |    |    |    |    |    |    |     |  |
|-----|----|---|----|----|----|----|----|----|----|----|-----|--|
|     |    |   |    |    |    |    |    |    |    |    |     | having no-boiler & no hazardous waste generation, the pollution score will be 20 & are categorized as Green. |
| 32. | 34 | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Lead acid battery 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".  | 30 | -  | 30 | 25 | -- | 25 | 20 | 75 | R-R | All the three types of pollutants are generated.   |
| 33. | 34 | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Integrated Recycling Plants -- Components of waste electrical and electronic assembles comprising accumulators and other batteries included on list A, mercury-switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with Schedule 2 constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of this Schedule. | 30 | -  | 30 | 25 | -  | 25 | 20 | 75 | R-R | All the three types of pollutants are expected.  |
| 34. | 43 | Manufacturing of glue and gelatin   | 30 | 10 | 40 | 20 | -  | 20 | -  | 75 | R-R | Highly water polluting & obnoxious air polluting.  |
| 35. | 49 | Mining and ore beneficiation  | 30 | 10 | 40 | 15 | 5  | 20 | -  | 75 | R-R | Both air and water polluting. Score is normalized with air & water pollution.                                |

|     |    |  |    |    |    |    |    |    |    |    |     |  |
|-----|----|--|----|----|----|----|----|----|----|----|-----|--|
| 36. | 52 | Nuclear power plant  | 10 | -  | 10 | 30 | -  | 30 | 15 | 75 | R-R | <ul style="list-style-type: none"> <li>i. Mainly air polluting due to incinerator. Others - cooling water.</li> <li>ii. Air pollution score is normalized to 100.</li> </ul>   |
| 37. | 58 | Pesticides (technical) (excluding formulation)   | 30 | -  | 30 | 25 | -  | 25 | 20 | 75 | R-R | <ul style="list-style-type: none"> <li>i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.</li> <li>ii. Such types of industrial sectors generate all sorts of pollution.</li> </ul>  |
| 38. | 64 | Photographic film and its chemicals  | 30 | -  | 30 | -  | -  | -  | -  | 75 | R-R | <ul style="list-style-type: none"> <li>i. Silver salts and other chemicals are used in preparation. Slight quantity of effluents is generated.</li> <li>ii. Water pollution scores are normalized to 100.</li> </ul>   |
| 39. | 68 | Railway locomotive workshop/Integrated road transport workshop/Authorized service centers  | 20 | 10 | 30 | -  | -  | -  | 10 | 75 | R-R | <ul style="list-style-type: none"> <li>i. Mainly water polluting industry. Water is used in the washing of locomotives, road transport vehicles during servicing.</li> <li>ii. This score is valid for those Centers having discharge more than 100 KLD.</li> <li>iii. Service Centers having waste-water generation &lt; 100 KLD, the normalized score will be = (100*20)/40= 50.</li> </ul>  |
| 40. | 84 | Yarn / Textile processing involving any effluent/emission generating processes including bleaching, dyeing, printing and colouring | 30 | 10 | 40 | 15 | -  | 15 | 20 | 75 | R-R | In this sector all sorts of pollution are generated.   |
| 41. | 8  | Chlor Alkali   | 30 | 10 | 40 | 20 | 10 | 30 | 10 | 80 | R-R | <ul style="list-style-type: none"> <li>i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.</li> <li>ii. Chlor-alkali units are having different section like NaOH, Cl<sub>2</sub>, SBP etc which are having toxic effluents. Additionally, fuel consumption is also on higher-side.</li> </ul>  |
| 42. | 70 | Ship Breaking Industries   | 30 | -  | 30 | 30 | -  | 30 | 20 | 80 | R-R | <ul style="list-style-type: none"> <li>i. The ship-breaking industry creates numerous hazards for the coastal and marine environment.</li> <li>ii. Ship-breaking releases a large number of dangerous pollutants, including toxic waste, oil, poly-chlorinated biphenyls, and heavy metals, into the waters and sea bed.</li> <li>iii. While most of the oil is removed before a ship is scrapped, sand used to mop up the remaining oil is thrown into the sea. High concentrations of oil and grease are then found in the coastal waters, choking marine life.</li> </ul> |

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|     |    |   |    |    |    |    |    |    |    |      |     | iv. Solid waste strewn on the shore, 45 tonnes on any given day according to a study by the Central Pollution Control Board, also finds its way into the sea.<br>v. Adding to the stress on coastal waters, the organic load from the thousands of workers living in cramped conditions with little or no sanitary facilities results in unacceptably high levels of BOD. |
| 43. | 53 | Oil and gas extraction including CBM (offshore & on-shore extraction through drilling wells)  | 30 | -  | 30 | -  | -  | -  | 20 | 83   | R-R | i. Mainly water polluting & hazardous waste generating.<br>ii. The water pollution & HW generation scores are normalized to 100.  |
| 44. | 36 | Industry or process involving metal surface treatment or process such as pickling/ electroplating/paint stripping/ heat treatment using cyanide bath/ phosphating or finishing and anodizing / enamellings/ galvanizing | 30 | -  | 30 | -  | -  | -  | 20 | 83   | R-R | Mainly water polluting & toxic hazardous waste generating industry. Scores are normalized to 100.   |
| 45. | 80 | Tanneries   | 30 | -  | 30 | -  | -  | -  | 20 | 83   | R-R | Mainly water polluting & hazardous waste generating industry. Scores are normalized to 100.   |
| 46. | 65 | Ports and harbour, jetties and dredging operations  | 30 | 10 | 40 | 15 | 10 | 25 | 20 | 85   | R-R | This category contain all sorts of pollution.   |
| 47. | 77 | Synthetic fibers including rayon ,tyre cord, polyester filament yarn  | 30 | 10 | 40 | 25 | 10 | 35 | 10 | 85   | R-R | This sector generates all sorts of pollution problems.  |
| 48. | 81 | Thermal Power Plants  | 30 | 10 | 40 | 20 | 10 | 30 | 15 | 85   | R-R | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. TPP generate all sorts of pollution problems.   |
| 49. | 71 | Slaughter house (as per notification S.O.270(E)dated 26.03.2001)and meat processing industries, bone mill, processing of animal horn, hoofs and other body parts  | 25 | 10 | 35 | -  | -  | -  | -  | 87.5 | R-R | Mainly water polluting and obnoxious odour generating industry. The water pollution score is normalized to 100  |
| 50. | 2  | Aluminium Smelter   | 30 | 10 | 40 | 20 | 10 | 30 | 20 | 90   | R-R | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. This sector is generating all sorts of pollution i.e. air, water and HW.  |
| 51. | 12 | Copper Smelter  | 30 | 10 | 40 | 20 | 10 | 30 | 20 | 90   | R-R | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Integrated Copper Smelters contain all sorts of   |

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|     |    |  |    |    |    |    |    |    |    |     |     |  | pollution.   |
| 52. | 20 | Fertilizer (basic) (excluding formulation)   | 30 | 10 | 40 | 20 | 10 | 30 | 20 | 90  | R-R |  | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Generates all sorts of pollution.  |
| 53. | 37 | Iron & Steel (involving processing from ore/ integrated steel plants) and or Sponge Iron units         | 30 | 10 | 40 | 20 | 10 | 30 | 20 | 90  | R-R |  | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Such types of industrial sectors generate all sorts of pollution.  |
| 54. | 61 | Pulp & Paper ( waste paper based units with bleaching process to manufacture writing & printing paper) | 25 | 10 | 35 | 25 | 10 | 35 | 20 | 90  | R-R |  | Waste paper based Pulp & Paper mills with bleaching process generate all sorts of pollution.   |
| 55. | 85 | Zinc Smelter   | 30 | 10 | 40 | 20 | 10 | 30 | 20 | 90  | R-R |  | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Integrated Zinc smelter generates all sorts of pollution problems.   |
| 56. | 55 | Oil Refinery (mineral Oil or Petro Refineries)   | 30 | 10 | 40 | 25 | 10 | 35 | 20 | 95  | R-R |  | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Such types of industrial sectors generate all sorts of pollution.  |
| 57. | 59 | Petrochemicals Manufacturing ( including processing of Emulsions of oil and water )                    | 30 | 10 | 40 | 25 | 10 | 35 | 20 | 95  | R-R |  | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Such types of industrial sectors generate all sorts of pollution.<br>iii. The earlier red category industrial sector namely "Processing of Emulsions of Oil & Water " is merged with this industrial sector. |
| 58. | 60 | Pharmaceuticals  | 30 | 10 | 40 | 30 | 5  | 35 | 20 | 95  | R-R |  | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Such types of industrial sectors generate all sorts of pollution.  |
| 59. | 61 | Pulp & Paper ( Large-Agro + wood) , Small Pulp & Paper ( agro based-wheat straw/rice husk)             | 30 | 10 | 40 | 25 | 10 | 35 | 20 | 95  | R-R |  | i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.<br>ii. Large /Small Agro based Pulp & Paper mills contribute all sorts of pollution problems.   |
| 60. | 15 | Distillery ( molasses / grain / yeast based)   | 30 | 10 | 40 | -  | -  | -  | -  | 100 | R-R |  | Mainly water polluting industry. Final score is the normalized water pollution score.  |

Note :

i. Under the column Revised Category, the full forms of the abbreviations are as follows :

- a. R-R means original category was Red and revised category is also Red
- b. R-O means original category was Red and revised category is Orange
- c. O-O means original category was Orange and revised category is also Orange
- d. O-G means original category was Orange and revised category is Green
- e. O-W means original category was Orange and revised category is White
- f. G-O means original category was Green and revised category is Orange
- g. G-G means original category was Green and revised category is also Green
- h. G-W means original category was Green and revised category is White

ii. There are specific remarks in respect of some of the industrial sectors. These sectors are either merged with other relevant sectors or deleted due to duplication. The overall details are as follows :

| Sl No. | Original Sl No. | Industry Sector  | Original Category | Remarks   |
|--------|-----------------|--|-------------------|---|
| 1      | 14              | Common treatment and disposal facilities (CETP, TSDF, E-waste recycling, CBMWTF, effluent conveyance project, incinerator, solvent/acid recovery plant, MSW sanitary land fill site)                               | R                 | i. All such facilities are classified as Red but special category projects as these are parts of pollution control facilities.<br>ii. In case of CETP, the categorization will depend upon the category of member industries being served.                                    |
| 2      | 18              | Processing of Emulsions of Oil & Water   |                   | It is a part of Petrochemical industries. Transferred and merged with the industrial sector namely 'Petrochemicals' at Sl. No. 54.  |
| 3      | 27              | Heavy engineering including ship building (with investment on Plant & Machineries more than Rs 10 crores)  | R                 | Most of the pollution generating processes / operations under this category are similar to the industry category namely "Automobile Manufacturing (integrated facilities)" at Sl. No. 1 and may be referred accordingly.  |
| 4      | 30              | Hydrocyanic acid and its derivatives   | R                 | Have been merged with the red category industrial sector namely "Basic chemicals and electro chemicals and its derivatives including manufacturing of acid" at Sl. No. 24   |
| 5      | 32              | Industrial estates/ parks / complexes/ areas/ export processing zones/ SEZs/ Biotech parks/ leather complex  | R                 | The classification will depend upon the category(ies) of the industries operating / proposed to be permitted in the area. In this context, guidelines prescribed in EIA Notification, 2006 shall be followed.   |
| 6      | 33              | Industrial inorganic gases namely-<br>a) Chemical gas- Acetylene, hydrogen, chlorine, fluorine, ammonia, sulphur dioxide, ethylene, hydrogen-sulphide, phosphine<br>b) Hydrocarbon gases- Methane, ethane, propane | R                 | These gases are generally secondary products and produced alongwith other main products. To be classified as per the main parent plant.   |
| 7      | 69              | Reprocessing of used oils & waste oils   | R                 | i. The industry generates mainly the air pollution and oil bearing hazardous wastes. The normalized (air pollution & HW generation score is 58.33.<br>ii. To be deleted as already covered under HW Recyclers / Re-processors ( Used oils / Waste Oils) under Orange Category |

Table G-3 : Final List of Orange Category of Industrial Sectors

| Final Sl. No. | Orgnl S.No | Industry Sector   | W1 | W2 | W  | A1 | A2 | A  | H  | W+A+H | Revised category | Remarks  |
|---------------|------------|---|----|----|----|----|----|----|----|-------|------------------|--|
| 1.            | 20         | Dismantling of rolling stocks ( wagons/ coaches)  | -- | -- | -- | 15 | -- | 15 | 10 | 41.67 | O-O              | Emissions of dust and generation of waste oils take place during dismantling. Air pollution & HW generation scores (15+10=25) are normalized to 100. |
| 2.            | 5          | Bakery and confectionery units with production capacity > 1 TPD. ( With ovens / furnaces) | 20 | -- | 20 | 15 | -- | 15 | -- | 43.75 | O-O              |  |
| 3.            | 10         | Chanachur and ladoo from puffed and beaten rice( muri and shira) using husk fired oven    | 20 | -- | 20 | 15 | -- | 15 | -- | 43.75 | O-O              | Normal water and air polluting.  |
| 4.            | 23         | Coated electrode manufacturing  | 15 | 0  | 15 | 20 | 0  | 20 | 0  | 43.75 | G-O              | Preparation of core wire / rod, preparation of dry mix, preparation of wet mix, application of coating by extrusion, baking of coated electrodes     |
| 5.            | 24         | Compact disc computer floppy and cassette manufacturing / Reel manufacturing              | 15 | 0  | 15 | 20 | 0  | 20 | 0  | 43.75 | G-O              | Generates waste-water and process emissions.   |
| 6.            | 24         | Flakes from rejected PET bottle   | 20 | -  | 20 | 15 | -  | 15 | -  | 43.75 | R-O              | Normal water & air pollutions are generated.   |
| 7.            | 30         | Food and food processing including fruits and vegetable processing                        | 20 | -- | 20 | 15 | -- | 15 | -- | 43.75 | O-O              | Normal water and air polluting.  |
| 8.            | 40         | Jute processing without dyeing  | 20 | -- | 20 | 15 | -- | 15 | -- | 43.75 | O-O              | CPCB has notified standards for this category. Both air and water pollutions are generated.  |
| 9.            | 56         | Manufacturing of silica gel   | 15 | 0  | 15 | 20 | 0  | 20 | 0  | 43.75 | G-O              | Waste-waters containing TDS and emissions of H <sub>2</sub> SO <sub>4</sub> are generated.   |

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|-----|----|---|----|----|----|----|----|------|----|-------|-----|--|
| 10. | 45 | Manufacturing of tooth powder, toothpaste, talcum powder and other cosmetic items | 20 | -- | 20 | 15 | -- | 15   | -- | 43.75 | O-O | Both air and water pollution are generated.  |
| 11. | 55 | Printing or etching of glass sheet using hydrofluoric acid                        | 15 | -- | 15 | 20 | -- | 20   | -- | 43.75 | O-O | Both air and water pollution are generated.  |
| 12. | 65 | Silk screen printing, sari printing by wooden blocks                              | 20 | -- | 20 | 15 | -- | 15   | -- | 43.75 | O-O | Wash-water and PM emissions from boilers .   |
| 13. | 76 | Synthetic detergents and soaps(excluding formulation)                             | 20 | -  | 20 | 15 | -  | 15   | -  | 43.75 | R-O | i. This is the score for units having generation of waste-waters less than 100 KLD.<br>ii. The units having waste-water generation more than 100 KLD will become mainly water polluting and accordingly normalized water pollution score will be 75 and be categorized as Red. |
| 14. | 71 | Thermometer manufacturing   | 15 | -- | 15 | 20 | -- | 20   | -- | 43.75 | O-O | Process - making glass bulb, forming reservoir in the glass tube for fluid, inserting fluid, scale marking. Use of fuel to heat the glass tubes and hydrofluoric acid to seal the scaling. Small quantities of spent acids are generated.                                      |
| 15. | 14 | Cotton spinning and weaving ( medium and large scale)                             | -- | -- | -- | 15 | -- | 37.5 | 10 | 47.5  | O-O | Mainly air polluting industry. Sources of air pollution (PM) are the fine particles of cotton from spinning process. Air pollution score is normalized to 100.   |
| 16. | 1  | Almirah, Grill Manufacturing (Dry Mechanical Process )                            | -- | -- | -- | 20 | -- | 20   | -- | 50    | O-O | Air pollution due to spray painting (emissions of VOCs). Units without painting operations shall be categorized as White.  |

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|-----|---|---|----|----|----|----|----|----|----|----|-----|---|
| 17. | 2 | Aluminium & copper extraction from scrap using oil fired furnace (dry process only) | -- | -- | -- | 20 | -- | 20 | 10 | 50 | O-O | i. Normalized Air pollution score.<br>ii. Significant air pollution due to melting (emissions of SO <sub>2</sub> , PM).   |
| 18. | 3 | Automobile servicing, repairing and painting (excluding only fuel dispensing)       | 20 | -- | 20 | 20 | -- | 20 | 10 | 50 | O-O | Normal water & air polluting and recyclable waste oil generating. If the waste water generation is more than 100 KLD, it will become mainly water polluting and Red category unit.  |
| 19. | 4 | Ayurvedic and homeopathic medicine  | 20 | -- | 20 | 15 | -- | 15 | 15 | 50 | O-O |   |
| 20. | 7 | Brickfields ( excluding fly ash brick manufacturing using lime process)             | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Significantly air polluting.  |
| 21. | 8 | Building and construction project more than 20,000 sq. m built up area              | 20 | -- | 20 | 20 | -- | 20 | -- | 50 | O-O | 1. In the pre-construction stage , it is mainly air polluting due to generation of dust ( PM ) emissions. 2. After construction, it is mainly water polluting. If the discharge is more than 100 KLD, it will be having the normalized score of 75 and be categorized as Red. |
| 22. | 6 | Ceramics and Refractories   | -  | -  | -  | 20 | -  | 20 | -  | 50 | R-O | i. Mainly air polluting industry.<br>ii. This score is for the units having coal consumption < than 12 MT/day.<br>iii. For the units having coal consumption > 12 MT /day, the normalized air pollution score will be 62.5 and shall be categorized as Red.                   |

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|-----|----|--|----|----|----|----|----|----|----|----|-----|---|
| 23. | 11 | Coal washeries   | 15 | 10 | 25 | 15 | -  | 15 | -  | 50 | R-O | <p>i. Wet washeries are mainly water polluting industry generating effluents which are having inorganic SS &amp; TDS. Additionally, air pollution due to PM emissions is also generated.</p> <p>ii. Water &amp; air pollution scores are jointly normalized to 100.</p>               |
| 24. | 16 | Dairy and dairy products (small scale)   | 20 | -- | 20 | 20 | -- | 20 | -- | 50 | O-O | Water and air polluting both.   |
| 25. | 18 | DG set of capacity >1MVA but < 5MVA  | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Mainly air polluting . air pollution score is normalized to 100.  |
| 26. | 17 | Dry coal processing, mineral processing, industries involving ore sintering, pelletising, grinding & pulverization                       | -  | -  | -  | 20 | -  | 20 | -  | 50 | R-O | Mainly air polluting industry. Final score is the normalized air pollution score.   |
| 27. | 19 | Fermentation industry including manufacture of yeast, beer, distillation of alcohol (Extra Neutral Alcohol)                              | 20 | -  | 20 | -  | -  | -  | -  | 50 | R-O | <p>i. Mainly water polluting industry. This is the normalized water pollution score for units having discharge &lt; 100 KLD.</p> <p>ii. For the units having discharge &gt; 100 KLD, the normalized water pollution score will be 75 and shall be accordingly categorized as Red.</p> |
| 28. | 21 | Ferrous and Non-ferrous metal extraction involving different furnaces through melting, refining, re-processing, casting and alloy-making | -  | -  | -  | 15 | 5  | 20 | 10 | 50 | R-O | <p>i. Mainly air polluting.</p> <p>ii. This score is applicable to secondary production of ferrous &amp; non-ferrous metals (excluding lead) up-to 1 MT/hour production.</p>  |

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|     |    |  |    |    |    |    |    |    |    |    |     | <p>iii. For lead, the normalized air pollution score will be = <math>(100 \times 25) / 40 = 62.5</math> and is categorized as Red.</p> <p>iv. For Induction Furnace clubbed with AOD furnace - separate calculation shall be made based on the capacity of the furnaces. In such industries, the molten metal from induction furnace is transferred to AOD furnace where other metals like manganese and nickel are added to get the metal of desired constituents. The lime and silicon are also added for reduction of the metal oxides to the base metal. the normalized air pollution score will be = <math>(100 \times 25) / 40 = 62.5</math> and is categorized as Red.</p> |
| 29. | 26 | Fertilizer (granulation / formulation / blending only)     | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Air polluting.  |
| 30. | 27 | Fish feed, poultry feed and cattle feed                    | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Obnoxious odour , H2S etc. AP score is normalized to 100  |
| 31. | 28 | Fish processing and packing (excluding chilling of fishes) | 20 | -- | 20 | -- | -- | -- | -- | 50 | O-O | Mainly water polluting. WP score is normalized to 100.  |

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|-----|----|--|----|----|----|----|----|----|----|----|-----|---|
| 32. | 31 | Forging of ferrous and non- ferrous metals ( using oil and gas fired furnaces)   | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Heating furnace. Mainly air polluting.                                    |
| 33. | 32 | Formulation/pelletization of camphor tablets, naphthalene balls from camphor/ naphthalene powders.   | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Mainly air polluting. Emissions of Benzene, HC are expected.              |
| 34. | 33 | Glass ceramics, earthen potteries and tile manufacturing using oil and gas fired kilns, coating on glasses using cerium fluorides and magnesium fluoride etc.  | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Mainly air polluting. Emissions of SO2 are expected.                      |
| 35. | 35 | Gravure printing, digital printing on flex, vinyl  | 20 | -- | 20 | 20 | -- | 20 | 10 | 50 | O-O | Waste waters , emissions of VOCs  |
| 36. | 36 | Heat treatment using oil fired furnace ( without cyaniding)  | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Mainly air polluting and noise generating. AP Score is normalized to 100. |
| 37. | 28 | Hot mix plants   | -  | -  | -  | 20 | -  | 20 | -  | 50 | R-O | Mainly air polluting. Air pollution scores are normalized to 100.         |
| 38. | 37 | Hotels (< 3 star) or hotels having > 20 rooms and less than 100 rooms.   | 20 | -- | 20 | 20 | -- | 20 | -- | 50 | O-O | Mainly water polluting. WP score is normalized to 100.                    |
| 39. | 38 | Ice cream  | 20 | -- | 20 | 20 | -- | 20 | -- | 50 | O-O | Wash-water and boilers / oven for pasteurization.                         |
| 40. | 34 | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Paint and ink Sludge/residues   | -  | -  | -  | 20 | 0  | 20 | 0  | 50 | R-O | Mainly air polluting. Air pollution score is normalized to 100            |
| 41. | 34 | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Brass Dross ,, Copper Dross,, Copper Oxide Mill Scale,, Copper Reverts, Cake & Residues,, Waste Copper and copper alloys in | 10 | -  | 10 | 20 | -  | 20 | 10 | 50 | R-O | Mainly air polluting.   |

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|-----|----|---|----|----|----|----|----|----|----|----|-----|--|--|
|     |    | dispersible form,,<br>Slags from copper processing for further processing or refining ,,<br>Insulated Copper Wire,,<br>Scrap/copper with PVC sheathing including ISRI-code material namely "Druid" ,,<br>Jelly filled Copper cables ,,<br>Zinc Dross-Hot dip Galvanizers SLAB,, Zinc Dross-Bottom Dross,,<br>Zinc ash/Skimming arising from galvanizing and die casting operations,,<br>Zinc ash/Skimming/other zinc bearing wastes arising from smelting and refining,,<br>Zinc ash and residues including zinc alloy residues in dispersible from,, |    |    |    |    |    |    |    |    |     |  |  |
| 42. | 35 | Industry or processes involving foundry operations  | -  | -  | -  | 20 | -  | 20 | -  | 50 | R-O | <ul style="list-style-type: none"> <li>i. This score is valid for the foundries having capacity &lt; 5 MT/hr as such units require the coal/coke @ &lt; 500 kg/hr.</li> <li>ii. The units having capacity of 5 MT/hr and more, the coal/coke consumption will be more than 500 kg/hr and the normalized score will be 62.5 and classified accordingly as Red.</li> </ul> |  |
| 43. | 40 | Lime manufacturing (using lime kiln)  | -  | -  | -  | 20 | -  | 20 | -  | 50 | R-O | Mainly air polluting   |  |
| 44. | 41 | Liquid floor cleaner, black phenyl, liquid soap, glycerol mono-stearate manufacturing   | 20 | -- | 20 | 20 | -- | 20 | -- | 50 | O-O | Both air and water pollution are generated.  |  |

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|-----|----|--|----|----|----|----|----|----|----|----|-----|---|
| 45. | 42 | Manufacturing of glass   | 10 | -  | -  | 20 | -  | 20 | -  | 50 | R-O | <p>i. Mainly air polluting ( melting at 1500°C and refining .</p> <p>ii. In case of lead glass , the score of A1 will be 25 and accordingly the normalized scores will be 62.5 i.e. Red .</p> |
| 46. | 43 | Manufacturing of iodized salt from crude/ raw salt   | 12 | -- | 12 | 20 | -- | 20 | -- | 50 | O-O | Boiling in Evaporators (multiple effect evaporators), centrifuging, iodization with KIO3 mixing . Mainly air polluting. Air pollution score is normalized to 100.                             |
| 47. | 42 | Manufacturing of mirror from sheet glass   | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Evaporator & furnace for heating the metal to be applied as reflector on mirror. Mainly air polluting.  |
| 48. | 44 | Manufacturing of mosquito repellent coil   | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Mainly air polluting. Toxic fumes are expected.   |
| 49. | 46 | Manufacturing of Starch/Sago   | 25 | -  | 25 | 15 | -  | 15 | -  | 50 | R-O | <p>i. Water and air polluting industry. Boiler is used for steam generation.</p> <p>ii. Water &amp; air pollution scores are normalized to 100</p>  |
| 50. | 46 | Mechanized laundry using oil fired boiler  | 20 | -- | 20 | 20 | -- | 20 | -- | 50 | O-O | Both air and water pollution are generated.   |
| 51. | 47 | Modular wooden furniture from particle board, MDF< swan timber etc, Ceiling tiles/ partition board from saw dust, wood chips etc., and other agricultural waste using synthetic adhesive resin, wooden box making ( With boiler) | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | 1. Mainly air polluting. Boiler as well as VOCs from use of adhesives. 2. Without boiler, it will be a Green category industry.   |
| 52. | 50 | New highway construction project   | -  | -  | -  | 20 | -  | 20 | -  | 50 | R-O | Mainly air polluting project.   |

|     |    |  |    |    |    |    |    |    |    |    |            |  |
|-----|----|--|----|----|----|----|----|----|----|----|------------|--|
| 53. | 51 | Non-alcoholic beverages(soft drink) & bottling of alcohol/non alcoholic products   | 20 | -  | 20 | 15 | 5  | 20 | -  | 50 | R-O        | i. Both air and water polluting. Score is normalized with air & water pollution. This score is valid for industries having waste-water generation < 100 KLD.<br>ii. For the units having waste-water generation > 100 KLD the , normalized score would be 62.5 and categorized as Red. |
| 54. | 49 | Paint blending and mixing (Ball mill)  | 20 | -- | 20 | 20 | -- | 20 | 10 | 50 | O-O        | Both air and water pollution are generated.  |
| 55. | 62 | Paints and varnishes (mixing and blending)   | 20 | 0  | 0  | 20 | 0  | 20 | 0  | 50 | <b>G-O</b> | Waste-waters as well as fumes of VOCs due to solvents, pigments, varnishes.  |
| 56. | 51 | Ply-board manufacturing( including Veneer and laminate) with oil fired boiler/ thermic fluid heater(without resin plant) | 0  | -- | 0  | 20 | -- | 20 | -- | 50 | O-O        | Mainly air polluting because of use of boiler. AP score is normalized to 100   |
| 57. | 52 | Potable alcohol ( IMFL) by blending, bottling of alcohol products  | 20 | -- | 20 | -- | -- | -- | -- | 50 | O-O        | Mainly water polluting. WP score is normalized to 100.   |
| 58. | 54 | Printing ink manufacturing   | 20 | -- | 20 | 20 | -- | 20 | -- | 50 | O-O        | 1. Pigments, binders and solvents are used. 2. Boiler is also used. 3. Emissions of VOCs take place.   |
| 59. | 70 | Printing press   | 20 | 0  | 20 | 20 | 0  | 20 | 0  | 50 | <b>G-O</b> | Colored waste-waters containing dyes and VOC emissions are generated.  |
| 60. | 59 | Reprocessing of waste plastic including PVC  | 20 | -- | 20 | 20 | -- | 20 | -- | 50 | O-O        | Large quantities of wash-water and fugitive emissions are generated.   |
| 61. | 61 | Rolling mill (oil or coal fired) and cold rolling mill   | 10 | -- | 10 | 20 | -- | 20 | -- | 50 | O-O        | Mainly air polluting. Air pollution score is normalized to 100. Others - cooling water and recyclable waste oils etc. are generated.   |
| 62. | 67 | Spray painting, paint baking, paint shipping   | -- | -- | -- | 20 | -- | 20 | 10 | 50 | O-O        | Mainly air polluting. Emissions of VOCs and HC are generated.  |

|     |    |   |    |    |    |    |    |    |    |    |     |  |
|-----|----|---|----|----|----|----|----|----|----|----|-----|--|
| 63. | 72 | Steel and steel products using various furnaces like blast furnace /open hearth furnace/induction furnace/arc furnace/submerged arc furnace /basic oxygen furnace /hot rolling reheated furnace | 10 | -  | 10 | 20 | -  | 20 | 10 | 50 | R-O | i. Mainly air polluting. In the emissions, oxides of manganese, nickel etc. are also present.<br>ii. Air pollution score is normalized to 100.   |
| 64. | 73 | Stone crushers  | -  | -  | -  | 20 | -  | 20 | -  | 50 | R-O | Mainly air polluting. Air pollution score is normalized to 100.  |
| 65. | 75 | Surgical and medical products including prophylactics and latex   | 20 | -  | 20 | 20 | -  | 20 | -  | 50 | R-O | Both air as well as water polluting. Air and water pollution scores are normalized to 100.   |
| 66. | 85 | Tephlon based products  | 0  | 0  | 0  | 20 | 0  | 20 | 0  | 50 | G-O | Due to spraying applications, emissions (HC) are generated   |
| 67. | 70 | Thermocol manufacturing ( with boiler)  | -- | -- | -- | 20 | -- | 20 | -- | 50 | O-O | Polystyrene is heated. Mainly air polluting with boiler.   |
| 68. | 82 | Tobacco products including cigarettes and tobacco/opium processes   | 20 | -  | 20 | 20 | -  | 20 | -  | 50 | R-O | Such industries generate both air as well as water pollution. These scores are normalized to 100.  |
| 69. | 72 | Transformer repairing/ manufacturing ( dry process only)  | -- | -- | -- | 20 | -- | 20 | 10 | 50 | O-O | Mainly air polluting because of ovens, shot-blasting etc.  |
| 70. | 73 | Tyres and tubes vulcanization/ hot retreating   | 10 | -- | 10 | 20 | -- | 20 | -- | 50 | O-O | Mainly air polluting . Emissions of PM, VOCs and obnoxious odour are generated.  |
| 71. | 83 | Vegetable oil manufacturing including solvent extraction and refinery /hydrogenated oils  | 20 | -  | 20 | 15 | 5  | 20 | 10 | 50 | R-O | i. All sorts of pollution are generated.<br>ii. This score is valid for plants having waste-water generation < 100 KLD.<br>iii. If the waste-water generation is more than 100 KLD, the unit shall be classified as Red. |
| 72. | 74 | Wire drawing and wire netting   | 20 | -- | 20 | -- | -- | -- | -- | 50 | O-O | Mainly water polluting. WP score is normalized to 100.   |

|     |    |  |    |    |    |    |    |    |    |    |     |   |
|-----|----|--|----|----|----|----|----|----|----|----|-----|---|
| 73. | 21 | Dry cell battery (excluding manufacturing of electrodes) and assembling & charging of a lead battery on micro scale                    | 30 | -- | 30 | 15 | -- | 15 | 10 | 55 | O-O | Water and air polluting both.   |
| 74. | 50 | Pharmaceutical formulation and for R & D purpose (For sustained release/extended release of drugs only and not for commercial purpose) | 20 | -- | 20 | 20 | -- | 20 | 15 | 55 | O-O | i. All sorts of pollution are generated.<br>ii. R&D activities are to be shifted to Red category.   |
| 75. | 78 | Synthetic resins   | 20 | -  | 20 | 20 | -  | 20 | 15 | 55 | R-O | All sorts of pollution are generated.   |
| 76. | 79 | Synthetic rubber excluding molding   | 20 | -  | 20 | 20 | -  | 20 | 15 | 55 | R-O | i. Most synthetic rubber is created from two materials, styrene and butadiene. Both are currently obtained from petroleum.<br>ii. Process is similar to a part of Petrochemical plants.   |
| 77. | 9  | Cashew nut processing  | 25 | -- | 25 | 20 | -- | 20 | -- | 56 | O-O | Normal water and air polluting.   |
| 78. | 12 | Coffee seed processing   | 25 | -- | 25 | 20 | -- | 20 | -- | 56 | O-O | Normal water & air polluting industry.  |
| 79. | 57 | Parboiled Rice Mills   | 25 | -  | 25 | 20 | -  | 20 | -  | 56 | R-O | i. Rice Mills are generating both air and water pollution. Waste-waters are having high strength in respect of BOD.<br>ii. This is the normalized air & water pollution score for units having waste-water generation < 100 KLD and fuel consumption less than 12 MTD.<br>iii. For units having waste-water generation > 100 KLD or fuel consumption > 12 MTD or both, the unit shall be classified as Red. |

|     |    |  |    |    |    |    |    |    |    |       |     |   |
|-----|----|--|----|----|----|----|----|----|----|-------|-----|---|
| 80. | 29 | Foam manufacturing   | -- | -- | -- | 20 | -- | 20 | 15 | 58    | O-O | <p>i. Raw material is polyurethane, latex etc.</p> <p>ii. Emissions of VOCs and HAPs. CH<sub>3</sub>Cl<sub>2</sub> and similar compounds as blowing agents.</p> <p>iii. Outdated raw materials and spoiled slots are discarded as HW.</p> |
| 81. | 34 | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely -<br>Used Oil – As per specifications prescribed from time to time.   | 10 | 0  | 10 | 20 | 0  | 20 | 15 | 58.33 | R-O | Mainly air polluting and hazardous waste generating industry. Air pollution & HW scores are normalized to 100   |
| 82. | 34 | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely -<br>Waste Oil ---As per specifications prescribed from time to time. | -  | -  | -  | 20 | 0  | 20 | 15 | 58.33 | R-O | Mainly air polluting and hazardous waste generating industry. Air pollution & HW scores are normalized to 100.  |
| 83. | 56 | Producer gas plant using conventional up drift coal gasification ( linked to rolling mills glass and ceramic industry refractories for dedicated fuel supply)  | -- | -- | -- | 20 | -- | 20 | 15 | 58.33 | O-O | Mainly air polluting & tar (HW) generating. SO <sub>2</sub> , CO, NO <sub>x</sub> are generated. Tar is the by-product and utilized by other industries in co-processing.   |

Note :

- i. Under the column Revised Category, the full forms of the abbreviations are as follows :
- R-R means original category was Red and revised category is also Red
  - R-O means original category was Red and revised category is Orange
  - O-O means original category was Orange and revised category is also Orange
  - O-G means original category was Orange and revised category is Green
  - O-W means original category was Orange and revised category is White
  - G-O means original category was Green and revised category is Orange
  - G-G means original category was Green and revised category is also Green
  - G-W means original category was Green and revised category is White

ii. There are specific remarks in respect of some of the industrial sectors. These sectors are either merged with other relevant sectors or deleted due to duplication / vague category. The overall details are as follows:

| <i>Sl No .</i> | <i>Original Sl No.</i> | <i>Industry Sector</i>   | <i>Original Category</i> | <i>Remarks</i>  |
|----------------|------------------------|--|--------------------------|---|
| 1              | 24                     | <i>Excavation of sand from the river bed (excluding manual excavation)</i> | <i>O</i>                 | <i>Since such types of activities cause ecological disturbances, the instructions issued by the government from time to time be followed. To be categorized by MoEF&amp;CC.</i> |
| 2              | 39                     | <i>Infrastructure Development Project</i>                                  | <i>O</i>                 | <i>Vast variety of such projects come under such category. This is to be decided by the concerned SPCB in line of EIA Notification , 2006.</i>                                  |
| 3              | 53                     | <i>Power press</i>   | <i>O</i>                 | <i>Very vague term hence deleted. Such types of general engineering units have already been covered.</i>  |

Table G-4 : Final List of Green Category of Industrial Sectors

| Sl. No. | Orgnl Sl. No. | Industry Sector  | W1 | W2 | W  | A1 | A2 | A  | H  | W+A+H | Revised Category | Remarks   |
|---------|---------------|--|----|----|----|----|----|----|----|-------|------------------|---|
| 1.      | 2             | Aluminium utensils from aluminium circles by pressing only (dry mechanical operation)                          | -- | -- | -- | 10 | -- | 10 | -- | 25    | <b>G-G</b>       | Minor air pollution due to some fugitive PM emissions from buffing operations.                |
| 2.      | 6             | Ayurvedic and homeopathic medicines (without boiler)   | 10 | -- | 10 | -- | -- | -- | -- | 25    | <b>G-G</b>       | Small quantities of waste-waters are generated from washing operations.                       |
| 3.      | 8             | Bakery /confectionery /sweets products (with production capacity <1tpd (with gas or electrical oven)           | 10 | -- | 10 | -- | -- | -- | -- | 25    | <b>G-G</b>       | Small quantities of waste-waters are generated from washing operations.                       |
| 4.      | 6             | Bi-axially oriented PP film along with metalizing operations   | 10 | -- | 10 | -- | -- | -- | -- | 25    | <b>O-G</b>       | Mainly extrusion process involving Cooling water recirculation                                |
| 5.      | 10            | Biomass briquettes (sun drying) without using toxic hazardous wastes   | -- | -- | -- | 10 | -- | 10 | -- | 25    | <b>G-G</b>       | Minor air pollution due to some fugitive PM emissions from pulverization / mixing operations. |
| 6.      | 13            | Blending of melamine resins & different powder, additives by physical mixing                                   | -- | -- | -- | 10 | -- | 10 | -- | 25    | <b>G-G</b>       | Minor air pollution due to some fugitive PM emissions from pulverization / mixing operations. |
| 7.      | 15            | Brass and bell metal utensils manufacturing from circles(dry mechanical operation without re-rolling facility) | -- | -- | -- | 10 | -- | 10 | -- | 25    | <b>G-G</b>       | Minor air pollution due to some fugitive PM emissions from buffing operations.                |
| 8.      | 16            | Candy  | 10 | -- | 10 | 10 | -- | 10 | -- | 25    | <b>G-G</b>       | Small quantities of waste-water and minor   |

|     |    |   |    |    |    |    |    |    |    |    |            |   |
|-----|----|---|----|----|----|----|----|----|----|----|------------|---|
|     |    |   |    |    |    |    |    |    |    |    |            | PM emissions are generated.   |
| 9.  | 17 | Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | This score is valid with Small gas / electricity operated oven / furnace for making glue.   |
| 10. | 18 | Carpentry & wooden furniture manufacturing (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.    | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor air pollution due to some fugitive PM emissions from cutting operations.  |
| 11. | 19 | Cement products (without using asbestos / boiler / steam curing) like pipe ,pillar, jafri, well ring, block/tiles etc.(should be done in closed covered shed to control fugitive emissions) | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor air pollution due to some fugitive PM emissions from mixing operations.   |
| 12. | 20 | Ceramic colour manufacturing by mixing & blending only (not using boiler and wastewater recycling process)  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor air pollution due to some fugitive PM emissions.  |
| 13. | 11 | Chilling plant, cold storage and ice making   | 10 | -- | 10 | -- | -- | -- | -- | 25 | <b>O-G</b> | Cooling water recirculation only.   |
| 14. | 13 | Coke briquetting ( sun drying)  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> | Mainly air polluting industry. Sources of air pollution (PM) are pulverizes and mixers. Air pollution score is normalized to 100. |
| 15. | 28 | Cotton spinning and weaving (small scale)   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor PM emissions from spinning process.   |
| 16. | 17 | Dal Mills   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> | Some fugitive emissions of PM.  |

|     |    |   |    |    |    |    |    |    |    |    |            |   |
|-----|----|---|----|----|----|----|----|----|----|----|------------|---|
| 17. | 29 | Decoration of ceramic cups and plates by electric furnace   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Fumes of enamels. Minor air pollution.  |
| 18. | 19 | Digital printing on PVC clothes   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> | Minor emissions / odour generations are expected.   |
| 19. | 25 | Facility of handling, storage and transportation of food grains in bulk   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> | Some fugitive emissions of PM during handling of grains.  |
| 20. | 36 | Flour mills (dry process)   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Fugitive dust emissions.  |
| 21. | 41 | Glass , ceramic, earthen potteries, tile and tile manufacturing using electrical kiln or not involving fossil fuel kiln   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor fugitive emissions only.  |
| 22. | 34 | Glue from starch (physical mixing) with gas / electrically operated oven /boiler.   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> | Some fugitive emissions of PM during mixing of raw materials.   |
| 23. | 42 | Gold and silver smithy (purification with acid smelting operation and sulphuric acid polishing operation) (using less or equal to 1 litre of sulphuric acid/ nitric acid per month) | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor fumes from cleaning process.  |
| 24. | 36 | Heat treatment with any of the new technology like ultrasound probe , induction hardening , ionization beam, gas carburizing etc.   | 10 | -- | 10 | 10 | -- | 10 | -- | 25 | <b>O-G</b> | <ul style="list-style-type: none"> <li>• Cooling waters and minor heat fumes.</li> <li>• Finalization of categorization subject to field verification.</li> </ul> |
| 25. | 46 | Insulation and other coated papers (excluding paper or pipe manufacturing)  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor fumes due to application of poly-urethane   |
| 26. | 49 | Leather foot wear and leather products (excluding tanning and hide processing except cottage scale)   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor fumes due to use of adhesives / gums.   |

|     |    |  |    |    |    |    |    |    |    |    |            |  |
|-----|----|--|----|----|----|----|----|----|----|----|------------|--|
| 27. | 50 | Lubricating oil, greases or petroleum based products (only blending at normal temperature)       | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor fumes at the time of transfers from one container to other.  |
| 28. | 54 | Manufacturing of pasted veneers using gas fired boiler or thermic fluid heater and by sun drying | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | 1. Minor fumes due to application of gums / adhesives / pastes etc.<br>2. This score is valid only for gas fired boiler.<br>3. The units having coal fired boilers shall be categorized as Orange. |
| 29. | 59 | Oil mill Ghani and extraction ( no hydrogenation / refining)                                     | 10 | -- | 10 | -- | -- | -- | -- | 25 | <b>G-G</b> | Small quantities of floor washings & equipments washings are generated.  |
| 30. | 48 | Packing materials manufacturing from non asbestos fibre, vegetable fibre yarn                    | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> | Some fugitive emissions of PM are expected.  |
| 31. | 65 | Phenyl/toilet cleaner formulation and bottling   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor fumes of VOCs in the work zone   |
| 32. | 67 | Polythene and plastic processed products manufacturing (virgin plastic)                          | 10 | -- | 10 | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Cooling water & emissions due to mixing of raw materials.  |
| 33. | 68 | Poultry, Hatchery and Piggery  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Obnoxious odour containing H <sub>2</sub> S, CH <sub>4</sub> etc. and fugitive PM emissions  |
| 34. | 69 | Power looms (without dye and bleaching)  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor emissions of PM.   |
| 35. | 71 | Puffed rice (muri) (using gas or electrical heating system)                                      | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | Minor emissions of PM.   |
| 36. | 57 | Pulverization of bamboo and scrap wood   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> | Some fugitive emissions of PM are expected.  |
| 37. | 72 | Ready mix cement concrete  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | PM emissions.  |
| 38. | 73 | Reprocessing of waste cotton   | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> | PM emissions.  |
| 39. | 60 | Rice mill (Rice hullers only)  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> | PM emissions are generated. Mainly air   |

|     |    |  |    |    |    |    |    |    |    |    |            |  |   |
|-----|----|--|----|----|----|----|----|----|----|----|------------|--|---|
|     |    |  |    |    |    |    |    |    |    |    |            |  | polluting. AP score is normalized to 100  |
| 40. | 62 | Rolling mill ( gas fired) and cold rolling mill                      | 10 | -- | 10 | 10 | -- | 10 | -- | 25 | <b>O-G</b> |  | Mainly air polluting. AP score is normalized to 100   |
| 41. | 75 | Rubber goods industry (with gas operated baby boiler)                | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> |  | Some PM emissions and obnoxious odour.  |
| 42. | 63 | Saw mills  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> |  | Mainly air polluting. PM and noise are generated.   |
| 43. | 77 | Soap manufacturing (hand made without steam boiling / boiler)        | 10 | -- | 10 | -- | -- | -- | -- | 25 | <b>G-G</b> |  | Small quantities of waste-water are generated.  |
| 44. | 80 | Spice grinding (upto-20 HP motor)                                    | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> |  | Small quantities of fugitive emissions of raw materials.                                    |
| 45. | 66 | Spice grinding (>20 hp motor)  | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>O-G</b> |  | Mainly air polluting. Fugitive emissions of PM.   |
| 46. | 81 | Steel furniture without spray painting                               | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> |  | Obnoxious gases from welding as well as noise pollution.                                    |
| 47. | 82 | Steeping and processing of grains                                    | 10 | -- | 10 | -- | -- | -- | -- | 25 | <b>G-G</b> |  | Washing waters are generated.   |
| 48. | 86 | Tyres and tube retreating (without boilers)                          | -- | -- | -- | 10 | -- | 10 | -- | 25 | <b>G-G</b> |  | Due to applications of binding gum / adhesives / cement, some obnoxious fumes may generate. |
| 49. | 22 | Chilling plant and ice making without using ammonia                  | 12 | -- | 12 | -- | -- | -- | -- | 30 | <b>G-G</b> |  | Cooling water and brine water circuits. Spillages / blow down may take place                |
| 50. | 26 | CO2 recovery   | 12 | -- | 12 | -- | -- | -- | -- | 30 | <b>G-G</b> |  | Normal water pollution from scrubbing action  |
| 51. | 32 | Distilled water ( without boiler) with electricity as source of heat | 12 | -- | 12 | -- | -- | -- | -- | 30 | <b>G-G</b> |  | TDS as distillation residues  |

|     |    |  |    |    |    |    |    |    |    |       |     |   |
|-----|----|--|----|----|----|----|----|----|----|-------|-----|---|
| 52. | 45 | Hotels (up to 20 rooms and without boilers)                | 12 | -- | 12 | -- | -- | -- | -- | 30    | G-G | This score is valid for hotels having overall waste-water generation less than 10 KLD.  |
| 53. | 53 | Manufacturing of optical lenses (using electrical furnace) | 12 | -- | 12 | -- | -- | -- | -- | 30    | G-G | Small quantities of waste-waters containing TDS, SS are generated.  |
| 54. | 58 | Mineralized water  | 12 | -- | 12 | -- | -- | -- | -- | 30    | G-G | RO Rejects.   |
| 55. | 68 | Tamarind powder manufacturing                              | 12 | -- | 12 | 15 | -- | 15 | -- | 33.75 | O-G | <ul style="list-style-type: none"> <li>Dried tamarind fruits - cleaned and after soaking them in water they are boiled in steam jacketed kettle for about 40-45 minutes. Then pulp is extracted in pulper and dried in drum type drier and on cooling, the final product is packed.</li> <li>Generates small quantities of waste waters and air emissions. Joint score is normalized to 100.</li> </ul> |
| 56. | 15 | Cutting, sizing and polishing of marble stone              | 15 | -- | 15 | -- | -- | -- | -- | 37.5  | O-G | Mainly water polluting . Water pollution score is normalized to 100.  |
| 57. | 22 | Emery powder ( fine dust of sand) manufacturing            | -- | -- | -- | 15 | -- | 15 | -- | 37.5  | O-G | Air polluting. PM emissions take place during various stages of grindings of naturally occurring minerals.  |
| 58. | 25 | Flyash export, transport & disposal facilities             | -  | -  | -  | 15 | -  | 15 | -  | 37.5  | R-G | <ul style="list-style-type: none"> <li>This is mainly air polluting activity.</li> <li>This is the normalized score based on air pollution.</li> </ul>  |
| 59. | 48 | Mineral stack yard / Railway sidings                       | 15 | -  | 15 | 15 | -  | 15 | -  | 37.5  | R-G | <ul style="list-style-type: none"> <li>Mainly air pollution due to loading, unloading, storage and transportation of the minerals.</li> </ul>   |

|     |    |   |    |    |    |    |    |    |    |      |            |  |  |
|-----|----|---|----|----|----|----|----|----|----|------|------------|--|--|
|     |    |   |    |    |    |    |    |    |    |      |            |  | <ul style="list-style-type: none"> <li>Waste-water generation mainly during rains only.</li> </ul> |
| 60. | 54 | Oil and gas transportation pipeline       | -  | -  | -  | 10 | 5  | 15 | -  | 37.5 | R-G        | <ul style="list-style-type: none"> <li>Contains small gas based power plants up-to 5 MWs.</li> <li>Air pollution score is normalized to 100.</li> <li>In case , if these power plants are bigger / liquid fuel / oil based, scores will be calculated accordingly.</li> </ul>      |  |
| 61. | 64 | Seasoning of wood in steam heated chamber | -- | -- | -- | 15 | -- | 15 | -- | 37.5 | O-G        | <p>Air pollution due to use boiler for supply of steam. Air pollution score is normalized to 100.</p>  |  |
| 62. | 84 | Synthetic detergent formulation           | -- | -- | -- | 15 | -- | 15 | -- | 37.5 | <b>G-G</b> | <ul style="list-style-type: none"> <li>This score is valid for the industries which are not manufacturing LABSA. It is procured from outside.</li> <li>Small quantities of emissions are generated from mini boiler.</li> <li>Air pollution score is normalized to 100.</li> </ul> |  |
| 63. | 69 | Tea processing ( with boiler)             | -- | -- | -- | 15 | -- | 15 | -- | 37.5 | O-G        | <p>With boiler, it is an orange category industry. Without boiler, it will be green category industry.</p>   |  |

## Note :

- i. Under the column Revised Category, the full forms of the abbreviations are as follows :
- R-R means original category was Red and revised category is also Red
  - R-O means original category was Red and revised category is Orange
  - O-O means original category was Orange and revised category is also Orange
  - O-G means original category was Orange and revised category is Green
  - O-W means original category was Orange and revised category is White
  - G-O means original category was Green and revised category is Orange
  - G-G means original category was Green and revised category is also Green
  - G-W means original category was Green and revised category is White
- ii. There are specific remarks in respect of some of the industrial sectors. These sectors are either merged with other relevant sectors or deleted due to duplication. The overall details are as follows :

| Sl No . | Origin al Sl No. | Industry Sector   | Original Categor y | Remarks  |
|---------|------------------|---|--------------------|--|
| 1       | 47               | Jobbing and Machining   | G                  | Vague category to be deleted, as such activities have already been covered in other categories.  |
| 2       | 66               | Reel manufacturing  | G                  | Already covered in other categories. Hence, deleted  |
| 3       | 1                | Assembling of acid lead batteries (up to 10 batteries per day excluding lead plate casting) | G                  | Already covered in Orange category. Hence, deleted   |
| 4       | 5                | Automobile fuel outlets (only dispensing)   | G                  | Minor air pollution due to some fugitive emissions during fuel filling operations. May be exempted from the purview of Consent management.   |
| 5       | 30               | Diesel generator sets (15 KVA to 1 MVA)   | G                  | <ul style="list-style-type: none"> <li>Normal operation – 12 hrs a day.</li> <li>Consumption of diesel = 1680 litres for 1 MVA DG set at full load @ 0.21 litres / KVA / hr.</li> <li>Stand-alone DG Sets having total capacity 1 MVA or less and equipped with acoustic enclosures alongwith adequate stack height may be exempted from the purview of Consent management. Higher capacity DG sets have already been covered under Red / Orange categories .</li> </ul> |

**Table G-5: Final List of White Category of Industries**

| Sl. No. | Orgnl Sl. No. | Industry Sector  | W1 | W2 | W  | A1 | A2 | A  | H  | W+A+H | Revised Category |
|---------|---------------|--|----|----|----|----|----|----|----|-------|------------------|
| 1.      | 3             | Assembly of air coolers /conditioners ,repairing and servicing   | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 2.      | 4             | Assembly of bicycles ,baby carriages and other small non motorizing vehicles   | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 3.      | 7             | Bailing (hydraulic press)of waste papers   | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 4.      | 9             | Bio fertilizer and bio-pesticides without using inorganic chemicals  | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 5.      | 11            | Biscuits trays etc from rolled PVC sheet (using automatic vacuum forming machines)   | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 6.      | 12            | Blending and packing of tea  | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 7.      | 14            | Block making of printing without foundry (excluding wooden block making)   | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 8.      | 21            | Chalk making from plaster of Paris ( only casting without boilers etc. ( sun drying / electrical oven)   | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 9.      | 25            | Compressed oxygen gas from crude liquid oxygen ( without use of any solvents and by maintaining pressure & temperature only for separation of other gases) | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 10.     | 27            | Cotton and woolen hosiers making ( Dry process only without any dyeing / washing operation)  | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 11.     | 31            | Diesel pump repairing and servicing ( complete mechanical dry process)   | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |
| 12.     | 33            | Electric lamp ( bulb) and CFL manufacturing by assembling only   | -- | -- | -- | -- | -- | -- | -- | --    | <b>G-W</b>       |

|     |    |  |    |    |    |    |    |    |    |    |            |
|-----|----|--|----|----|----|----|----|----|----|----|------------|
| 13. | 34 | Electrical and electronic item assembling (completely dry process)   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 14. | 23 | Engineering and fabrication units (dry process without any heat treatment / metal surface finishing operations / painting) | -- | -- | -- | -- | -- | -- | -- | -- | <b>O-W</b> |
| 15. | 35 | Flavoured betel nuts production/ grinding (completely dry mechanical operations)   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 16. | 37 | Fly ash bricks/ block manufacturing  | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 17. | 38 | Fountain pen manufacturing by assembling only  | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 18. | 39 | Glass ampules and vials making from glass tubes  | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 19. | 40 | Glass putty and sealant (by mixing with machine only)  | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 20. | 43 | Ground nut decorticating   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 21. | 44 | Handloom/ carpet weaving (without dying and bleaching operation)   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 22. | 48 | Leather cutting and stitching (more than 10 machine and using motor)   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 23. | 51 | Manufacturing of coir items from coconut husks   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 24. | 52 | Manufacturing of metal caps containers etc   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 25. | 55 | Manufacturing of shoe brush and wire brush   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 26. | 57 | Medical oxygen   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 27. | 60 | Organic and inorganic nutrients (by physical mixing)   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 28. | 61 | Organic manure (manual mixing)   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 29. | 63 | Packing of powdered milk   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 30. | 64 | Paper pins and u clips   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 31. | 58 | Repairing of electric motors and generators (dry mechanical process)   | -- | -- | -- | -- | -- | -- | -- | -- | <b>O-W</b> |
| 32. | 74 | Rope (plastic and cotton)  | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |

|     |    |   |    |    |    |    |    |    |    |    |            |
|-----|----|---|----|----|----|----|----|----|----|----|------------|
| 33. | 76 | Scientific and mathematical instrument manufacturing  | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 34. | 78 | Solar module non conventional energy apparatus manufacturing unit   | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 35. | 79 | Solar power generation through solar photovoltaic cell, wind power and mini hydel power (less than 25 MW) | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |
| 36. | 83 | Surgical and medical products assembling only (not involving effluent / emission generating processes)    | -- | -- | -- | -- | -- | -- | -- | -- | <b>G-W</b> |

Note : Under the column Revised Category, the full forms of the abbreviations are as follows :

- a. R-R means original category was Red and revised category is also Red
- b. R-O means original category was Red and revised category is Orange
- c. O-O means original category was Orange and revised category is also Orange
- d. O-G means original category was Orange and revised category is Green
- e. O-W means original category was Orange and revised category is White
- f. G-O means original category was Green and revised category is Orange
- g. G-G means original category was Green and revised category is also Green
- h. G-W means original category was Green and revised category is White





केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)  
(MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA)

No. B-29012/ESS/CPA/2015-16

19.08.2015

Sub: "Harmonization of Classification of industries under Red / Orange / Green / White Categories".

During the Conference of the Environment Ministers of States held in New Delhi during April 06-07, 2015, it was resolved to adopt pollution potential criteria for categorization of Red, Orange & Green categories of industries and that a Committee be constituted with State representatives. Further, in the 59<sup>th</sup> Conference of Chairmen & Member Secretaries of Pollution Control Boards/PCCs held in New Delhi on April 08, 2015, it was agreed to constitute a Committee to look into categorization system of industries based on their respective pollution potential index.

2. Accordingly, a Committee comprising the Chairmen of CPCB, APPCB, TNPCC, MPCCB, MPCB, PCCB, WBPCB and MS, CPCB was constituted vide CPCB OM dated 23.04.2015 to review & classify industrial sectors into different categories based on criteria of respective pollution potential indices.
3. The existing Red ( 85 sectors) , Orange ( 73 sectors) and Green ( 86 sectors) industrial sectors have been assessed as per the proposed formula by a group of Scientists from CPCB . For this purpose , concerned Engineers / Scientists from the Member SPCBs of the Committee were also involved & consulted during May28-29, 2015.
4. After careful examination and consideration of the suggestions of concerned stake-holders the "Draft Document on Revised Concept of Categorization of Industrial Sectors " is prepared by the Committee .

In this context, the Undersigned is directed to forward a copy of the " Draft Document on Revised Concept of Categorization of Industrial Sectors to all the SPCBs, PCCs and concerned Ministries for their comments. Accordingly, the same is enclosed herewith and all the SPCBs, PCCs and concerned Ministries are, hereby requested to provide their comments by 04.09.2015. The comments may kindly be sent through hard copy as well as soft copy at e-mail: [nkgupta.cpcb@nic.in](mailto:nkgupta.cpcb@nic.in) , [nkgpcb@hotmail.com](mailto:nkgpcb@hotmail.com) .

Encl : As above

[N.K. Gupta]  
Incharge - ESS

To:

1. All the State Pollution Control Boards / Pollution Control Committees
2. The Secretary, Ministry of Micro Small and Medium Enterprises, New Delhi
3. The Secretary, Ministry of Heavy Industries & Public Enterprises, New Delhi
4. The Advisor & Incharge , CP Division, MoEFCC, New Delhi
5. CPCB Website

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

'Parivesh Bhawan', East Arjun Nagar, Delhi - 110032

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**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

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**M.A. NO. 121/2023  
IN  
ORIGINAL APPLICATION NO. 692/2022  
(I.A. NO. 897/2023 AND IA. NO. 80/2024)**

**IN THE MATTER OF:**

**JUNED AYUBI**  
S/o Tareeq Ayubi,  
B-204, Hill View Apartments,  
Sahastradhara Road, Dehradun,  
State of Uttarakhand

...Original Applicant

Verses

- 1. STATE OF UTTARAKHAND**  
Through Chief Secretary  
Secretariat, Dehradun-248001  
State of Uttarakhand
- 2. DIRECTOR GENERAL**  
Geology & Mining Unit, Uttarakhand  
Bhopalpani, Raipur-Thano Airport  
Motor Road, P.O. Dhanyari  
Dst. Dehradun-248008  
State of Uttarakhand
- 3. UTTARAKHAND POLLUTION CONTROL BOARD**  
Through Chairman  
Gaura Devi Bhawan, 46B IT Park  
Sahastradhara Road,  
Dehradun, Uttarakhand
- 4. STATE OF HIMACHAL PRADESH**  
Through Chief Secretary  
Secretariat, Shimla-171002  
State of Himachal Pradesh
- 5. MUKESH JOSHI**  
Proprietor of M/s Uttara Awas Yojna  
744 Mauja Chalan Pargana Parwadoon  
Dst. Dehradun,  
State of Uttarakhand
- 6. GARWAHL MANDAL VIKAS NIGAM**  
Through Managing Director  
74/1 Rajpur Road, Dehradun-248001  
State of Uttarakhand
- 7. STATE LEVEL ENVIRONMENT IMPACT**

**ASSESSMENT AUTHORITY UTTARAKHAND**

Through Chairman  
653 Indira Nagar Colony  
Seemadwar Road,  
Dehradun-248006

...Respondents

**MUKESH JOSHI**

Proprietor of M/s Uttara Awas Yojna  
744 Mauja Chalan Pargana Parwadoon  
Dst. Dehradun,  
State of Uttarakhand

...M.A. APPLICANT

**WITH****M.A. NO. 31/2024****IN****ORIGINAL APPLICATION NO. 442/2022****IN THE MATTER OF:****JUNED AYUBI**

S/o Tareeq Ayubi,  
B-204, Hill View Apartments,  
Sahastradhara Road, Dehradun,  
State of Uttarakhand

...Original Applicant

Verses

**1. STATE OF UTTARAKHAND**

Through Chief Secretary  
Secretariat, Dehradun-248001  
State of Uttarakhand

**2. DIRECTOR GENERAL**

Geology & Mining Unit, Uttarakhand  
Bhopalpani, Raipur-Thano Airport  
Motor Road, P.O. Dhanyari  
Dst. Dehradun-248008  
State of Uttarakhand

**3. UTTARAKHAND POLLUTION CONTROL BOARD**

Through Chairman  
Gaura Devi Bhawan, 46B IT Park  
Sahastradhara Road,  
Dehradun, Uttarakhand

**4. STATE OF HIMACHAL PRADESH**

Through Chief Secretary  
Secretariat, Shimla-171002  
State of Himachal Pradesh

5. **VINOD NEGI**  
S/o Narottam Singh Negi  
House No.96, Village-Mayali,  
PO Mayali, Rudraprayad,  
State of Uttarakhand-246475
6. **GARWAHL MANDAL VIKAS NIGAM**  
Through Managing Director  
74/1 Rajpur Road, Dehradun-248001  
State of Uttarakhand
7. **STATE LEVEL ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY UTTARAKHAND**  
Through Chairman  
653 Indira Nagar Colony  
Seemadwar Road,  
Dehradun-248006

...Respondents

**VINOD NEGI**  
S/o Narottam Singh Negi  
House No.96, Village-Mayali,  
PO Mayali, Rudraprayad,  
State of Uttarakhand-246475

...M.A. APPLICANT

**COUNSELS FOR APPLICANT(S):**

Mr. Ajit Sharma and Mr. Kanchan Kumar Singh, Advocates for Original Applicant  
Mr. Sanjay Ghosh, Senior Advocate with Mr. Rohan Mandal, Advocate in M.A. No.121/2023  
Mr. Pulkit Agarwal, Advocate in M.A. No.31/2024

**COUNSELS FOR RESPONDENT(S):**

Ms. Anjali Rajput, Advocate for the State of Uttarakhand  
Dr. Aman Rab and Mrs. Payal Bhatia Mohanty, Advocates for SEIAA, Uttarakhand (Through VC)  
Mr. Divyanshu Kumar Srivastava, Advocate for State of Himachal Pradesh (Through VC)  
Mr. Mukesh Verma and Ms. Vatsala Tripathi, Advocates for UKPCB (Through VC)

**CORAM:**

**HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON**  
**HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER**  
**HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**  
**HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

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RESERVED ON: APRIL 15, 2025  
PRONOUNCED ON: JULY 17, 2025

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**ORDER****BY HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER****Miscellaneous Application No.121/2023 in Original Application No.692/2022:**

1. This Miscellaneous Application (hereinafter referred to as '**MA**') has been filed by Mukesh Joshi (hereinafter referred to as '**MA applicant-I**') with a prayer that the judgment dated 30.01.2023 passed in Original Application (hereinafter referred to as '**OA**') No.692/2022, be modified to the extent that mining operations be resumed and Committee be directed not to take any coercive action against MA applicant applicant-I i.e., Mukesh Joshi and should not impose any penalty in view of the findings that no violation has been committed by MA applicant-I.

**Miscellaneous Application No.31/2024 in Original Application No.442/2022:**

2. MA 31/2024 in OA 442/2022 has been filed by Vinod Negi i.e., MA applicant-II with a prayer that the judgment dated 30.01.2023 passed in **OA 442/2022**, be modified to the extent that mining operations be resumed and Committee be directed not to take any coercive action against MA applicant-II i.e., Vinod Negi and should not impose any penalty in view of the findings that no violation has been committed by MA applicant.

3. The prayers made in both MAs are similar with a difference only of OA numbers in as much as **MA 121/2023** is in respect of **OA 692/2022** while **MA 31/2024** is in respect of **OA 442/2022**.

4. We may also place on record at this stage that the judgment dated 30.01.2023 is common having been passed collectively disposing of both OAs i.e., 442/2022 and 692/2022 by the same order.

5. Before proceeding further, it would be appropriate to have a bird eye view of the facts giving rise to the present MAs.

**OA No.442/2022:**

6. OA 442/2022 was registered *suo-moto* in view of law laid by Supreme Court in ***Municipal Corporation of Greater Mumbai vs. Ankita Sinha, (2022) 13 SCC 401*** on a letter petition dated 31.03.2022 sent by Juned Ayubi, son of Tareeq Ayubi, B-204, Hill View Apartment, Sahastradhara Road, (Near Gangotri Marble), Danda Lakhaur, Dehradun, State of Uttarakhand on behalf of Save Doon Valley Association with a prayer that the mining leases allotted to Garhwal Mandal Vikas Nigam, Rajpur Road (hereinafter referred to as 'GMVN') and environmental consents be cancelled, mining activities should be stopped and environmental compensation of Rs. 99 Crores be imposed for violation of environmental laws.

7. The complainant Juned Ayubi has stated in the letter petition that a Letter of Intent dated 23.01.2013 was issued by State Government to GMVN for 83 lots which included lot no.21/3, area 10.350 hectares of River Yamuna. Subsequently, lot no.21/3 was modified on 10.04.2016 as per inspection report/survey dated 14.09.2012 and instead of 10.350 hectares of lot no.21/3, it was made as to 68.364 hectares.

8. Besides, as per joint inspection Report, following area was found minable for sand, bajri and boulders:

| Sr.No. | Village         | Khasra no.            | Total area       | Area fit for mining |
|--------|-----------------|-----------------------|------------------|---------------------|
| 1      | Dhakrani        | (a) 1 (partial)       | 15.8440 hectares | 9.304 hectares      |
|        |                 | (b) Khasra no. 2 (ka) | 95.195 hectares  | 50 hectares         |
|        |                 | (c) 618               | 5.322 hectares   | 3.170 hectares      |
| 2      | Mandi Gangbhewa | 1                     | 17.905 hectares  | 5.890 hectares      |

9. In 2013, proceedings for obtaining Environmental Clearance (hereinafter referred to as '**EC**') under Environment Impact Assessment Notification dated 14.09.2006 (hereinafter referred to as '**EIA 2006**') were initiated and applications were submitted whereupon the area of lot no.21/3 of village Dhakrani, khasra no. 971 was marked in State of Himachal Pradesh and the matter proceeded further. On 03.03.2015, mining plan with several conditions was sanctioned in lot no.21/3, Dhakrani, khasra no. 1, 2ka and 618 and village Mandi Gangbhewa, khasra no. 1, total area 68.364 hectares. For the said area of 68.364 hectares, EC was issued on 07.09.2016 with certain conditions and the longitude and latitude mentioned in the EC letter were as under:

*“longitude 77 42 1.06E to 77 40 57.88E and Latitude 30 27 14.17N  
To 30 26 43.02N”*

10. The complainant further said that on marking at Google Earth, one point at village Dhakrani falls in khasra no. 971 while another point falls in village Manpur Devra of State of Himachal Pradesh. 20% of the area as per Google Earth falls in State of Uttarakhand and 80% falls in State of Himachal Pradesh.

11. However, on 03.01.2017, lot no.21/3, Dhakarani, khasra no. 1, 2ka and 618 and village Mandi Gangbhewa, khasra no. 1, total area 68.364 hectares was sanctioned for mining purposes in favour of GMVN.

12. GMVN on 24.08.2020 advertised for auction of lot no.21/3 and auction was settled in favour of Vinod Negi, son of N.S. Negi in furtherance whereof GMVN and Vinod Negi got a memorandum of understanding/agreement signed/executed on 01.02.2021 but it was not registered. Mining permissions to Vinod Negi were granted subject to certain conditions. Since then mining contractor Vinod Negi is carrying

out mining activities in the above mentioned area. To avoid payment of instalment of lease amount, GMVN and Contractor showed boundary dispute but continuously carried out mining activities. The contractor installed weigh bridges and constructed office at Dhalipur which is about 3 to 4 kms from sanctioned lease land of lot no.21/3. The places where the mining lease was sanctioned, has no EC while EC was obtained in respect of a place which is about 2 kms from the lease land of lot no.21/3 and falls within State of Himachal Pradesh which shows that in respect of lease area, there is/was no EC and no mining activities could be carried out at the said area i.e., lot no.21/3. Hence, illegal mining activities were going on causing huge loss to the revenue.

13. Since the mining lease was for 6 lakh MT per annum i.e., 3 lakh m<sup>3</sup> and mining has been carried out since 01.02.2021 in River Yamuna, as per the provisions made in Tribunal's judgment dated 26.02.2021 passed in **OA 360/2015, National Green Tribunal Bar Association vs. Virender Singh**, environmental compensation would arrive at Rs.99,88,50,000/- which should be realised from the violators i.e., GMVN and the Contractor Vinod Negi whom mining was allowed by GMVN.

14. The complainant has summarised grounds for imposition of environmental compensation in the letter petition dated 31.03.2022 giving following reasons:

- “1. जिस स्थान का खनन पट्टा 21/3 स्वीकृत है उस स्थान की कोई पर्यावरण सहमति प्राप्त नहीं की गई सारा खनन बिना पर्यावरण सहमति के चल रहा है जहाँ की पर्यावरण सहमति है वहाँ पर कोई खनन पट्टा स्वीकृत नहीं है। वह क्षेत्र हिमाचल प्रदेश का है।
2. जिला देहरादून के खनन पट्टा धारकों द्वारा अभी तक कोई CTE / CTO उत्तराखण्ड प्रदूषण नियन्त्रण बोर्ड से प्राप्त नहीं की गई है।
3. खनन पट्टा धारकों द्वारा पर्यावरण सहमति की शर्त भारत सरकार के नोटिफिकेशन के अनुसार ग्राउण्ड वॉटर की अनापत्ति प्राप्त नहीं की गई है।

4. खनन पट्टा धारकों द्वारा खनन क्षेत्र के चारों तरफ न ही कोई पेड़ लगाये गये हैं इसके अतिरिक्त भी पर्यावरण सहमति की शर्तों का उल्लंघन किया गया है।
5. खनन पट्टा धारकों द्वारा कोई सीसीटीवी कैमरा भी नहीं लगाया गया है।
6. खनन पट्टा धारकों द्वारा लॉन्गीट्यूट लैटीट्यूट के अनुसार बाउण्ड्री पीलर नहीं लगाये गये हैं। कोई बाउण्ड्री पीलर नहीं है इसलिए पीलर न होने की वजह से पूरी यमुना में खनन किया जा रहा है।
7. खनन 1.5 मीटर से अधिक गहराई तक किया गया है।
8. यमुना नदी के लॉटों में पानी की जलधारा में खनन किया जाना प्रतिबन्धित है लेकिन खनन पट्टा धारकों द्वारा जल धारा में व खनन क्षेत्र से बाहर खनन किया गया है और यमुना नदी की जल धारा का बहाव बदल दिया गया है प्रकृति के साथ बड़ा खिलवाड़ किया गया है जिसकी क्षति पूर्ति पैसे से नहीं की जा सकती है।
9. खनन पट्टा धारकों द्वारा ओवर लोड ट्रक भराये जाते रहे हैं और रवत्रे पर अन्धर लोड दिखाये गये हैं एक एक रवत्रे पर कई कई चक्कर दिखाये गये हैं और ट्रकों को जल धारा से पार कराया गया है जिससे पर्यावरण को भारी क्षति पहुँचायी गई है।”

**English Translation by Tribunal:**

- “1. No environmental clearance has been obtained for the place where mining lease 21/3 has been approved. All mining is going on without environmental clearance. No mining lease has been approved at the place where environmental clearance is available. That area belongs to Himachal Pradesh.
2. No CTE/CTO has been obtained till date from Uttarakhand Pollution Control Board by the mining lease holders of Dehradun district.
3. The mining lease holders have not obtained the ground water clearance as per the Government of India notification, which is a condition of environmental consent.
4. The mining lease holders have not planted any trees around the mining area, apart from this, the conditions of environmental consent have also been violated.
5. No CCTV cameras have been installed by the mining lease holders.
6. The mining lease holders have not installed boundary pillars as per the longitude and latitude. There are no boundary pillars, hence mining is being done in the entire Yamuna due to the absence of pillars.
7. Mining has been done up to a depth of more than 1.5 meters.
8. Mining in the water stream is prohibited in the Yamuna River lots, but mining has been done in the water stream and outside the mining area by the mining lease holders and the flow of the

*Yamuna River water stream has been changed. A big mischief has been done with nature, the loss of which cannot be compensated by money.*

9. *Overloaded trucks have been filled by the mining lease holders and underloaded trucks have been shown on the permit. Several rounds have been shown on each permit and trucks have been made to cross the water stream, causing huge damage to the environment.”*

**Prayers in OA 442/2022:**

15. The complainant has prayed that environmental compensation of Rs.99.885 Crores be imposed for illegal mining and mining leases be cancelled, ECs should be cancelled and mining activities should be stopped. It has further prayed that consents issued under Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as **‘Water Act, 1974’**) and Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as **‘Air Act, 1981’**) be also cancelled and appropriate criminal action may be initiated against the violators.

16. **Tribunal’s Order dated 19.07.2022:** Tribunal considered the matter on 19.07.2022 and after noticing the details of the grievance raised in the letter petition, found it appropriate to verify the facts before taking any further action in the matter, thus, constituted a Joint Committee comprising Regional Officer, Ministry of Environment, Forest and Climate Change, Dehradun (hereinafter referred to as **‘RO, MoEF&CC’**); State Environment Impact Assessment Authority, Uttarakhand (hereinafter referred to as **‘SEIAA UK’**); Director, Department of Geology and Mines, Uttarakhand (hereinafter referred to as **‘DGM’**); Uttarakhand State Pollution Control Board (hereinafter referred to as **‘UKPCB’**); and District Magistrate, Dehradun.

17. The said Committee was required to meet within four weeks, undertake site inspection, look into the grievances of the complainant,

verify factual position, take remedial action by following due process of law and submit factual and action taken Report within two months.

**Joint Committee Report filed vide e-mail dated 31.10.2022:**

18. Pursuant to order dated 19.07.2022, Joint Committee inspected the site on 26.08.2022 and submitted its Report vide e-mail dated 31.10.2022. It is said that vide Government order dated 03.01.2017, mining lease for 05 years for extraction of minor minerals, sand, bajri and boulders was sanctioned in favour of GMVN in respect of lot no.21/3, khasra no. 2ka, 618 and 1, total area 68.364 hectares in villages Dhakrani and Mandi Gangbhewa of Tehsil Vikas Nagar, District Dehradun, DGM has sanctioned mining plan vide letter dated 03.03.2015 permitting extraction of 6 lakh tonnes of minor minerals per annum. GMVN obtained EC on 07.12.2016 for mining in the above area and permission by National Board of Wildlife Authority (hereinafter referred to as '**NBWA**') was granted on 30.11.2018. UKPCB granted Consent to Operate (hereinafter referred to as '**CTO**') vide letter dated 07.04.2022 which was valid upto 31.03.2023.

19. There was a dispute of boundary between two States and, therefore, a Committee constituted vide Government order dated 30.11.2021 examined the matter and submitted Report, pursuant whereto, vide Office Memorandum dated 06.01.2022, from the centre of river, 15 meters was declared as 'Buffer Zone' and hence, mining area was reduced from 68.364 hectares to 58.614 hectares which resulted in reduction of the quantity of minerals permitted to be extracted to 514428.64 tonnes.

20. For illegal mining, action was taken between 01.10.2021 to 31.08.2022 and a total 338 number of illegal transportation cases were found wherein, penalty was imposed and revenue realised was

Rs. 1,05,83,296/-. The mining lease holders have extracted minor mineral and quantity of extracted mineral as per e-ravanna portal is 73190 MT in 2020-2021 (03.02.2021 to 02.02.2022) and 85335 MT in 2021-2022 (03.02.2022 to 26.08.2022). The extract of Joint Committee's Report is reproduced as under:

“शासनादेश संख्या 2042/VII-1/108-ख/2016 दिनांक 03 जनवरी, 2017 के द्वारा प्रबन्ध निदेशक गढ़वाल मण्डल विकास निगम लि० देहरादून के पक्ष में तहसील विकासनगर के ग्राम ढकरानी मण्डी गंगभेवा क्षेत्रान्तर्गत राजस्व लॉट संख्या 21/3 खसरा संख्या 2क, 618, 1 कुल क्षेत्रफल 68.364 है० राजस्व भूमि में 05 वर्ष की अवधि हेतु उपखनिज बालू, बजरी, बोल्टर का चुगान पट्टा स्वीकृत किया गया है तथा प्रबन्धक निदेशक गढ़वाल मण्डल विकास निगम लि० देहरादून द्वारा ई०आई०ए० नोटिफिकेशन, 2006 के अन्तर्गत प्रस्तावित खनन क्षेत्र की पर्यावरणीय अनुमति पर्यावरण एवं वन मंत्रालय भारत सरकार से (Environment Clearance) के पत्र संख्या J-11015/140/2013-IA-II (M) दिनांक 07 दिसम्बर, 2016 द्वारा प्राप्त की गयी है। पर्यावरण एवं वन मंत्रालय भारत सरकार के पत्र संख्या (Environment Clearance) संख्या J-11015/140/2013-IA-II(M) दिनांक 07 दिसम्बर, 2016 द्वारा प्राप्त पर्यावरणीय अनुमति, NBWA की अनुमति पत्रांक संख्या-F.No. 6-148/2018 WL दिनांक 30.11.2018, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड के पत्रांक संख्या-UKPCB/Con/G-207/2022/97 दिनांक 07.04.2022 द्वारा Consent to Operate की अनुमति प्राप्त की गयी है, जिसकी वैधता अवधि दिनांक 31.03.2023 तक है एवं निदेशक भूतत्व एवं खनिकर्म इकाई उद्योग निदेशालय उत्तराखण्ड देहरादून के पत्र संख्या 2218/मा०प्लान/उ०खनि०/ देहरादून/2013-14 दिनांक 03 मार्च, 2015 द्वारा अनुमोदित खनन योजना के अनुसार प्रति वर्ष कुल 600000 टन की उपखनिज की निकासी की अनुमति प्रदान की गयी है।

मा० उच्च न्यायालय में योजित O.A.NO. 179/2021 में मा० उच्च न्यायालय, नैनीताल द्वारा पारित आदेश दिनांक 20 सितम्बर, 2021 में निम्न प्रभावी अंश निम्नवत है:-

“Mr. U.K. Uniyal, the learned Senior Counsel appearing on behalf of the respondent, Garhwal Mandal Vikas Nigam, concedes, and in the opinion of this Court rightly so, that the quantity mentioned in the MOU to be excavated per month is higher than the quantity permitted by the Central Government. Therefore, the amount due from the appellant on a per month basis needs to be reduced pro rata. Hence, Mr. U.K. Uniyal, the learned Senior Counsel, seeks one month's time to resolve the disputes as has erupted between the appellant and the respondent. He further gives an undertaking that during this period, the Demand Notice dated 08.09.2021 shall not be enforced by the respondent. 4. Since there is a boundary dispute between the State of Himachal Pradesh and the State of Uttarakhand, the State of Uttarakhand is directed to resolve the said dispute, if any, with the State of 4 Himachal Pradesh with the help of the concerned District Magistrates of both the district.”

शासन के कार्यालय ज्ञाप संख्या 2069/VII-A-1/2021/108ख/16 दिनांक 30 नवम्बर, 2021 मा० उच्च न्यायालय, नैनीताल द्वारा पारित आदेश के सम्बन्ध में राजस्व खनन

लॉट यमुना 21/3 का स्थलीय निरीक्षण कर Factual Report शासन को उपलब्ध कराये जाने हेतु समिति का गठन किया गया था, जिसमें महानिदेशक भूतत्व एव खनिकर्म इकाई द्वारा नामित प्रतिनिधि, जिलाधिकारी देहरादून द्वारा नामित अधिकारी, प्रबन्धक निदेशक गढ़वाल मण्डल विकास निगम द्वारा नामित प्रतिनिधि, जिला खान अधिकारी आदि को नामित किया गया।

शासन के उपरोक्त कार्यालय ज्ञाप दिनांक 30 नवम्बर, 2021 के क्रम में गठित समिति द्वारा शासन को उपलब्ध करायी गयी Factual Report के उपरान्त शासन के कार्यालय ज्ञाप संख्या 2477/VII-A-1/2021-108ख/2016 दिनांक 06 जनवरी, 2022 के बिन्दु संख्या 8 (ii) में यमुना नदी में दो राज्यों के मध्य सीमा विवाद के दृष्टिगत नदी के मध्य से 15 मीटर का बफर जोन घोषित किये करते हुए तदनुसार प्रतिबन्धित क्षेत्रफल को कम किये जाने पर 68.364 है० के स्थान पर 58.614 है० क्षेत्रफल में उपखनिज की वार्षिक मात्रा कुल 5,14,428.64 टन निर्धारित की गयी है। (संलग्नक-1)

मा० राष्ट्रीय हरित अधिकरण में आदेश दिनांक 19.07.2022 के निम्नवत् अंश The applicant has submitted that mining rights for mining in Revenue areas of Garhwal were exclusive given to Garhwal Mandal Vikas Nigam (GMVN). State Government issued LOI dated 23.01.2013 to GMVN for getting Environment Impact Assessment of 83 lots, including lot no. 21/3 (10.350 Hect) falling in Yamuna River, in District Dehradun conducted. **Subsequently, lot no. 21/3 was modified on 10.04.2016 as per survey dated 14.09.2012 which was found it for mining.** Thereafter, in the year 2013 application for environment clearance was submitted. On 03.03.2015 mining plan of lot no. 21/3 comprising Khasra No. 1, 2K and 618 in Village Dhakrani and Khasra No.-1 in village Mandi Gangbhewa measuring 68.364 Hectares was approved. The same was consented to by MoEF&CC on 07.09.2016. **When longitudes and latitudes mentioned in the consent was marked on google earth one point was falling in Khasra No.-971 of Vill-Dhakrani in Uttarakhand and other point was falling in village Manwar Dewra in Himanchal Pradesh with 20 percent area falling in Uttarakhand and 80 percent area falling in Himanchal Pradesh** के क्रम में तथा निम्नानुसार है:-

पर्यावरणीय स्वीकृति में वर्णित latitude व longitude राजस्व लॉट क्षेत्रफल यमुना नदी में 30°27'14.17"N to 30°26'43.02"N व 77°42'1.06" E to 77°40'57.88"E जो कि Survey of India की Toposheet No. 53F 11 व GPS location google earth पर इंगित करने पर उपरोक्त Latitude व Longitude उत्तराखण्ड के परिक्षेत्र के 200 मीटर अन्दर पाये गये। (संलग्नक-2)

निरीक्षण दिनांक को खनन क्षेत्र के अधिकांश भाग में नदी के प्रवाह होने के कारण खनन क्षेत्र लगभग समतल पाया गया, जिसके स्थल फोटोग्राफ संलग्न है। (संलग्नक-3)

शिकायतकर्ता द्वारा 971 में अवैध खनन किये जाने सम्बन्धी शिकायत के क्रम में राजस्व विभाग द्वारा बताया गया कि जी०एम०वी०एन० को स्वीकृत खनन लॉट के खसरा संख्या नं०-1 व 2 व खसरा नं०-618 उक्त खनन लॉट संख्या-618 से लगता हुआ खसरा संख्या-936, जो कि नदी से लगता हुआ है उक्त खसरों की लम्बाई 1400 मीटर से (लगभग) व उक्त खसरा संख्या नम्बर से लगता हुआ खसरा नम्बर-971, जिसकी लम्बाई राजस्व खसरे के अनुसार 600 मीटर लगभग में है। (संलग्नक-4)

अवैध खनन पर नियंत्रण हेतु राजस्व एवं खनन विभाग द्वारा नियमित रूप से कार्यवाहियाँ की जाती हैं तथा दिनांक 01.10.2021 से दिनांक 31.08.2022 तक तहसील विकासनगर क्षेत्रान्तर्गत अवैध खनिजों के परिवहन के सम्बन्ध में की गयी कार्यवाही एवं अवैध खनन परिवहन के प्रकरणों में अधिरोपित / वसूली की गयी धनराशि का विवरण उपजिलाधिकारी विकासनगर के कार्यालय से प्राप्त सूचना के अनुसार निम्नवत् है: (संलग्नक-5)

| क्र०सं० | अवैध खनन परिवहन से सम्बन्धित प्रकरणों की कुल संख्या | राजस्व प्राप्ति (रू० मे) |
|---------|---|--------------------------|
| 01      | 338   | 1,05,83,296.00           |

पर्यावरणीय अनुमति की शर्तों की अनुपालन आख्या सम्बन्धी रिपोर्ट गढवाल मण्डल विकास निगम द्वारा क्षेत्रीय कार्यालय पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार को खनन कार्य प्रारम्भ होने के उपरान्त जमा की गयी है। सम्बन्धित कार्यालय द्वारा शर्तों की अनुपालन में ईगित कमियों का निराकरण किये जाने सम्बन्धी पत्र गढवाल मण्डल विकास निगम को प्रेषित किया गया है (संलग्नक-6)

**गढवाल मण्डल विकास निगम लि० 74/1 राजपुर रोड देहरादून के कार्यदेश पत्रांक संख्या 784/दस/चार-यमुना 21/3 (2020-25) दिनांक 02 फरवरी, 2021 द्वारा तहसील विकासनगर क्षेत्रान्तर्गत राजस्व लॉट यमुना 21/3 खसरा संख्या 2 क, 618, 1 कुल क्षेत्रफल 68.364 है० वार्षिक निविदित मात्रा 600000 टन पर ई-निविदा के माध्यम से सफल बोलीदाता/उच्च बोलीदात श्री विनोद नेगी निवासी ग्राम मयाली पो० मयाली जनपद रुद्रप्रयाग को आवंटित किया गया।**

निदेशक भूतत्व एवं खनिकर्म इकाई उद्योग निदेशालय उत्तराखण्ड भोपालपानी देहरादून के कार्यालय ज्ञाप संख्या 2677 दिनांक 19 जनवरी, 2021, कार्यालय जिलाधिकारी देहरादून के कार्यालय पत्र संख्या 73/ खनिज-अनु०/21 दिनांक 03 फरवरी, 2021 एवं गढवाल मण्डल विकास निगम लि० के पत्रांक संख्या 790/दस/चार-यमुना 21/3 (2020-25) दिनांक 03 फरवरी, 2021 के क्रम में खनन लॉट का ई-रवत्रा पोर्टल पर दिनांक 03.02.2021 को खनिजों के परिवहन हेतु पंजीकरण किया गया।

ई-रवत्रा पोर्टल पर खनिजों के परिवहन हेतु निगम के पक्ष में तहसील विकासनगर के ग्राम-ढकरानी मण्डी गंगभेवा क्षेत्रान्तर्गत स्वीकृत राजस्व लॉट संख्या-21/3 पंजीकरण किये जाने के उपरान्त पट्टाधारक द्वारा ई-रवत्रा पोर्टल के अनुसार वर्ष 2020-21 एवं 2021-22 में स्वीकृत मात्रा के सापेक्ष निकासी की गयी उपखनिज की मात्रा विवरण निम्नवत् है:- (संलग्नक-7)

| क्र० सं० | वर्ष                                  | ई-रवत्रा पोर्टल पर खनिजों के परिवहन हेतु पंजीकरण किये जाने के उपरान्त स्वीकृत मात्रा के सापेक्ष निकासी की गयी उपखनिज की मात्रा (टन में) |
|----------|---------------------------------------|---|
| 01       | 2020-21<br>(03.02.2021 से 02.02.2022) | 73,190  |

|    |   |        |
|----|---|--------|
| 02 | 2021-22<br>(03.02.2022 से 26.08.2022<br>निरीक्षण दिनांक तक) | 85,335 |
|----|---|--------|

**English Translation by Tribunal:**

**“II. OBSERVATION OF THE JOINT COMMITTEE:**

A lease for extraction of sub-mineral sand, gravel and boulder for a period of 5 years has been approved in favour of Managing Director, Garhwal Mandal Vikas Nigam Ltd., Dehradun, in revenue land having total area of 68.364 hectares, in village Dhakrani Mandi Gangbhewa, Tehsil Vikasnagar vide Government Order No. 2042/VII-I/108-B/2016 dated 3<sup>rd</sup> January, 2017. The Managing Director, Garhwal Mandal Vikas Nigam Ltd., Dehradun, has obtained environmental clearance for the proposed mining area under EIA Notification, 2006 from the Ministry of Environment and Forests, Government of India (Environment Clearance) letter No. J-11015/140/2013-IA-II (M) dated 7<sup>th</sup> December, 2016. Environmental Clearance received vide letter No. J-11015/140/2013-IA- II(M) dated 7<sup>th</sup> December, 2016 from Ministry of Environment & Forests, Government of India, Permission vide Letter F.No. 6-148/2018 WL dated 30.11.2018 of NBWA, Consent to Operate has been obtained vide letter, Uttarakhand Pollution Control Board letter No. UKPCB/Con/G-207/2022/97 dated 07.04.2022, whose validity period is up to 31.03.2023 and as per the mining plan approved vide letter No. 2218/M.Plan/U.Khani/Dehradun/2013-14 dated 3<sup>rd</sup> March, 2015 of Director Geology and Mining Unit Industries Directorate Uttarakhand Dehradun, permission has been given to extract a total of 600000 tonnes of sub-mineral per year.

The following effective portion of the order dated 20<sup>th</sup> September, 2021 passed by the Hon'ble High Court, Nainital in A.O.NO. 179/2021 filed in the Hon'ble High Court is as follows:-

“Mr. U.K. Uniyal, the learned Senior Counsel appearing on behalf of the respondent, Garhwal Mandal Vikas Nigam, concedes, and in the opinion of this Court rightly so, that the quantity mentioned in the MOU to be excavated per month is higher than the quantity permitted by the Central Government. Therefore, the amount due from the appellant on a per month basis needs to be reduced pro rata. Hence, Mr. U.K. Uniyal, the learned Senior Counsel, seeks one month's time to resolve the disputes as has erupted between the appellant and the respondent. He further gives an undertaking that during this period, the Demand Notice dated 08.09.2021 shall not be enforced by the respondent. 4. Since there is a boundary dispute between the State of Himachal Pradesh and the State of Uttarakhand, the State of Uttarakhand is directed to resolve the said dispute, if any, with the State of Himachal Pradesh with the help of the concerned District Magistrates of both the district.”

A committee was constituted to conduct a site inspection of Revenue Mining Lot Yamuna 21/3 and provide a factual report to the government, in which a representative nominated by the Director

*General Geology and Mining Unit, In relation to the order passed by the Hon'ble High Court, Nainital and Government's Office Memorandum No. 2069/VII-A-1/2021/108B/16 dated 30<sup>th</sup> November, 2021, an officer nominated by the District Magistrate Dehradun, a representative nominated by the Managing Director Garhwal Mandal Development Corporation, District Mining Officer etc. were nominated.*

*After the factual report provided to the government by the committee constituted in the order of the above mentioned office memo of the government dated 30<sup>th</sup> November, 2021, in point number 8 (ii) of the government's office memorandum 2477/VII-A-1/2021-108B/2016 dated 6<sup>th</sup> January, 2022, in view of the border dispute between the two states in the Yamuna river, a buffer zone of 15 meters from the middle of the river has been declared and the restricted area has been reduced accordingly, and the annual quantity of the sub-mineral has been determined to be 5,14,428.64 tonnes in an area of 58.614 hectares instead of 68.364 hectares. (Annexure-1)*

*The following excerpts of the order dated 19.07.2022 in Hon'ble National Green Tribunal.... The applicant has submitted that mining rights for mining in Revenue areas of Garhwal were exclusive given to Garhwal Mandal Vikas Nigam (GMVN). State Government issued LOI dated 23.01.2013 to GMVN for getting Environment Impact Assessment of 83 lots, including lot no. 21/3 (10.350 Hect) falling in Yamuna River, in District Dehradun conducted. Subsequently, lot no. 21/3 was modified on 10.04.2016 as per survey dated 14.09.2012 which was found it for mining. Thereafter, in the year 2013 application for environment clearance was submitted. On 03.03.2015 mining plan of lot no. 21/3 comprising Khasra No. 1, 2K and 618 in Village Dhakrani and Khasra No.-1 in village Mandi Gangbhewa measuring 68.364 Hectares was approved. The same was consented to by MoEF&CC on 07.09.2016. When longitudes and latitudes mentioned in the consent was marked on google earth one point was falling in Khasra No.-971 of Vill-Dhakrani in Uttarakhand and other point was falling in village Manwar Dewra in Himanchal Pradesh with 20 percent area falling in Uttarakhand and 80 percent area falling in Himanchal Pradesh in the order of and as under:-*

*The latitude and longitude of the revenue lot area mentioned in the environmental clearance is 30°27'14.17"N to 30°26'43.02"N and 77°42'1.06" E to 77°40'57.88"E in the Yamuna River, which on pointing to Survey of India's Toposheet No. 53F 11 and GPS location on Google Earth, the above latitude and longitude were found to be 200 meters inside the territory of Uttarakhand. (Annexure-2)*

*On the date of inspection, the mining area was found to be almost flat due to river flow in most of the mining area, the site photographs are enclosed. (Annexure-3)*

*The Revenue Department informed about the complaint filed by complainant regarding illegal mining in 971 that the Khasra no. 1 and 2 and Khasra number 618 of the mining lot approved to GMVN, Khasra no. 936 adjacent to the said mining lot no. 618, which is adjacent to the river, the length of the said Khasras is 1400 meters*

(approximately) and Khasra no. 971 adjacent to the said Khasra no., whose length is approximately 600 meters according to the revenue khasra. (Annexure-4)

Regular action is taken to control illegal mining by the Revenue and Mining Department and the action taken in relation to the transportation of illegal minerals under Tehsil Vikasnagar area from 01.10.2021 to 31.08.2022 and the details of the amount imposed / recovered in cases of illegal mining transportation are as follows as per the information received from the office of Sub-Divisional Magistrate Vikasnagar: (Annexure-5)

| Sr. No. | Total number of cases related to illegal mining transportation | Revenue received (in Rs.) |
|---------|--|---------------------------|
| 01      | 338  | 1,05,83,296.00            |

The compliance report of the conditions of environmental clearance has been submitted by Garhwal Mandal Development Corporation to the Regional Office of the Ministry of Environment, Forest and Climate Change, Government of India after the commencement of mining work. The concerned office has sent a letter to Garhwal Mandal Development Corporation regarding the redressal of the deficiencies pointed out in compliance of the conditions (Annexure-6)

Revenue lot Yamuna 21/3 Khasra no. 2A, 618, 1 with total area 68.364 hectares under Tehsil Vikasnagar area was allotted to the successful bidder/highest bidder Mr. Vinod Negi, resident of Village Mayali, PO Mayali, District Rudraprayag through e-tender at the annual tender quantity of 600000 tonnes vide work order no. 784/10/4-Yamuna 21/3 (2020-25) dated 2<sup>nd</sup> February, 2021 issued by Garhwal Mandal Vikas Nigam Ltd. 74/1 Rajpur Road Dehradun.

In pursuance of office memorandum No. 2677 dated 19<sup>th</sup> January, 2021 issued by Director Geology & Mining Unit, Directorate of Industries, Uttarakhand, Bhopalpani, Dehradun, office letter No. 73/Mineral-Annexure/21 dated 3<sup>rd</sup> February, 2021 of Office of District Magistrate, Dehradun and letter No. 790/10/4-Yamuna 21/3 (2020-25) dated 3<sup>rd</sup> February, 2021 of Garhwal Mandal Development Corporation Ltd., the mining lot was registered on the e-Ravanna portal on 03.02.2021 for transportation of minerals.

After registration of approved revenue lot no.-21/3 under village-Dhakrani Mandi Gangbhewa area of Tehsil Vikasnagar in favor of the corporation for transportation of minerals on e-Ravanna portal, the details of the quantity of sub-mineral extracted by the lessee as per e-Ravanna portal in relation to the approved quantity in the year 2020-21 and 2021-22 are as follows:- (Annexure-7)

| Sr. No. | Year  | The quantity of sub-mineral extracted against the approved quantity after registration for transportation of minerals on e-Ravanna portal (in tonnes) |
|---------|---|---|
| 01      | 2020-21<br>(03.02.2021 to 02.02.2022)                         | 73,190  |
| 02      | 2021-22<br>(03.02.2022 to 26.08.2022 upto date of inspection) | 85,335  |

21. **Tribunal's Order dated 06.01.2023:** Joint Committee Report was considered by Tribunal on 06.01.2023 and it was observed that sum of Rs. 1,05,83,296/- claims to have been recovered by Revenue Department does not reflect the cost of the entire mineral illegally mined by the proponent and there is nothing on record to show that for illegal mining and damages caused to environment, any action has been taken by UKPCB with regard to assessment of environmental compensation, lodging of FIR for committing crime by the proponent and other steps. Tribunal therefore, directed the parties to submit their responses as also objections if any to Joint Committee Report filed in **OA 442/2022**.

**Objection dated 11.01.2023 by applicant (Complainant) in OA 442/2022:**

22. Applicant filed objections dated 11.01.2023 (page 93 of the paper book) stating that Joint Committee claims to have inspected site on 26.08.2022 but on that day, there was lot of water in river Yamuna hence inspection was not possible. Further the applicant has raised the issue that lot no. 21/3 falls in longitude latitude 30°27'14.17"N to 30°26'43.02"N and 77°42'1.06" E to 77°40'57.88"E which falls within State of Himachal Pradesh and khasra no. 1 (partial), 2(ka), 618 and 1 area 68.364 hectares mentioned in lot no. 21/3 for which mining plan has been sanctioned is at a distance of 2.72 kms as per Google Earth Map on the upper side. On this aspect, the Joint Committee has not

examined the matter and submitted Report. The Report is incorrect in as much as the longitude and latitude mentioned in the EC are said to be 200 meter inside the area of Uttarakhand but thereat khasra no. 1 (partial), 2(ka), 618 Dhkarani and khasra no. 1 Gangbhewa have not been shown deliberately and its record has also not been produced. Lot no. 21/3 and lot no. 21/2 include khasra numbers which are adjacent to the boundary of State of Himachal Pradesh as is evident from revenue record and therefore to show that the same is 200 meter inside State of Uttarakhand is incorrect. The facts have been misled and concealed and a wrong information has been submitted in Joint Committee's Report which shows collusion of the authorities with the proponents engaged in illegal mining. Complainant has explained its point with respect to lot no. 21/3 falling within the State of Himachal Pradesh substantially in the following manner:

“...लॉट नं० 21/3 की पर्यावरण सहमति में दिये गये लॉगीट्यूट व लैटीट्यूट पूर्ण भाग हिमाचल प्रदेश में स्थित जिनको कमेटी उत्तराखण्ड में कथित कर रहे है जिसके प्रमाणित साक्ष्य निम्न प्रकार है-

1. यमुना नदी में तीन लॉट राजस्व क्षेत्र में गढ़वाल मण्डल विकास निगम को लॉट नं० 21/1, 21/2 व 21/3 आवंटित है जिनका विवरण निम्न प्रकार है-

| क्र. सं० | जनपद     | तहसील    | ग्राम का नाम   | नदी का नाम | लॉट सं० | खसरा नं०   | कुल क्षेत्र है० में                                      | खनन योग्य क्षेत्र है० में                               |
|----------|----------|----------|--|------------|---------|--|--|---|
| 1        | देहरादून | विकासनगर | डाकपत्थर नवाबगढ़,<br><br>भीमावाला<br><u>मंडी</u><br><u>गंगभेवा</u> | यमुना नदी  | 21/1    | 396 मि०<br>986 मि०<br>989 मि०<br>3मि०<br><u>1मि०</u> | 7.7280<br>98.3680<br>45.3370<br>1.8870<br><u>18.3530</u> | 5.1000<br>75.7500<br>35.9500<br>0.5000<br><u>5.8900</u> |
|          |          |          |  |            |         | <b>कुल</b>   | <b>171.6730</b>  | <b>123.1900</b>   |
| 2        | देहरादून | विकासनगर | ढकरानी<br><br><u>मंडी गंगभेवा</u>                                  | यमुना नदी  | 21/3    | 1 (आंशिक)<br>2 (क)<br>618<br><br><u>1</u>            | 15.8440<br>95.195<br><br>5.322<br><u>17.905</u>          | 9.304<br>50.00<br><br>3.170<br><u>5.890</u>             |
|          |          |          |  |            |         | <b>कुल</b>   | <b>134.266</b>   | <b>68.364</b>   |
| 3        | देहरादून | विकासनगर | ढकरानी   | यमुना नदी  | 21/2    | 971<br>969<br>970<br>939 मि०                         | 37.525<br>0.223<br>3.158<br>35.797                       | 15.00<br>0.130<br>1.380<br>18.430                       |

|  |  |  |  |  |  |     |        |        |
|--|--|--|--|--|--|-----|--------|--------|
|  |  |  |  |  |  | कुल | 76.730 | 34.940 |
|--|--|--|--|--|--|-----|--------|--------|

**लॉट नं० 21/1, लॉट नं० 21/2 व लॉट नं० 21/3 की संयुक्त जाँच आख्या व सिजरों की प्रति व माईनिंग प्लान में लगे नक्शों की प्रति संलग्नक नं० 05, 06 व 07 है।**

उपरोक्त तीनों लॉट यमुना नदी में डाकपत्थर डैम के नीचे से शुरू होते हैं पहले लॉट नं० 21/1 पड़ता है फिर लॉट नं० 21/3 पड़ता है उसके नीचे लॉट नं० 21/2 पड़ता है। क्रम सं० गाँव डाकपत्थर, नवाबगढ़, भीमावाला, मण्डी गंगभेवा, ढकरानी पूर्व से दक्षिण की ओर यमुना नदी व उसके किनारे पर उत्तराखण्ड राज्य में स्थित है **गाँव ढकरानी का सिजरा संलग्नक नं० 08 है।** जिसके लॉट नं० 21/3 का खसरा नं० 1, 2 व 618 ग्राम ढकरानी शामिल है जिसका खसरा नं० गंगभेवा के खसरा नं० 1 से मिला है जो लॉट नं० 21/2 के पूर्व में है उसके नीचे खसरा नं० 936, 969, 970, 971 पड़ता है खसरा नं० 971 अन्तिम नम्बर है जहाँ पर लॉट नं० 21/2 समाप्त होता है इन खसरों के उत्तर में हिमाचल प्रदेश है। जहाँ पर्यावरण सहमति के अनुसार लॉट नं० 21/3 के लॉगीट्यूट व लैटीट्यूट दिये गये हैं जबकि लॉट नं० 21/3 के खसरे पूर्व से ऊपर की तरफ स्थित है।

लॉट नं० 21/1 में खसरा नं० 1 गंगभेवा का भाग है व खसरा नं० 21/3 में खसरा नं० 1 गंगभेवा का भाग है। जिससे स्पष्ट है कि लॉट नं० 21/1 व 21/3 बराबर-बराबर है।

लॉट नं० 21/2 खसरा नं० 969, 970, 971, 939 मि० में है। जिसका खसरा नं० 936 लॉट नं० 21/3 के खसरा नं० 618 से मिलता है। जिसका सत्यापन राजस्व विभाग की रिपोर्ट में किया गया है जिससे स्पष्ट है कि लॉट नं० 21/1 व 21/2 के मध्य 21/3 लॉट स्थित है।

लॉट नं० 21/2 खसरा नं० 969, 970, 971, 939 मि० में स्वीकृत है जिसकी पर्यावरण सहमति के लिए प्रार्थना पत्र गढ़वाल मण्डल विकास निगम द्वारा वर्ष 2013 में वन एवं पर्यावरण मंत्रालय में प्रस्तुत किया था जिसके लिए पर्यावरण कमेटी के निर्देश पर सर्वे व रिप्लेनिशमेंट स्टडी व खनन योजना आई०आई०टी० रुड़की द्वारा वैज्ञानिक विधि से सर्वे कर जिसको खनिज विभाग द्वारा रिवाईज कर बनायी गई थी जिसको खनन विभाग द्वारा दिनांक 19.08.2020 को पुनः स्वीकृत किया गया था जिसके साथ नक्शे लगे हैं जो आई०आई०टी० रुड़की द्वारा बनाकर लगाये गये। जिसमें उनके द्वारा खसरा नं० 971, 936, 970 के सीजरे के ऊपर खनन क्षेत्र 34.940 है० को चिह्नित किया गया है व उसके बिन्दुओं के लॉगीट्यूट व लैटीट्यूट अंकित किये गये हैं इसके अतिरिक्त गूगल मैप पर भी सीजरा व खनन क्षेत्र व लॉगीट्यूट व लैटीट्यूट अंकित किये गये हैं। खनिज विभाग द्वारा इसको स्वीकृत किया गया है। विवरण खनन योजना व उसके साथ स्वीकृत नक्शे जिनको खनन योजना में खनिज विभाग द्वारा स्वीकृत किये गये हैं। **प्रतियाँ संलग्नक नं० 09 है।**

स्वीकृत नक्शे में स्पष्ट रूप से सीजरे के अनुसार लॉट नम्बर 21/2 के उत्तर भाग के बराबर में हिमाचल प्रदेश है आई०आई०टी०, रुड़की द्वारा बनाये गये नक्शे में स्पष्ट उल्लेख किया गया है। प्रार्थी द्वारा स्वीकृत खनन योजना के नक्शे जिसका सर्वे आई०आई०टी० रुड़की द्वारा कर बनाया गया उसी के ऊपर लॉट नं० 21/3 की पर्यावरण सहमति में दिये गये लॉगीट्यूट व लैटीट्यूट बिन्दु 30°27'14.17"N - 77°42'1.06"E व बिन्दु 30°26'43.02"N - 77°40'57.88"E अंकित किये गये हैं जो 971 खसरा के कौने से शुरू होता है व मानपुर देवड़ा हिमाचल प्रदेश में समाप्त होता है पूरा क्षेत्र हिमाचल प्रदेश में पड़ता है **नक्शा साथ में संलग्नक नं० 10 है।**

आश्चर्य का विषय है कि लॉट नं० 21/3 को लॉट नं० 21/2 के उत्तर भाग के बराबर में हिमाचल प्रदेश में अनुमति ली गई है जो लॉट नं० 21/2 के उत्तर में है। जबकि लॉट नं० 21/3 लॉट नं० 21/2 के पूरब में है। जो उत्तराखण्ड में पड़ता है। जहाँ की कोई पर्यावरण सहमति आज तक प्राप्त नहीं हुई है।

गढ़वाल मण्डल विकास निगम द्वारा दिनांक 21.04.2016 को कलस्टर का नक्शा लगाया गया है जिसमें लॉट नं० 21/2 को 21/3 की जगह दिखाया गया है और 21/2 को 21/3 की जगह दिखाया गया है **पत्र व नक्शा दिनांक 21.04.2016 की प्रति संलग्नक नं० 11 है।**

लॉट नं० 21/2 खनन योजना में आई०आई०टी० रुड़की द्वारा ठीक स्थान पर दिखाया गया है लेकिन गढ़वाल मण्डल विकास निगम द्वारा उसे दूसरी जगह लॉट नं० 21/3 की जगह दिखाया गया है। यह 21/2 का प्रस्ताव कमेटी की 21वीं मितिग में दिनांक 26/10/2020 को प्रस्तुत हुआ जिसमें काफी कमियाँ थीं और गढ़वाल मण्डल विकास निगम द्वारा प्रस्तुत खनन क्षेत्र का चिन्हांकन भी स्पष्ट नहीं था जानबूझकर तथ्य छुपाने के लिए स्वीकृत खनन योजना से अलग जगह पर चिन्हांकित किया गया था जिसका निम्न प्रकार उल्लेख किया गया है-

*“The 22<sup>nd</sup> EAC meeting of the Expert Appraisal Committee for Environmental Appraisal of Mining Projects (Non-Coal) of the Ministry of Environment, Forest and Climate Change was held during October 26-28, 2020 through video conference.*

**Agenda Item 2.3 Mining of 3.3 LTPA of Sand, Bajri and Boulders in River Yamuna Lot No.21/2 by M/s Garhwal Mandal Vikas Nigam Ltd. From mining lease area 34.940 Ha located at Village-Dhakrani, Tehsil- Vikashnagar, Distt-Dehradun, Uttarakhand. [File No. J-11015/137/2013-IA-II(M); Proposal No: IA/UK/MIN/18558/2013; Consultant: Grass Root Research & Creation India (P) Ltd.]-EC Regarding**

**V. The PP should also submit a kml file wherein the abovementioned grid plans is superimposed on the satellite imaginary.**

PP has submitted that KML file wherein the above-mentioned grid plans is superimposed on the satellite imaginary.

**Observation of EAC:** the KML submitted by PP is not clear and could not explain properly PP may resubmit with clear demarcations of the mine lease area.”

इस प्रकार लॉट नं० 21/2 की ई०सी० आज तक जारी नहीं हुई और मामला दिनांक 08.02.2021 को डि-लिस्ट कर दिया गया अर्थात् निरस्त हो चुका है **मिन्ट्स ऑफ मितिग की प्रति व स्टेट्स रिपोर्ट की प्रति संलग्नक नं० 12 है।**

उपरोक्त प्रमाणित साक्ष्यों से स्पष्ट है कि लॉट नं० 21/3 की पर्यावरण सहमति दिनांक 07.09.2016 हिमाचल प्रदेश क्षेत्र की ली गई है और खनन क्षेत्र उत्तराखण्ड में है और खनन पर्यावरण सहमति के स्थान पर हिमाचल प्रदेश में कराया जा रहा है ज्वाइन्ट कमेटी के सभी सदस्यों द्वारा तथ्य छुपाकर रिपोर्ट गलत प्रस्तुत की गई है। इनके विरूध कानूनी कार्यवाही होनी चाहिए। तत्काल खनन बन्द कराकर जुर्माना आरोपित दोनों राज्यों को करना चाहिए। जिन राजस्व अधिकारियों द्वारा खनन क्षेत्र व पर्यावरण क्षेत्र को एक बताया जा रहा है उनके विरूध कानूनी कार्यवाही होनी चाहिए।

उपरोक्त तथ्यों से स्पष्ट है कि पर्यावरण सहमति दिनांक 07.09.2016 के क्षेत्र में और स्वीकृत खनन पट्टे लॉट नं० 21/3 के क्षेत्र में काफी दूरी है एक उत्तराखण्ड में पड़ता है तो दूसरा हिमाचल प्रदेश में पड़ता है वह भी काफी दूरी पर है। जहाँ की पर्यावरण सहमति है वहाँ का कोई खनन पट्टा स्वीकृत नहीं है जहाँ की खनन स्वीकृति है वहाँ की कोई पर्यावरण सहमति नहीं है इसलिए किया जा रहा खनन अवैध है और लगातार पर्यावरण को क्षति पहुँचायी जा रही है ज्वाइन्ट कमेटी की रिपोर्ट में दिये गये तथ्य गलत प्रस्तुत किये गये है प्रार्थी द्वारा प्रमाणित साक्ष्य संलग्न किये गये है उनके आधार पर ज्वाइन्ट कमेटी की रिपोर्ट को निरस्त करते हुए खनन कार्य तत्काल बन्द कराया जाना आवश्यक है व जुर्माना आरोपित किया जाना आवश्यक है। ज्वाइन्ट कमेटी के जिन सदस्यों द्वारा यह गलत तथ्य मा० न्यायालय के समक्ष प्रस्तुत किये गये है व खनन पट्टा संचालित कराया जा रहा है उनके विरूध भी कानूनी कार्यवाही किया जाना आवश्यक है।”

**English Translation by Tribunal:**

“...The longitude and latitude given in the environmental consent of Lot No. 21/3 is situated in Himachal Pradesh which the committee is claiming to be in Uttarakhand, the certified evidence of which is as follows-

1. Three lots in Yamuna river in revenue area have been allotted to Garhwal Mandal Development Corporation namely lot no. 21/1, 21/2 and 21/3 whose details are as follows-

| Sr. No. | District | Tehsil     | Name of village  | Name of river | Lot No. | Khasra No.  | Total area (in hectares)  | Mineable area (in hectares)                                    |
|---------|----------|------------|--|---------------|---------|---|---|--|
| 1       | Dehradun | Vikasnagar | Dakpathar<br>Nawabgarh,<br>Bhimawala<br><b><u>Mandi Gangbhewa,</u></b> | Yamuna        | 21/1    | 396 m<br>986 m<br>989 m<br>3m<br><b><u>1m</u></b> | 7.7280<br>98.3680<br>45.3370<br>1.8870<br><b><u>18.3530</u></b> | 5.1000<br>75.7500<br>35.9500<br>0.5000<br><b><u>5.8900</u></b> |
|         |          |            |  |               |         | <b>Total</b>                                      | <b>171.6730</b>   | <b>123.1900</b>  |
| 2       | Dehradun | Vikasnagar | Dhakrani<br><br><b><u>Mandi Gangbhewa</u></b>                          | Yamuna        | 21/3    | 1<br>(Partial)<br>2 (A)<br>618<br><b><u>1</u></b> | 15.8440<br>95.195<br>5.322<br><b><u>17.905</u></b>              | 9.304<br>50.00<br>3.170<br><b><u>5.890</u></b>                 |
|         |          |            |  |               |         | <b>Total</b>                                      | <b>134.266</b>  | <b>68.364</b>  |
| 3       | Dehradun | Vikasnagar | Dhakrani   | Yamuna        | 21/2    | 971<br>969<br>970<br>939 m                        | 37.525<br>0.223<br>3.158<br>35.797                              | 15.00<br>0.130<br>1.380<br>18.430                              |
|         |          |            |  |               |         | <b>Total</b>                                      | <b>76.730</b>   | <b>34.940</b>  |

**Joint investigation report of Lot No. 21/1, Lot No. 21/2 and Lot No. 21/3 and copy of scissors and copy of maps attached in the mining plan are Annexure No. 05, 06 and 07.**

The above three lots start from below the Dakpathar Dam in the Yamuna River. First is Lot No. 21/1, then Lot No. 21/3, below that comes Lot No. 21/2. Serial No. Village Dakpathar, Nawabgarh, Bhimawala, Mandi Gangbhewa, Dhakrani is situated in the state of Uttarakhand on the banks of the Yamuna River from east to south. The Sijra of village Dhakrani is Annexure No. 08. Whose Lot No. 21/3 includes Khasra No. 1, 2 and 618 of Village Dhakrani whose Khasra No. is connected with Khasra No. 1 of Gangbhewa which is to the east of Lot No. 21/2, below it lies Khasra No. 936, 969, 970, 971, Khasra No. 971 is the last number where Lot No. 21/2 ends, Himachal Pradesh is to the north of these Khasras where according to environmental consent, longitude and latitude of Lot No. 21/3 have been given, whereas the Khasra of Lot No. 21/3 is located upwards from the east.

In lot no. 21/1, Khasra no. 1 and in Khasra no. 21/3, Khasra no. 1 is a part of Gangbhewa. From this, it is clear that lot no. 21/1 and 21/3 are equal.

Lot No. 21/2 is in Khasra No. 969, 970, 971, 939 whose Khasra No. 936 matches with Khasra No. 618 of Lot No. 21/3 which has been verified in the report of the Revenue Department, which makes it clear that Lot No. 21/3 is situated between Lot No. 21/1 and 21/2.

Lot No. 21/2 is approved in Khasra No. 969, 970, 971, 939m, for which the application for environmental consent was submitted by Garhwal Mandal Vikas Nigam to the Ministry of Environment and Forest in the year 2013, for which, on the instructions of the Environment Committee, the survey and replacement study and mining plan was prepared by IIT Roorkee after scientific survey and which was revised by the Mineral Department, which was re-approved by the Mining Department on 19.08.2020, along with which maps are attached which were prepared and installed by IIT Roorkee in which they have marked mining area of 34.940 hectares on the boundary wall of Khasra No. 971, 936, 970 and have marked the longitude and latitude of its points. Apart from this, boundary wall and mining area, longitude and latitude have also been marked on Google Map. It has been approved by the Mineral Department. Detailed mining plan and the maps approved along with it, which have been approved by the Mineral Department in the mining plan. **Copies are attached as Annexure No. 09.**

In the approved map, it is clearly mentioned that Himachal Pradesh is adjacent to the northern part of Lot No. 21/2 as per the Cijra. It is clearly mentioned in the map prepared by IIT, Roorkee. The longitude and latitude given in the environmental consent of Lot No. 21/3 are marked on the map of the approved mining plan of the applicant, which was surveyed and prepared by IIT, Roorkee. Point 30°27'14.17"N -77°42'1.06"E and point 30°26'43.02"N - 77°40'57.88"E, which starts from the corner of Khasra 971 and ends in Manpur Devda, Himachal Pradesh. The entire area falls in Himachal Pradesh. **The map is attached with Annexure No. 10.**

It is surprising that permission has been taken for Lot No. 21/3 in Himachal Pradesh equal to the northern part of Lot No. 21/2, which is to the north of the said lot. Whereas Lot No. 21/3 is to the east of Lot No. 21/2 which falls in Uttarakhand. No environmental consent has been received till date for the same.

The cluster map has been uploaded by Garhwal Mandal Vikas Nigam on 21.04.2016 in which lot no. 21/2 has been shown in place of 21/3 and 21/2 has been shown in place of 21/3. **Copy of the letter and map dated 21.04.2016 is attached as Annexure No. 11.**

Lot No. 21/2 has been shown at the correct place in the mining plan by IIT Roorkee, but Garhwal Mandal Vikas Nigam has shown it at another place i.e. Lot No. 21/3. This proposal of 21/2 was presented in the 21st meeting of the committee on 26.10.2020, which had many shortcomings and the marking of the mining area presented by Garhwal Mandal Vikas Nigam was also not clear. It was marked at a different place than the approved mining plan to deliberately hide the facts, which is mentioned as follows-

*“The 22<sup>nd</sup> EAC meeting of the Expert Appraisal Committee for Environmental Appraisal of Mining Projects (Non-Coal) of the Ministry of Environment, Forest and Climate Change was held during October 26-28, 2020 through video conference.*

**Agenda Item 2.3 Mining of 3.3 LTPA of Sand, Bajri and Boulders in River Yamuna Lot No.21/2 by M/s Garhwal Mandal Vikas Nigam Ltd. From mining lease area 34.940 Ha located at Village-Dhakrani, Tehsil- Vikashnagar, Distt-Dehradun, Uttarakhand. [File No. J-11015/137/2013-IA-II(M); Proposal No: IA/UK/MIN/18558/2013; Consultant: Grass Root Research & Creation India (P) Ltd.]-EC Regarding**

**V. The PP should also submit a kml file wherein the abovementioned grid plans is superimposed on the satellite imaginary.**

PP has submitted that KML file wherein the above-mentioned grid plans is superimposed on the satellite imaginary.

**Observation of EAC:** the KML submitted by PP is not clear and could not explain properly PP may resubmit with clear demarcations of the mine lease area.”

Thus, EC of Lot No. 21/2 has not been issued till date and the case has been de-listed on 08.02.2021, i.e., it has been cancelled. **Copy of Minutes of Meeting and copy of Status Report is attached as Annexure No. 12.**

It is clear from the above certified evidence that the environmental consent for Lot No. 21/3 dated 07.09.2016 has been taken for Himachal Pradesh area and the mining area is in Uttarakhand and mining is being done in Himachal Pradesh instead of environmental consent. All the members of the Joint Committee have hidden the facts and presented a wrong report. Legal action should be taken against them. Both the states should immediately stop mining and impose a fine. Legal action should be taken against those revenue officials who are calling the mining area and environmental area the same.

It is clear from the above facts that there is a lot of distance between the area of environmental consent dated 07.09.2016 and the area of approved mining lease Lot No. 21/3. One falls in Uttarakhand

*and the other falls in Himachal Pradesh and that too at a great distance. Where there is environmental consent, no mining lease is approved. Where there is mining approval, there is no environmental consent, therefore the mining being done is illegal and the environment is being continuously damaged. The facts given in the Joint Committee report have been presented incorrectly. Certified evidence has been attached by the applicant. On the basis of these, the Joint Committee report should be cancelled and mining work should be stopped immediately and a fine should be imposed. Legal action should also be taken against those members of the Joint Committee who have presented these wrong facts before the Hon'ble Court and are operating the mining lease."*

**Report dated 25.01.2023 by GMVN filed in OA 442/2022:**

23. Report dated 25.01.2023 filed vide e-mail dated 27.01.2023 is submitted by GMVN and the stand taken by GMVN is as under:

- I. That it is most respectfully submitted that the work-order of 123 Hec. of Lot No.21/1 for mining of minerals, Sand, Bajri and Boulder (Minor Minerals) on the river bed of river Yamuna, (Revenue Dakpathar, Nawabgarh, Mandi Gangbhewa and Bhimawala, Tehsil Vikas Nagar, District Dehradun, Uttarakhand) within the specified khasra nos. of Vikasnagar Tehsil allotted by the Uttarakhand Govt. the same has been examined by the MOEF &CC in every regards before granting/sectioning the EC for lease in favor of GMVN which was **given on the basis of tender to Mr. Mukesh Joshi and the lease is operating under Garhwal Mandal Vikas Nigam Limited**, Project proponent is Garhwal Mandal Vikas Nigam Limited, and **Mukesh Joshi is only the agency working under supervision of Garhwal Mandal Vikas Nigam Limited with whom Garhwal Mandal Vikas Nigam Limited had signed Memo of Understanding** (for short 'MoU'), and he is abide and bound by MoU, that he will not violate any condition laid down in Environment Clearance (for short 'EC'), which was granted to Garhwal Mandal Vikas Nigam Limited by Ministry of Environment, Forest and Climate Changes, Government of India (for short MoEF&CC).*
- II. That the **Environment Clearance for the same is in the name of Garhwal Mandal Vikas Nigam Limited**, and the mining lease has been handed over under MoU between Garhwal Mandal Vikas Nigam Limited and Lease-holder to comply with the various conditions, as per mining policy of State of Uttarakhand and supervision of the same is being done by Garhwal Mandal Vikas Nigam Limited. The **allotted mining site is situated in tehsil Vikasnagar, District Dehradun, Uttarakhand**. The Environment Clearance for said area was*

granted after having joint survey proceedings of the site in question, and site in question was decided after complying with all the formalities, after, the lease for mining was allotted by the District Administration in favour of Garhwal Mandal Vikas Nigam Limited.

- III. That it is respectfully submitted that the **Environment Clearance was granted** for Lot No.21/1 which was applied to Ministry of Environment, Forest & Climate Changes, Government of India on 20-21<sup>st</sup> March, 2016 after taking approval in Agenda hearing meeting, and the said E.C. was granted by the Ministry of Environment, Forest & Climate Changes, Government of India, **vide Environment Clearance dated 17.8.2016 for mining of minerals, Sand, Bajri and Boulder (Minor Minerals)**, the Notification to define the conditions & further desired clarification for cluster formation was issued on 1.7.2016, it is further submitted that in the point No.09 of S.O. 1533 (E), as per Notification dated 14.09.2006 of Ministry of Environment, Forest & Climate Changes, Government of India, the **period of Environment Clearance is for 30 years.**

Copies of Notification dated 14.9.2006, Notification dated 1.7.2016 and Letter dated 17.8.2016 are annexed hereto and marked as ANNEXURE R-2, R-3 and R-4 respectively.

- IV. That it is pertinent to mention herein that **two leases i.e. 21/1 (Yamuna) and 21/3 (Yamuna) two separate environment clearances had been accorded.** The procedure of preparing DSR for both leases for mining of minerals, Sand, Bajri and Boulder (Minor Minerals) has been prepared by the District Administration, Dehradun, Uttarakhand which is mentioned in the Appendix ten of Notification dated 15.01.2016 of Ministry of Environment, Forest & Climate Changes, Govt. of India. The mining activities are monitored on the district level, in view of Point No.1 of above appendix, and the details of revenue received from production of mining of minerals, Sand, Bajri and Boulder (Minor Minerals) has been mentioned between last 3-4 years according to point No.4-5 of above appendix. Therefore, according to rules, the preparation of district survey report (DSR) was possible after 3 years.
- V. It is relevant to mention herein that all the relevant and material facts were discussed, after having an Agenda hearing of MoEF & CC dated 20-21 March, 2021, accordingly the environmental clearance was applied and all the mining lease were allotted by the Government of Uttarakhand in view of guidelines of Ministry of Environment, Forest & Climate Changes, Govt. of India.
- VI. It is pertinent to mention herein that **Garhwal Mandal Vikas Nigam Limited is a State Government Corporation**, and is

*an instrumentality of State, and Garhwal Mandal Vikas Nigam Limited is not a private project proponent, and is generating revenue for the welfare of State, and the revenue is going in State fund.”*

**OA NO. 692/2022:**

24. Applicant Junaid Ayubi filed the above OA raising a grievance of illegal river bed mining by Mukesh Joshi (respondent 5) in respect of lot no. 21/1 at villages Dakpathar, Nawabgarh, Mandi Gangbhewa and Bhimawala, Tehsil Vikasnagar, District Dehradun, State of Uttarakhand admeasuring approximately 123 hectares. Applicant has impleaded State of Uttarakhand through Chief Secretary; Director General, Geology and Mining Department, Uttarakhand; UKPCB; State of Himachal Pradesh through Chief Secretary; Mukesh Joshi, Proprietor of M/s Uttara Awas Yojna; GMVN and SEIAA UK as respondents 1 to 7 respectively.

25. The facts in brief stated in OA are that a memorandum of undertaking without transfer of EC has been executed by GMVN in favour of private party in violation of the provisions and procedure laid down in EIA 2006; in 2014 mining plan was prepared for two separate mining sites which are adjacent to each other i.e., lots no. 21/3 and 21/1 but no cluster EC was prepared for both the sites as mandated by amended Notification dated 25.01.2016 of EIA 2006; EC has been issued on 17.08.2016 in favour of GMVN with regard to two mining sites i.e., lots no. 21/3 and 21/1 ignoring the fact that part of the site falls within the State of Himachal Pradesh; on 01.02.2021, GMVN executed a Memorandum of Understanding with the private party for carrying out mining operations on site; on 20.09.2021, private respondents filed A.O. No.180/2021 in High Court of Uttarakhand at Nainital challenging the order dated 18.08.2021 passed by ADJ (Commercial Court) Dehradun in Arbitration Case No.44/2021, whereby application of appellant filed

under Section 9 of Arbitration and Conciliation Act, 1996 was dismissed. High Court formulated the issue as to whether GMVN was justified in raising the demand notice dated 08.09.2021. In its order dated 20.09.2021, High Court observed that the mining permitted by GMVN to private party include land of State of Himachal Pradesh and authorities thereat did not permit the proponent to excavate the disputed area which was outside the State of Uttarakhand. High Court said that since there was boundary dispute between State of Himachal Pradesh and State of Uttarakhand, let State of Uttarakhand resolve the said dispute with State of Himachal Pradesh. Letter dated 07.01.2022 issued by State Government (annexure 9 at page 390), it is admitted that since there is a dispute of the boundary between the States, therefore, 15 meters area from the centre of the river be declared as 'Buffer Zone' and reserved area for mining be reduced from 123.19 hectares to 114.79 hectares and the permitted quantity of minerals may also be reduced to 746601.62 MT per annum. The said letter contained in para 8, the following decision of State Government:

*“8. उपरोक्त वर्णित स्थिति/ तथ्यों के सन्दर्भ में शासन स्तर पर सम्यक् विचारोपरान्त प्रश्नगत राजस्व खनन लॉट यमुना 21/1 के सुचारू संचालन एवं राजस्व प्राप्ति के दृष्टिगत प्रश्नगत लॉट का संचालन राजस्व हित में अविलम्ब करते हुये गढ़वाल मण्डल विकास निगम के स्तर से इसका ई-पोर्टल तत्काल प्रभाव से खोले जाने सहित प्रश्नगत लॉट के सम्बन्ध में निम्न निर्णय प्रतिपादित किये जाते हैं:-*

- (i) वादी/अपीलार्थी (मै० उत्तरा आवास योजना) द्वारा मा० उच्च न्यायालय में योजित A.O.NO. 180/2021 में मा० उच्च न्यायालय, नैनीताल द्वारा पारित आदेश दिनांक 20 सितम्बर, 2021 के अनुपालन में गढ़वाल मण्डल विकास निगम के नोटिस आदेश दिनांक 8.09.2021 को प्रभावी न किया जाय।*
- (ii) यमुना नदी में दो राज्यों के मध्य सीमा विवाद के दृष्टिगत नदी के मध्य से 15 मी० का बफर जोन घोषित करते हुये तदनुसार प्रतिबंधित क्षेत्रफल को कम किये जाने पर 123.19 है० के स्थान पर 114.79 है० क्षेत्रफल में उपखनिज की वार्षिक मात्रा कुल 7,46,601.62 टन निर्धारित की जाती है।*
- (iii) विगत खनन सत्र में निगम एवं लॉट संचालक के मध्य MOU हस्ताक्षरोपरान्त निर्गत कायदेशि की तिथि (02 फरवरी, 2021) से जून, 2021 तक की कुल 05 माह की कार्यवधि में सीमा विवाद एवं अन्य अपरिहार्य कारणों से उपखनिज की पर्याप्त निकासी न कर पाने की स्थिति में उत्तराखण्ड उपखनिज (बालू, बजरी, बोल्टर) चुगान नीति, 2016 के बिन्दु संख्या-14 के अनुसार लॉट संचालक पर रू० 4,72,55,995/- के रूप में अपरिहार्य भाटक की धनराशि*

आगणित होती है, जिसके सापेक्ष पूर्व में जमा की गयी धनराशि ₹ 2,83,53,600 का समायोजन करने के उपरान्त ₹ 1,89,02,395 की देयता लॉट संचालक पर निर्धारित की जाती है।

- (iv) वर्तमान खनन सत्र 2021-22 में माह अक्टूबर, 2021 से अतिथि तक कुल 03 माह से अधिक अवधि में पट्टाधारक / गढ़वाल मण्डल विकास निगम द्वारा लॉट संचालक से राजस्व खनन लॉट यमुना 21/1 से चुगान कार्य प्रारम्भ नहीं कराया गया है तथा गढ़वाल मण्डल विकास निगम लि० द्वारा ई-रवन्ना पोर्टल न खोले जाने के फलस्वरूप उपखनिज की निकासी नहीं हुई है, जिसमें लॉट संचालक की कोई त्रुटि न होने के कारण उक्त अवधि हेतु संगत नीति के बिन्दु-14 के अनुसार पट्टाधारक / गढ़वाल मण्डल विकास निगम पर अपरिहार्य भाटक ₹ 93,33,333/- की देयता निर्धारित की जाती है।
- (v) ई-रवन्ना पोर्टल पट्टाधारक / गढ़वाल मण्डल विकास निगम के नाम दर्ज है तथा उनके द्वारा वर्तमान खनन सत्र के प्रारम्भिक दिवस से पोर्टल न खोले जाने के कारण वर्तमान खनन सत्र में विगत 03 माह से अधिक की अवधि में वर्तमान समय तक लॉट संचालक के स्तर से उपखनिज की कोई निकासी / चुगान कार्य नहीं हुआ है, जिस कारण लॉट संचालक पर वर्तमान खनन सत्र के प्रारम्भ होने की तिथि (दिनांक 1.10.2021) से वर्तमान समय तक की अवधि की कोई देयता निर्धारित नहीं होती है।
- (vi) प्रश्रगत लॉट हेतु लॉट संचालक द्वारा गढ़वाल मण्डल विकास निगम के पक्ष में बैंक गारन्टी के रूप में जमा प्रतिभूति धनराशि ₹ 3,78,04,800/-, जिसे निगम द्वारा निर्मुक्त करा लिया गया है, में से विगत खनन सत्र 2020-21 (फरवरी, 2021-जून, 2021 तक) हेतु अपरिहार्य भाटक के रूप में देय धनराशि ₹ 1,89,02,395 को समायोजित कर अवशेष धनराशि को आगामी माह की किश्तों में समायोजित करते हुये नवीन प्रतिभूति की धनराशि बैंक गारन्टी के रूप में पुनः उपलब्ध कराये जाने हेतु लॉट संचालक को 02 (दो) माह का समय प्रदान किया जाता है।

प्रकरण में सीमा विवाद की प्रास्थिति में घोषित किये गये 15 मी० के बफर जोन तथा सीमा विवाद एवं अन्य अपरिहार्य परिस्थितियों में निर्धारित रायल्टी के अनुरूप उपखनिज की निकासी न कर पाने की स्थिति में लॉट संचालक से अपरिहार्य भाटक की राशि लिये जाने का निर्णय मात्र प्रश्रगत प्रकरण में ही स्वीकार्य किया जायेगा, इसे अन्य प्रकरणों में दृष्टान्त नहीं माना जायेगा। प्रबन्ध निदेशक, गढ़वाल मण्डल विकास निगम को निर्देशित किया जाता है कि उनके द्वारा चयनित लॉट संचालक से उप खनिज की निकासी तदनुसार कराते हुये पट्टे का सुचारू संचालन अविलम्ब प्रारम्भ करें तथा इसके संचालन में अब किसी भी प्रकार का कोई विलम्ब न हो, इसकी सुनिश्चितता की जाये। लॉट संचालन में अतिरिक्त विलम्ब हेतु पट्टाधारक / गढ़वाल मण्डल विकास निगम स्वयं उत्तरदायी होगा।”

#### English Translation by Tribunal:

“8. In the context of the above mentioned situation/facts, after due consideration at the Government level, in view of the smooth operation and revenue generation of the revenue mining lot Yamuna 21/1 in question, the operations should be started immediately in the interest of revenue, and its e-portal should be opened with immediate effect at the level of Garhwal Mandal Vikas Nigam, and the following decisions are taken in relation to the lot in question:-

- (i) In compliance with the order dated 20<sup>th</sup> September, 2021 passed by the Hon'ble High Court, Nainital in case A.O. No.180/2021 filed by the plaintiff/appellant (M/s Uttara Awas Yojna) in the Hon'ble High Court, the notice order dated 8.09.2021 of Garhwal Mandal Vikas Nigam should not be implemented.

- (ii) *In view of the border dispute between two states in Yamuna river, by declaring a buffer zone of 15 metres from the middle of the river and reducing the restricted area accordingly, the annual quantity of the sub-mineral in the area of 114.79 hectares instead of 123.19 hectares is determined as 7,46,601.62 tonnes.*
- (iii) *In the event of not being able to extract sufficient minerals due to border dispute and other unavoidable reasons during the total working period of 05 months from the date of work order issued (02 February, 2021) to June, 2021 after signing of MOU between the Corporation and the lot operator in the last mining season, as per point no.14 of the Uttarakhand Sub-Mineral (Sand, Gravel, Boulder) Extraction Policy, 2016, the amount of unavoidable rent is calculated as Rs 4,72,55,995/- on the lot operator, against which, after adjusting the amount deposited earlier of Rs 2,83,53,600, a liability of Rs 1,89,02,395 is determined on the lot operator.*
- (iv) *In the current mining season 2021-22, from the month of October, 2021 to the present, for a total period of more than 03 months, the lessee / Garhwal Mandal Vikas Nigam has not started the work of extracting from the revenue mining lot Yamuna 21/1 from the lot operator and due to non-opening of e-Ravanna portal by Garhwal Mandal Vikas Nigam Ltd., the sub-mineral has not been extracted, in which as there is no fault of the lot operator, as per point no.14 of the relevant policy, the liability of inevitable rent of Rs 93,33,333/- is determined on the lessee / Garhwal Mandal Vikas Nigam for the said period.*
- (v) *The e-Ravanna portal is registered in the name of the lessee / Garhwal Mandal Vikas Nigam and as the portal has not been opened by them from the starting day of the current mining season, no extraction / picking of the sub-mineral has been done by the lot operator in the current mining season for a period of more than three months till date, due to which no liability is fixed on the lot operator for the period from the date of commencement of the current mining season (Date 01.10.2021) till date.*
- (vi) *For the lot in question, security amount of Rs 3,78,04,800/- deposited by the lot operator in the form of bank guarantee in favour of Garhwal Mandal Vikas Nigam, which has been released by the Corporation, by adjusting the amount of Rs 1,89,02,395 payable as dead rent for the last mining season 2020-21 (up to February, 2021 to June, 2021) and adjusting the remaining amount in the instalments of the next month, 02 (two) months' time is given to the lot operator to make available the fresh security amount in the form of bank guarantee again.*

*In the case of not being able to extract the sub-mineral in accordance with the 15 meters buffer zone declared in the status of border dispute and royalty determined in border dispute and other unavoidable circumstances, the decision to take the amount of*

*unavoidable rent from the lot operator will be accepted only in the case in question, it will not be considered as a precedent in other cases. Managing Director, Garhwal Mandal Vikas Nigam is directed to immediately start smooth operation of the lease by getting the sub-mineral extracted from the lot operator selected by him accordingly and to ensure that there is no delay of any kind in its operation. The lessee/Garhwal Mandal Vikas Nigam itself will be responsible for additional delay in lot operation.”*

26. Applicant has further stated that with regard to lot no. 21/3, Tribunal has already registered OA 442/2022 wherein Joint Committee has been constituted to verify the facts and with regard to lot no. 21/1, applicant has submitted representations dated 31.03.2022 and 25.05.2022 to the concerned authorities but no action has been taken. In these circumstances, applicant has prayed that river bed mining by GMVN and private respondent in lot no. 21/1 at villages Dakpathar, Nawabgarh, Mandi Gangbhewa and Bhimawala, Tehsil Vikasnagar, District Dehradun, Uttarakhand be declared illegal; mining operations at lot no. 21/1 be stayed; a team of experts be constituted to verify whether any part of the lease area falls within the territory of State of Himachal Pradesh and private respondents be directed to pay penalty and environmental compensation as per the methodology adopted and approved by this Tribunal in **OA 360/2015, NGT Bar Association vs. Virender Singh** by order dated 26.02.2021 (supra) and Memorandum of Understanding dated 01.02.2021 as well as EC dated 17.08.2016 be set aside.

27. **Tribunal's Order dated 27.09.2022:** OA 692/2022 was considered by Tribunal on 27.09.2022. Tribunal found it appropriate to seek responses of project proponent, GMVN and Geology and Mining Department and directed the matter to be next listed along with OA 442/2022.

28. **Tribunal's Order dated 30.01.2023:** Both OAs were taken by Tribunal on 30.01.2023 and after hearing Learned Counsels appearing for the respective parties, OAs were disposed of finally by directing closing of mining in both the plots/areas holding that mining in lots no. 21/1, 21/2 and 21/3 is illegal since and transfer of mining rights by GMVN to Mukesh Joshi and Vinod Negi without transfer of EC was in violation of EIA 2006. Tribunal also directed Joint Committee of Central Pollution Control Board (hereinafter referred to as '**CPCB**'), UKPCB and District Magistrate, Dehradun to assess and recover environmental compensation on 'Polluter Pays' principle for illegal mining following due process and utilise the amount for scientific closure of mining activities as per Mine Closure Plan and other norms. There is further observation of Tribunal that as per EC condition for lot no. 21/1, 356 trucks per day with 10 tonnes of mined mineral (equal to 3560 tonnes per day) were allowed. If the above value of mined mineral is taken at Rs. 1000 per tonne, it will amount to Rs. 35 lakhs per day for 3560 tonnes and would come roughly Rs.100 crores per year. Data in respect of other lots has to be compiled. Tribunal directed Joint Committee to work out the actual figure. Since Contractors i.e., Mukesh Joshi and Vinod Negi had not appeared personally or through a Counsel before Tribunal though they may also be affected by the orders passed by Tribunal, hence liberty was given to them to approach Tribunal if they are so aggrieved. Judgment of Tribunal dated 30.01.2023 reads as under:

*"1. This order will deal with the above two applications which have been filed in respect of similar violations of norms in river bed mining of sand, bajri and boulder at two different locations at Vikasnagar, District Dehradun, Uttarakhand. In both matters, mining leases are in favour of Garhwal Mandal Vikas Nigam (GMVN) but mining rights further transferred to two different private contractors – Vinod Negi and Manoj Joshi, though EC remains in the name of GMVN which is one of main illegalities, apart from mining being in the riverbed, which is not permissible. There is also issue of compliance of directions of the Hon'ble Supreme Court in Rural Litigation & Entitlement Kendra*

*v. State of U.P & Ors., (1989 Supp 1 SCC 504 whereby mining was prohibited in doon valley area.*

**The issue – applicant’s case**

2. In O.A. No. 442/2022, the matter relates to lot no. 21/3 (10.350 hectares) for which LOI was issued to GMVN by the State Government on 23.01.2013. O.A. No. 692/2022 relates to lot no. 21/1 (123 hectares) at villages Dakpathar, Nawabgarh, Mandi Gangbhewa & Bhimawala, Tehsil Vikasnagar, District Dehradun located on the river bed of River Yamuna. It appears that there are 83 lots in Dehradun District where mining has been permitted.

**Orders of Tribunal dated 19.7.2022 and 27.9.2022**

3. O.A. No. 442/2022 was first considered by the Tribunal on 19.07.2022. A joint Committee comprising Regional Office, MoEF & CC at Dehradun, SEIAA, Utrakhand, Director, Department of Geology and Mines, Government of Uttarakhand, State PCB and District Magistrate, Dehradun was constituted to give factual and action taken report in the matter. The Committee was to verify facts by undertaking site visit. The grievance of the applicant was summed up as follows:-

“2. The applicant has submitted that mining rights for mining in Revenue areas of Garhwal were exclusive given to Garhwal Mandal Vikas Nigam (GMVN). State Government issued LOI dated 23.01.2013 to GMVN for getting Environmental Impact Assessment of 83 lots, including lot no. 21/3 (10.350 Hectares) falling in Yamuna River, in District Dehradun conducted. Subsequently, lot no. 21/3 was modified on 10.04.2016 as per survey dated 14.09.2012 which was found fit for mining. Thereafter, in the Year 2013 application for environmental clearance was submitted. On 03.03.2015 mining plan of lot no. 21/3 comprising khasra no. 1, 2 K and 618 in Village Dhakrani and kasra no. 1 in village Mandi Gangbhewa measuring 68.364 hectares was approved. The same was consented to by MoEF & CC on 07.09.2016. **When longitudes and latitudes mentioned in the consent were marked on google earth one point was falling in khasra no. 971 of village Dhakrani in Uttarakhand and other point was falling in village Manpur Dewra in Himachal Pradesh with 20 percent area falling in Uttarakhand and 80 percent area falling in Himachal Pradesh. On 03.01.2017 mining lease was granted to GMVN for above said lot no 21/3 which was after tender process allotted to Vinod Negi on 24.08.2020. After commencement of the mining operations, GMVN and the contractors have raised the question of border dispute to avoid payment of installments to the State of Uttarakhand while mining is being done continuously. There is no environmental clearance for the mining site which has been leased out**

**as the place for which environmental clearance was given falls at the distance of 2 kilometers in the State of Himachal Pradesh. Illegal mining is being done in collusion with the concerned officials which is causing environmental degradation and loss of revenue to the State Exchequer.** The Project Proponent is liable to pay environmental compensation on the grounds that there is no environmental clearance for the mining site which has been leased out; no CTE/CTO has been obtained from the Uttarakhand Pollution Control Board; consent for drawing ground water has not been obtained; EC conditions have been violated as no trees have been planted and boundary pillars and CCTV cameras have not been installed; mining is being done beyond permitted depth of 1.5 meters and also in the river stream resulting in diversion of river course and mined sand is being transported in over loaded trucks without actual transported quantity being recorded in 'rawana parchi' (transportation passes)."

4. Thereafter O.A. No. 692/2022 was taken up on 27.09.2022. Response was sought from the PP, Geology & Mining Department, Uttarakhand as well as Garhwal Mandal Vikas Nigam and the matter was directed to be put up along with O.A. No. 442/2022. The applicant was required to serve the PP and file affidavit of service. Accordingly, the applicant filed affidavit of service. The grievance of the applicant was summed up as follows:-

"2. According to the applicant, **EC has been transferred by Garwahl Mandal Vikas Nigam without following the laid down procedure. MoU dated 01.02.2021 has been executed in favor of the PP without change of name of PP on the EC. Part of the mining area is in Himachal Pradesh where Uttarakhand Authority cannot grant permission for mining. Since mining is involved in a cluster, procedure for cluster EC is required to be followed which has not been done. EC dated 17.08.2016 has expired as more than five years have passed. Single EC has been granted for two mines which is not permissible. No joint DSR has been prepared for mining near inter-state boundary, as required.**"

**Factual report dated 31.10.2022 by joint Committee**

5. Report of the joint Committee was filed in O.A. No. 442/2022 on 31.10.2022. It mentions that lease was granted in favour of GMVN, Dehradun on 03.01.2017 for mining for five years and EC was granted on 07.12.2016. National Board for Wildlife (NBWL) also granted permission on 30.11.2018. State PCB granted consent to operate on 07.04.2022 for one year. Mining Department approved mining upto 600000 tonnes. In pursuance of order of the High Court

at Nainital dated 20.09.2021 in arbitration proceedings between GMVN and its sub lessee in A.O. No. 179/2021, quantity proposed to be excavated as per MoU entered into with the sub lessee, Mr. Mukesh Joshi, which was higher than the quantity permitted in the EC granted by the Central Government, was agreed to be reduced. GMVN has entered into another MoU with Vinod Negi of Village Mayali, District Rudraprayag, in respect of lot no. 21/3. The mining sites are in the river bed. Tehsildar has recovered compensation of about Rs. 1 crore for extra illegal mining.

**Stand of GMVN, the project proponent**

6. GMVN has filed reply in O.A. No. 442/2022 to the effect that mining is in the river bed of Yamuna for lot no. 21/3 which was allotted by Uttarakhand Government for which EC has been granted by MoEF&CC in favour of GMVN. GMVN has given permission for extracting minerals to Mukesh Joshi on the basis of the tender under a MoU which includes a condition of compliance of EC conditions. With regard to lot no. 21/1 (which is subject matter of OA 692/22) also EC has been granted. Common DSR has been prepared by the District Administration in respect of both the leases, as per requirement of Notification dated 15.01.2016.

7. **No reply has been filed by contractors Vinod Negi and Manoj Joshi nor they have entered appearance.** The joint Committee has visited the site and both the PPs are thus fully aware of the proceedings. Further, as per affidavit of service filed in OA No. 692/2022, the PPs have been duly served and affidavit of service filed by the applicant on 14.10.2022. Thus, principles of natural justice have been duly complied with.

**Objections of the Applicant to the report of the joint Committee**

8. The applicant has filed objections to the report of the joint Committee on 11.01.2023 to the effect that EC conditions are not being followed. EC is for State of Himachal Pradesh on the basis of which illegal mining is being done in Uttarakhand as confirmed by Google Image. This fact has not been mentioned by the joint Committee. Mining is also being done in lot no. 21/2 without EC. The applicant has annexed copy of the letter of MoEF&CC dated 28.02.2022 addressed to GMVN with regard to consideration of compliance of EC conditions, submitted by GMVN, in respect of lot no. 21/3. The letter mentions serious violation of EC condition by way of undertaking mining in excess of permitted quantity. The MoEF&CC has also sought copy of Wildlife Clearance, CTE/CTO, replenishment study, report of internal monitoring, report of health survey and other details.

**Consideration by the Tribunal**

9. We have heard learned Counsel for the applicant and those appearing for the GMVN, State and PCB and perused the available record with their assistance.

10. Questions for consideration are noted in earlier orders dated 19.7.2022 and 27.9.2022 reproduced in paras 3 and 4 above and have also emerged from the record during the hearing. It is validity of transfer of mining rights contractors Vinod Negi and Manoj Joshi respectively by MOU though EC is in favour of GMVN which could not be transferred without requisite permission in view of mandate of Para 11 of the EIA Notification dated 14.09.2006. Area is partly in Uttrakhand and partly in Himachal Pradesh but inter-state boundary and cluster procedure laid down in notification dated 15.1.2016 has not been followed. EC is by one State while mining is taking place in another State. In respect of lot No.21/2 there is no EC. Mining is in river bed contrary to sustainable mining norms. Notification dated 14.02.2022 issued by the MoEF&CC prohibits any industry, which includes mining in river floodplain. The same is reproduced below:-

“5. xxx .....xxx.....xxx

“Industries shall not be located within the river flood plain corresponding to one in 25 years flood, as certified by concerned District Magistrate/Executive Engineer from state water resource Deptt. or any other officer authorised by State Govt. for this purpose.”

11. In spite of opportunity given, GMVN has not been able to rebut the contentions of the applicant on facts nor dispute the legal position that without transfer of EC as per para 11 of EIA notification dated 14.9.2006, mining rights cannot be transferred as has been done which by itself is sufficient ground to stop mining being permitted to Manoj Joshi and Vinod Negi under MOU from GMVN. Further, mining in lot No.21/2 is without EC and in lot 21/3 EC is by HP while mining is in Uttrakhand while in 21/1, mining is by for Uttrakhand but it is also taking place in HP. No inter state border or cluster procedure is shown to have been followed in terms of Sustainable mining guidelines of MoEF&CC. Mining is in floodplain zone which is not permissible.

12. It is well known that there is huge degradation of environment on account of unregulated sand mining remains which is otherwise lucrative activity. It poses threat to bio-diversity, destroys riverine vegetation, causes erosion, pollutes water sources, badly affects riparian ecology, damages ecosystem of rivers, safety of bridges, weakens riverbeds, causes destruction of natural habitats of organisms living on the riverbeds, affects fish breeding and migration, spells disaster for the conservation of bird species, increases saline water in the rivers. It has direct impact on the physical habitat characteristics of the rivers such as bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Increase in demand of sand has placed immense pressure in the supply of sand resource and mining activities were

going on illegally as well as legally without requisite restrictions. Lack of proper planning and sand management disturbs marine ecosystem and upset the ability of natural marine processes to replenish the sand. The Hon'ble Supreme Court in *Deepak Kumar*, (2012) 4 SCC 629 noted need to permit only sustainable mining with strict regulatory measures including restoration of the area after closing of mines. It was noted that **in-stream mining lowers the stream bottom of rivers which may lead to bank erosion**. Depletion of sand in the stream bed causes deepening of rivers which may result in destruction of aquatic and riparian habitats. It has impact on stream's physical habitat characteristics.

13. In *State (NCT of Delhi) v. Sanjay*, (2014) 9 SCC 772, at page 790, it was observed :

**“32. The policy and object of the Mines and Minerals Act and Rules have a long history and are the result of an increasing awareness of the compelling need to restore the serious ecological imbalance and to stop the damages being caused to the nature. The Court cannot lose sight of the fact that *adverse and destructive environmental impact of sand mining has been discussed in the UNEP Global Environmental Alert Service Report. As per the contents of the Report, lack of proper scientific methodology for river sand mining has led to indiscriminate sand mining, while weak governance and corruption have led to widespread illegal mining. While referring to the proposition in India, it was stated that sand trading is a lucrative business, and there is evidence of illegal trading such as the case of the influential mafias in our country.***

**33. The mining of aggregates in rivers has led to severe damage to rivers, including pollution and changes in levels of pH. Removing sediment from rivers causes the river to cut its channel through the bed of the valley floor, or channel incision, both upstream and downstream of the extraction site. This leads to coarsening of bed material and lateral channel instability. It can change the riverbed itself. The removal of more than 12 million tonnes of sand a year from Vembanad Lake catchment in India has led to the lowering of the riverbed by 7 to 15 cm a year. Incision can also cause the alluvial aquifer to drain to a lower level, resulting in a loss of aquifer storage. It can also increase flood frequency and intensity by reducing flood regulation capacity. However, lowering the water table is most threatening to water supply exacerbating drought occurrence and severity as tributaries of major rivers dry up when sand mining reaches certain thresholds. Illegal sand mining also causes erosion. Damming and mining**

**have reduced sediment delivery from rivers to many coastal areas, leading to accelerated beach erosion.**

34. *The Report also dealt with the astonishing impact of sand mining on the economy. It states that tourism may be affected through beach erosion. Fishing, both traditional and commercial, can be affected through destruction of benthic fauna. Agriculture could be affected through loss of agricultural land from river erosion and the lowering of the water table. The insurance sector is affected through exacerbation of the impact of extreme events such as floods, droughts and storm surges through decreased protection of beach fronts. The erosion of coastal areas and beaches affects houses and infrastructure. A decrease in bed load or channel shortening can cause downstream erosion including bank erosion and the undercutting or undermining of engineering structures such as bridges, side protection walls and structures for water supply.*

35. *Sand is often removed from beaches to build hotels, roads and other tourism-related infrastructure. In some locations, continued construction is likely to lead to an unsustainable situation and destruction of the main natural attraction for visitors—beaches themselves. Mining from, within or near a riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, instream roughness of the bed, flow velocity, discharge capacity, sediment transportation capacity, turbidity, temperature, etc. Alteration or modification of the above attributes may cause hazardous impact on ecological equilibrium of riverine regime. This may also cause adverse impact on instream biota and riparian habitats. This disturbance may also cause changes in channel configuration and flow paths*

*.....Today, demand for sand and gravel continues to increase. Mining operators, instead of working in conjunction with cognizant resource agencies to ensure that sand mining is conducted in a responsible manner, are engaged in full-time profiteering. Excessive in-stream sand and gravel mining from riverbeds and like resources causes the degradation of rivers. In-stream mining lowers the stream bottom, which leads to bank erosion. Depletion of sand in the stream-bed and along coastal areas causes the deepening of rivers and estuaries and enlargement of river mouths and coastal inlets. It also leads to saline water intrusion from the nearby sea. The effect of mining is compounded by the effect of sea level rise. Any volume of sand exported from stream-beds and coastal areas is a loss to the system. Excessive in-stream sand mining is a threat to bridges, river banks and nearby structures. Sand mining also affects the adjoining groundwater system and the uses that local people*

*make of the river. Further, according to researches, in-stream sand mining results in the destruction of aquatic and riparian habitat through wholesale changes in the channel morphology. The ill effects include bed degradation, bed coarsening, lowered water tables near the stream-bed and channel instability. These physical impacts cause degradation of riparian and aquatic biota and may lead to the undermining of bridges and other structures. Continued extraction of sand from riverbeds may also cause the entire stream-bed to degrade to the depth of excavation.”*

14. *We find from the record that the project falls in Doon Valley Eco-Sensitive Area (as per para 2 of Minutes of 21<sup>st</sup> Meeting of EAC dated 26-28<sup>th</sup> October, 2020) where mining was prohibited by the Hon’ble Supreme Court vide judgment dated 30.8.1988 in Rural Litigation & Entitlement Kendra v. State of U.P & Ors., (1989 Supp 1 SCC 504. Further, as per EC dated 17.08.2016, para 5, the project lies in the Doon Valley Aasan Wetland Conservation Reserve. The EC letter dated 17.08.2016 further shows that the site of mining is within the Yamuna river bed.*

15. *In view of above, it is **safe to conclude that mining in lots 21/1, 21/2 and 21/3 is illegal. Transfer of mining rights by GMVN to Manoj Joshi and Vinod Negi are without transfer of EC, in violation of EIA notification dated 14.9.2006, issued under EP Act, 1986.***

16. *Accordingly, **we allow these applications and direct closing of mining in above areas forthwith. Joint Committee of CPCB, State PCB and District Magistrate, Dehradun may assess and recover compensation on polluter pays principle for illegal mining**, following due process which may be utilized for scientific closure of the mining activities as per Mine Closure Plan and other norms. We have noted that as per EC conditions for lot No. 21/ 1, 356 trucks per day with 10 tonnes of mined material (equal to 3560 tonnes per day) is allowed. Even if the value of mined material is taken at Rs. 1000 per ton, it will amount to Rs. 35 Lakhs per day for 3560 tonnes and roughly 100 crores per year. Data in respect of other lots has to be compiled. Actual figure may be worked out by the Committee. **Since contractors to whom mining rights have been transferred by GMVN have not appeared and may also be affected, irrespective of their independent rights to contest the proceedings, we give them liberty to move this Tribunal, if they are so aggrieved.***

*The applications are disposed of.*

*Copy of this order be forwarded to CPCB, State PCB and District Magistrate, Dehradun by e-mail for compliance.”*

29. Seeking review of judgment dated 30.01.2023, Review Application (hereinafter referred to as 'RA') No. 11/2023 in **OA 442/2022 (supra)** and 12/2023 in **OA 692/2022 (supra)** were filed by State of Uttarakhand and Director, Geology and Mining while RA 13/2023 in **OA 442/2022 (supra)** and 14/2023 in **OA 692/2022 (supra)** were filed by GMVN before Tribunal. These RAs 11 to 14 of 2023 were considered on 17.03.2023. Tribunal dismissed the said RAs finding no merit and the relevant extract of the order, as contained in paras 9 and 10, read as under:

*“9. In the review application, ground for review is that Environmental Clearance (EC) has already been granted in favour of GMVN, consent has been granted by State PCB and clearance has also been granted by NBWL. The project is to avoid flood by picking minor mineral from riverbed and also to generate revenue and employment.*

*10. We have considered the matter and find that the issue has also been considered by the Tribunal. The **transfer of mining rights in favour of Vinod Negi and Manoj Joshi by the GMVN has been found to be contrary to para 11 of EIA Notification dated 14.09.2006.** EC granted in favour of GMVN could not be transferred to any third party. It has been further found that **inter-boundary procedure laid down in Notification dated 15.01.2016 was not followed. EC could not be availed for two States. The mining in riverbed and flood plain was hit by Notification dated 14.02.2022 issued by the MoEF&CC.** The Tribunal also noted the observations in the judgments of the Hon'ble Supreme Court in *Deepak Kumar v. State of Haryana & Ors.* (2012) 4 SCC 629 and *State (NCT of Delhi) v. Sanjay* (2014) 9 SCC 772 against permissibility of in-stream mining which results in serious damage to the environment the bottom of the rivers.*

*In view of above, we do not find any merit in review applications, which are dismissed.”*

30. Aggrieved by the order and judgment dated 30.01.2023 and 17.03.2023, State of Uttarakhand and Director, Geology and Mining, Uttarakhand filed Diary no. 22038/2023 (later registered as C.A. No. 5041-5044 of 2023) in Supreme Court. Mukesh Joshi, the project proponent in **OA 692/2022 (supra)**, challenging Tribunal's order dated 30.01.2023, filed **Civil Appeal No. 4287/2023, Mukesh Joshi vs. State**

**of Uttarakhand & Ors.** in Supreme Court. The above Civil Appeals have been disposed of by Supreme Court vide order dated 07.08.2023 which reads as under:

**“CIVIL APPEAL NO. /2023(@ Diary No(s). 22038/2023)**

*Delay condoned.*

*The learned Senior Counsel appearing for the State pointed out that the State will take steps to transfer environmental clearance to the appellant in Civil Appeal No.4287 of 2023.*

*We, therefore, dispose of the appeal with liberty to take steps accordingly. Pending applications, if any, also stand disposed of.*

**CIVIL APPEAL NO. 4287/2023**

*Learned Senior Counsel appearing for the appellant seeks permission to withdraw the appeal as **he wants to avail the remedy reserved by the Tribunal in terms of paragraph 16 of the impugned judgment. To enable him to avail the remedy, the appeal is disposed of as withdrawn.***

*We make it clear as far as the issue of compensation is concerned, if an adverse order is passed by the Tribunal, the appellant can always challenge the same in accordance with law.*

*As and when Environmental Clearance is transferred in the name of the appellant, it will be open for the appellant to apply for modification of the impugned judgment.”*

**M.A. No. 121/2023 in OA No. 692/2022 filed vide e-mail dated 0612.2023 by Mukesh Joshi (MA applicant-I):**

31. Respondent 5 in OA i.e., Mukesh Joshi has preferred this MA seeking modification of judgment dated 30.01.2023.

32. The facts, stated in brief by MA applicant-I (Mukesh Joshi) are, that a Notification dated 01.02.1989 (annexure A-4 at page 50) was issued by MoEF under Section 3(2)(v) of Environment (Protection) Act, 1986 (hereinafter referred to as ‘**EP Act, 1986**’) read with Rule 5(3)(d) of Environment (Protection) Rules, 1986 (hereinafter referred to as ‘**EP Rules, 1986**’) restricting location of industries, mining operations and

other development activities in Doon Valley, State of Uttarakhand. Notification shows that Central Government imposed restrictions on the following activities in Doon Valley bounded on North by Mussoorie ridge, in North-East by Lesser Himalayan ranges, on the South-West by Shivalik ranges, River Ganga in South-East and River Yamuna in North-West except those activities which are permitted by Central Government after examining the environmental impacts:

- “(i) Location/ siting of industrial units--It has to be as per guidelines given in the annexure or guidelines as may be issued from time to time by the Ministry of Environment & Forests, Government of India.*
- (ii) Mining--Approval of the Union Ministry of Environment & Forests must be obtained before starting any mining activity.*
- (iii) Tourism--It should be as per Tourism Development Plan (TDP), to be prepared by the State Department of Tourism and duly approved by the Union Ministry of Environment & Forest.*
- (iv) Grazing--As per the plan to be prepared by the State Government and duly approved by the Union Ministry of Environment & Forests.*
- (v) Land Use--As per Master Plan of development and Land Use Plan of the entire area, to be prepared by the State Government and approved by the Union Ministry of Environment & Forests.”*

33. Uttarakhand Government framed Uttarakhand Minor Mineral Concession Rule 2001 in exercise of powers under Section 15(1) of Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as ‘**MMDR Act, 1957**’). The aforesaid Notification dated 01.02.1989 was amended by MoEF vide Notification dated 06.01.2020 and for clauses (i), (ii), (iii), (iv) and (v) and annexure, the following were substituted:

- “(i) **Location/siting of industrial units** – It has to be as per modified directions issued by the Central Pollution Control Board (CPCB) vide letter No. B-29012/ESS(CPA)/2015-16, dated the 7<sup>th</sup> March, 2016 under section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 regarding harmonization of classification*

*of industrial sectors under red/orange/green/white categories and as may be amended from time to time by the CPCB and the Ministry of Environment, Forest and Climate Change.*

- (ii) **Mining** – Approval of the Union Ministry of Environment, Forest and Climate Change must be obtained before starting any mining activity.
- (iii) **Tourism** – It should as per Tourism Development Plan (TDP), to be prepared by the State Department of Tourism and duly approved by the Union Ministry of Environment, Forest and Climate Change.
- (iv) **Grazing** – As per the plan to be prepared by the State Government and duly approved by the Union Ministry of Environment, Forest and Climate Change.
- (v) **Land Use** – As per Master Plan of development and Land Use Plan of the entire area, to be prepared by the State Government and approved by the Union Ministry of Environment, Forest and Climate Change.

**Note:**

- (a) **Red categories of industries shall not be permitted in Doon Valley;**
- (b) *The total number of fuel burning industries that shall be permitted in the Doon Valley shall be limited by 8 tonnes per day of Sulphur Dioxide from all sources. (This corresponds to 400 tonnes per day Coal with 1 % Sulphur);*
- (c) *Siting of Industrial areas shall be based on the prescribed criterion and with prior approval of Competent Authority;*
- (d) *Existing orange categories industries, which are now in the red categories of industries shall be continued, however, no expansion shall be allowed.”*

34. State of Uttarakhand formulated Minor Mineral Policy, 2001 which was amended vide policy dated 17.10.2002 and the following decisions were taken therein:

- “2.1 *In order to eradicate the possibilities of monopoly in the mining sites covered with minor minerals and to ensure that the work of mining/picking is carried out in a scientific manner while keeping the environment safe, this work will be done by government corporations only like last year.*

- 2.2 *As far as possible, river-wise mining/picking leases will be granted to government corporations so that better coordination and control can be ensured in this work. For this, mining/picking of minor minerals will be done by Garhwal Mandal Vikas Nigam in all areas of Dehradun district and by Uttaranchal Forest Development Corporation in all areas of Gola river. But due to the abundance of minor mineral dominated area in district Haridwar, mining/picking of minor minerals in forest areas will be done by Uttaranchal Forest Development Corporation and mining in revenue areas by Garhwal Mandal Vikas Nigam.*
- 2.3 *Under the Mineral Policy 2001, arrangements will be made for mining/picking in some of the left out places from the category of plain areas - such as Tanakpur (Sharda), Ramnagar, Kotdwar, Satpuli and Srinagar (Alaknanda) through appropriate corporation. The concerned District Magistrate will immediately make the proposal available to the Government after consultation with the officers of Forest Development Corporation/Garhwal Mandal Vikas Nigam/Kumaon Mandal Vikas Nigam regarding these rivers/areas and other such left out rivers/areas, if any.*
- 2.4 *In respect of small lots of various rivers of hilly and plain areas, where mining/picking of minor minerals was being done/could be done, but this work is not possible due to non-grant of permission/clearance under the Forest Conservation Act 1980, district-wise overall proposal shall be prepared by the concerned corporations or Uttaranchal State Cooperative Marketing Federation and sent to the Government of India for permission/clearance through the District Magistrate. In this way, after obtaining permission/clearance from the Government of India under the Forest Conservation Act, 1980, the work of picking of minor mineral in the **said areas will be done by the Government Corporation/Uttaranchal State Cooperative Marketing Federation itself**. If due to any circumstances the above mentioned institutions are unable to carry out the said work themselves, then alternative arrangements will be made to get this work done from the local persons/institution under the supervision of the above mentioned institutions with the permission of the government.*
- 2.5 *In addition to the above paragraphs 2.2 and 2.3, **it will be mandatory to obtain the permission of the government before the lease/short-term mining license for mining/picking of minor mineral is approved/granted from the district level on private land or under any other circumstances.***

- 2.6 *In order to prevent the misuse of minor minerals and loss of revenue, the quantity of minor minerals coming in the stone crushers and the items produced by the crushers should be checked/monitored from time to time and effective supervision on the extraction of minor minerals from the stone crushers should also be ensured by the District Magistrate.*
- 2.7 ***The following decisions have been taken regarding the establishment/setting up of stone crushers in Uttarakhand:***
1. *Stone crusher should be at least 500 meters away from school-college, hospital, temple, canal.*
  2. *To be pollution free, no objection certificate has to be taken from the Pollution Control Board.*
  3. *A no-objection certificate will have to be obtained from the Revenue Department to the effect that the proposed stone crusher is at least 500 meters away from the river bank, reserved forest area and main road (National Highway and State Highway) and the distance between two stone crushers Must be at least 500 meters.*
- 2.8 *The royalty rate of RBM (Dara) will be equal to the royalty rate of minor mineral i.e. Bajri found in the mix carrying highest royalty.*
- 2.9 *Necessary action should be taken to ensure regular payment of desired wages to the workers engaged in mining/picking and loading of minor minerals in the corporation areas. In this connection, effective control over illegal mining and extraction from the picking areas should also be ensured.*
- 2.10.1 *For the purpose of providing construction materials for government projects/works at a reasonable price, the lease of minor minerals at the identified sites (except Haldwani and Ramnagar tehsils of district Dehradun, Udham Singh Nagar, Haridwar and district Nainital) will be granted by the District Magistrate on the application submitted by the construction department.*
- 2.10.2 *Where such arrangement is not available/possible due to any reason, the construction material will be made available by the concerned corporation to the authorized person of the executing agency at the prices fixed by the corporation on the basis of a certificate of the Executive Engineer of the concerned construction organization, so that the government construction organizations can get the construction material as per their minimum requirement and it can be available to them from*

*minimum distance at reasonable price. This system/arrangement will also be applicable for Pradhan Mantri Gramin Sadak Yojana.*

*2.10.3 With regard to the requirement of construction material in the works of above government importance, the concerned Divisional Commissioners will continuously review the supply system and resolve the difficulties arising from time to time at their own level. The case will be referred to the government as per requirement.”*

35. EIA 2006 vide clause 2 read with Schedule item (1) made the requirement of prior EC mandatory before any construction work or preparation of land by the project management except for securing the land is started on the project or activity.

36. GMVN sought permission from State of Uttarakhand to commence minor mineral mining in certain areas. Vide OM dated 23.01.2013, a Letter of Intent was issued by Department of Geology and Mining, Uttarakhand for picking of minor minerals in revenue river minor mineral mining lots of States for a period of 05 years after they apply for the same in the prescribed form MM-1 under Uttarakhand Minor Mineral (Concession) Rules, 2001. The lots relating to River Yamuna in District Dehradun at serial no. 65 to 70 as under:

| S. No.              | Name of River | Lot No. | Area (ha) |
|---------------------|---------------|---------|-----------|
| xxx.....xxx.....xxx |               |         |           |
| 65.                 | Yamuna River  | 21/1    | 123.190   |
| 66.                 |               | 21/2    | 27.551    |
| 67.                 |               | 21/3    | 10.360    |
| 68.                 |               | 23/1    | 30.035    |
| 69.                 |               | 23/2    | 31.203    |
| 70.                 |               | 23/3    | 14.970    |

37. GMVN submitted Mining Plan for mining of mineral from lot no. 21/1, khasra no. 396mi, 388mi, 389mi, 1mi, 3mi, total area 123.1900 hectares revenue land of Yamuna River flowing in village Dakpathar, Nawabgarh, Bhimawala, and Mandi Gangbhewa, Tehsil Vikas Nagar,

District Dehradun and the same was approved by Director, Geology and Mining Department, Dehradun vide letter dated 03.03.2015 subject to the following conditions:

- “1. *The mining plan is being approved **for a period of 5 years from the date of execution of the mining lease deed.***
2. *The **lessee will obtain environmental clearance from the Ministry of Environment and Environment, Government of India in respect of the area in question and will comply with all the conditions of the environmental clearance.***
3. *As per Rule 17 of the Minor Mineral (Concession) Rules 2001, the demarcation by boundary pillarization of the approved area will be jointly done by the Geology and Mining Department and the Revenue Department and as per Rule 14, the lessee will be required to execute the lease deed and register the same and after this, mining/picking of minor minerals will be started from the mining area.*
4. *According to the proposed mining plan, mining by blasting, without manual mining, of 800,000 tonnes from RL 421 meter to RL 426 meter in the first year, 800,000 tonnes from RL 421 meter to RL 426 meter in the second year; 800,000 tonnes from RL 421 meter to RL 426 meter in the third year; 800,000 tonnes from RL 421 meter to RL 426 meter in the fourth year and 800,000 tonnes from RL 421 meter to RL 426 meter in the fifth year will be carried out.*
5. *This mining plan is approved subject to any other Act applicable to the mine or area or promulgated from time to time by the State Government or the Central Government or any other competent authority.*
6. *This Mining Plan will be governed by the Forest (Conservation) Act 1980, Forest Conservation Rules 1981 and other relevant Acts and Rules, Orders and Guidelines issued from time to time on this Mining Lease.*
7. *The approved mining plan does not impede the implementation of the orders and guidelines of the Honorable Court in any affected area.*
8. *After inspection of the mining work done within the approved period, if orders are issued for amendment in the mining plan, then it will be the full responsibility of the lease holder to submit the revised mining plan.*

9. *It will be the responsibility of the lessee to provide protective equipment to the bonded/employed workers and take all necessary precautions to carry out safe mining work.*
10. *It will also be the responsibility of the lease holder to submit one certified copy of the approved mining plan to the concerned District Magistrate's office and the regional office of the Directorate for records as soon as possible.*
11. *If the lessee does not carry out the mining work as per the approved mining plan, it will be considered a violation of the lease condition and action will be taken against the lessee.*
12. *The mining plan is being approved with the condition that the lessee will make proper arrangements for the safety and health of the workers.”*

38. EIA 2006 was amended by MoEF&CC vide Notification dated 15.01.2016 dealing with the cases where the cluster is formed when distance between the peripheries of one lease is less than 500 meters from other lease but in the present case, there was no cluster. For mining of minerals in lot no. 21/1, MoEF&CC granted EC dated 17.08.2016 with the production capacity of 8 lakhs tonnes per annum (ROM) of sand, bajri and boulders in the mined lease area of 123.19 hectares located at village Dakpathar, Nawabgarh, Mandi Gangbhewa and Bhimawala, Tehsil Vikas Nagar, District Dehradun, State of Uttarakhand. EC was issued to GMVN. EC has certain specific and special conditions which we may refer while discussing the matter on merits, if so required.

39. State of Uttarakhand vide Office Memorandum dated 30.09.2016 issued Uttarakhand Minor Mineral (Sand, Gravel and Boulder) Picking Policy, 2016 (hereinafter referred to as '**UK Minor Mineral Picking Policy 2016**'). The term '**picking**' is defined in clause 2(j) and it reads as under:

*“2. Definitions.  
In this policy, unless the context otherwise requires.—  
xxx.....xxx.....xxx*

- (j) **“Picking”** means the extraction of deposited minor minerals (sand, gravel, boulders) by the river to concentrate the water flow of the river in the middle of the river.”

40. We find from record that in para 8A, it is provided that lease for picking of minor minerals, sand, gravel and boulder in revenue river minor areas of State in Garhwal region shall be sanctioned/granted to GMVN in Kumaon Mandal Vikas Nigam and to Uttarakhand Forest Development Corporation in the minor mineral areas of the river bed flowing in the forest areas by the Government on the recommendations of Director, Geology and Minin. It is useful to reproduce para 8A as under:

**“8. Process of picking by corporations in revenue river minor mineral areas:**

- A. *The lease for the picking of minor minerals sand, gravel and boulder in the Revenue River Minor areas of the State will be **sanctioned/granted to Garhwal Mandal Vikas Nigam in the Garhwal Region, to Kumaon Mandal Vikas Nigam in the Kumaon Region and to Uttarakhand Forest Development Corporation in the minor mineral areas of the riverbed flowing in the forest areas by the Government on the recommendation of the Director of Geology and Mining for a period of 5 years after applying in prescribed Form MM1 along with prescribed application fee as per Uttarakhand Minor Mineral Rules 2001 and after obtaining environment clearance and other desired permissions under EIA Notification 2006.***

41. National Board of Wildlife conveyed its permission vide letter dated 30.11.2018 wherein standing Committee recommended the project subject to the following conditions:

- (a) *The project proponent will comply with all the conditions imposed by the State Chief Wildlife Warden.*
- (b) *The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wildlife Warden and an annual compliance certificate shall be submitted by the State Chief Wildlife Warden to GoI.”*

42. MoEF&CC vide Notification dated 06.01.2020 amended the Notification dated 01.02.1989 imposing restrictions on location of industries, mining operations and other developmental activities in Doon Valley and with regard to mining, the amended provisions says that approval of MoEF&CC must be obtained before starting any mining activity.

43. GMVN in order to facilitate picking of minor mineral entered into the Memorandum of Understanding with Private Agencies and Contractors. It was a usual practise followed by all Statutory Nigams including GMVN in State of Uttarakhand in the light of UK Minor Mineral Picking Policy 2016. Under the said arrangement, the private contractors worked as agents of Nigam and do not become project proponent but operate under the directions of Nigam. For allotment of the work of picking of minor mineral in the lot no. 21/1, GMVN carried out auction wherein M.A. applicant-I, Mukesh Joshi, was highest bidder. Consequently, Memorandum of Understanding was executed between GMVN and M.A. applicant-I Mukesh Joshi, on 01.02.2021 (annexure A-18 at page 343). MoEF&CC said that it is valid till 04.02.2024 but if the Government approves, the period will be extended till 2025. MoEF&CC further provided certain conditions including those mentioned in para 24, 25 and 26 which are reproduced as under:

*“24. That in river beds/picking lots, the picking work will be done after leaving 15% of the width of the river from public establishments, rail/motor bridges, agricultural land and public ghats as per norms or leaving the distance on both sides as per the instructions given in the environment clearance and the picking of minor minerals will have to be done uniformly up to one and a half meter depth or underground water level, whichever is earlier. The land will not be used for any other use other than picking of minor minerals.*

*25. That the second party will have to do the picking work leaving the upstream and downstream area from the river/bridge for*

*safety point of view as per rules and the picking will have to be done as per the working plan approved by the Mineral Department, Uttarakhand.*

26. *That the picking of minor mineral will be done by the second party within the demarcated area and before starting the mining operations, firm boundary pillars will have to be set up by second party at his own expense, on which clear and readable coordinates will be displayed/marked. Before carrying out the picking work by the second party, the satisfaction letter related to the existing routes, quantity of minor mineral and demarcated area in the mining site will have to be submitted to the Corporation office.”*

44. UKPCB issued a Consolidated CTO dated 05.07.2021 (annexure A-19 at page 384) in the name of GMVN under Section 25 of Water Act, 1974, Section 21 of Air Act, 1981 and Rule 6(2) of Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 (hereinafter referred to as '**HoW Rules, 2016**') in respect of mining in lot no. 21/1, River Yamuna, Tehsil-Vikas Nagar for a period valid up to 31.03.2022. Since certain part of the lease area was claimed by State of Himachal Pradesh being part of that State, anticipating obstruction in the mining activities, MA applicant-I filed *Arbitration Case No.44/2021* but his application under Section 9 of Arbitration and Conciliation Act, 1996 was rejected by Additional District Judge (Commercial Court) Dehradun vide order dated 18.08.2021 and whereagainst Appeal i.e., AO No. 180/2021 was filed in Nainital High Court. MA applicant-I also pointed out that though under the Memorandum of Understanding, he was allowed to excavate 160000 tonnes of minor mineral per month i.e., 1920000 per annum but under EC, total permitted quantity was 8 lakhs tonnes per annum, hence it was not possible to MA applicant-I to excavate quantity of minor mineral as permitted under Memorandum of Understanding. High Court in its order dated 20.09.2021 (annexure A-21 at page 387) observed that since there is a boundary dispute between States of Himachal Pradesh and Uttarakhand, let such dispute be

resolved by State of Uttarakhand with State of Himachal Pradesh with the help of concerned District Magistrates of both the districts. State of Uttarakhand vide Office Memorandum dated 07.01.2022 (annexure A-21 at page 391) declared an area of 15 meters from the middle of river as buffer zone and accordingly reduced mined lease area from 123.19 hectares to 114.79 hectares and the total annual quantity of minor mineral was also reduced to 746601.62 tonnes.

45. MoEF&CC issued an Office Memorandum dated 14.02.2022 (annexure A-22 at page 411) laying down guidelines for industries which are in close proximity with river and in para 5 thereof provides the following criteria for siting of industries in close proximity of river:

*“Industries shall not be located within the river flood plain corresponding to one in 25 years flood, as certified by concerned District Magistrate/Executive Engineer from state water resource Deptt. or any other officer authorised by State Govt. for this purpose.”*

46. The above criteria was subject to the following conditions vide para 6 of the Office Memorandum:

*“6. This above criterion is subjected to following conditions:*

- i. The activities undertaken under Namami Gange Programme like construction/development/renovation of STPs, CETPs, RFDs, bathing ghats, crematoria, toilets etc. for pollution abatement of river Ganga and its tributaries are not prohibited. Further, any “developmental project” taken by MoJS under the said program are also exempted from these guidelines.*
- ii. River Ganga (Rejuvenation, Protection and Management) Authorities Order notified vide Notification no. S.O. 3187(E) dated 07.10.2016 which defines the floodplain as such area of river Ganga and its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with water on either side of it due to floods corresponding to its greatest frown or with a flood or frequency once in hundred years, will prevail over any other guideline.*
- iii. Further, in respect of regulatory activities in floodplain of the river Ganga and its tributaries, prior approval of National*

*Mission on Clean Ganga (NMCG) is required to be taken by the concerned authorities/ departments/agencies /persons.*

- iv. As per the draft Flood Plain Zoning Bill, 2020 prepared by Central Water Commission (CWC), a Flood Plain Zoning Authority shall, on the basis of the remote sensing/modeling results/ground survey, establish flood plain zones of different frequencies. After its creation, guidelines/decisions/orders of Flood Plain Zoning Authority will prevail over above guidelines.*
- v. Any other directions/judgments of Courts/Tribunals with regard to siting of Industries in the proximity of rivers and/or demarcation of flood plain.”*

47. In **OA 692/2022** filed against MA applicant-I though he was impleaded as party but never served. The prayer made in OA was to declare mining at lot no. 21/1 illegal and hence MA applicant-I was bound to suffer if any adverse order is passed yet notice was not served upon him. Applicant Junaid Ayubi is a business rival but has not disclosed his credential and Tribunal also did not verify his credential. Tribunal set up a Joint Committee vide order dated 19.07.2022 in another **OA 442/2022** which was in respect of lot no. 21/3 with which MA applicant-I had no concern. Joint Committee submitted its report in respect of lot no. 21/3 only and this is evident from the record. The site of lot no. 21/1 was never inspected by the Joint Committee. Moreover, even site of lot no. 21/3 was inspected on 26.08.2022 i.e., during monsoon season when there was no mining and pillars etc. were washed away due to heavy flooding. GMVN in **OA 442/2022** filed its reply dated 25.01.2023. Tribunal passed judgment dated 30.01.2023 directing closure of mining operations with further direction to Joint Committee to assess and recover compensation from MA applicant-I to the tune of approximately Rs. 100 Crores. Order of Tribunal is clearly not speaking, founded on incorrect facts; mining lots are not located in Flood Plain Zone as wrongly observed by Tribunal in the judgment; no mechanical mining

has been conducted; and MA applicant has been able to mine much less mineral i.e., around 10 to 15% of the total permitted quantity.

48. In view of the above, MA applicant-I being aggrieved by the order dated 30.01.2023 challenged the same in Supreme Court in **Civil Appeal No. 4287 of 2023 (supra)** wherein by order dated 07.08.2023, Supreme Court granted liberty to MA applicant to approach Tribunal.

49. State of Uttarakhand also preferred **Civil Appeal (Diary No. 22038 of 2023)** which was disposed of after recording the statement of Counsel for the State that it will take steps to transfer EC to the applicant in **Civil Appeal No. 4287 of 2023 (supra)**.

50. Pursuant to the above liberty granted by Supreme Court, SEIAA UK vide minutes of meeting dated 21.10.2023 has permitted transfer of EC to MA applicant Mukesh Joshi.

51. MA applicant has prayed that the order of Tribunal needs to be modified for the reason that EC has been transferred in favour of MA applicant-I by SEIAA UK vide order dated 30.10.2023 and had the opportunity been granted to MA applicant-I, he could have shown that the actual extraction of minor mineral was much less, hence computation of environmental compensation of Rs. 100 Cores could not have been made. Further, grounds taken by MA applicant-I seeking modification of the judgment dated 30.01.2023, in brief, are as under:

- (i) **No notice was given to MA applicant-I**, hence there is violation of principle of natural justice;
- (ii) Joint Committee appointed for inspection of lot no. 21/3, **never inspected the mining site of MA applicant-I**, hence the said Report was not relevant in respect of MA applicant-I and the **findings relating to lot no. 21/3 could not have been extended**

- to lot no. 21/1 and had any opportunity been granted to MA applicant-I, these facts could not have been pointed out;
- (iii) UK Minor Mineral Picking Policy 2016 permitted the Nigam to allow mining activities to the Contractors and in that view of the matter GMVN continued to be project proponent hence there was no reason for transfer of EC to MA applicant-I and in any case, **EC has now been transferred in the name of MA applicant-I by SEIAA UK vide order dated 30.10.2023;**
- (iv) The **legal relationships between GMVN and MA applicant-I being of principal agent have not been properly appreciated by Tribunal;**
- (v) **No mining was carried out in State of Himachal Pradesh** and for resolving the dispute, **buffer zone was declared vide Office Memorandum dated 07.01.2022** and in this regard, dispute was raised before in High Court but High Court's order dated 20.09.2021 passed in AO 180/2021 has not been considered by Tribunal;
- (vi) The observations of Tribunal that **80% mining is being done in State of Himachal Pradesh is speculative, based on no material;**
- (vii) Since EC was granted by MoEF&CC, requirement of approval of MoEF&CC for mining activities in Doon Valley as provided vide Notification dated 01.02.1989 amended by notification dated 06.01.2020 stands complied with and this has not been properly examined by Tribunal;
- (viii) There is **no cluster involved** in the present case and Tribunal has **factually erred in holding that closure procedure has not been followed** since lot no. 21/3 is at a substantial distance from lot no. 21/1 particularly when no mining was going on in lot no. 21/2.

- (ix) **MoEF&CC Notification dated 14.02.2022 relates to industries and not applicable to river bed mining;**
- (x) The observations with regard to excessive mining beyond permitted capacity by MA applicant-I are also incorrect;
- (xi) Even **reply submitted by GMVN has not been examined** and appreciated by Tribunal;
- (xii) The **order of closure of mining operation is only disproportionate** to the alleged violations mentioned in Tribunal's order;
- (xiii) **Directions for assessment and recovery of environmental compensation is without any basis**, without apportionment of liability hence arbitrary; and
- (xiv) MA Applicant-I due to pending dispute with GMVN could not carry out mining activities to the extent of permitted quantity hence could not have been saddled with the liability of damages of Rs. 100 Crores on speculative basis.

**M.A. No. 31/2024 in OA 442/2022 dated 15.02.2024 filed by Vinod Negi (MA applicant-II):**

52. MA applicant-II, Vinod Negi, by the above mentioned MA has prayed for modification of the judgment dated 30.01.2023 passed in OA 442/2022 and a further direction to Joint Committee not to take any action against MA applicant-II and by refraining from imposing any penalty since no violation has been committed by MA applicant-II. The case set up by MA applicant-II is that he is only an agent of Garhwal Mandal Vikas Nigam Ltd. providing man power to it for extraction of mineral and this is in consonance with the UK Minor Mineral Picking Policy 2016. Joint Committee carried out inspection of lot no. 21/3 without any notice to MA applicant-II; no service of notice was affected upon the MA applicant-II; the entire proceedings culminating in the

judgments dated 30.01.2023 are in violation of the principle of natural justice; no compensation is payable by MA applicant-II since mining activities has been carried out in accordance with law and Mineral Policy of State of Uttarakhand. EC has been transferred in favour of MA applicant-II by SEIAA UK vide minutes of meeting dated 31.10.2023 (annexure A-2 at page 70) and the relevant para 8(1) thereof reads as under:

**“8) Transfer of the title of Environmental Clearance**

1. *Regarding the transfer of the title of Environmental Clearance from M/s GMVN to Shri Vinod Negi s/o Shri N. S. Negi for extraction of Mining of Mineral Sand Bajri and Boulder (Minor Mineral) from River Yamuna Lot No.21/3, with production capacity of 6,00,000 TPA (ROM), MLA-68.364 Ha. Village-Dhakrani & Gangbhewa, Tehsil- Vikasnagar, District-Dehradun (Area-68.364 Ha).*

*The authority examined the above proposal and as per the provision of EIA Notification, 2006 under Section 11, transferability of Environmental Clearance is permitted. The Authority taking due consideration of request has permitted transfer of Environmental Clearance from M/s GMVN to Shri Vinod Negi s/o Shri N. S. Negi for extraction, of Mining of Mineral Sand Bajri and Boulder. The validity of Environmental Clearance upto 30-06-2025.”*

53. For mining of mineral at lot no. 21/3, Letter of Intent was issued by Director, Geology and Mining, Dehradun to GMVN vide order dated 18.04.2013 for a period of 05 years. The Mining Plan was approved by Director, Geology and Mining vide letter dated 03.03.2015; EC was granted for lot no. 21/3 by MoEF&CC in favour of GMVN on 07.09.2016 (annexure A-3 at page 74) permitting mining of 6 lakhs tonnes per annum of minor mineral in the mining lease area of 68.364 hectares located at villages Dhakrani and Gangbhewa, Tehsil Vikas Nagar, District Dehradun. National Board of Wildlife also granted permission vide letter dated 30.11.2018. Contractors engaged by GMVN for carrying out mining activities are not individual project proponents but only agents of GMVN

hence there was no requirement of transfer of mining lease in favour of the Contractors including MA applicant-II. E-tender notice was issued by GMVN on 24.08.2020 for river bed mining for a period of 5 years in respect of lot no. 21/3 wherein MA applicant-II was the highest bidder hence Memorandum of Understanding was executed between GMVN and MA applicant-II on 01.02.2021 in respect of lot no. 21/3. As per the conditions of Memorandum of Understanding, MA applicant-II was required to comply with the conditions of EC. UKPCB issued a Provisional Certificate on 31.03.2021 to GMVN and thereafter, a Consolidated CTO on 05.07.2021 in the name of GMVN. MoEF&CC notification dated 14.02.2022 is not applicable to the river bed mining but relates to only industries in proximity to river. In **OA 442/2022**, MA applicant-II was party but no notice was ever served upon him though there was a prayer for declaration that mining at lot no. 21/3 was illegal and it was likely to affect the MA applicant-II adversely. Applicant Junaid Ayubi is a business rival and never disclosed his credential to Tribunal nor Tribunal did verify his credentials. Tribunal by order dated 19.07.2022 constituted Joint Committee and took remedial steps following due process of law but the said directions were in violation of principle of natural justice. Judgment of Tribunal has incorrectly recorded that Joint Committee visited the sites of lot no. 21/1, 21/2 and 21/3 though Report of Joint Committee shows that they visited only lot no. 21/3 and that too, during monsoon season without giving any notice of such inspection to MA applicant-II. At the time, inspection was conducted on 26.08.2022, due to monsoon season, no mining was being carried out and pillars were washed away due to heavy flooding. GMVN filed its reply dated 25.01.2023 in OA 442/2022 but that has also not been considered and appreciated by Tribunal in judgment dated 30.01.2023. MA applicant-II

has pointed out following erroneous findings in the judgment dated 30.01.2023:

**“6. Erroneous Findings of the Tribunal/Directions**

*It is admitted position as per Para 7 of the impugned judgment, indicates that the affidavit of service was filed only in respect to the Project Proponent. As a matter of fact, the Applicant was never served. There is gross violation of Principal of Natural Justice. The ex-parte incorrect findings of fact recorded in the Order dated 30.01.2023 are as follows:*

- i. Mining rights could not be transferred to Applicant, without transfer of Environmental Clearance.*
- ii. Area is partly in Uttarakhand and partly in Himachal but interstate boundary and cluster procedure has not been followed. Mining is partly being carried out in Himachal Pradesh.*
- iii. Mining is in river bed flood plain contrary to Notification dated 14.02.2022.*
- iv. There is no environmental clearance for Mining Lot 21/2.*
- v. A sum of Rupees One Crore was recovered by the Tehsildar for illegal mining.*
- vi. Project falls in Doon Valley Eco-Sensitive area, where mining is prohibited as per Rural Litigation & Entitlement Kendra v. State of UP (1989) Supp 1 SCC 504. Therefore, mining was illegal.*
- vii. Cluster procedure prescribed in OM dated 15.01.2016 is not followed.*
- viii. The Tribunal further directed that the mining operations be closed and compensation be recovered. Solely on conjectures and surmises, the Tribunal speculated that the value of minerals mined by the Appellant herein would be Rs.100 Crores per year.”*

54. MA applicant-II has given its grounds for seeking modification of the judgment in para 7 of the MA which are similar to the grounds taken by MA applicant-I in MA 121/2023 hence we are not repeating the same.

**Reply dated 21.10.2024 of applicant Junaid Ayubi:**

55. Junaid Ayubi, the applicant has filed its reply dated 21.10.2024 to MA No. 121/2023 in OA 692/2022 stating that after judgment dated

30.01.2023 even RA was dismissed on 17.03.2023. At the outset, it is said that MA applicants are seeking only modification of the judgment dated 30.01.2023 so as to permit mining activities to be carried out by MA applicant but both have rendered infructuous since leases in question have already expired on 14.02.2024 in as much as original leases were granted in 2019 for a period of 5 years and the said period has expired. Further, there is no valid transfer of EC to the sub-contractors of GMVN in as much as ECs were granted by MoEF&CC while transfer has been permitted by SEIAA UK which is not competent for such transfer. There is no valid DSR in operation and river bed mining cannot commence in absence thereof. The impact of cluster mining leases has not been considered though mandated vide MoEF&CC notification dated 15.01.2016 whereby EIA 2006 was amended. River bed mining is prohibited in Doon Valley and no replenishment study is being conducted.

**SEIAA UK replies dated 22.02.2025:**

56. SEIAA UK has filed two separate short counter affidavits dated 22.02.2025 in MA 121/2023 and 31/2024 stating that it has allowed transfer of EC in favour of Mukesh Joshi, MA applicant-I and Vinod Negi, MA applicant-II respectively under Section 11 of EIA 2006 vide order dated 22.11.2023.

**Additional Reply dated 01.05.2024 of Chief Secretary, UK:**

57. An additional reply dated 01.05.2024 has been filed vide e-mail dated 26.07.2024 by respondent 1 i.e., Chief Secretary, State of Uttarakhand stating that the Notification dated 01.02.1989 in respect to restrictions imposed in Doon Valley area, there was no restriction or prohibition on establishment and operation of stone crushers in Doon Valley. In pursuant to the provisions contained in EIA 2006, GMVN

applied for grant of EC in respect of lot non. 21/1 which was issued on 17.08.2016 and in respect of lot no. 21/3 which was also issued on 07.09.2016. Mining leases were granted in favour of GMVN by State Government's letter dated 05.02.2019 and 03.01.2019 with the specific conditions that the licensee will adhere to the conditions imposed by EC. EC has been allowed to be transferred in favour of Mukesh Joshi and Vinod Negi by SEIAA UK vide orders dated 22.11.2023. It is also said that in the light of the judgment dated 30.01.2023, UKPCB has found GMVN responsible for payment of environmental compensation and has required it to pay Rs.96,49,35,523/- as environmental compensation and deposit the same with District Magistrate, Dehradun which fund shall be utilised for scientific closure of mining activities as per Mining Plan and as per the directions of Tribunal.

**ARGUMENTS:**

58. Learned Senior Counsel appearing for MA applicant-I, Mukesh Joshi in *MA 121/2023* and Learned Counsel appearing for MA applicant-II, Vinod Negi in *MA 31/2024* at the commencement of the arguments referred to their respective MAs and clearly stated that they are not seeking setting aside or recall of the judgment dated 30.01.2023 but only want the same to be modified to the extent that mining operations may be allowed to be resumed by both the MA applicants. The grounds taken in MA as referred hereinabove are reiterated.

59. Applicant however has opposed both the MAs stating that neither in law mining can be allowed to be continued by both MA applicants nor even otherwise there is any occasion to permit such mining where the mining leases have already expired.

**CONSIDERATION OF MAs ON MERITS:**

60. We have heard the Learned Counsels for the parties and perused record.

61. Ordinarily when an order of Tribunal deciding a matter is sought to be recalled/reviewed on the ground that the person against whom the judgment/order of Tribunal is adverse, has not been issued notices or served notices and the order has been passed in violation of principle of natural justice against such person, Tribunal normally recall or review such order since violation of principle of natural justice in passing an adverse order against the person renders the order to be erroneous on the face of record justifying its recall/review.

62. In the present case, both MA applicants on the one hand have stated that though directions against them stopping mining operations have been given without giving them opportunity of hearing and without service of notice upon them but they have not requested for review/recall of the judgment dated 30.01.2023 and, when questioned, Learned Counsels for MA applicants specifically stated that they are seeking only modification of the judgment dated 30.01.2023 and for that reason, have not filed any Review Application but preferred Miscellaneous Application with a request for modification of the judgment to the extent that mining operations be allowed to be resumed by MA applicants and no responsibility towards environmental compensation be saddled upon them.

63. In these circumstances, we have to examine, in both the MAs, whether MA applicants can be permitted, validly, to resume mining operations at this stage and whether it can be said that the MA applicants, in law, are entitled to continue mining operations in respect

of the respective Memorandum of Understanding executed with them by GMVN pursuant to the leases, executed by State Government vide letters dated 05.02.2019 and 03.01.2019 in favour of GMVN. In the light of the arguments advanced by the Learned Counsels for the parties, the above question needs to be examined in the light of the following collateral issues:

- (I) Whether MA applicants can be said to be independent project proponents being only agents and sub-contractors of GMVN having no independent lease rights but acting as agents carrying out the work of GMVN?
- (II) Whether ECs granted in favour of GMVN in respect of leases in question were required to be transferred in the name of MA applicants and if so, whether on the date of the judgment dated 30.01.2023, MA applicants had any valid right to continue with mining operations without transfer of ECs in their favour?
- (III) Whether the subsequent order dated 22.11.2023 passed by SEIAA UK permitting transfer of ECs in favour of MA applicants can be said to be a valid transfer conferring right of carrying out mining operations upon the MA applicants?
- (IV) Whether the leases in question could have been allowed to operate without any permission granted by MoEF&CC under Doon Valley Notification dated 01.02.1989 read with amendment Notification dated 06.01.2020?
- (V) Whether MoEF&CC's Office Memorandum (hereinafter referred to as '**OM**') dated 14.02.2022 with regard to river bed mining is applicable in the case in hand in respect of the mining activities

and would it be permissible to carry out mining activities in violation of the provisions of the said O.M.?

- (VI) Whether the concerned Consolidated CTO granted to GMVN can be availed by MA applicants to be read as consent granted to them for carrying out mining activities?
- (VII) Whether the period of leases in question has already expired hence resumption of mining leases cannot be permitted?

64. We propose to consider above issues on merits as under.

**ISSUE I:**

65. When an agreement creates a right upon immovable property i.e., transfer a right to enjoy such property, for a certain time, in consideration of a price paid or promised, or of money, etc., to be rendered periodically or on specified occasions, to the transferor, by the transferee, who accepts the transfer on such terms, it is called a 'lease'.

66. In the present case, GMVN and MA applicants have claimed that MoU was executed between the parties and not mining leases but from the material available on record, we are very clear in our mind that the documents in question i.e., MoUs executed by GMVN with MA applicants are in fact 'mining leases' for extraction of minor mineral.

67. It is true that the documents have been termed as 'Memorandum of Understanding' i.e., MoU but this is well settled that terminology used by the parties to an instrument will not determine its nature but it is the substance of the document itself which will be relevant to find out its true nature and character. An MoU is capable of becoming a mining contract though ordinarily MoU in common parlance is not a legally finding document.

68. The ordinary dictionary meaning of MoU in various English dictionaries is as under:

- (a) **Oxford Dictionary of Law, 8<sup>th</sup> Edition, at page 378:** “A memorandum of understanding (MOU or MoU) is a formal agreement between two or more parties. Companies and organizations can use MOUs to establish official partnerships. MOUs are not legally binding but they carry a degree of seriousness and mutual respect, stronger than a gentlemen’s agreement.”
- (b) **Collins English Dictionary, 12<sup>th</sup> Edition, at page 1153:** “A document that describes the general principles of an agreement between parties, but does not amount to a substantive contract.”
- (c) **Cambridge English Dictionary, Business English Edition, 2024, at page 857:** “A document that records the details of an agreement between two companies or organizations, which has not yet been legally approved.”
- (d) **Business Dictionary.com:** “A document that expresses mutual accord on an issue between two or more parties. Memorandum of understanding are generally recognized as binding, even if no legal claim could be based on the rights and obligations laid down in them. To be legally operative, a memorandum of understanding must (1) identify the contracting parties, (2) spell out the subject matter of the agreement and its objectives, (3) summarize the essential terms of the agreement, and (4) must be signed by the contracting parties.  
Also called letter of intent”.

(e) **Dictionary.com:** “(law) A document that describes the general principles of an agreement between parties, but does not amount to a substantive contract.”

(f) **Black’s Law Dictionary, 9<sup>th</sup> Edition, at page 1074:** This dictionary says that for looking to the meaning of Memorandum of Understanding, we should go to ‘Letter of Intent’.

69. The term ‘Letter of Intent’ has been explained in Black’s Law Dictionary, 9<sup>th</sup> Edition at page 988 as under:

*“**letter of intent.** (1942) A written statement detailing the preliminary understanding of parties who plan to enter into a contract or some other agreement; a noncom-mittal writing preliminary to a contract. • A letter of intent is not meant to be binding and does not hinder the parties from bargaining with a third party. Business people typically mean not to be bound by a letter of intent, and courts ordinarily do not enforce one; but courts occasionally find that a commitment has been made. - Abbr. LOI. - Also termed memorandum of intent; memorandum of understanding; term sheet; commitment letter. Cf. precontract under CONTRACT.”*

70. The Apex Court has also considered the import of the term ‘Letter of Intent’ in several authorities.

71. In **Rajasthan Co-operative Dairy Federation Ltd. vs. Shri Maha Laxmi Mingrate Marketing Service Pvt. Ltd. & Ors., 1996 (10) SCC, 405**, in para 7, the Court has observed as under:

*“The Letter of Intent merely expressed an intention to enter into a contract.”*

72. Supreme Court considered the contents of ‘Letter of Intent’ therein and observed that if the conditions stipulated in the Letter of Intent were not fulfilled by Maha Laxmi Mingrate Marketing Service Pvt. Ltd. and if its conduct was otherwise not such as would generate confidence, Rajasthan Co-operative Dairy Federation Ltd. was entitled to withdraw the Letter of Intent. **There was no binding legal relationship between the parties at this stage of Letter of Intent** and Rajasthan Co-operative

Dairy Federation Ltd. was entitled to look at the totality of circumstances in deciding whether to enter into a binding contract with M/s. Maha Laxmi Mingrate Marketing Service Pvt. Ltd. or not.

73. In ***Dresser Rand S.A. vs. Bindal Agro Chem Ltd. and Anr., (2006) 1 SCC 751***, the term 'Letter of Intent' has been explained in detail. The Court has also observed that the terms and conditions of Letter of Intent, its compliance and conduct of the parties can be looked into to find whether it was merely a Letter of Intent or a concluded binding contract. In paras 39 and 40, Supreme Court said as under:

**“39.** *It is now well-settled that a Letter of Intent merely indicates a party's intention to enter into a contract with the other party in future. A Letter of Intent is not intended to bind either party ultimately to enter into any contract. This Court while considering the nature of a Letter of Intent, observed thus in Rajasthan Co-operative Dairy Federation Ltd. V. Maha Laxmi Mingrate Marketing Service (P) Ltd.: (SCC p. 408, para 7)*

*“... The Letter of Intent merely expressed an intention to enter into a contract. ... There was no binding legal relationship between the appellant and Respondent 1 at this stage and the appellant was entitled to look at the totality of circumstances in deciding whether to enter into a binding contract with Respondent 1 or not.”*

**40.** *It is no doubt true that a Letter of Intent may be construed as a letter of acceptance if such intention is evident from its terms. It is not uncommon in contracts involving detailed procedure, in order to save time, to issue a letter of intent communicating the acceptance of the offer and asking the contractor to start the work with a stipulation that the detailed contract would be drawn up later. If such a letter is issued to the contractor, though it may be termed as a Letter of Intent, it may amount to acceptance of the offer resulting in a concluded contract between the parties. But the question whether the letter of intent is merely an expression of an intention to place an order in future or whether is a final acceptance of the offer thereby leading to a contract, is a matter that has to be decided with reference to the terms of the letter. Chitty on Contracts (Para 2.115 in Volume 1- 28<sup>th</sup> Edition) observes that where parties to a transaction exchanged letters of intent, the terms of such letters may, of course, negative contractual intention; but, on the other hand, where the language does not negative contractual intention, it is open to the courts to hold the parties are bound by the document; and the courts will, in particular, be inclined to do so where the parties have acted on the document for a long period of time or have expended considerable sums of money in reliance on it. Be that as it may.*

74. In **South Eastern Coalfields Ltd. & Ors. vs. M/s. S. Kumar's Associates AKM (JV), (2021) 9 SCC 166**, decided vide judgment dated 23.07.2021, the above two authorities have been relied on and in para 20, the Court has said as under:

*“20. We would like to state the issue **whether a concluded contract had been arrived at inter se the parties is in turn dependent on the terms and conditions of the NIT, the LoI and the conduct of the parties.** The judicial views before us leave little doubt over the proposition that an **LoI merely indicates a party's intention to enter into a contract with the other party in future. No binding relationship between the parties at this stage emerges and the totality of the circumstances have to be considered in each case. It is no doubt possible to construe a letter of intent as a binding contract if such an intention is evident from its terms.** But then the intention to do so must be clear and unambiguous as it takes a deviation from how normally a letter of intent has to be understood. This Court did consider in **Dresser Rand S.A.** case that there are cases where a detailed contract is drawn up later on account of anxiety to start work on an urgent basis. In that case it was clearly stated that the contract will come into force upon receipt of letter by the supplier, and yet on a holistic analysis – it was held that the LoI could not be interpreted as a work order.”*

75. In the backdrop of the above authorities, it will be useful to refer to the documents available on record i.e., MoU executed between GMVN and MA applicants.

76. MoU dated 01.02.2021 executed between GMVN and M/s Uttara Awas Yojana which is the firm of MA applicant-I is on record as annexure-18 at page 343. The very operative part of the document refers to UK Minor Mineral Picking Policy 2016 as amended by G.O. order dated 04.06.2020 issued by State of Uttarakhand providing that “mining leases will be granted on tender basis for a period of 5 years in revenue mining lots allotted to corporation considering the quantity prescribed in EIA for the extractable quantity of minor mineral mentioned in the approved sanctioned mining plan as the base quantity. Tender proceedings will be conducted by the corporations through e-auction/e-tender/e-tender cum

auction. The base quantity will be valued as per the latest prevailing royalty rates. Accordingly, the bidder quoting the highest bid over and above assessed Base Price will be declared as the successful bidder. The picking of the tender quantity will be done by the person/organization selected through the tender process, after the rainy season, after the availability of the MOU/e-portal in the picking session till June 30. All the entrepreneurs/persons/institutions of the state will be eligible for the tender, who have the prescribed status for the revenue mining lot”.

77. The document further says that notice inviting tender was published for allotment of revenue picking areas by GMVN and MA applicant-I in respect to lot no. 21/1 who was declared the highest and successful bidder. Para 1 of the MoU says that MA applicant has been declared successful bidder for picking the tendered quantity of minor mineral (sand, gravel, boulder) i.e. 8,00,000 tonnes per mining season, on the basis of total tender amount of Rs.17,01,21,600 (including tax) per mining season from picking lot number Yamuna 21/1, total area 123.190 hectares in khasra nos. 396mi, 986mi, 989mi, 1mi and 3mi under Tehsil-Vikas Nagar of District Dehradun. MoU further says that **vide letter dated 28.12.2020, MA applicant-I was required to deposit the first installment of Rs.28353600/- and the same was deposited by it in the following manner:**

| <b>Date</b> | <b>Amount</b>  |
|-------------|----------------|
| 05.01.2021  | Rs.5500000/-   |
| 21.01.2021  | Rs. 13402400/- |
| 28.01.2021  | Rs. 9451200/-  |
| Total       | Rs. 28353600/- |

78. Further on the demand of GMVN, MA applicant-I also deposited security amount of Rs.37804800/-, equal to two months' instalments, by furnishing three FDRs of the following details:

| <b>FDR Number</b> | <b>Amount</b>  |
|-------------------|----------------|
| 182401008863/1    | Rs. 2656000/-  |
| 118230300034/1    | Rs. 18000000/- |
| 118230300034      | Rs. 17200000/- |
| Total             | Rs. 37856000/- |

79. These FDRs were mortgaged in favour of Managing Director Garhwal Mandal Vikas Nigam for 5 years payable on Canara Bank.

80. The chart for payment of further instalment of the tender amount is provided in para 5 of MoU and reads as under:

*5. That the monthly installments for extraction of minor minerals by the second party will have to be deposited in advance by the 5th of every month through bank draft to the first party as follows. In case of delay in payment of installment, additional interest at the rate of 24% per annum will be payable till the period of non-deposit.*

| <i>Installment No.</i>    | <i>Month</i>      | <i>Monthly Quantity against the tendered quantity</i> | <i>Total monthly installment (including tax)</i> |
|---------------------------|-------------------|---|--|
| <i>First installment</i>  | <i>Feb. 2021</i>  | <i>160000</i>   | <i>34024320</i>                                  |
| <i>Second installment</i> | <i>March 2021</i> | <i>160000</i>   | <i>34024320</i>                                  |
| <i>Third installment</i>  | <i>April 2021</i> | <i>160000</i>   | <i>34024320</i>                                  |
| <i>Fourth installment</i> | <i>May 2021</i>   | <i>160000</i>   | <i>34024320</i>                                  |
| <i>Fifth installment</i>  | <i>June 2021</i>  | <i>160000</i>   | <i>34024320</i>                                  |
|                           | <i>Total</i>      | <i>800000</i>   | <i>170121600</i>                                 |

81. Para 6 of the MoU says that mining lease has been approved for next 5 years vide G.O. No. 3170/VIUI1/2019/05(32)2018 dated 05.02.2019 and the said memorandum will be valid from the date of execution till

04.02.2024. Paras 9, 10 and other several paragraphs of the MoU clearly show that a right of picking of minor minerals from the land, details whereof has already given comprising lot no. 21/1, was given to MA applicant-I. The liability of payment of all taxes, GST (Goods and Services Tax), Income Tax and other charges etc. to Government of India/State Government was saddled upon MA applicant from the date of execution of the above memorandum and during the validity period of the memorandum. The terms and conditions with regard to picking of minor minerals from the river beds/picking lots showing right of entry on the immovable property for carrying on mining operations as contained in paras 24, 25, 26 and 27 reads as under:

*“24. That in river beds/picking lots, the picking work will be done after leaving 15% of the width of the river from public establishments, rail/motor bridges, agricultural land and public ghats as per norms or leaving the distance on both sides as per the instructions given in the environment clearance and the picking of minor minerals will have to be done uniformly up to one and a half meter depth or underground water level, whichever is earlier. The land will not be used for any other use other than picking of minor minerals.*

*25. That the **second party will have to do the picking work leaving the upstream and downstream area from the river/bridge for safety point of view as per rules and the picking will have to be done as per the working plan approved by the Mineral Department, Uttarakhand.***

*26. That the **picking of minor mineral will be done by the second party within the demarcated area and before starting the mining operations, firm boundary pillars will have to be set up by second party at his own expense, on which clear and readable coordinates will be displayed/marked.** Before carrying out the picking work by the second party, the satisfaction letter related to the existing routes, quantity of minor mineral and demarcated area in the mining site will have to be submitted to the Corporation office.*

*27. That **arrangement of routes for extraction of minor mineral from river beds/mining lots will have to be done by the second party itself and if any damage is caused to the agricultural land and approach roads etc. of the villagers near the lots. In cases of any dispute and payment of compensation, etc. the second party will be responsible.***”

82. There were no restrictions on the right of sale of the minor mineral by MA applicant-I but for certain period, as pointed out in para 51 which reads as under:

***“51. That the second party will not have the right to extract and sell the minor mineral from the sanctioned site after the expiry of the memorandum and between July 1 and September 30 in the rainy season. After the expiry of the period of memorandum, the first party will have the right over the minor mineral collected in the sanctioned site.”***

83. The minor mineral has to be transported by the MA applicant-I for its disposal.

84. The above document clearly shows that the conditions giving effect to the right of extraction of mineral from immovable property rendered MoU as a concluded contract.

85. MoU dated 01.02.2021 executed between MA applicant-II is also on record as annexure-7 at page 141 and its terms and conditions are also similar as that of MA applicant-I.

86. Hence, we are clearly of the view that there was a binding contract between the parties conferring an independent right of collection of minor minerals in their own authority by MA applicants.

87. The Learned Counsels for MA applicants though hesitatingly, but, sought to argue that MoUs were executed not for mining but for picking the minor mineral. This submissions is misconceived in as much as the definition of ‘Mining Operations’ in Section 3(d) of MMDR Act, 1957 is very wide and reads as under:

*“Definitions. 3. In this Act, unless the context otherwise requires:-*

*xxx.....xxx.....xxx*

***(d) “mining operations” means any operations undertaken for the purpose of winning any mineral;”***

88. The minerals extracted by MA applicant-I were liable to transported and disposed of by them. Therefore, the element of winnability was there. It cannot be said that by using the term 'picking', it became an act of 'mining operations' as defined in Section 3(d) of MMDR Act, 1957.

89. Counsel for the MA applicants could not place any document before us to show that MA applicants were appointed as agents by GMVN to perform any work on its behalf so as to satisfy the definition of "Principal" and "Agent" under Section 182 of Indian Contract Act, 1872 (hereinafter referred to as '**IC Act, 1872**').

90. The documents in question i.e., MoUs executed between GMVN and MA applicants clearly show that the same, though termed as 'MoU', but in fact, they are lease documents with respect to grant of right of extraction of minor mineral from the immovable property comprising lot nos.21/1 and 21/3 satisfying the definition of 'lease'. This is very clear from the term 'lease' as defined in Section 105 of Transfer of Property Act, 1882 (hereinafter referred to as '**TP Act, 1882**') and its meaning has been considered in various judicial precedents.

91. The term "**Lease**" is defined in Section 105 of TP Act, 1882 as under:

***"105. Lease defined.**- A lease of immovable property is a **transfer of a right** to enjoy such property, **made for a certain time**, express of implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms."*

92. Broadly the definition of "lease" shows that the relationship of lessor and lessee is one of contract. If an agreement vests in the lessee a right of possession for certain time, it operates as a conveyance or transfer, and it is a lease. The essential elements of a lease are:

(i) the parties;

- (ii) the subject matter; or immovable property
- (iii) the demise, or partial transfer;
- (iv) the term, or the period;
- (v) the consideration, or rent.

93. The “Lease”, as contemplated under Section 105 of TP ACT, 1882 creates a right or an interest in the enjoyment of demised property and a tenant or a sub-tenant is entitled to remain in possession thereof until the lease is duly terminated and eviction takes place in accordance with law.

94. The Counsel for MA applicants tried to urge that the documents in question i.e., MoUs at the best may fall within the province of ‘license’ but even this submission, in our view, is not acceptable.

95. The term “License” is defined in Section 52 of Indian Easement Act, 1882 (hereinafter referred to as ‘**IE Act, 1882**’) and reads as under:

*“52. “Licence” defined. -Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immovable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a licence.”*

96. A bare perusal of this definition shows that a “License” does not create any estate or interest in the property to which it relates. There are some other restrictions contained in IE Act, 1882 with reference to a ‘License’ inasmuch vide Section 56 thereof it is not assignable and vide Section 60 it is revocable by grantor. The “License” does not entitle the licensee to sue stranger in his own name and it can be determined when the grantor makes an assignment of the subject matter.

97. Differentiating “Licence” from “Lease”, element of transfer of interest was emphasized by Baron Alderson in **Wood vs. Leadbitter (1845) 153 ER 351**, at page 354, and it said:

*“A dispensation or licence properly passeth no interest, nor alters or transfers property in anything, but only makes an action lawful which without it had been unlawful.”*

98. The distinction between “lease” and “licence” was also pointed out in **Glenwood Lumber Co. vs. Phillips (1904) AC 405** at page 408 and it says:

*“If the effect of the instrument is to give the holder an exclusive right of occupation of the land, though subject to certain reservations or to a restriction of the purposes for which it may be used, it is in law a demise of the land itself.”*

99. The definition of “Licence” under Section 52 of IE Act, 1882 excludes from its pale any transaction which otherwise amount to an “easement” or involves a transfer of interest in property which is usually involved in the case of a transfer of right to enjoy it. These two rights, i.e., “easement” and “lease” in their very nature are appurtenant to the property. The grant, however, only of the right to use premises without being entitled to the exclusive possession thereof operates merely as a “licence”. The Court cannot take converse implications of the above proposition, necessarily, and always be true, namely, whenever there is exclusive possession, the idea of a “licence” is not necessarily ruled out. Exclusive possession itself is not decisive in favour of a “lease” and against a mere “licence”. Even the grant of exclusive possession may turn out to be only a “licence” in certain circumstances and not a “lease”, viz. where the grantor himself has no power to grant lease. It can be said that whether a transaction is a “lease” or “licence” turns on the operative intention of the parties. There is no single, simple litmus-test to distinguish one from another. Though the term “creation of an interest in the property” is said

to be the crucial necessary ingredient in favour of “lease”, but this itself is quite complicated and sometimes travel in a grey area as to whether a right to enjoy property in a particular case results in creation of an interest in the property or it is only a privilege to enjoy the property.

100. Lord Denning MR, considered the test of determining whether an occupier is a “licensee” or “tenant” in **Marchant vs. Charters (1977) 3 All ER 918** at page 922 (C.A.) and said:

*“Gathering the cases together, what does it come to? What is the test to see whether the occupier of one room in a house is a tenant or a licensee? It does not depend on whether he or she has exclusive possession or not. It does not depend on whether the room is furnished or not. It does not depend on whether the occupation is permanent or temporary. It does not depend on the label which the parties put on it. All these are factors which may influence the decision but none of them is conclusive. All the circumstances have to be worked out. Eventually the answer depends on the nature and quality of the occupancy. Was it intended that the occupier should have a stake in the room or did not he have only permission for himself personally to occupy the room, whether under a contract or not, in which case he is a licensee?”*

101. In **Cobb vs. Lane (1952) a All ER 1199**, it was held that the solution to determine would depend on the intention of parties.

102. In **Associated Hotels of India Ltd. vs. R.N. Kapoor AIR 1959 SC 1262**, in the majority judgment of Hon’ble K. Subbarao, J., it was observed that though document therein used the phraseology appropriate to a “license” but it is the substance of instrument that matters and not the form for otherwise clever drafting can camouflage the real intention of the parties. Having said so, the Court discussed a “Lease” and “License” by observing as under:

*“(1) The real test is the intention of the parties, whether they intended to create a lease or a licence;*

*(2) if the document creates an interest in the property, it is a lease; but, if it only permits another to use the property, of which the legal possession continues with the owner, it is a licence; and*

*(3) if under the document a party gets exclusive possession of the property, prima facie, he is considered to be a tenant; but circumstances may be established which negative the intention to create a lease."*

103. Therein two rooms were given to 'A' in a Hotel called "Imperial Hotel" under an agreement to one R.N. Kapoor. These Rooms were described as Ladies' and Gents' Cloak Rooms, where Sri Kapoor used to carry on his business as a hair-dresser. Under a deed executed between the Hotel and Sri Kapoor, he secured possession and agreed to pay certain amount of fee/rent/charges. The question was whether it was an arrangement of a "License" or a "Lease". In these facts and circumstances and looking to the proposition as noticed above, Hon'ble K. Subbarao J. held that judged by the aforesaid tests, it cannot be held that the document executed between parties was that of a "license". It did not confer a bare personal privilege on Sri Kapoor to make use of the rooms. It puts him in exclusive possession, untrammelled by the control and free from the directions of Hotel officials. There was also a condition that in case Sri Kapoor is forced to close his business, he may transfer the premises to any person with the consent of licensor. The Court said that this condition was destructive of any theory of "license". In the words of the Court:

*"The right of the respondent to transfer his interest under the document, although with the consent of the appellants, is destructive of any theory of licence. The solitary circumstance that the rooms let out in the present case are situated in a building wherein a hotel is run cannot make any difference in the character of the holding. The intention of the parties is clearly manifest, and the clever phraseology used or the ingenuity of the document- writer hardly conceals the real intent."*

104. The Court said that the above rooms cannot be treated at par with the rooms of the Hotel used for boarding and lodging of travellers etc. and other persons. It is said that a Hotel in common parlance means a place where a proprietor makes it his business to furnish food or lodging, or both to travellers or other persons. A building cannot be run as a hotel

unless services necessary for the comfortable stay of lodgers and boarders are maintained. Services so maintained vary with the standard of the hotel and the class of persons to which it caters; but the amenities must have relation to the hotel business. Provisions for heating or lighting, supply of hot water, sanitary arrangements, sleeping facilities, and such others are some of the amenities a hotel offers to its constituents. But every amenity however remote and unconnected with the business of a hotel cannot be described as service in a hotel. The idea of a hotel can be better clarified by illustration than by definition and by giving examples of what is a room in a hotel and also what is not a room in a hotel. The Court then said:

*“(1) A owns a building in a part whereof he runs a hotel but leases out a room to B in the part of the building not used as hotel;*

*(2) A runs a hotel in the entire building but lets out a room to B for a purpose unconnected with the hotel business;*

*(3) A runs a hotel in the entire building and lets out a room to B for carrying on his business different from that of a hotel, though incidentally the inmates of the hotel take advantage of it because of its proximity;*

*(4) A lets out a room in such a building to another with an express condition that he should cater only to the needs of the inmates of the hotel; and*

*(5) A lets out a room in a hotel to a lodger, who can command all the services and amenities of a hotel.”*

105. The Court said that in the first illustration, the room has never been a part of a hotel though it is part of a building where a hotel is run. In the second, though a room was once part of a hotel, it ceased to be one, for it has been let out for a non-hotel purpose. In the fifth, it is let out as part of a hotel, and, therefore, it is definitely a room in a hotel. In the fourth, the room may still continue as part of the hotel as it is let out to provide an amenity or service connected with the hotel. But to extend the scope of the words to the third illustration is to obliterate the distinction

between a room in a hotel and a room in any other building. If a room in a building, which is not a hotel but situated near a hotel, is let out to a tenant to carry on his business of a hair-dresser, it is not exempted from the operation of the Act. If that be so, a similar room in a building, wherein a hotel is situated is let out for a similar purpose; it has to be treated in the same way.

106. Again, the distinction between “Lease” and “Licence” was considered in ***Mrs. M.N. Clubwala and another vs. Fida Hussain Sahib and others AIR 1965 SC 610***. The Court said:

*“Whether an agreement creates between the parties the relationship of landlord and tenant or merely that of licensor and licensee the decisive consideration is the intention of the parties, which has to be ascertained on a consideration of all the relevant provisions in the agreement. In the absence, however, of a formal document the intention of the parties must be inferred from the circumstances and conduct of the parties.”*

107. The Court said that essence of a “License” is that it is revocable at the will of the grantor but the provision in the ‘Licence’ that the licensee would be entitled to a notice before being required to vacate is not inconsistent with a ‘Licence’. In other words, mere necessity of giving notice to a licensee requiring him to vacate the licensed premises would not indicate that the transaction was a “Lease”. Similarly, it would be important to know actual possession of premises has been given to the licensee or not to determine its nature, whether it is a “Lease” or a “Licence”, but even if the exclusive possession of the premises is passed to a person, his right to exclusive possession would not be a conclusive evidence of existence of a tenancy though it would be a condition of first importance. If, however, exclusive possession to which a person is entitled under an agreement with a landlord is coupled with an interest in the property, the agreement would be construed not as a mere “Licence” but is a “Lease”.

108. In ***B.M. Lall (Dead) by Legal Representatives vs. Dunlop Rubber and Company Limited and others AIR 1968 SC 175***, a Three-Judge Bench considered certain conditions to find out whether they resulted in a “Lease” or a “Licence”. Referring to Section 105 of TP Act, 1882 and Section 52 of IE Act, 1882, the Court said:

*“A lease is the transfer of a right to enjoy the premises; whereas a license is a privilege to do something on the premises which otherwise would be unlawful. If the agreement is in writing, it is a question of construction of the agreement having regard to its terms and where its language is ambiguous, having regard to its object, and the circumstances under which it was executed whether the rights of the occupier are those of a lessee or a licensee. The **transaction is a lease if it grants an interest in the land**; it is a license if it gives a personal privilege with no interest in the land. The **question is not of words but of substance and the label which the parties choose to put upon the transaction, though relevant, is not decisive**. The test of exclusive possession is not conclusive,”*

109. In ***Qudrat Ullah vs. Municipal Board, Bareilly AIR 1974 SC 396***, the Court said:

*“There is no simple litmus test to distinguish a lease as defined in s. 105 Transfer of Property Act from a licence as defined in s. 52, Easements Act, but the character of the transaction turns on the operative intent of the parties. To put it pithily, **if an interest in immovable property, entitling the transferees to enjoyment, is created, it is a lease**; if permission to use land without right to exclusive possession is alone granted, a licence is the legal result. Marginal variations to this broad statement are possible and Ex. ‘1’ and ‘4’ fall in the grey area of unclear recitals.”*

110. In ***Smt. Rajbir Kaur and another vs. M/s Chokosiri and Company AIR 1988 SC 1845***, the Court said that one of the twin principal tests by which a lease is distinguishable from the relationship created under a “licence” is the element of right to exclusive possession involving the transfer of an interest in the property; the other being the ‘rent’ stipulated for the grant.

111. The Court also said that whether a grant amounts to a “Lease” or only a “Licence” is a question of substance and not of words and the label which the parties chose to put on it. To give exclusive possession, there

need not be express words to that effect; it is sufficient if the nature of acts done by the grantee show that he has and intended to have right to exclusive possession. The fact that the agreement contains a clause that no tenancy is to be created, will not, by itself, preclude the instrument from creating a lease.

112. The question as to when a document will be interpreted to have resulted in grant of a “Licence” or a “Lease” has again been considered in ***Delta International Ltd. vs. Shyam Sundar Ganeriwalla and another AIR 1999 SC 2607*** and having gone through various earlier authorities of Apex Court, in para 15 of the judgment, Court culled out certain principles discerned from the judgments discussed therein and has noticed those principles as under:

*“(1) To find out whether the document creates lease or license real test is to **find out ‘the intention of the parties’**; keeping in mind that in cases where exclusive possession is given, the line between lease and licence is very thin.*

*(2) The **intention of the parties is to be gathered from the document itself**. Mainly, intention is to be gathered from the meaning and the words used in the document except where it is alleged and proved that document is a camouflage. If the terms of the document evidencing the agreement between the parties are not clear, the surrounding circumstances and the conduct of the parties have also to be borne in mind for ascertaining the real relationship between the parties.*

*(3) In the absence of a written document and when somebody is in exclusive possession with no special evidence how he got in, the intention is to be gathered from the other evidence which may be available on record, and in such cases exclusive possession of the property would be most relevant circumstance to arrive at the conclusion that the intention of the parties was to create a lease.*

*(4) **If the dispute arises between the very parties to the written instrument, the intention is to be gathered from the document read as a whole**. But in cases where the landlord alleges that the tenant has sublet the premises and where the tenant in support of his own defence sets up the plea of a mere licensee and relies upon a deed entered into inter se, between himself and the alleged licensee, the landlord who is not a party to the deed is not bound by what emanates from the construction of the deed; the tenant and the subtenant may jointly set up the plea of a license against the landlord which is a camouflage. In such cases, the mask is to be removed or veil is to be lifted and the true intention behind a facade of a self-*

*servicing conveniently drafted instrument is to be gathered from all the relevant circumstances. Same would be the position where the owner of the premises and the person in need of the premises executes a deed labelling it as a licence deed to avoid the operation of rent legislation.*

*(5) Prima facie, in absence of a sufficient title or interest to carve out or to create a similar tenancy by the sitting tenant, in favour of a third person, the person in possession to whom the possession is handed over cannot claim that the sub-tenancy was created in his favour; because a person having no right cannot confer any title of tenancy or sub-tenancy. A tenant protected under statutory provisions with regard to occupation of the premises having no right to sublet or transfer the premises, cannot confer any better title. But, this question is not required to be finally determined in this matter.*

*(6) Further lease or licence is a matter of contract between the parties. Section 107 of the Transfer of Property Act inter alia provides that leases of immoveable property may be made either by registered instrument or by oral agreement accompanied by delivery of possession; if it is a registered instrument, it shall be executed by both the lessee and the lessor. This contract between the parties is to be interpreted or construed on the well laid principles for construction of contractual terms, viz. for the purpose of construction of contracts, the intention of the parties is the meaning of the words they have used and there can be no intention independent of that meaning; when the terms of the contract are vague or having double intendment one which is lawful should be preferred; and the construction may be put on the instrument perfectly consistent with his doing only what he had a right to do.”*

113. The Court also observed that if it is pleaded that the document is a camouflage, the mask or veil is required to be removed for determining the true intent and purpose of the document.

114. Again, this issue has been considered in **C. M. Beena and another vs. P.N. Ramachandra Rao 2004 (3) SCC 595** and therein the Court said:

*“Generally speaking the **difference between a ‘lease’ and ‘licence’ is to be determined by finding out the real intention of the parties as decipherable from a complete reading of the document, if any, executed between the parties and the surrounding circumstances.** Only a right to use the property in a particular way or under certain terms given to the occupant while the owner retains the control or possession over the premises results in a licence being created; for the owner retains legal possession while all that the licensee gets is a permission to use the premises for a particular purpose or in a particular manner and but for the permission so given the occupation would have been unlawful.”*

115. In ***Corporation of Calicut vs. K. Sreenivasan (2002) 3 SCR 783***, the Court has reproduced following passage from Evans & Smith in The Law of Landlord and Tenant (Fourth Edition):

*“A lease, because it confers an estate in land, is much more than a mere personal or contractual agreement for the occupation of a freeholder's land by a tenant. **A lease, whether fixed-term or periodic, confers a right in property, enabling the tenant to exclude all third parties, including the landlord, from possession, for the duration of the lease, in return for which a rent or periodical payment is reserved out of the land.** A contractual licence confers no more than a permission on the occupier to do some act on the owner's land which would otherwise constitute a trespass. If exclusive possession is not conferred by an agreement, it is a licence.”*

116. It is said that the fundamental and apparent difference between a tenant and a licensee is that a tenant, who has exclusive possession, has an estate in land, as opposed to a personal permission to occupy. If, however, owner of land proves that he never intended to accept the occupier as tenant, then the fact that occupier pays regular sums for his occupation does not make the occupier a tenant.

117. In ***Pradeep Oil Corporation vs. Municipal Corporation of Delhi 2011 (5) SCC 270***, Court emphasized that the “lease” and “licence” is marked by the last clause of Section 52 of IE Act, 1882 as by reason of a “license”, no estate or interest in the property is created. It has considered certain other features that a “licence” is not assignable. It does not entitle the licensee to sue the stranger in his own name. It is revocable. It is determined when the grantor makes subsequent assignment.

118. The above discussion clearly shows that a “license” is different than a lease. In the present case, a right on immovable property for a consideration for a limited period has been created by GMVN in favour of MA applicants for extraction and disposal of minor mineral to the extent of prescribed quantity. So far as the work of extraction of minor mineral

is concerned, MA applicants were independent in performance on the part of the contract, extraction of mineral, its transportation and disposal. Therefore, the above documents, for all purposes, are mining lease agreements and may be for evasions of stamp duty, parties have termed the said documents to be “MoU” with which we are not concerned but we are satisfied to hold that the document in question are “lease agreements”.

119. Further, there is no material to show that there existed any relationship of Employer and Agent between GMVN and MA applicants.

120. Hence, **issue I is answered against the MA applicants** and it is held that MA applicants were not agents of GMVN but independent project proponents given lease rights by GMVN for carrying out mining activities, extraction of minor mineral and its disposal.

**ISSUES II AND III:**

121. It is admitted by the parties that ECs were granted by MoEF&CC in respect of lot no. 21/1 on 17.08.2016 and in respect of lot no. 21/3 on 07.09.2016.

122. As per the provisions of EIA 2006, EC is granted to a particular project proponent for a specific project or activity. However, its transferability in favour of another legal person, entitled to undertake the project or activity, is permitted.

123. In the present case, it is admitted case of both the parties that they applied for transfer of ECs in the name of MA applicants, therefore, this question whether ECs were required to be transferred in favour of MA applicant or not become academic since admitting this position that the transfer of EC was required, parties had applied for transfer of EC.

124. However, even otherwise, we are clearly of the view that since EC is granted to a particular proponent to carry out an activity or project, whenever such work is transferred by such proponent, it is incumbent to seek transfer of EC in the name of such transferee. MA applicants did not seek such transfer, admittedly when the order dated 30.01.2023 was passed, this Tribunal rightly held that their activity of mining operation without a valid EC in their favour, is illegal.

125. Further, EC can be allowed to be transferred by the “concerned Regulatory Authority” meaning thereby that the authority who has granted EC, can allow transfer. This is very clear from clause 11 of EIA 2006 which reads as under:

**“11. Transferability of Environmental Clearance (EC):**

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

126. A perusal of Clause 11 clearly shows that the “concerned Regulatory Authority” on the same terms and conditions can allow transfer and for that purpose, no fresh appraisal is required to be done by Expert Appraisal Committee if the EC was granted by MoEF&CC and transfer is under consideration before the same authority, and by State Level Expert Appraisal Committee if the EC is granted by State Level Environment Impact Assessment Authority and transfer was under consideration of such State Authority.

127. In the present case, when MoEF&CC has granted EC, the transfer could have been allowed only by MoEF&CC and not by SEIAA UK. The change in EC can be allowed by the same authority who has issued EC.

128. In the present case, we are clearly of the view that once ECs were granted by MoEF&CC, SEIAA UK had no authority to allow transfer from one proponent to another and therefore, the orders passed by SEIAA UK are inoperative and have no consequences in the eyes of law.

129. **Both the issues II and III are accordingly answered against MA applicants** holding that transfer of ECs was necessary and without transfer of ECs, mining could not be allowed to be carried out by MA applicants. Further the subsequent transfer vide order dated 22.11.2023 allowed by SEIAA UK is illegal, inoperative and wholly without jurisdiction since it could have been allowed only by MoEF&CC who had issued ECs, in view of the provisions contained in clause 11 of EIA 2006.

**ISSUE IV:**

130. It is not in dispute that the area in operation was within the ambit of Doon Valley Notification dated 01.02.1989. Notification dated 06.01.2020 (annexure A-6 at page 139) clearly says that for mining in the area in question, approval of Union Ministry of Environment, Forest and Climate Change has to be obtained before starting any mining activity. The amendment made vide clause (ii) in Notification dated 01.02.1989 vide notification dated 06.01.2020 reads as under:

*“(ii) **Mining** - Approval of the Union Ministry of Environment, Forest and Climate Change must be obtained before starting any mining activity.”*

131. It is nobody's case that any such permission or approval has been obtained from MoEF&CC.

132. The counsel for MA applicants argued that when ECs were granted under EIA 2006, it can be construed as approval by MoEF&CC as contemplated in the notification dated 06.01.2020 read with 01.02.1989 of Doon Valley.

133. However, we find no substance in the submission.

134. The considerations and material required to be considered for grant of EC under EIA 2006 are totally different while considerations with respect to mining in Doon Valley under notification dated 01.02.1989 read with 06.01.2020 are different. When law requires something to be done in a particular manner, the same procedure has to be followed and anything claims to have been otherwise is not valid in law. **We accordingly answer question IV against MA applicants.**

**ISSUE V:**

135. MA applicants contended that MoEF&CC's OM dated 14.02.2022 dealing with the permissibility of mining activities in river bed area is applicable to "industries" and not for the "mining".

136. OM dated 14.02.2022 lays down guidelines for siting industries which are in close proximity with the river. The term 'industry' is not defined therein but every project or activity which can be termed as industry would be within the province of the OM dated 14.02.2022. In common parlance, an industry is a group of persons engaged introducing similar goods or services. It represents a specific sector of the economy focused on a particular kind of economic activity like manufacturing, service provision or resource extraction. The industry does not mean only a factory. In common parlance, even tourism, catering, hospitality, etc., all constitute industry. Therefore, the submission that the O.M. in

question is concerned with industry and not to mining and hence not applicable, is not acceptable.

137. However, we find that in the context of OM dated 14.02.2022 is different in as much as it talks of location of industries in the flood plain or the modified flood plain area.

138. In the order dated 13.01.2015 passed in **OA Nos. 06/2012 and 300/2013**, in the context of River Yamuna, Tribunal said, *“it is necessary to call upon the authorities to demarcate the floodplain for the flood of once in 25 years and to prohibit any kind of development activity in the area in question”*.

139. Further in the order dated 13.07.2017, in **OA 200/2014, M.C. Mehta vs. Union of India & Ors.**, reported in **2017 NGTR (3) PB1** in the context of River Ganga, Tribunal said, *“till the demarcation of the floodplain and identification of permissible and non-permissible activities by the State Government of this judgement, we direct that 100 meters from the edge of the river would be treated as no development/construction zone in Segment-B of Phase-I (Haridwar to Unnao, Kanpur)”*.

140. In the backdrop of the above, MoEF&CC considered the matter and issued the following directions as “criteria for siting industry” in close proximity to rivers:

***“Industries shall not be located within the river flood plain corresponding to one in 25 years flood, as certified by concerned District Magistrate/Executive Engineer from state water resource Deptt. Or any other officer authorised by State Govt. for this purpose.”***

141. This OM has been issued on 14.02.2022. The mining activities in principle are allowed on the river banks in the light of the guidelines issued Sustainable Sand Mining Management Guidelines 2016 and Enforcement and Monitoring Guidelines for Sand Mining 2020. Since the

issue of siting with respect to mining of minor minerals is governed specifically by the above guidelines, we are of the view that the above OM does not come in the way of MA applicants for the mining activities in question and for that reason, they may not be prohibited from carrying out mining activities under the said OM. The **issue V, therefore, is answered in favour of MA applicants** and it is held that OM dated 14.02.2022 of MoEF&CC is not applicable in the present case.

**ISSUE VI:**

142. Admittedly, Consolidated CTOs were granted to GMVN and no consent has been obtained by MA applicants. In the absence of any consent obtained by MA applicants under the provisions of Water Act, 1974 and Air Act, 1981, the consent issued to GMVN cannot be read to entitle MA applicants to carry out mining activities in question. **This issue VI is answered against the MA applicants.**

**ISSUE VII:**

143. When questioned, it could not be disputed by the Learned Counsels appearing for MA applicants that the mining leases granted in 2019 by the State Government to GMVN had expired in January and February 2024. Once the mining leases granted in respect of GMVN have already expired, the same cannot be allowed to be continued by the Contractors i.e., MA applicant engaged by GMVN for conducting mining operations pursuant to the above mining leases of allotments made by State Government.

144. Both the Learned Counsels appearing for MA applicants could not submit any satisfactory reply on this aspect as to when term of the mining leases has already expired, how mining leases can be allowed to be resumed by MA applicants who are admittedly claiming their rights

flowing from the GMVN. Once original leases of GMVN have already expired, the same cannot be allowed to be continued in the hands of MA applicants.

145. **We accordingly answer issue VII also against MA applicants** and hold that after expiry of the term of mining leases, MA applicants cannot be allowed to carry out or resumption mining leases.

146. In view of the above discussion, we are clearly of the view that based on the findings recorded in respect of issues I, II, III, IV, VI and VII, MA applicants cannot be allowed to resume mining operations in respect of lot nos. 21/1 and 21/3, respectively, since leases period has already expired and even otherwise MA applicants do not have valid legal permissions/clearance/consent for respective statutory authorities.

147. Now coming to the last aspect with regard to liability of environmental compensation, we find from the reply of Chief Secretary, State of Uttarakhand that the liability of environmental compensation has been saddled upon GMVN by UKPCB. When pointed out this fact, learned Counsel appearing for MA applicants did not press their arguments with regard to computation and recovery of environmental compensation since they have not been saddled with any responsibility/liability of environmental compensation by UKPCB.

148. In these facts and circumstances and in the light of the findings recorded on various issues above, we find no justification or occasion or valid ground to modify the judgment dated 30.01.2023. The request of MA applicants in this regard cannot be accepted.

149. Both the MAs are disposed of accordingly. Pending IAs also stand disposed of.

150. Copy of this order be forwarded to GMVN; Member Secretary, UKPCB; Director General, Department of Geology and Mining, Uttarakhand; and SEIAA UK for information and compliance.

**PRAKASH SHRIVASTAVA**  
Chairperson

**SUDHIR AGARWAL**  
Judicial Member

**DR. A. SENTHIL VEL**  
Expert Member

**DR. AFROZ AHMAD**  
Expert Member

July 17, 2025  
M.A. No.121/2023 in  
Original Application No. 692/2022  
and M.A. No.31/2024 in  
Original Application No. 442/2022  
R..

औद्योगिक विकास (खनन) अनुभाग-1

संख्या: /VII-A-1/2025-05(39)/2020

देहरादून, दिनांक: 15 सितम्बर, 2025

कार्यालय ज्ञाप

राज्यान्तर्गत समस्त नदी तल क्षेत्रों में स्वीकृत खनन लॉटों में Sustainable Sand Mining Guidelines के अन्तर्गत प्रतिवर्ष उपखनिज मात्रा के निर्धारण के लिए नियमानुसार Replenishment Study हेतु भूतत्व एवं खनिकर्म विभाग के अन्तर्गत निम्नवत् तकनीकी समिति का गठन किया जाता है:-

- |   |           |
|---|-----------|
| 1. श्री जी.डी. प्रसाद, संयुक्त निदेशक   | - अध्यक्ष |
| 2. श्री दिनेश कुमार, संयुक्त निदेशक     | - सदस्य   |
| 3. डॉ० अमित गौरव, उपनिदेशक/भू-वैज्ञानिक | - सदस्य   |
| 4. सम्बन्धित जनपद के जिला खान अधिकारी   | - सदस्य   |
| 5. सम्बन्धित जनपद के भूवैज्ञानिक        | - सदस्य   |

2- उक्तानुसार गठित समिति द्वारा नदी तल क्षेत्रों में स्वीकृत खनन लॉटों की Replenishment Study किये जाने पर होने वाले समस्त व्यय (ड्रोन सर्वे, सर्वेक्षण सम्बन्धी कार्य, वीडियोग्राफी आदि) राज्य खनिज अन्वेषण न्यास (SMET) के अन्तर्गत जमा निधि से वहन किया जायेगा।

3- उक्तानुसार गठित समिति द्वारा Sustainable Sand Mining Guidelines के अन्तर्गत प्रतिवर्ष उपखनिज की मात्रा सम्बन्धी Replenishment Study की अपेक्षित रिपोर्ट शासन/निदेशालय को उपलब्ध कराना सुनिश्चित करेगी।

(बृजेश कुमार संत)  
सचिव

संख्या:- 2458/VII-A-1/2025-05(39)/2020तददिनांकित।

प्रतिलिपि:निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. निदेशक, भूतत्व एवं खनिकर्म, उत्तराखण्ड देहरादून।
2. आयुक्त गढवाल/कुमाऊँ मण्डल।
3. प्रमुख वन संरक्षक (HoFF) उत्तराखण्ड।
4. समस्त जिलाधिकारी, उत्तराखण्ड।
5. सदस्य सचिव, पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण बोर्ड, उत्तराखण्ड।
6. सदस्य सचिव, राज्य स्तर पर्यावरण समाघात निर्धारण प्राधिकरण, उत्तराखण्ड।
7. प्रबन्ध निदेशक, वन विकास निगम।
8. प्रबन्ध निदेशक, गढवाल मण्डल विकास निगम, देहरादून।
9. प्रबन्ध निदेशक, कुमाऊँ मण्डल विकास निगम, नैनीताल।
10. सम्बन्धित नामित सदस्यगण।
11. समस्त जिला खान अधिकारी, उत्तराखण्ड।
12. समस्त जनपद के भू-वैज्ञानिक।
13. गार्ड फाईल।

आज्ञा से

*hhu*

(हनुमान प्रसाद तिवारी)  
उप सचिव

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

**HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI**  
**AND**  
**HON'BLE SRI JUSTICE RAKESH THAPLIYAL**

**06<sup>TH</sup> SEPTEMBER, 2023**

**WRIT PETITION (PIL) No. 225 OF 2021**

Akash Vashishtha.

...Petitioner

Versus

The State of Uttarakhand and others.

...Respondents

|  |    |   |
|--|----|---|
| Counsel for the petitioner.                    | :  | Mr. Rakshit Joshi and Ms. Arti Adhikari,<br>learned counsels.                   |
| Counsel for the State of Uttarakhand.          | of | Mr. C.S. Rawat, learned Chief Standing<br>Counsel for the State of Uttarakhand. |
| Counsel for the Union of India.                | :  | Mr. Aazmeen Sheikh, learned Standing<br>Counsel for the Union of India.         |
| Counsel for the State Pollution Control Board. | :  | Mr. Aditya Pratap Singh, learned<br>counsel.                                    |
| Counsel for the MDDA/SADA.                     | :  | Mr. Vinay Garg and Mr. Rahul Consul,<br>learned counsels.                       |

**ORDER** : (per Sri Vipin Sanghi, C.J.)

The Ministry of Environment and Forests, in exercise of the statutory power conferred under Section 3(2)(v) of the Environment (Protection) Act, 1986, and Rule 5(3)(d) of the Environment (Protection) Rules, 1986, issued a notification on 01.02.1989 on the subject of Restrictions on Location of Industries, Mining Operations and other Development Activities in Doon Valley, which, at

that point of time, fell in the State of Uttar Pradesh. In relation to tourism, the notification required the preparation of a Tourism Development Plan (TDP), to be prepared by the State Department of Tourism, which was required to be approved by the Union Ministry of Environment & Forests.

2. Similarly, in relation to land use, a Master Plan of development and Land Use Plan of the entire area, was required to be prepared by the State Government, with the approval of the Union Ministry of Environment & Forests. The said notification also dealt with the aspects of location and setting up of industrial units and mining. In respect of all the aspects covered by the said notification, the approval of the Union Ministry of Environment & Forests was made mandatory.

3. However, no Tourism Development Plan was prepared by the State Department of Tourism. The State of Uttarakhand came into being on 09.11.2000. Even thereafter, the State has not taken any steps for preparation of the Tourism Development Plan.

4. When the present Public Interest Litigation came up before this Court on 13.06.2023, we had passed the following order :-

*"1. Mr. Rakshit Joshi, learned counsel for the petitioner.*

*2. Mr. B.S. Parihar, learned Standing Counsel with Mr. S.S. Chaudhary, learned Brief Holder for the State.*

*3. Mr. Rahul Consul and Mr. Vinay Garg, learned counsels for respondent MDDA.*

*4. Mr. Azmeen Sheikh, learned Standing Counsel for the Union of India.*

*5. On the last occasion, when the matter was heard, our attention has been drawn to the Notification dated 01.02.1989, issued by the Ministry of Environment and Forest, Government of India, in relation to restrictions on location of industries, mining operations and other development activities in the Doon Valley, in the erstwhile State of Uttar Pradesh.*

*6. By the said Notification, the Central Government had imposed restrictions on the enumerated activities in Doon Valley. The enumerated activities were, firstly location, setting of industrial units; secondly Mining; thirdly tourism; fourthly grazing, and; lastly land use. It was left to the State Department of Tourism to prepare a Tourism Development Plan (TDP) with the approval of the Union Ministry of Environment and Forest. As aforesaid, the purpose of preparation of TDP was to impose restrictions, inter alia, in relation to the activity of tourism in the Doon Valley.*

*7. It has been over 34 years, since the issuance of the Notification dated 01.02.1989, but the tourism development plan has not been prepared by the State Tourism Department.*

*8. Today, written instructions have been tendered in Court by Mr. Parihar, according to which, the State has no plan of developing a Tourism Development Plan. This situation is completely unacceptable, as the failure on the part of the State Department for Tourism in preparing the TDP defeats the statutory Notification, issued by the Central Government under Section 3(2)(v) of the Environment (Protection) Act, 1986, and Rule 5(3)(d) of the Environment (Protection) Rules, 1986.*

9. *We direct the Secretary, Tourism, Government of Uttarakhand, to remain present during the hearing of this petition, on the next date, either physically, or virtually.*

10. *An affidavit shall also be filed by the State explaining its inaction in preparing the TDP in terms of the Notification dated 01.02.1989, the purpose whereof, as aforesaid, was to place restrictions on tourism activity in the Doon Valley.*

11. *List the matter on 25.07.2023."*

5. In pursuance of the order dated 13.06.2023, the State filed its counter affidavit, and compliance affidavit. The same was examined on 25.07.2023. After examining the same, we had passed, *inter alia*, the following order :-

"7. *We have perused the same, and it appears to us that the respondents have not addressed the issues raised by the petitioner, and taken note of by us in our earlier order dated 13.06.2023. The affidavits filed by the respondent- State are bereft of any particulars, and the documents referred to therein have not been placed on record.*

8. *We direct the respondent- State to file a better affidavit, bringing on record, all the documents, and the policies claimed to have been formulated from time to time after the issuance of the Notification dated 01.02.1989 by the Ministry of Environment and Forest, Government of India.*

9. *The affidavit should specifically state as to what are the restrictions placed in the policy with regard to the location of industries, mining operations, and other development activities in the Doon Valley. It should specifically be stated whether the plans have been approved by the Ministry of Environment and Forest, or not.*

10. *The affidavit be filed, positively, within the next three weeks.*

11. *List on 06.09.2023.*

*12. On the next date, the Secretary, Tourism, Government of Uttarakhand, shall join the proceedings virtually."*

6. The State has now filed a supplementary compliance affidavit, along with an application seeking condonation of delay. Delay in filing the same is condoned, and the same is taken on record. A perusal of the said affidavit again shows that the State has not prepared the Tourism Development Plan. The Secretary, Tourism, Government of Uttarakhand – Mr. Sachin Kurve has joined the proceedings online, and we have heard his submissions.

7. He submits that Tourism has been categorised as an Industry, and, therefore, the Department of Tourism is not involved in the matter of compliance of the Central Government notifications issued under the Environment (Protection) Act, and the Environment (Protection) Rules. He submits that the State Pollution Control Board, and the Mussoorie Dehradun Development Authority (MDDA) are the concerned authorities looking into the matter. Along with the affidavit, the respondents have also placed on record the notification dated 06.01.2020, by which the earlier notification dated 01.02.1989 (popularly known as

the 'Doon Valley Notification') was amended by the Union Ministry of Environment, Forest and Climate Change. The said amendment was carried out on the basis of the letter issued by the Government of Uttarakhand on 10.04.2019, requesting amendment of the notification. Even after amendment of the Doon Valley Notification, the obligation of the State Department of Tourism to prepare the Tourism Development Plan, was retained, as also the obligation to get the same approved from the Union Ministry of Environment, Forest and Climate Change. Despite aforesaid being the position, till date, the Tourism Development Plan, for Doon Valley, has not been prepared.

8. Mr. C.S. Rawat submits that the State Government has addressed a communication to the Central Government, seeking exemption from the requirement of obtaining approval of the Union Ministry of Environment, Forest and Climate Change. Along with the affidavit, the State has placed on record a communication sent to the Central Government on 04.07.2023 on the subject "*Regarding Repeal of Doon Valley Notification 1989 as amended 2020*". Mr. Rawat submits that the State has formulated Tourism Development Master Plan/ Policy from

2001 onwards. These documents have been placed on record, along with the present supplementary compliance affidavit.

9. We find that these documents do not have any statutory force. They also do not specifically address the issues relating to environment protection and preservation vis-à-vis Tourism in the Doon Valley.

10. The respondent-State does not appear to have understood the purpose of issuance of the Doon Valley Notification by the Ministry of Environment & Forests, way back in the year 1989. The purpose was, clearly, to preserve the eco-sensitive Doon Valley, and to prevent its degradation, which had been set into motion even then. The Doon Valley Notification *ex facie* recognizes the fact that Tourism *per se*, and its development, has a direct impact on the environment in Doon Valley. The objective of the statutory direction to the State Government, to prepare a Tourism Development Plan for the Doon Valley and to get the same approved from the MoEFCC, was to ensure planned sustenance, development and growth of the Tourism on industry in Doon Valley, which takes into account, and addresses the Environmental concerns that

Tourism throws up. This aspect is completely missed in the non-statutory Tourism Policy framed by the State from time to time.

11. We may, for instance, notice the Uttarakhand Tourism Policy 2030, framed by the State, a copy whereof has been filed along with the supplementary compliance affidavit. Chapter 15 of this Policy talks about "Sustainable Tourism". A perusal of the said Chapter shows that, apart from rendering lip service to the aspect of Sustainable Tourism, there is no concrete decision taken, or implemented to actually attain Sustainable Tourism in the State, much less in the Doon Valley. The policy contains lot of jargon, with no meaningful content. The said policy does not exhibit the application of mind by any person with expertise in the field of environment conservation. It does not appear to be worth the paper it is written upon.

12. Another interesting feature of the said policy is that it talks of things to be done in the future, but the said policy does not state, as to what decisions have already been taken, and what measures have already been put in place, to attain Sustainable Tourism. It is replete with

phrases, such as, "shall be taken" and "can be done". The Chapter on Sustainable Tourism, contained in the Uttarakhand Tourism Policy 2030 is short, and to make good our aforesaid finding, we reproduce the same hereunder :-

**"Sustainable Tourism"**

***This policy recognizes and appreciates that sustainable tourism is a concept that needs to be applied to all segments and themes of tourism in Uttarakhand. The state envisages sustainability to be a major driving principle in all its activities and initiatives. Thus, initiatives are needed to coordinate with multiple stakeholders and synchronize efforts to create positive impact. Furthermore, it is necessary for sustainable practices to be incentivized.***

*Sustainability principles refer to the environmental, economic, and sociocultural aspects of tourism development, and a fine balance must be established between these three dimensions to guarantee long-term sustainability. Sustainable tourism development guidelines and management practices are applicable to all forms of tourism in all types of destinations, from mass tourism to various niche tourism segments.*

*Thus, sustainable tourism should:*

- *Make optimal use of environmental resources that constitute a key element in tourism development, maintaining essential ecological processes and helping to conserve natural heritage and biodiversity. This becomes extremely important in the case of Uttarakhand due to the environmental sensitivities of its hilly terrain and forest cover.*
- *Respect the socio-cultural authenticity of host communities, conserve their built and living cultural heritage and traditional values, and contribute to inter-cultural understanding and tolerance.*
- *Ensure viable, long-term economic operations, providing socio-economic benefits to all stakeholders that are distributed, including stable employment and income-earning opportunities and social services to host communities, and contributing to poverty alleviation.*

***Reducing adverse tourism impact***

*Various steps shall be taken to reduce the impact of tourism on the environment:*

- *Guidelines for different stakeholders (especially tourists, local community, and civic authorities) shall be laid down to minimize the negative impact of tourism activities on environment and to ensure sustainability of tourist experience, especially in eco-sensitive areas.*
- *Mass tourism hubs shall be decongested by creating satellite nodes.*
- *Tourism projects shall receive financial support for implementing measures such as rainwater harvesting, renewable energy use, waste processing, etc.*

### **Creating Awareness among Tourism Stakeholders**

#### **Community**

*The state shall foster collaboration between local authorities and the community to increase awareness on environmental sustainability and to preserve local culture through campaigns. Frameworks shall be drafted to use local knowledge and techniques to standardize the approach across the state. Assisting the local community with mentoring support and funding shall be considered to increase the effectiveness of the campaign. An annual competition between various districts could aid in incentivizing preservation of environmental and cultural integrity.*

#### **Tourism Enterprises**

*Private sector players such as hotel owners, tour operators, and transport services can play a key role in protecting the environment and influencing tourists to make sustainable choices. Tourism enterprises shall be required to necessarily follow sustainable practices in their tourism activities. Training shall be provided for solid waste management, water and energy conservation techniques to all tourism enterprises. They shall be further encouraged to create awareness amongst tourists and local community about sensitivities related to sustainability.*

#### **Tourists**

*A multi-lingual and multi-media campaign will be organized on environmental sustainability and code of conduct to sensitize tourists. The state shall build a program that encourages tourists to engage in conservation activities along with other institutions to protect fragile tourist sites.*

#### **Low Impact Tourism**

*The state shall encourage tourist activities that cause low impact to the environment. Local community and district authorities shall be sensitized to use renewable*

*resources and energy efficient design in the development and operations of tourist destination. Tourism projects abiding Green Rating for Integrated Habitat Assessment (GRIHA) or Indian Green Building Council (IGBC) guidelines shall also be recognized.*

**Green Certification**

*A framework shall be established for evaluating tourism enterprises / projects quantitatively and qualitatively on various parameters of sustainable tourism such as:*

- *Energy efficiency*
- *Climate sound*
- *Water consumption*
- *Waste management*
- *Biodiversity conservation*
- *Preservation of cultural heritage*
- *Cultural understanding and tolerance*
- *Green building design*
- *Community collaboration*

*Recognition shall be given for outstanding sustainability practices through certifications given by the state. Also, sustainable, and green projects shall be awarded at tourism awards.*

**Monitoring Mechanism**

*A state-wide program shall be implemented in a concerted effort to clean up and dispose of waste in public places adjoining the tourist sites. Penalties shall be imposed on stakeholders in case of violation of guidelines / regulations. The Uttarakhand Tourism Development Board shall ensure mechanisms to continuously review and upgrade Tourism management guidelines and implement recommended action in timely manner. Ensuring CCTV surveillance and tourism security personnel at Anchor Tourism Sites shall increase onsite monitoring and enforcing regulation and guidelines.”*

13. Our experience has shown, and we are pained and dismayed to notice, that the policy of the State, in practice, appears to be only to commercialise the hills, and to generate more and more revenues, by permitting commercial activities. There is very little emphasis on actual preservation and protection of the environment.

The State appears to be completely insensitized and blind to the enormous environmental degradation that the entire State – and not just the Doon Valley is suffering. No wonder, the State is urging the MoEFCC to repeal the Doon Valley Notification in toto.

14. Over the years, despite the intervention of the Ministry of Environment & Forests, as early as on 1989, the situation has only gone from bad to worse.

15. The Doon Valley Notification, as amended, is the law, and the State is bound to implement the law. The State cannot be heard to state that they shall not implement the law, merely because they have addressed a communication to the Central Government to repeal the Doon Valley Notification, 1989, as amended in 2020.

16. We, therefore, direct the State to positively formulate the Tourism Development Plan, and to seek approval of the Union Ministry of Environment, Forest and Climate Change within the next four weeks. The State shall also comply with all the other obligations cast upon it, in the Doon Valley Notification, as amended on 06.01.2020.

17. Under the Doon Valley Notification, as amended, the approval of the Union Ministry of Environment, Forest and Climate Change is must before starting any mining activity in the Doon Valley.

18. The State should state on affidavit, whether it has made a corresponding statutory rule in the State, which requires that any license, for carrying out any mining activity within the Doon Valley, would be issued only after the approval of the Union Ministry of Environment, Forest and Climate Change.

19. The State should also prepare a plan for grazing, and get the same approved from the Union Ministry of Environment, Forest and Climate Change.

20. With regard to the obligation of the State to prepare the Master Plan of Development, and Land Use Plan for the entire Doon Valley area, and to get the same approved from the Union Ministry of Environment, Forest and Climate Change, learned counsel appearing for the MDDA has presented a short list of dates and events before us, and read out the same. If the same is considered to be accurate, it appears that on repeated occasions, the Draft Master Plan prepared by the State has

been forwarded to the Union Ministry of Environment, Forest and Climate Change for its approval. It further appears that the Union Ministry of Environment, Forest and Climate Change insisted on preparation of an Integrated Master Plan for the entire Doon Valley, as notified on 20.05.2019.

21. Mr. Vinay Garg, learned counsel for the MDDA submits that, eventually in April, 2023, the Integrated Master Plan for development of the Doon Valley has been prepared, and submitted for approval of the Central Government, vide notification dated 21.04.2023. He submits, on instructions, that there has been no response from the Central Government till date on the said communication.

22. We direct the Union of India to file an affidavit, specifically disclosing its position with regard to the implementation of the Doon Valley Notification, as amended on 06.01.2020, and the fate of the request made by the State Government for repeal of the Doon Valley Notification, as amended in 2020. The Union of India should also disclose the status with regard to consideration of the Integrated Master Plan submitted by the State on

21.04.2023 vide letter No.  
171/मदेविप्रा0/नि0अनु0/महायो0पत्रा(ESZ)/2023. The affidavit be  
filed within four weeks.

23. List on 10.10.2023.

24. In case our order passed today is not complied  
with, the Chief Secretary, Government of Uttarakhand  
shall remain present before us personally on the next  
date.

**VIPIN SANGHI, C.J.**

**RAKESH THAPLIYAL, J.**

Dt: 06<sup>th</sup> SEPTEMBER, 2023  
Rahul



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

CP-18/1/2023-IPC-VI-HO-CPCB-HO

Date: 12.02.2025

To

The Chairman  
State Pollution Control Board/Pollution Control Committee  
(As per the list)

**Sub: Directions under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 regarding harmonization of classification of industrial sectors under Red, Orange, Green, White and Blue categories.**

WHEREAS, under section 16 (2)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(c) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to coordinate activities of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs); and

WHEREAS, under section 16 (2)(c) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(d) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the CPCB is to provide technical assistance and guidance to SPCBs and PCCs; and

WHEREAS, it was brought to the notice of CPCB, that different SPCBs/PCCs were following different criteria for the classification of industrial sectors under different categories. Therefore, in 2012, to have uniformity in classification throughout the country, CPCB vide letter no. B-29012/1/2012/ESS/1526-1563, dated 04.06.2012 issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs to adopt and implement standardized list of Red, Orange and Green categories of industries; and

WHEREAS, in 2016, the Central Pollution Control Board (CPCB) developed a scoring methodology based on the Pollution Index (PI) to harmonize the criteria for classification of industrial sectors. The PI is determined based on Precautionary Principle- by evaluating potential of water pollution, air pollution, and hazardous waste generation from particular sector. CPCB vide letter no. B-29012//ESS(CPA)/2015-16, dated 07.03.2016 issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs to adopt and implement revised classification. SPCBs/PCCs were also directed to categorize any new or left over sectors at their level by constituting a Committee and following the methodology prescribed by CPCB; and

Page 1 of 5

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



WHEREAS, CPCB vide letter no. B-29016/ROGW/IPC-VI/2020-21, dated 30.04.2020, issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs regarding segregated list of non-industrial sectors (activities/ facilities/ infrastructure/ services) such as sewage treatment plants, healthcare facilities, hotels, building and construction projects, airports, highways etc. Further, CPCB also classified few additional sectors from time to time; and

WHEREAS, based on the experience gained over the years in Pollution Index calculation, use of cleaner fuels like PNG/CNG etc., adoption of cleaner technology resulting in reduced emission/wastewater generation, a need was felt to revisit the classification methodology of 2016; and

WHEREAS, during July 2023, CPCB prepared a “Draft Report on Classification of Industrial Sectors into Red, Orange, Green and White Categories: A Tool for Progressive Environmental Management” which was uploaded on CPCB website for seeking comments/suggestions of the stakeholders/public on the same. The draft report was also circulated to SPCBs/PCCs/MoEF&CC for comments; and

WHEREAS, CPCB vide office order dated 26.09.2023 constituted a committee to critically examine and analyse the comments/suggestions and to make recommendations for suitable incorporation in the finalizing the methodology and classification; and

WHEREAS, based on the stakeholders’ comments, a need was felt to promote/incentivize units for adopting measures resulting in better environmental performance. Additionally, a requirement was also felt for separate category – Blue Category- for essential environmental services for management of environmental pollution arising from domestic/household activities. Accordingly, CPCB prepared an “Addendum and substitution thereto in Draft Report on Classification of Sectors into Red, Orange, Green, White and Blue Categories”, which was shared with SPCBs/PCCs and also uploaded on CPCB website on 11.07.2024 for seeking inputs/comments; and

WHEREAS, the amendment in Section-21 of the Air (Prevention and Control of Pollution) Act, 1981 through the Jan Vishwas (Amendment of Provisions) Act, 2023 and amendment in Section-25 of the Water (Prevention and Control of Pollution) Act, 1974 through the Water (Prevention and Control of Pollution) Amendment Act, 2024, grant exemption to certain categories of industries, as notified by Central Government, for obtaining consent under these Acts; and

WHEREAS, the Ministry of Environment, Forest and Climate Change, Government of India vide notification no. G.S.R. 702(E), dated 12.11.2024 granted exemption of consent under the Water Act, 1974 and the Air Act, 1981 to exemption of Consent to Establish (CTE) and Consent to Operate (CTO) to all industrial plants having pollution index score upto 20 (at present total 39 industrial sectors under white categories as per 2016 methodology) subject to

condition that such plant shall inform in writing to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC); and

WHEREAS, the MoEF&CC vide letter no. Q-15012/2/2022/-CPW-Part (1)/e-240741, dated 14.11.2024 has issued Standard Operating Procedure for implementation of the said Notification dated 12.11.2024. The SOP includes the following provisions for White categories of industries:

- i. Industry to intimate to concerned SPCB/PCC about operations and self-declare the compliance with prevalent rules & regulations,
- ii. Concerned SPCB/PCC to maintain separate list of such industries/activities, and
- iii. Concerned SPCB/PCC to ensure that no activities other than those intimated, are carried out by exempted units.

WHEREAS, the Committee constituted by CPCB evaluated the comments, incorporated the suitable changes and finalized the revised methodology as well as classification of sectors. Final report in this regard titled as "Classification of sectors in to Red, Orange, Green, White and Blue Categories (A tool for progressive environmental management)" was submitted to Ministry of Environment, Forest and Climate Change (MoEF&CC) for concurrence. The MoEF&CC vide letter no. Q-16017-57-2015-CPA, dated 15.01.2025 granted concurrence to the revised classification; and

WHEREAS, as per the revised methodology, the category of the sector is decided based on the following ranges of Pollution Index:

- i. Red:  $PI \geq 80$ ,
- ii. Orange:  $55 \leq PI < 80$ ,
- iii. Green:  $25 \leq PI < 55$ ,
- iv. White:  $PI < 25$ ; and

WHEREAS, based on the revised methodology, CPCB has classified a total of 419 sectors and sub-sectors as under:

- i. The Red Category: 125
- ii. The Orange Category: 137
- iii. The Green Category: 94
- iv. The White Category: 54
- v. The Blue Category: 9; and

WHEREAS, the purpose of classification is to ensure that the industry is established in a manner consistent with the environmental objectives and also to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in the generation of no or minimum pollutants. The revised classification system also defines criteria for incentivizing such industry. The industry may self-assess the PI score as per defined criteria and can submit application to respective SPCBs/PCCs for consideration; and



**NOW, THEREFORE**, in the exercise of the powers delegated under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act, 1981 the earlier directions dated 07.03.2016 and subsequent directions/letter in the context of categorization of industries are withdrawn with immediate effect and following '**Directions**' are hereby issued for compliance by all SPCBs and PCCs:

1. That SPCBs and PCCs shall immediately adopt the revised methodology for classification of sectors and list of 419 sectors/sub-sectors classified under Red, Orange, Green, White, and Blue categories as detailed in the **attached** report- "Classification of Sectors into Red, Orange, Green, White and Blue Categories (A tool for progressive environmental management)".
2. That all pending application for consideration of consent (CTE/CTO) and future such application shall be processed as per the revised classification. In case CTE granted before the revised classification, applicability of CTO will be as per revised classification.
3. That the revised sectors/subsectors classified under Red, Orange, Green, White, and Blue category of sectors as given in the attached document shall be used by the SPCBs and PCCs for consent management, inventorization of units under different categories, siting criteria, deciding environmental surveillance frequency, calculation of environmental compensation, etc., as per the guidelines issued from time to time.
4. That SPCBs and PCCs shall prepare the inventory of Red, Orange, Green, White and Blue categories of units operating in their jurisdictions, based on the revised classification. SPCBs and PCCs shall upload the category and sector-wise list of such units on their website. SPCBs and PCCs shall also forward such list to CPCB, latest by 30.06.2025 and thereafter updated list by 30th June every year.
5. That the classification of sectors shall not be linked to sanction of loans/finance of bank proceedings.
6. That any further addition of any new or left-out sector and their classification which is not listed in the revised list of Red, Orange, Green, and White categories, shall be done at the level of concerned SPCB /PCC by constituting a Committee and following revised criteria & guidelines as detailed in the attached report and no concurrence of CPCB shall normally be required. Intimation of same from time to time will suffice. However, addition in Blue Category Sectors-Essential Environmental Services for domestic waste management, will be done at the level of CPCB only. SPCBs/PCCs may forward their proposal, if any, to CPCB in this regard.
7. That SPCBs and PCCs are required to prepare and submit list of additional sector classified under white category to CPCB on annual basis, by 30<sup>th</sup> of June every year, in the prescribed format (Annexure-V) as given in the attached report, for further notification for exemption from consent as per the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023, the Water Act, and the Air Act as amended from time to time by MoEF&CC.
8. That SPCBs and PCCs shall constitute a committee as prescribed in the report to evaluate the applications of the units for incentives due to adopting measures resulting in better environmental performance and reduction in PI score. The SPCB/PCC shall

place the separate list of such units on their website and also submit list of such units to CPCB on Annual Basis by 30th June every year.

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the "Action Taken Report" in compliance with these directions to CPCB before 20.02.2025.

**Encl.** As above.

  
**(Bharat Kumar Sharma)**  
Member Secretary  


Copy to:

1. The Chief Secretary of all the States and UTs  
(As per the list)
2. The Secretary,  
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Udyog Bhawan, Rafi Marg, New Delhi - 110 011
3. The Secretary,  
Ministry of Heavy Industries  
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
4. The Secretary,  
Ministry of New and Renewable Energy  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110 003
5. The Joint Secretary (CP Division)  
Ministry of Environment, Forests and Climate Change  
Indira Paryavaran Bhawan  
Jor Bagh Road, New Delhi - 110 003
6. All Regional Directorates, CPCB  
(As per the list)

  
**(Bharat Kumar Sharma)**  
Member Secretary  


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| 9. The Chief Secretary,<br>Government of Himachal Pradesh,<br>H.P Secretariat,<br>Shimla-171002<br><br>E-mail:- ( <a href="mailto:Cs-hp@nic.in">Cs-hp@nic.in</a> )  | 10. The Chief Secretary,<br>Government of Jammu & Kashmir,<br>R. No. 2/7, 2 <sup>nd</sup> Floor,<br>Main Building,<br>Civil Secretariat,<br>Jammu-180001<br><br>E-mail:- ( <a href="mailto:Cs-jandk@nic.in">Cs-jandk@nic.in</a> ) |
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| 21  | The Chief Secretary,<br>Government of Punjab,<br>Chandigarh-160001<br><br>E-mail:- ( <a href="mailto:cs@punjab.gov.in">cs@punjab.gov.in</a> )   | 22  | The Chief Secretary,<br>Government of Sikkim,<br>New Secretariat,<br>Gangtok-737101<br><br>E-mail:- ( <a href="mailto:Cs-skm@nic.in">Cs-skm@nic.in</a> )  |
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| 3.  | <p>The Chairman<br/>Assam Pollution Control Board<br/>Bamunimaidan,<br/>Guwahati – 781021<br/>(Assam)</p> <p>Email:- (<a href="mailto:chairman@pcbassam.org">chairman@pcbassam.org</a>)</p>  | 4.  | <p>The Chairman<br/>Bihar State Pollution Control Board<br/>Parivesh Bhawan, Plot No.N-B/2,<br/>Patliputra Industrial Area<br/>Patna-800010 (Bihar)</p> <p>Email:- (<a href="mailto:chairmanbspcb-bihar@gov.in">chairmanbspcb-bihar@gov.in</a>)</p>              |
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| 7.  | <p>The Chairman<br/>Gujarat Pollution Control Board<br/>Paryavaran Bhavan, Sector-10A,<br/>Gandhinagar– 382043<br/>(Gujarat)</p> <p>Email:- (<a href="mailto:chairman-gpcb@gujarat.gov.in">chairman-gpcb@gujarat.gov.in</a>)</p>   | 8.  | <p>The Chairman<br/>Haryana State Pollution Control Board<br/>C-11, Sector 6,<br/>Panchkula- 134109<br/>(Haryana)</p> <p>Email:- (<a href="mailto:hspcbho@gmail.com">hspcbho@gmail.com</a>)</p>  |
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| 11.   | <p>The Chairman<br/>Jharkhand State Pollution Control Board<br/>T.A Building, HEC Campus, P.O. Dhurwa<br/>Ranchi – 834004, (Jharkhand)</p> <p>Email:- (<a href="mailto:ranchijspcb@gmail.com">ranchijspcb@gmail.com</a>)</p>   | 12. | <p>The Chairman<br/>Karnataka State Pollution Control Board<br/>Parisara Bhavan, #49, Church Street,<br/>Bengaluru – 560 001, (Karnataka)</p> <p>Email:- (<a href="mailto:chairman@kspcb.gov.in">chairman@kspcb.gov.in</a>)</p>                                  |

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| 19. | The Chairman<br>Nagaland State Pollution Control Board<br>Signal Point, Dimapur,<br>Nagaland – 797112<br><br>Email: - ( <a href="mailto:npcb2@yahoo.com">npcb2@yahoo.com</a> )   | 20  | The Chairman<br>Odisha State Pollution Control Board<br>Paribesh Bhawan<br>A-118, Nilakanta Nagar, Unit –VIII,<br>Bhubaneshwar – 751012.<br><br>Email: - ( <a href="mailto:chairman@ospceboard.org">chairman@ospceboard.org</a> )                                   |
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| 23. | The Chairman<br>Rajasthan State Pollution Control Board<br>A-4 Institutional Area, Jhalane Dungri<br>Jaipur – 302004.<br>(Rajasthan)<br><br>Email:- ( <a href="mailto:chairperson@rpcb.nic.in">chairperson@rpcb.nic.in</a> )       | 24. | The Chairman<br>Telangana Pollution Control Board<br>Paryavaran Bhavan<br>A-3, Industrial Estate, Sanath Nagar,<br>Hyderabad – 500 018<br>(Telangana)<br><br>Email:- ( <a href="mailto:chief.advisor@telangana.gov.in">chief.advisor@telangana.gov.in</a> )         |

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| 27. | The Chairman<br>Uttarakhand Pollution Control Board<br>Gaura Devi Bhawan, 46 B IT Park<br>Sahastradhara, Dehradun-248001<br>Uttarakhand<br><br>Email:- ( <a href="mailto:Secy-for-ua@nic.in">Secy-for-ua@nic.in</a> )  | 28. | The Chairman<br>Uttar Pradesh Pollution Control Board<br>Building No. TC-12V<br>VibhutiKhand, Gomti Nagar,<br>Lucknow– 226010, (Uttar Pradesh)<br><br>Email:- ( <a href="mailto:chairman@uppcb.in">chairman@uppcb.in</a> )   |
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## **Classification of Sectors into Red, Orange, Green, White and Blue Categories**

(A tool for progressive environmental management)

## **Classification of Sectors into Red, Orange, Green, White and Blue Categories**

(A tool for progressive environmental management)



**Central Pollution Control Board**

**“Parivesh Bhawan”, East Arjun Nagar  
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**(January 2025)**

तन्मय कुमार, भा.प्र.से.  
अध्यक्ष

Tanmay Kumar, I. A. S.  
Chairman



सत्यमेव जयते

FOREWORD

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार

CENTRAL POLLUTION CONTROL BOARD

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

The concept of classifying industries into different pollution categories originated in 1989 with the Doon Valley (Uttarakhand) Notification issued by Ministry of Environment and Forests. Subsequently the concept of pollution index was developed by Central Pollution Control Board (CPCB) during 2016 to classify the sectors into different category. The 2016 classification helped State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) in streamlining consent management, prioritizing regulatory oversight & environmental monitoring, taking decision related to siting of units, etc. However, necessity felt for refining the concept of calculating Pollution Index to overcome certain limitation and to bifurcate sub-sectors based on pollution load, scale of operation etc.

Accordingly, draft methodology was prepared and widely circulated for inputs/comments/suggestions by placing the same on CPCB website (public domain) as well as by inviting comments from MoEF&CC/SPCBs/PCCs. As of 11.08.2024, i.e. the extended date for receipt of suggestions, CPCB received 170 representations, comprising over 700 comments from PSUs, NGOs, industries, industrial associations, including feedback from SPCBs of Kerala, Nagaland, Tamil Nadu, Mizoram, West Bengal, Punjab and Lakshadweep. The report has been finalised after examining all the comments by a working committee.

The 2025 classification methodology bifurcates sub-sectors based on pollution load, scale of operation, production technology, and type of fuel used into Red, Orange, Green, White and Blue categories. Red indicates the highest pollution potential, requiring stringent regulatory oversight, while White signifies minimal or no pollution, with much reduced compliance burden of merely intimation to the concerned SPCBs/PCCs. **A new Blue Category has also been introduced to distinguish the Essential Environmental Services** required for management of environmental concerns arising from anthropogenic pollution due to domestic/household activities which otherwise will have large littering potential. Additional 2 years validity for consent to operate (as per Pollution Index) is prescribed for the blue category.

This report also outlines the implementation pathway, which includes guidelines for State Pollution Control Boards/Pollution Control Committees to follow and implement the new classification system. Earlier classified 257 sectors have now been bifurcated and classified into 403 sectors (including sub sectors) and additionally, 16 new sectors have been introduced. Thus, the revised classification of 273 key sectors comprising of total 419 sectors/sub-sectors are further classified into Red Category (125 nos.), Orange Category (137 nos.), Green Category (94 nos.), White Category (54 nos.) and Blue Category (9 nos.). Progression between red, orange and green categories for the industrial sectors is also incorporated based on the use of less polluting available processes and technologies.

The report also comprises provisions for individual units to adopt cleaner technologies and practices resulting in reduction of pollution load in any sector. Incentives, such as extended validity for Consent to Operate (CTO) and reduced inspection frequencies, are outlined to encourage continual improvement of environmental performance. The incentive mechanism allowing progression between categories will thereby promote Ease of Doing Business by extended consent validity and enhance duration between inspections, thereby leading to reduced compliance burden.

To sum up, this report aims to create a more transparent, consistent, and incentivized regulatory mechanism for better environment management, promoting sustainable industrial development and better governance. I hope the report will be useful to all concerned in the field of industrial pollution control in the country and would incentivise the industries to switch over to cleaner process and technology leading to reduced air, water and soil pollution and also encourage setting up of blue category industries.

I would like to place on record my sincere appreciation for the hard work and valuable contributions by the CPCB team comprising of Shri Amit R. Thakkar, Add. Director, Shri Saubhagya Dixit, Scientist D, and Dr. Anantha N. S., SSA under the guidance of Shri Bharat Kumar Sharma, Member Secretary. I would also like to extend my thanks to Dr. Prashant Gargava, former Member Secretary, Shri P. K. Gupta, former Director and Shri Ajay Aggarwal, former Director, for their contribution. I would also express gratitude to the Working Committee, CPCB, MoEF&CC, SPCBs/PCCs and others for their contributions in the preparation of this report.

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## EXECUTIVE SUMMARY

The concept of classification of industrial sectors into red, orange, and green categories based on the size of operations and consumption of resources was first introduced in 1989 for Doon Valley, Uttarakhand. This classification aimed to aid decisions regarding siting of industries. Over the period of time, this concept was extended nationwide to manage consents and establish norms for surveillance and inspection of industry. In 2012, to have uniformity in classification throughout the country, the Central Pollution Control Board (CPCB) issued a standardized list of 244 sectors, classified under red (85 sectors), orange (73 sectors) and green (86 sectors) categories.

In 2016, the Central Pollution Control Board (CPCB) developed a scoring methodology based on the Pollution Index (PI) to harmonize the criteria for categorizing industries. This PI was determined by evaluating water pollution, air pollution, and hazardous waste generation. Using this methodology, CPCB classified 257 industrial sectors into four categories: Red (63 sectors), Orange (91 sectors), Green (65 sectors), and White (38 sectors). The White category was introduced for sectors considered "practically non-polluting" during 2016. Additionally, State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) were authorized to categorize any new or left over sectors according to the CPCB's 2016 methodology.

Further, based on the experience gained over the years, the increased use of cleaner fuels like PNG and bio-CNG, adoption of cleaner technology resulting into reduced wastewater generation, normalisation approach & different formula for calculating PI etc. a need was felt to revisit the classification methodology of 2016 for several such identified areas for improvement. Separate scoring for trade effluent and sewage effluent was also required due to differing characteristics and treatment methods.

Considering the scope of revision, CPCB published a draft report revising the methodology for calculating PI and accordingly classification of sectors into Red, Orange, Green, and White categories based on pollution index range was placed in the public domain for inputs/comments. Around 160 representations comprising more than 700 comments were received. Based on feedback/suggestions and examination of same by the working committee constituted for the purpose, the methodology was finalised. As per the final methodology, the scoring criteria for the following three major pollutant groups are as follows:

- i. Water Pollutant Score (PI<sub>W</sub>): Assesses the water pollution potential considering the oxygen demand of wastewater, other pollutants in the wastewater and quantity of wastewater generated.
- ii. Air Pollutant Score (PI<sub>A</sub>): Evaluates the potential air pollution due to process emissions (point source), work zone emissions (fugitive and odour) and type & quantity of fuel used.
- iii. Waste Pollutant Score (PI<sub>H</sub>): Considering the type and quantity of waste (which are hazardous/toxic/infectious/bulk in nature) generated.

Each pollutant group is scored out of 100, and the Cumulative Pollution Index is calculated. The category of the sector is decided based on the pollution index range, if  $PI \geq 80$  the category

of sector is Red, if PI ranges between  $55 \leq PI < 80$ , the category of sector is orange, similarly for the range of PI between  $25 \leq PI < 55$ , the category is Green and for  $PI < 25$ , the category of the sector is white.

Further, based on the stakeholders' comments, a need was felt to introduce a separate "blue category" for Essential Environmental Services (ESS) required for management of waste generated from domestic/household activities and, an incentive mechanism to promote units in a particular sector, taking measures resulting into better environmental performance. An addendum was prepared, shared and presented to all SPCBs/PCCs. The addendum was also placed in the CPCB Website on 11.07.2024 for inputs/comments. 09 representations were received in the addendum. All representations were examined, and classification based on revised methodology is finalised. Based on the revised methodology, CPCB has classified total 419 sectors and sub-sectors under Red (125), Orange (137), Green (94), White (54) and Blue (9) categories.

The report introduced incentive mechanism for the units in any sector that adopt environment friendly practices such as treatment and recovery of 100% wastewater, use of 100% cleaner fuel/renewal energy etc. and ensuring continuous compliance. These incentives are designed to encourage continuous improvement in environmental performance and to reward units that demonstrate proven implementation of sustainable practices and compliances.

Following are the salient features of the revised classification methodology:

- Methodology focusses on "Potential to pollute the environment" by the sector.
- Simplified single formula for Cumulative Pollution Index for all cases.
- Equal weightage to all three pollutant groups- Air, Water, and Waste.
- Cumulative PI based on weighted proportionate scores of pollutant groups.
- Separate scoring criteria for sectors generating sewage (such as Building & construction projects, STPs, Airports, etc.) and bio-medical waste (Health Care Facilities).
- Introduced Blue Category for 9 sectors under Essential Environmental Services required for management of waste generated from domestic/household activities.
- Appropriate weightage to scale of operations by introducing more slabs to bifurcates sub-sectors based on pollution load, scale of operation, production technology and type of fuel used.
- Introduction of sub-categories for sectors based on cleaner technologies, fuel types, integrated/segreated operations etc.
- Motivation to industries for progressive environmental management.
- A tool to assess the Cumulative Pollution Index and category based on revised method.

This report, prepared by the Central Pollution Control Board (CPCB), presents a revised methodology for classifying sectors based on their pollution potential. The classification aims to enhance environmental management and regulatory oversight by classifying sectors into red, orange, green, white, and blue categories. The report covers in detail about the genesis of

classification, need for the revision of 2016 methodology, scoring methodology for calculation of cumulative PI, etc.

The report also outlines guidelines for implementing the classification system. The classification may be used for consent management, inspection frequency, siting criteria, cluster development, pollution control plans, levying environmental compensation, promoting progressive environmental management, etc.

\*\*\*\*\*

**LIST OF ABBREVIATION**

|                   |   |
|-------------------|---|
| CBG:              | Compressed Biogas                                     |
| CNG:              | Compressed Natural Gas                                |
| CPI:              | Cumulative Pollution Index                            |
| CPCB:             | Central Pollution Control Board                       |
| CTE:              | Consent to Establishment                              |
| CTO:              | Consent to Operate                                    |
| EC:               | Environment Compensation                              |
| ETP:              | Effluent Treatment Plant                              |
| EES:              | Essential Environmental Services                      |
| Gen-Set:          | Generator Set   |
| HAPs:             | Hazardous Air Pollutants                              |
| HCFs:             | Health Care Facilities                                |
| HW:               | Hazardous Waste                                       |
| MoEF&CC:          | Ministry of Environment, Forest & Climate Change      |
| LNG:              | Liquefied Natural Gas                                 |
| LPG:              | Liquefied Petroleum Gas                               |
| NGT:              | National Green Tribunal                               |
| NOC:              | No Objection Certificate                              |
| OCEMS:            | Online Continuous Effluent/Emission Monitoring System |
| PCC:              | Pollution Control Committee                           |
| PM:               | Particulate Matter                                    |
| PI:               | Pollution Index                                       |
| PI <sub>A</sub> : | Air pollutant score                                   |
| PI <sub>H</sub> : | Waste pollutant score                                 |
| PI <sub>W</sub> : | Water pollutant score                                 |
| PNG:              | Piped Natural Gas                                     |
| SPCB:             | State Pollution Control Board                         |
| TTZ:              | Taz Trapezium Zone                                    |
| VOCs:             | Volatile Organic Compounds                            |

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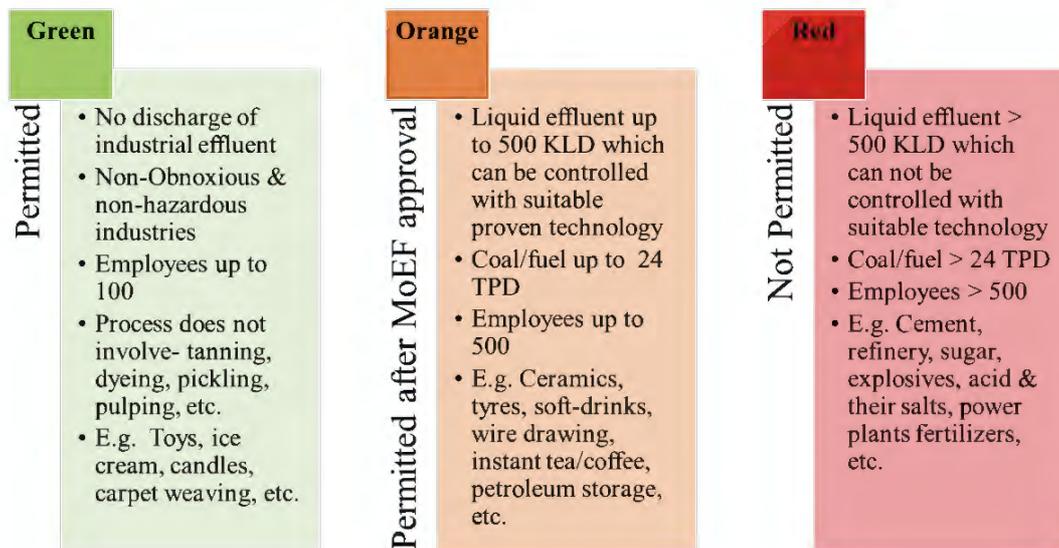


1

## Genesis and Journey of Classification

### 1.1 Introduction

The notifications issued by the Ministry of Environment and Forest during 1989 for Doon Valley, Uttarakhand introduced the concept of classification of industries as red, orange, and green categories. The purpose of this classification was to facilitate decisions related to location of these industries. The criteria for classification of industries was primarily based on quantity of industrial effluent, quantity of fuel/coal, and the number of employees, and amount of waste generated. The notification included list of 129 sectors, classified under red (45), orange (35), and green (39) categories. The criteria used for Doon Valley Notification, 1989 is summarized in the **Figure I**.



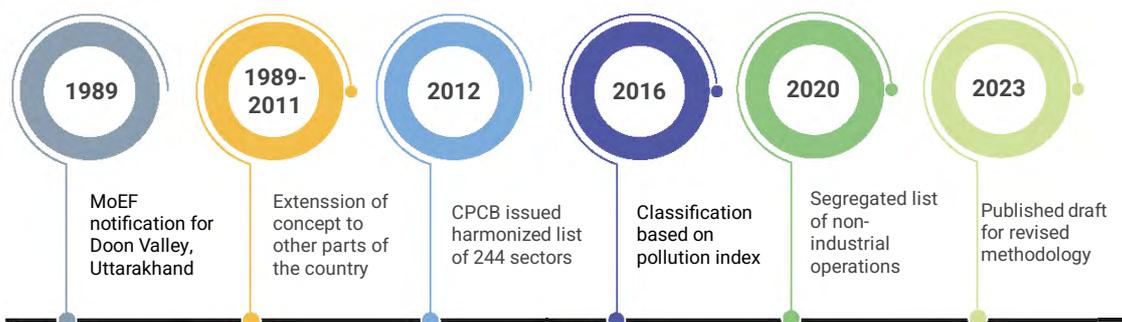
**Figure I: Criteria for classification of industries in Doon Valley Notification, 1989**

Subsequently, the application of this concept was extended to other parts of the country not only for the purpose of location of industries, but also for the purpose of consent management and formulation of norms related to surveillance/inspection of industries. As the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) were following different



categorization of industries, to maintain the uniformity across the country, during 2012, CPCB issued a list of 244 sectors, classified under red (85), orange (73) and green (86) categories.

In order to harmonize the criteria for categorization, during the year 2016, CPCB developed the scoring methodology to classify the industries based on the Pollution Index (PI) which was a function of water pollution, air pollution and hazardous waste generation. Based on this methodology, CPCB has classified 257 sectors under red (63), orange (91), green (65) and white (38) categories and directed SPCBs/PCCs to adopt the same. During 2016, CPCB introduced white category as a new category for such sectors which are “practically non-polluting”. SPCBs/PCCs were also empowered to categorize any new/left-out sector at their own level, following the methodology prescribed by CPCB. Additionally, during 2020, CPCB also segregated the list of non-industrial operations/facilities. The overall journey of classification may be understood with the help of milestone chart shown in **Figure II**.



**Figure II: Genesis and journey of classification of sectors**

The concept of categorization is based on the “Precautionary Principle”, which focuses on potential of industries to pollute the environment. The purpose of categorization is to ensure that the industry is established in a manner consistent with the environmental objectives and to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in generation of minimum pollutants.

\*\*\*\*\*



## 2

## Modified Methodology for Classification

### 2.1 Need and scope for revision of methodology

Based on the experience gained over the years, a need was felt to revisit the 2016 methodology for classification of sectors considering following scope of improvement:

#### **i. Assessment of Pollution Index:**

The category of any industrial sector depends on the Pollution Index (PI), which comprises of scores of three pollutant groups i.e., air pollution, water pollution and hazardous waste. The water and air pollutants were each assigned a weight of 40%. However, the hazardous waste generation was given 20% weightage in pollution index.

As per the classification methodology of 2016, in case of absence of any pollutant groups, pollution index was normalized to 100. As a result, different formulas were required to compute pollution index.

Further, the normalization method has certain limitations while comparing pollution potential among sectors having scores for all three pollutant groups verses score only for any one/two pollutant group(s). Moreover, it was also observed that in some sectors normalization involved subjectivity based on perception.

#### **ii. Size of operations of industrial activities:**

It was observed that, there was less variation in PI score of industry based on size of operation in same sector. Limited variables/slabs were considered for the quantity of wastewater discharge and fuel consumption. It was also observed that adequate weightage in the considered variables/slabs to account the variation in size of operations of industrial activities need to introduce.

**iii. Consideration to segregated industrial activities:**

Although there were differences in pollution potential of integrated and standalone units of a particular sector, the classification methodology (2016) classifies the integrated or standalone units in the same sector. For example, standalone cement grinding units will have less pollution potential than integrated cement plants, but both were classified under red category.

**iv. Consideration of type of fuel used:**

In industrial operations requiring fuels, the amount of emissions is governed by many factors such as the type of fuel and its calorific value, combustion efficiency, emission factors, etc. Use of biomass and cleaner gaseous fuels such as Piped Natural Gas (PNG), Liquefied Petroleum Gas (LPG), Compressed Natural Gas (CNG), bio-CNG etc. have increased significantly in recent years. It was observed that adequate weightage based on type of fuel used is required.

**v. Separate scoring for sewage and trade effluent:**

It is desirable to have separate wastewater scoring criteria for the sectors generating trade effluent and sewage effluent, as characteristics, treatment method and impact are different for trade effluent generated from industrial sectors and sewage effluent generated from infrastructure & development sectors.

**vi. Motivation to industries for progressive environmental management:**

In the previous classification regime, there was no effective provision for change in category of industries based on the variation in pollution potential of a sector, even if the industries adopt cleaner technologies or switch over to cleaner raw material/cleaner fuel etc., resulting into reduction in pollution index.

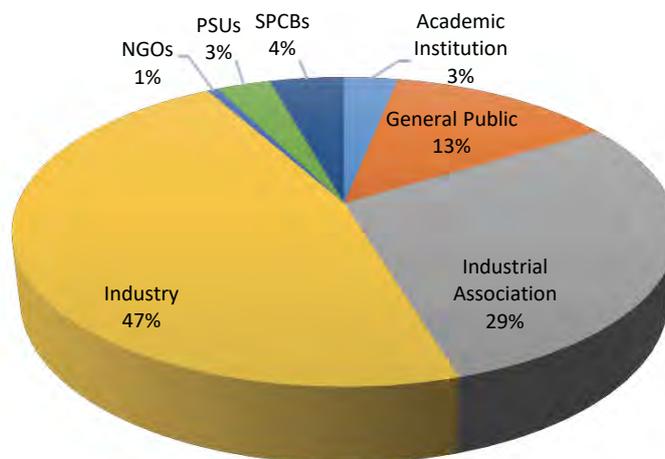
**2.2 Modified methodology for classification of sectors**

Considering the scope of revision, CPCB prepared a draft report on “Classification of Industrial Sectors into Red, Orange, Green and White Categories: A Tool for Progressive Environmental Management”. As per the draft report, a revised methodology for the classification is proposed which incorporates, water pollutant score, air pollutant score and waste generation score, based on the pollution potential of a sector on the environment. Scores out of 100 were given to each three pollutant groups and formula for calculating cumulative score based on the impact pollutant is devised. These scores are used for computation of pollution index for deciding the



category of industrial sector. The cut-offs for deciding the category were based on the quartiles of pollution indices, pollution potential of sectors, etc. The draft report was placed on CPCB website in July 2023, for comments/feedback from stakeholders.

CPCB received 161 representations, comprising more than 700 comments from various State Pollution Control Boards, research and technical institutions, industrial associations, NGOs, individual industries, and the public. The stakeholder-wise representations are shown with the help of pie-chart in **Figure III**.



**Figure III: Stakeholder-wise representations received**

Subsequently, CPCB constituted a committee to critically examine and analyse the comments and to make recommendations for suitable incorporation in the final methodology and classification. After incorporating the feedback received from stakeholders, the Committee has finalized the basic methodology which can be used as a yardstick for classification of the sectors into Red, Orange, Green and White Categories.

Further, based on the stakeholders' comments, a need was felt to introduce a separate "blue category" for Essential Environmental Services (ESS) required for management of waste generated from domestic/household activities and, an incentive mechanism to promote units in a particular sector, taking measures resulting into better environmental performance. An addendum was prepared, shared and presented to all SPCBs/PCCs. The addendum was also placed in the CPCB Website on 11.07.2024 for inputs/comments. Till last date (i.e. 11.08.2024) 09 representations were received in the addendum. All representations were examined, and classification based on revised methodology is finalised.



It is worth to mention that to safeguard the environment, following the fundamental principle of classification i.e., "Precautionary Principle", scope is always available for application of mind and collective wisdom. As per the precautionary principle, when human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. Therefore, variation from methodology is possible in case of projects having high chances of damage to the environment/eco-system such as river mining, etc. or having associated accidental risk such as major accident hazards installations wherein risk is associated with industrial activities having potential in terms of operation or process, manufacturing, transportation, and storage of one or more hazardous chemicals as prescribed by the Manufacture, Storage, and Import of Hazardous Chemical Rules, 1989.

Considering the above issues, the classification methodology was modified based on the potential of three pollutant groups, namely, water pollutant, air pollutant and waste pollutant (which are hazardous/toxic/infectious/bulk in nature), which have been given scores out of 100, each. Slabs are assigned for selection of pollutant groups respectively for water, air, and waste. Score can be decided based on dominant pollutants in the pollutant groups and quantity as detailed in Table-I, Table-II and Table-III. These scores are used for computation of pollution index for deciding the category of sector. The scoring methodology is based on the pollution potential during generation and not at the end of pipe/ after treatment considering the fact that all pollutants need to be treated and disposed as per the provisions/rules notified under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and as amended.

The details of scoring criteria for  $PI_W$  for "water pollutant,"  $PI_A$  for "air pollutant" and  $PI_H$  for "waste generating sector" are as follows:

### **2.2.1 Scoring criteria for Water Pollutant " $PI_W$ "**

Water pollution score consider the potential water pollution load from any sector in terms of characteristics and quantity of untreated trade effluent (wastewater). The "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any [industry, operation or process, or treatment and disposal system], other than domestic sewage.

The water pollutant score ( $PI_W$ ) is the addition of three sub-scores which are based on organic content in terms of oxygen demand of wastewater ( $W_1$ ), potential of other pollutants ( $W_2$ ) and



quantum of wastewater (W3). The weightages of W1, W2 and W3 in the water pollution score are 35%, 30% and 35%, respectively.

Proportionate higher scores are assigned to the sectors generating trade effluent of high BOD and/or high COD, heavy metals/toxic compounds, and large volume of wastewater. The scores are assigned considering the potential for causing damage to the environment. It may be noted that for sectors generating industrial effluent, dominant quantity of trade effluent is considered in score W3 (W3-1 to W3-5). Whereas, for sectors generating huge volume of sewage effluent such as railway stations, STPs, residential building projects, airports etc., the separate scores W3 (W3-6 to W3-10) are assigned. The term used, "Sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains. The scoring criteria for water polluting sectors are given in **Table-I**.

**Table I: Scoring Criteria for Water Polluting Sector**

| Water Pollutant Group  | Description  | Score |
|--|--|-------|
| <b>Score W1: Score based on the oxygen demand of wastewater</b><br>(Maximum of the following scores to be considered)    |  |       |
| W1-1   | BOD $\geq$ 5,000 mg/l or COD $\geq$ 10,000 mg/l  | 35    |
| W1-2   | 1000 $\leq$ BOD < 5,000 mg/l or 5000 $\leq$ COD < 10,000 mg/l  | 30    |
| W1-3   | 500 $\leq$ BOD < 1,000 mg/l or 1000 $\leq$ COD < 5,000 mg/l  | 25    |
| W1-4   | 100 $\leq$ BOD < 500 mg/l or 250 $\leq$ COD < 1,000 mg/l   | 20    |
| W1-5   | 10 $\leq$ BOD < 100 mg/l or 50 $\leq$ COD < 250 mg/l   | 10    |
| <b>Score W2: Score based on other pollutants in the wastewater</b><br>(Maximum of the following scores to be considered) |  |       |
| W2-1   | Pollutants like pesticides, heavy metals, and toxic compounds:<br><br><i>(Aluminium, Anionic detergents, Barium, Chloramines, Copper, Fluoride, Total residual chlorine, Iron, Manganese, Mineral oil, Phenolic compounds, Selenium, Silver, Sulphide, Cadmium, Cyanide, Lead, Zinc, Mercury, Tin, Vanadium, Antimony, Benzene, Benzo-a-pyrene, Molybdenum, Nickel, Phosphates, Polychlorinated biphenyls, Polynuclear aromatic hydrocarbons, Arsenic, Total/Hexavalent Chromium, Trichloroethane, Trichloroethylene, Adsorbable Organic Halogens (AOx), Pesticides compounds, Residual antibiotic, Radioactive materials, etc.)</i> | 30    |
| W2-2   | Pollutants like Nitrate Nitrogen, Nitrate, Ammonical Nitrogen, Total Kjeldahl Nitrogen (TKN), Oil & grease, pH < 5.5 or > 9  | 25    |
| W2-3   | Pollutants mainly in terms of inorganic dissolved solids and associated other impurities due to process e.g. wastewater generated from DM water rejects, boiler blowdowns, brine solution rejects, fresh-water RO rejects, etc.  | 20    |
| W2-4   | Pollutants mainly in terms of inorganic dissolved solids e.g. wastewater from cooling towers, cooling-re-circulation processes, etc.   | 15    |



| <b>Score W3: Score based on quantity of wastewater generated</b>   |                                       |    |
|--|---------------------------------------|----|
| <b>A. For sectors generating Industrial Trade effluent (Maximum score to be considered)</b>  |                                       |    |
| W3-1   | Wastewater $\geq$ 500 KLD             | 35 |
| W3-2   | 100 KLD $\leq$ Wastewater $<$ 500 KLD | 30 |
| W3-3   | 50 KLD $\leq$ Wastewater $<$ 100 KLD  | 25 |
| W3-4   | 10 KLD $\leq$ Wastewater $<$ 50 KLD   | 20 |
| W3-5   | Wastewater $<$ 10 KLD                 | 15 |
| <b>B. For sectors such as STPs, building projects, etc. generating/handling only high-volume Sewage (Maximum score to be considered)</b> |                                       |    |
| W3-6   | Sewage $\geq$ 5,000 KLD               | 35 |
| W3-7   | 2,000 KLD $\leq$ Sewage $<$ 5,000 KLD | 30 |
| W3-8   | 500 KLD $\leq$ Sewage $<$ 2,000 KLD   | 25 |
| W3-9   | 100 KLD $\leq$ Sewage $<$ 500 KLD     | 20 |
| W3-10  | Sewage $<$ 100 KLD                    | 15 |
| <b>Water Pollutant Score (PI<sub>w</sub>) = W1+W2+W3</b>   |                                       |    |

### 2.2.2 Scoring criteria for Air Pollutant “PI<sub>A</sub>”:

Air pollution score consider the potential air pollution load from any sector in terms of characteristics of emissions and its quantum/scale in terms of quantity of fuel. The air pollutant score is based on generation of emission. The “air pollutant” means any solid, liquid, or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment.

The air pollution score (PI<sub>A</sub>) is the addition of three sub-scores which are based on the type of pollutants in emissions (A1), work zone emission/fugitive emissions & odour nuisance (A2), and fuel type & quantity (A3). The weightages of A1, A2 and A3 in air pollution score are 35%, 30% and 35%, respectively.

Proportionate higher scores are assigned to the sectors generating emissions with hazardous air pollutants, process-based fugitive emissions and using solid/liquid fuels, as such pollutants have higher potential to damage the environment.

The California Air Resources Board defines fugitive emissions as “Emissions not caught by a capture system which are often due to equipment leaks, evaporative processes and windblown disturbances.” The fugitive emissions from any process having acid mist, VOCs, etc. are given higher weightage (score A2=30) as compared to the fugitive emissions of inert material (score A2=25). Sectors having persistent foul odour issue, will get score A2=20. Sectors/units using solid/liquid fuel will get higher score-A3, compared to the sectors using cleaner gaseous fuel or electricity. The scoring criteria for air polluting sectors are given at **Table-II**.



Table II : Scoring criteria for air polluting sectors

| Air Pollutant Group  | Description  | Score |
|--|--|-------|
| <b>Score A1: Score based on Process emissions (point source)</b><br>(Maximum of the following scores to be considered)           |  |       |
| A1-1   | Hazardous Air Pollutants (HAPs) and heavy metals:<br><i>HAPs (Phosgene, Benzene, Benzo(a)pyrene, Butadiene, Toluene Di-isocyanate, Methylene-di-phenyl Di-isocyanate, Ethylene Oxide, Ethylene Di Chloride, Acrylonitrile, Propylene Oxide), Dioxins &amp; Furans, Asbestos, Polycyclic Aromatic Hydrocarbons (PAHs), HCN, Cd, Th, Hg, Sb, As, Pb, Co, Cr, Cu, Mn, Ni, V, etc.</i> | 35    |
| A1-2   | Halogens, acids, and pesticides-based pollutants:<br><i>H<sub>2</sub>S, HF, HBr, P<sub>2</sub>O<sub>5</sub> as H<sub>3</sub>PO<sub>4</sub>, NH<sub>3</sub>, TOC, Cl, HCl, SO<sub>3</sub>, CH<sub>3</sub>Cl, Total Fluoride, PM having pesticide compounds/other organic compounds, Acid mist, etc.</i>   | 30    |
| A1-3   | Pollutants due to combustion of fuel or due to process:<br><i>PM, CO<sub>2</sub>, CO, NO<sub>x</sub>, SO<sub>2</sub>, etc.</i>   | 25    |
| A1-4   | Volatile Organic Compounds (VOCs):<br><i>Ethyl benzene, Styrene, Toluene, Xylene, Aromatics, Propylene Glycol, Ethylene Glycol, etc.</i>   | 20    |
| <b>Score A2: Score based on fugitive emissions and odour nuisance</b><br>(Maximum of the following scores to be considered)      |  |       |
| A2-1   | Fugitive emissions of Particulate Matter (PM), acid mist, VOCs, etc. from process  | 30    |
| A2-2   | Fugitive emissions of Particulate Matter (PM), acid mist, VOCs, etc. due to storage and handling, etc.   | 25    |
| A2-3   | Odour nuisance, including odour due to the use of binding gums, cements, adhesives, enamels etc.   | 20    |
| <b>Score A3: Score based on quantity of fuel</b><br>(Maximum of the following scores to be considered)                           |  |       |
| <b>Coal or liquid fuels</b>  |  |       |
| A3-1   | Fuel consumption $\geq$ 24 TPD   | 35    |
| A3-2   | $12 \text{ TPD} \leq$ Fuel consumption $<$ 24 TPD  | 30    |
| A3-3   | Fuel consumption $<$ 12 TPD  | 25    |
| <b>Biomass-based fuels</b>   |  |       |
| A3-4   | Fuel consumption $\geq$ 48 TPD   | 25    |
| A3-5   | $24 \text{ TPD} \leq$ Fuel consumption $<$ 48 TPD  | 20    |
| A3-6   | Fuel consumption $<$ 24 TPD  | 15    |
| <b>Cleaner/gaseous fuels, such as, PNG, CNG, LPG, Compressed Biogas (CBG), propane, butane etc.</b>                              |  |       |
| A3-7   | Fuel consumption $\geq$ 120 TPD  | 20    |
| A3-8   | $60 \text{ TPD} \leq$ Fuel consumption $<$ 120 TPD   | 15    |
| A3-9   | Fuel consumption $<$ 60 TPD  | 10    |
| A3-10  | Electricity  | 0     |
| <b>Air Pollutant Score (PI<sub>A</sub>) = A1+A2+A3</b>   |  |       |
| <b>Note:</b> In case, any sector/unit is using more than one type of fuel, the most polluting fuel category, will be considered. |  |       |



### 2.2.3 Scoring criteria for Industrial Waste Generating Sector “PI<sub>H</sub>”

Industrial waste generating sectors are considered based on the generation of hazardous waste/high volume low effect waste. As per the Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016, the “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 waste as per the Schedule I, Schedule II and Schedule III of the rule. Further, scores are also assigned to the high-volume low effect wastes such as fly ash, phosphogypsum, red mud, jarosite, slags from pyro-metallurgical operations, mine tailings and ore beneficiation rejects.

The score for waste comprises of two sub-scores H1 and H2. The H1 score is based on the different type of hazardous waste which are generated during the process, and which required to be managed/disposed through common facility OR based on the generation of high-volume low effect waste/ HW like contaminated bags/ drums etc. The H2 score is based on the total quantum of waste generated.

The desirable disposal method such as incineration, landfill after treatment, landfill etc. signifies the potency of hazardous waste. In recent time, the utilization of hazardous waste as per the Rule-9 of Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016, as alternate fuel and raw material in cement kilns, as recyclable hazardous waste etc. has increased. The classification is based on the pollution potential due to generation of such types of hazardous waste from any sector. The score for the quantum of hazardous waste is total potential of generation of such hazardous waste by any sector., Score H1: Based on potency of hazardous waste and score H2: Based on quantum of hazardous waste, are given weightage of 30% and 70%, respectively. Considering the higher risk due to amount of hazardous waste generated rather than its disposal method, more weightage is given to the quantity. Overall waste generation score in case of waste generating sector will be  $PI_H = H1 + H2$ . The scoring criteria for hazardous waste generating sectors are given at **Table-III**.

A separate scoring criterion has been included for sectors generating bio-medical waste. Bio-medical waste means any waste, which is generated during the diagnosis, treatment or immunisation of human beings or animals or research activities pertaining thereto or in the production or testing of biological or in health camps, including the categories mentioned in Schedule-I appended to the Bio-Medical Waste Management Rules, 2016. As any Health Care



Facilities (HCFs) generates all types of bio-medical waste (red, yellow, blue, and white) and quantities of such wastes may vary considerably based on the type of facility/location of facility (rural/urban), and other such factors. Therefore, scoring based on number of beds in a healthcare facility is considered as sole criteria for assigning waste score (H: B-1 to B-7) as tabulated in **Table-III**.

Least score of 25 is given to non-bedded healthcare facilities and maximum score of 100 is given to facilities having more than 1,000 beds. Overall waste generation score in case of bio-medical waste generating sector will be  $PI_H$ .

**Table III: Scoring criteria for waste generating Sectors**

| Waste Pollutant Group   | Description  | Score |
|---|--|-------|
| <b>A. Score for sectors generating hazardous waste</b>  |  |       |
| <b>Score H1: Score based on the hazardous waste management/disposal method.</b><br>(Maximum of the following scores to be considered) |  |       |
| H1-1  | Hazardous wastes which are flammable, ignitable, corrosive, oxidizing toxic, etc. and requiring disposal through incineration  | 30    |
| H1-2  | Hazardous wastes which are reactive, capable of yielding another material post disposal, etc. and requiring disposal in secured landfill after stabilization/treatment | 25    |
| H1-3  | Hazardous wastes which are requiring direct disposal in secured landfill without stabilization   | 20    |
| H1-4  | High volume and low effect wastes, contaminated bags/ drums/ containers etc.   | 10    |
| <b>Score H2: Score based on quantity of hazardous waste generation.</b><br>(Maximum of the following scores to be considered)         |  |       |
| H2-1  | Hazardous Waste $\geq$ 5000 TPA  | 70    |
| H2-2  | $1000 \text{ TPA} \leq$ Hazardous Waste $<$ 5000 TPA   | 50    |
| H2-3  | $200 \text{ TPA} \leq$ Hazardous Waste $<$ 1000 TPA  | 30    |
| H2-4  | $10 \text{ TPA} \leq$ Hazardous Waste $<$ 200 TPA  | 20    |
| H2-5  | Hazardous Waste $<$ 10 TPA   | 10    |
| <b>B. Scores for the sectors generating bio-medical waste</b>   |  |       |
| B-1   | No. of beds $\geq$ 1,000   | 100   |
| B-2   | $500 \leq$ No. of beds $<$ 1,000   | 80    |
| B-3   | $200 \leq$ No. of beds $<$ 500   | 60    |
| B-4   | $50 \leq$ No. of beds $<$ 200  | 50    |
| B-5   | $10 \leq$ No. of beds $<$ 50   | 40    |
| B-6   | No. of beds $<$ 10   | 30    |
| B-7   | Non-bedded facility  | 25    |
| <b>For sectors generating hazardous waste <math>PI_H = H1+H2</math></b>   |  |       |
| <b>For sectors generating bio-medical waste <math>PI_H = B</math></b>   |  |       |



### 2.3 Computation of Cumulative Pollution Index and criteria for deciding category of sector

In the revised methodology of classification (2025), all three pollutant scores due to water, air and industrial waste generation are taken into account while computing pollution index. The formula for computing cumulative pollution index (PI) is as follows:

$$PI = i_{max} + (100 - i_{max}) \left( \frac{i_2 + i_3}{200} \right)$$

Where,  $i_{max}$ , is the maximum score among Water ( $PI_W$ ), Air ( $PI_A$ ), and Waste ( $PI_H$ ) pollutant scores and  $i_2$  &  $i_3$  are the remaining pollutant scores.

The category of the sector will be decided based on the pollution index ranges given at **Table-IV**.

**Table IV: Ranges of Cumulative Pollution Index for different categories**

| Cumulative Pollution Index (PI) | Category of industrial sector |
|---------------------------------|-------------------------------|
| $PI \geq 80$                    | Red                           |
| $55 \leq PI < 80$               | Orange                        |
| $25 \leq PI < 55$               | Green                         |
| $PI < 25$                       | White                         |

The purpose of classification is to have uniform consent mechanism, defined routine monitoring frequency by concerned SPCB/PCC, environmental protection plans etc. Modified methodology also considers the variation in pollution potential due to various type of activities and operations in a particular sector.

The scores/pollution index/category of any two sectors may be same, however, comparing two different sectors based on the category or pollution index is not desirable as the cumulative PI is a function of air pollutant, water pollutant, and waste pollutant and the cumulative score is arithmetically relates the maximum score of one pollutant with the remaining other two pollutants. Hence, PI/category of sectors may be same but may have different impact on environment.



## **2.4 Blue Category Projects- Essential Environmental Services for management of environmental pollution arising from domestic/household activities**

Essential Environmental Services may be defined as those facilities which are essential to control, abate and mitigate pollution generated from Domestic and Industrial activities. Such Essential environment services for Industrial Activity includes CETP, CHWTSDF, Effluent conveying system etc. and essential environment services for domestic activities includes STP, MSW etc. Both the type of EES plays a vital role in Environment Management. However, during the treatment of waste, some EES generates/handle hazardous waste/infectious waste. The EES which do not generate Hazardous Waste, and which otherwise have large littering potential can be categorised as Blue Category Projects. Further, there are past legal references wherein Hon'ble Apex court has also considered the importance and requirement of such Essential Environment Services.

Human settlements whether located in rural/urban/eco-sensitive area generate sewage, solid waste, and C&D waste, which are required to be managed to prevent adverse impact on environment and human health. Basic environment management facilities are required to be set-up to manage such waste which includes STP, C&D waste processing facility, MSW management facility like sanitary landfill, material recovery facility & waste processing units, bio-methanation, bio-composting, waste to energy, etc.

These facilities are basically essential environment services which play a vital role in protecting environment and human health. These facilities may also bring value addition by producing various by-products such as secondary raw material, compost, energy, etc. and promotes circular economy and sustainable development by converting waste into wealth. Moreover, these categories do not generate hazardous or infectious wastes.

As the role and importance of these facilities is different in nature as compared to other activities and industries in the sense that they are primarily set-up for prevention, control and abatement of soil, water and air pollution. It is more appropriate to have a separate colour category-Blue Category for essential environmental services facilitates related to environmental pollution arising from domestic/household activities. These activities are required to meet all the prescribed environmental norms/rules notified from time to time and the pollution index for such Essential Environmental Services (EES) shall continue to be calculated as per the formula and consent to operate will be governed based on the pollution index. However, the



category of the EES will be termed “Blue Category sector” and as an incentive for the essential services, additional 2 years validity for consent to operate (as per PI) will be provided.

The list of EES facilities is given at [Annexure-II](#).

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## 3

## Classification of Sectors as per Revised Methodology

### 3.1 Types of sectors based on their activities

The revised methodology of classification will be applicable to all industries which may have potential for generation of environmental pollutants. As per the Section 2(j) of the Industrial Disputes Act, 1947, “Industry” means any business, trade, undertaking, manufacture, or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workman”, however, based on type of operational activities, the industries are divided into following four sectors:

- i. Industrial Sectors
- ii. Essential Environmental Services (EES)
  - a. EES for Industrial Waste
  - b. EES for Domestic Waste (Blue Category Sector)
- iii. Service/Infrastructure Development Sectors
- iv. Others/Special Category Sectors

The sectors which are involved in production of goods, products, etc. are considered under “Industrial Sectors”. The sectors covered under “Essential Environmental Services (EES)” are those facilities which are essential to control, abate and mitigate pollution generated from Domestic and Industrial activities. These services are essential facilities which are required to reduce pollution load on the environment, such as sewage treatment plants, common bio-medical waste treatment facilities, construction & demolition waste processing plants, etc. Essential Environmental Services Sectors are sub classified as “EES for industrial waste” and “EES for domestic waste (Blue category sectors which do not handle or generate infectious or hazardous waste)”. On the other hand, sectors which carry out service-related activities such as infrastructure projects, railways, airports, hospitals, etc. are covered under “Service/infrastructure development sectors”.



“Other/special category sectors” include those projects which cannot be classified based on the scoring methodology of pollution index but require classification based on precautionary principle and considering the potential of ecological damage/ health and environment related risk, etc. Few such sectors are sand mining, hydel power plants, etc.

The revised methodology of classification, sub-categorises the main sector based on the usage of cleaner technology/cleaner production/cleaner fuel which has proven reduction in trade effluent generation, emissions, waste, etc., for better environmental management, resulting into overall reduction of pollution index compared to main sector. For example, if coffee seeds processing industries use eco-pulping technology, which generates less water pollution, the pollution index of the said sector gets reduced and category changes from orange to green. Similarly, variation in type/scale of activities in a particular sector is also considered for classification of sub-sectors.

The methodology and scores have been screened through stakeholder feedback/consultation and public opinion. Available standard literature, various documents and guidelines, inspection reports, etc. were also referred, while assessing the scores for water pollution, air pollution, and waste generation for classification of sectors. Based on the modified methodology, the list of sectors and sector specific sub-classification is given at [Annexure-I](#) to [Annexure-IV](#). Summary of classified sectors is given in **Table-V**.

**Table V: Number of sectors classified under different categories**

| Sl. No. | Type of sector                             | Total number of sectors/sub-sectors | Red        | Orange     | Green     | White     | Blue     |
|---------|--|-------------------------------------|------------|------------|-----------|-----------|----------|
| 1.      | Industrial Sectors                         | 359                                 | 107        | 120        | 81        | 51        | -        |
| 2.      | Essential Environmental Services (ESS)     |                                     |            |            |           |           |          |
| 2.a.    | ESS for domestic waste                     | 9                                   | -          | -          | -         | -         | 9        |
| 2.b.    | ESS for industrial waste                   | 9                                   | 9          | -          | -         | -         | -        |
| 3.      | Service/Infrastructure Development Sectors | 37                                  | 7          | 15         | 13        | 2         | -        |
| 4.      | Others/Special Category Sectors            | 5                                   | 2          | 2          | -         | 1         | -        |
|         | <b>Total</b>                               | <b>419</b>                          | <b>125</b> | <b>137</b> | <b>94</b> | <b>54</b> | <b>9</b> |



### 3.2. Usage of classification of sectors

The classification of sectors may be used for the following purposes:

- i. **Consent management:** SPCBs/PCCs may grant Consent to Operate (CTO) to red, orange, and green categories of industries for validity up to 5 years, 10 years, and 15 years, respectively as per existing provisions which would be later governed as per the provisions/guidelines under Jan Vishwas (Amendment of Provisions) Act, 2023/Water Act, as amended. The validity of blue category sectors will be 2 years more than the category based on PI.
- ii. **Inspection frequency:** SPCBs/PCCs may prioritize their environmental surveillance programs based on the categories of sectors. SPCBs/PCCs are required to ensure inspection of red, orange, and green category of industries at least once in six-months, one-year, and two-years, respectively. Common facilities and 17 categories of industries are to be inspected at least once in every three-months.
- iii. **Siting criteria:** The categorization may be used as a tool for deciding the location/siting of an industry in a particular location.
- iv. **Development of cluster:** The classification will help in planning of sector specific cluster, based on scoring of various pollutants and development of adequate environment management infrastructure facility, accordingly.
- v. **Sector specific plans for pollution control:** The plans for control of pollution may be prepared and implemented on priority for the sectors having higher pollution index and overall higher pollution load.
- vi. **Levying environmental compensation:** Pollution index may be used for determining and levying environmental compensation on industries violating the environmental norms.
- vii. **A tool for progressive environmental management:** Industrial units may adopt cleaner technologies, cleaner fuels, etc. which may result in reduction of pollution index, thus, moving to lower pollution potential category. It will provide incentives to industries in terms of less consent renewal fees, less environmental surveillance/compliance burden, more validity period for consents/authorizations, etc.

### 3.3 Classification of left-out/new sectors

The revised methodology of classification (2025) and list of sectors classified by CPCB is required to be adopted and implemented by all SPCBs/PCCs. In case of any new or left-out



sector, the SPCB/PCC may categorize the sector at its own level. For this purpose, a committee headed by the Member Secretary, SPCB/PCC and comprising of at least two senior cadre engineers/scientists of the SPCB/PCC (as nominated by the Member secretary of the concerned SPCB/PCC) may be constituted to examine the matter and classify the sector in accordance with the methodology prescribed by CPCB. The State Level Committee may also co-opt subject experts, industrial association representative, etc., as member, as per requirement. CPCB has also developed a tool to assess the Cumulative Pollution Index and category of any sector, which is available on CPCB website (<https://cpcb.nic.in/categorization-of-industrial-sectors/>).

In addition, all SPCBs/PCCs are required to submit list of all such sector classified under white category to CPCB in the prescribed format ([Annexure-V](#)), for notification as per provisions of Jan Vishwas (Amendment of Provisions) Act, 2023.

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## 4

## **Incentives to unit in a sector for adopting measures resulting to better environmental performance**

A methodology has been strategized to provide incentives to the unit in a sector which are dedicated to reduce environmental impacts from their operations/process. The objective can be achieved by 100% treatment and reuse of wastewater generated, having complete dependency on cleaner fuel alternatives (such as PNG, LPG, compressed biogas, propane, butane, electricity etc. for meeting energy requirement), implementation & achievements of targets of sector-specific charters of CPCB/SPCB for environmental management, EPR obligations and use of cleaner process/cleaner technology to eliminate generation of toxic/hazardous pollutants.

The units fulfilling the following eligibility criteria may submit their formal proposal to the concerned SPCB/PCC for consideration:

### **4.1 Eligibility Criteria**

- The unit should have completed at least one year of completion of production/operations with demonstrated, verifiable steps and submitted audit report from institute of repute for considering the unit for the purpose by concerned SPCB/PCC. To facilitate verification, the unit must have properly maintained logbooks/bills for production, electricity consumption, fuel, water consumption, wastewater treatment and use of treated wastewater.
- The unit should be located in conforming area with applicable Environment Clearance, Consent to Establishment (CTE) and Consent to Operate (CTO) and hazardous/bio-medical waste authorization from SPCB/PCC.
- Unit should comply with all the norms/conditions stipulated under EC, CTO and Guidelines/Rules issued by CPCB.



- In case, unit using ground water resource, it should have valid permission/NOC and also required to install electronic flowmeter.
- No penalty or legal obligation is imposed/pending against unit for violation of environmental norms. Records for last 5 years may be verified. In case establishment period of the unit is less than 5 years, the past records since the start of production may be verified.
- Unit should not be involved in any sort of accident/incident resulting into emission /discharge into the environment. Records for last 5 years may be verified.

All such units, interested in availing incentives are required to demonstrate and prove their initiatives to the Committee (to be constituted at the level of concerned SPCB/PCC), comprising of members as mentioned in **Table VI**.

**Table VI: Structure of Committee to evaluate the request of units adopting measures resulting in better environmental performance**

| Sl. No. | Members   | Role     |
|---------|---|----------|
| 1       | Member Secretary, SPCB/PCC  | Chairman |
| 2       | Subject expert from Indian Institute of Technologies (IITs) or National Institute of Technologies (NITs) or any other institute/university of repute. | Member   |
| 3       | Expert from CSIR institute/laboratories, having expertise in industrial process and pollution control technologies/ environmental management          | Member   |
| 4       | Two officials of concerned SPCB/PCC, as nominated by the Member Secretary, SPCB/PCC   | Member   |

#### 4.2. Evaluation Criteria

The committee shall scrutinize the proposals based on the eligibility criteria. The basis of evaluation will be- (i) Measures taken for treatment and reuse of wastewater to reduce freshwater consumption, (ii) Use of alternative cleaner fuel to reduce emissions, and (iii) Use of cleaner technology/ cleaner production which results in reduction in pollution/hazardous waste generation (iv) Recycling units identified for EPR obligations and has fulfilled all requirement including Environmentally Sound Management Facility for recycling.



The unit is required to demonstrate the successful implementation of measures by annual submission of third-party audit report (through institute of repute) regarding performance of environmental management measures. The Committee members may also inspect unit, collect samples, and get it analysed, check logbooks, electricity/water bills, examine system feasibility through mass-balances, ensure real-time submission of environment data to SPCB/PCC server, etc. The check and balances to examine the industry claims are summarized in **Table VII**.

**Table VII: Checks and balances to assess the adequacy of environment management measures**

| Criteria   | Checks and balances  |
|--|--|
| <b>I. Wastewater Management</b>  |  |
| Installation of wastewater recovery system resulting into treatment and 100% reuse of treated wastewater in industrial process.  | <ul style="list-style-type: none"> <li>• Unit must have adequate operational Effluent Treatment Plant (ETP). The freshwater requirement of the unit has shown proportionate reduction.</li> <li>• There should not be any flow/ponding of wastewater inside the premises or discharge outside from the premises. Further, there should not be any by-pass.</li> <li>• Electronic flowmeters and Pan-tilt-zoom (PTZ) camera should have been installed with connectivity for continuous transmission of data to SPCB/PCC and CPCB servers (as applicable).</li> <li>• Recirculation system should be clearly mapped and visible for inspection and flow meter should be installed at required locations with records.</li> <li>• Mass/water balance based on actual production need to be checked. The claim regarding reduction in freshwater consumption should have concurrency with the readings of flow meters, water bill, log-books, etc.</li> <li>• Treated wastewater should not be used for horticulture or agriculture purposes.</li> <li>• Sludge generated from treatment of wastewater should be managed properly as per the authorization issued by the concerned SPCB/PCC and timely submission of Form-IV as per the requirement of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.</li> </ul> |
| <b>II. Air Pollution Management</b>  |  |
| 100% fuel dependency on cleaner fuels, such as- Piped Natural Gas (PNG), Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG) Liquefied Petroleum Gas (LPG), Compressed | <ul style="list-style-type: none"> <li>• No other fuel (coal, pet-coke, furnace oil, etc.) should be stored/used in the unit premises. Diesel for Gensets (as an auxiliary power source) may be allowed. Preference may be given to the units using gas based Gensets.</li> <li>• Adequate facility for stack monitoring (port holes, zig-zag ladder etc.) should be available with provision of OCEMS (as applicable).</li> </ul>   |



|   |  |
|---|--|
| Biogas (CBG), propane, butane, etc.   | <ul style="list-style-type: none"> <li>• Use of upgraded air pollution control devices with higher efficiency for the reduction of emissions.</li> <li>• Adoption of cleaner technology, advanced pollution control systems etc. to control fugitive/emissions</li> <li>• Use of alternate cleaner raw material for generation of less pollution.</li> <li>• Use of renewable energy as an alternate to conventional fuel/power should be considered.</li> </ul> |
| <b>III. Waste Management</b>  |  |
| The unit has adopted cleaner technology/ cleaner production which results in reduction in pollution/ hazardous waste generation                     | <ul style="list-style-type: none"> <li>• Reduction in generation of pollution/waste due to adoption of cleaner technology/change in raw material etc.</li> <li>• Mass balance based on actual production need to be checked. There should be concurrency in generation of hazardous waste, utilization, disposal, etc. with respect to net reduction in generation.</li> </ul>   |
| <b>IV. EPR Targets (for recycling facilities)</b>   |  |
| Recycling units identified for EPR obligations and has fulfilled all requirement including Environmentally Sound Management Facility for recycling. | <ul style="list-style-type: none"> <li>• Complying with the requirement of EPR obligation identified by CPCB from time to time.</li> </ul>   |

### 4.3. Re-assessment of Pollution Index (PI)

The purpose of giving star category is to classify the unit in the sector as star performing units. The category of the unit may be re-assessed as detailed below:

#### A. For Industries, Service/Infrastructure facilities and Essential Environmental Services Sectors for management of waste.

The pollution index of the units in any sector which have proven reduction in trade effluent generation and/or air pollution management and/or waste management measures, can be calculated based on submission of same with the supporting documents for considering the modified score based on the same methodology.

The revised cumulative pollution index (PI) will be calculated with modified air/water/waste scores as discussed in the methodology given in previous section. If revised, cumulative PI results to change in the category of unit in the sector, the nomenclature for revised category will be as per the **Table VIII**.

**Table VIII: Nomenclature for revised category**

| Change in category | Nomenclature of revised category |
|--------------------|----------------------------------|
| Red to Orange      | Red*                             |
| Orange to Green    | Orange*                          |
| Green to White     | Green*                           |

### **B. Essential Environmental Service Sectors for Domestic/Household Waste- “Blue Category Sectors”:**

Units under Blue Category are required to reduce their existing PI score by 25%, by meeting evaluation criteria/check and balances, as mentioned in **Table III** to qualify for change in category to Blue\*.

#### **4.4 Incentives to the units for better environmental management**

Units which have demonstrated the successful implementation of environmental management measures and verified by the Committee, shall be eligible for the incentives, as listed in the **Table IX**.

**Table IX: Incentives to units for better environmental performance**

| Category | Incentives   |
|----------|--|
| Red*     | <ul style="list-style-type: none"> <li>• CTO may be granted for the validity of max. 10 years.</li> <li>• Prescribed random environmental surveillance inspection frequency may be once a year, considering the change in category.</li> </ul>   |
| Orange*  | <ul style="list-style-type: none"> <li>• CTO may be granted for the validity of max. 15 years.</li> <li>• Prescribed random environmental surveillance inspection frequency may be once in two years, considering the change in category.</li> </ul>   |
| Green*   | <ul style="list-style-type: none"> <li>• CTO may be granted for the validity of max. 20 years.</li> <li>• Prescribed random environmental surveillance inspection frequency may be once in four years, considering the change in category and given incentives twice the original category.</li> </ul> |
| Blue*    | <ul style="list-style-type: none"> <li>• CTO may be granted with additional 3 years validity period.</li> <li>• Prescribed random environmental surveillance inspection frequency may be once in 3 months.</li> </ul>  |



In case of non-compliance(s) observed in future, the State Board can remove the star status and for calculation of EC, the PI of original category shall be considered.

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## 5

## Implementation pathway/guidelines

The revised methodology and classification of sectors will be implemented in prospective manner. For this purpose, following guidelines may be referred:

- i. All pending application for consideration of CTE/CTO and future such application shall be processed as per the revised methodology of classification. In case CTE granted before the revised classification, applicability of CTO will be as per new classification.
- ii. New classification will be applicable to existing units at the time of renewal of CTO or within one year from the date of directions issued by CPCB regarding implementation of revised classification, whichever is earlier. The annual fees or cumulative fees for the remaining period shall be as per the revised category.
- iii. SPCBs/PCCs may grant Consent to Operate (CTO) to units under red, orange, and green categories for maximum validity up to 5 years, 10 years, and 15 years, respectively as per existing provisions which would be later governed as per the provisions/guidelines under Jan Vishwas (Amendment of Provisions) Act, 2023/Water Act, as amended. SPCBs/PCCs may grant Consent to Operate (CTO) to units under Blue Category sectors with additional 2 years validity, considering their role as Essential Environmental Services for management of waste generated from domestic/household activities.
- iv. Requirement of intimation/consent for white category of industries, shall be governed as per the provisions/guidelines under Jan Vishwas (Amendment of Provisions) Act, 2023//Water Act, as amended.
- v. All sectors irrespective of category shall follow guidelines for pollution control, if any, issued by SPCB/PCC/CPCB time to time.



- vi. Siting of units shall be only in the conforming area as per the guidelines of CPCB/SPCB/PCC. Further, as per the Section 17(1)(n) of the Water Act, 1974 and the Section 17(1)(h) of the Air Act, 1981, SPCB/PCC may also frame policies/advisory with respect to the location of any industry/operations, the carrying on of which is likely to cause air/water pollution, considering the scale/type of industries and sensitivity of area. Siting of units in eco-sensitive area will be governed by their respective notifications.
- vii. The classification of sectors shall not be linked to sanction of loans/finance of bank proceedings.
- viii. In the matter of Taz Trapezium Zone (TTZ), for air pollution scores of 10 and 20 (as per 2016 methodology), equivalent scores of 30 and 60 (as per 2025 methodology), respectively, may be considered for sectoral guidelines/opinion from NEERI (Ref: Order dated 08.12.2021, in the matter of M.C. Mehta v/s Union of India, Writ Petition (Civil) No.13381/1984, before Hon'ble Supreme Court).
- ix. As per CPCB directions dated 12.12.2019, issued under Section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981, SPCBs/PCCs are required to ensure inspection of red, orange, and green category of industries at least once in six-months, one-year, and two-years, respectively. Common waste treatment facilities and 17 categories of industries are to be inspected at least once in every three-months. (Ref: Order dated 05.11.2019, in the matter of Shailesh Singh v/s State of Haryana & Ors., OA No.639/2018, before Hon'ble National Green Tribunal, Principal Bench).
- x. The sectors which are classified under white or green category and if such sectors have installed Genset(s) of higher capacity which are classified under orange/green category, then such sector will be considered under higher category.
- xi. All Industrial units are encouraged to adopt measures such as cleaner technology/cleaner production, cleaner raw material, cleaner fuel etc., for better environmental management. If such measures result into overall reduction of pollution



index, request regarding change in category of such sectors/units may be made to concerned SPCB/PCC as detailed under Section 8 of this report.

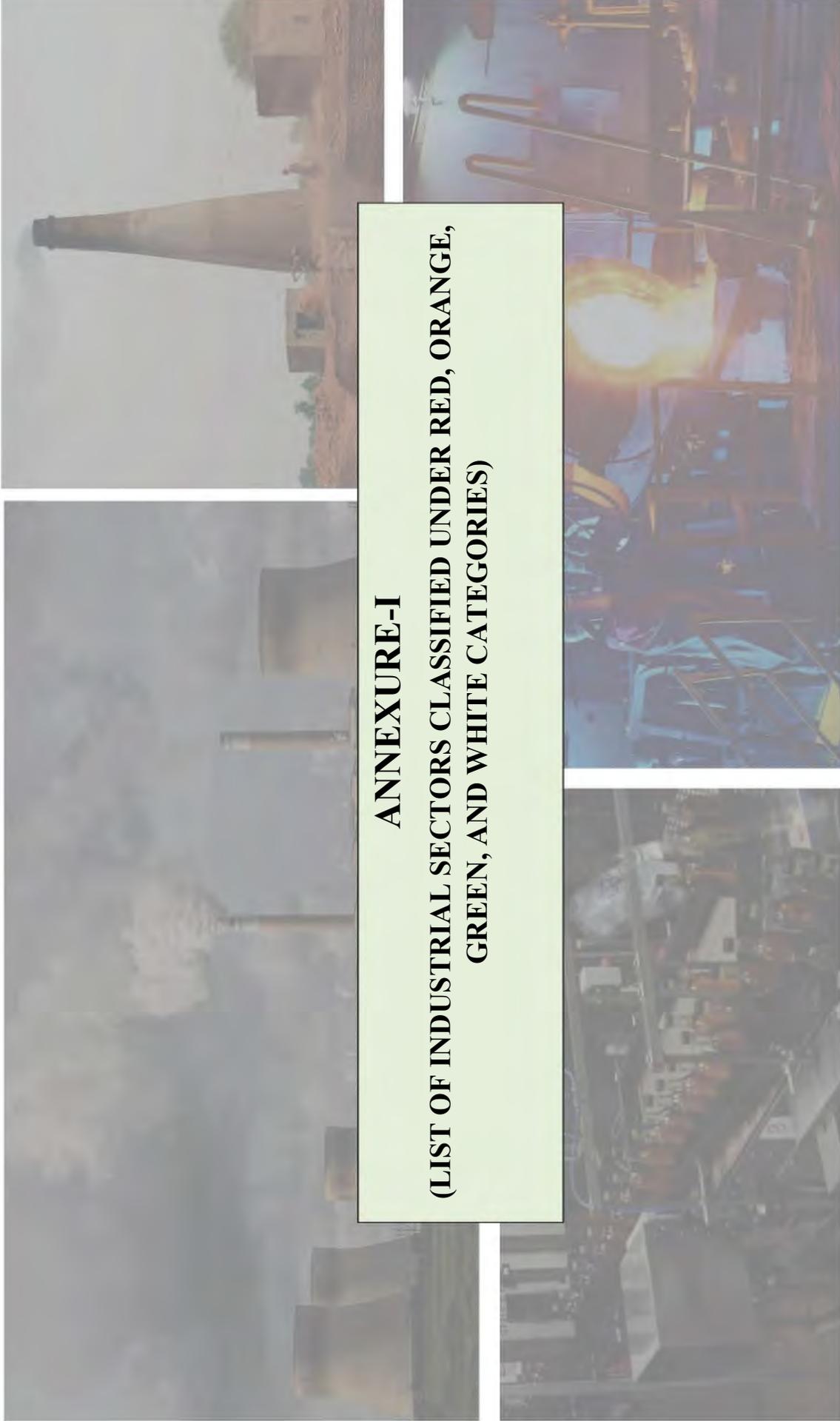
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**ANNEXURE-I**  
**(LIST OF INDUSTRIAL SECTORS CLASSIFIED UNDER RED, ORANGE, GREEN, AND WHITE CATEGORIES)**

**LIST OF INDUSTRIAL SECTORS**

| S. No.     | Sector  | W1 | W2 | W3 | PIw | A1 | A2 | A3 | PIA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| ~A~        |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 1          | Manufacturing of <b>Automobiles</b> (integrated facilities)         | 20 | 30 | 25 | 75  | 0  | 25 | 0  | 25  | 25 | 20 | 45  | 83.8                 | Red      | <p>i. Such types of plants are having either one or combinations of polluting activities viz. washing, metal surface finishing operations, pickling, plating, electro-plating, phosphating, painting, heat treatment etc.</p> <p>ii. Some of such plants may outsource some /all of the polluting activities or may have stand-alone units. In such cases, after thorough inspection of such units by concerned SPCB, re-categorization of the industry shall be made accordingly.</p> | IPC-V              |
| ~B~        |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 2          | <b>Asbestos</b> and asbestos based industries                       | 10 | 30 | 25 | 65  | 35 | 30 | 30 | 95  | 25 | 30 | 55  | 98                   | Red      | Asbestos is carcinogenic and banned in many countries.   | IPC-II             |
| 3          | <b>Almirah</b> , Grill Manufacturing (Dry Mechanical Process)       | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    |  | IPC-V              |
| ~B~        |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| <b>4.0</b> | <b>BAKERY, CONFECTIONERY AND SWEETS PRODUCTS</b>                    |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 4.1        | Bakery, confectionery, sweets with production capacity $\geq$ 1 TPD | 25 | 0  | 20 | 45  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 61.3                 | Orange   |  | IPC-III            |

| S. No.   | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks | Concerned Division |
|--|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|
| 4.2  | Bakery, confectionery, sweets with production capacity $\geq$ 1 TPD. (using cleaner/gaseous fuel) | 25 | 0  | 20 | 45  | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 54.6                 | Green    |         | IPC-III            |
| <b>5.0 BRICK MANUFACTURING</b>   |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 5.1  | Brick kilns using coal as fuel  | 0  | 0  | 0  | 0   | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 75                   | Orange   |         | IPC-V              |
| 5.2  | Brick kilns using biomass as fuel   | 0  | 0  | 0  | 0   | 25 | 25 | 15 | 65  | 0  | 0  | 0   | 65                   | Orange   |         | IPC-V              |
| 5.3  | Tunnel brick kilns (gas fired)  | 0  | 0  | 0  | 0   | 25 | 25 | 10 | 60  | 0  | 0  | 0   | 60                   | Orange   |         | IPC-V              |
| <b>6.0 MANUFACTURING OF AUTOCLAVED AERATED CONCRETE (AAC) BRICKS/BLOCKS.</b> |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 6.1  | AAC bricks/blocks manufacturing using coal as fuel (12 TPD and above)                             | 0  | 0  | 0  | 0   | 25 | 25 | 30 | 80  | 0  | 0  | 0   | 80                   | Red      |         | IPC-V              |
| 6.2  | AAC bricks/blocks manufacturing using coal as fuel (less than 12 TPD)                             | 0  | 0  | 0  | 0   | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 75                   | Orange   |         | IPC-V              |
| 6.3  | AAC bricks/blocks manufacturing using biomass as fuel   | 0  | 0  | 0  | 0   | 25 | 25 | 20 | 70  | 0  | 0  | 0   | 70                   | Orange   |         | IPC-V              |
| 6.4  | AAC bricks/blocks manufacturing using gas as fuel   | 0  | 0  | 0  | 0   | 25 | 25 | 15 | 65  | 0  | 0  | 0   | 65                   | Orange   |         | IPC-V              |
| <b>7.0 FLY ASH BRICKS / BLOCK MANUFACTURING</b>                              |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 7.1  | Fly ash bricks/block manufacturing (with boiler)  | 0  | 0  | 0  | 0   | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 75                   | Orange   |         | IPC-V              |
| 7.2  | Fly ash bricks/block manufacturing (without boiler)   | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |         | IPC-V              |
| <b>8.0 MANUFACTURING OF NON-ALCOHOLIC BEVERAGES</b>                          |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 8.1  | Wastewater generation $\geq$ 100 KLD  | 25 | 20 | 30 | 75  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 81.3                 | Red      |         | IPC-III            |
| 8.2  | Wastewater generation < 100 KLD   | 25 | 20 | 25 | 70  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 77.5                 | Orange   |         | IPC-III            |

| S. No. | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|--------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|
| 9.0    | <b>BATTERY MANUFACTURING</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 9.1    | Lead-acid <b>Battery</b> manufacturing (excluding assembling and charging of lead acid <b>Battery</b> in micro-scale)         | 0  | 30 | 20 | 50  | 35 | 30 | 25 | 90  | 25 | 10 | 35  | 94.3                 | Red      |   | IPC-V              |
| 9.2    | Dry cell <b>Battery</b> (excluding manufacturing of electrodes) and assembling & charging of acid lead battery on micro scale | 0  | 30 | 15 | 45  | 25 | 25 | 10 | 60  | 25 | 10 | 35  | 76                   | Orange   |   | IPC-V              |
| 9.3    | <b>Battery</b> manufacturing without boiler (excluding lead acid battery)   | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 25 | 10 | 35  | 43.1                 | Green    |   | IPC-V              |
| 10     | <b>Briquette</b> manufacturing (coal/biomass/coke)  | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    | The process involves mixing, mechanized compression and drying. | IPC-II             |
| 11     | Assembly of <b>Bicycles, Baby</b> carriages and other small non motorizing vehicles   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |   | IPC-V              |
| 12     | <b>Bailing</b> (hydraulic press) of waste papers  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |   | IPC-V              |
| 13     | <b>Bto fertilizer</b> and bio-pesticides without using inorganic chemicals  | 0  | 0  | 0  | 0   | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 20                   | White    |   | IPC-V              |
| 14     | <b>Block</b> making of printing without foundry (excluding wooden block making)   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |   | IPC-V              |

| S. No.      | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks | Concerned Division |
|-------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|
| 15          | Flavoured <b>Betel</b> nuts production/ grinding (completely dry mechanical operations)                            | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |         | IPC-V              |
| 16          | Manufacturing of shoe <b>Brush</b> and wire <b>Brush</b>   | 0  | 0  | 0  | 0   | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 20                   | White    |         | IPC-V              |
| <b>~C~</b>  |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| <b>17.0</b> | <b>MANUFACTURING OF INDUSTRIAL CARBON INCLUDING ELECTRODES AND GRAPHITE BLOCKS, ACTIVATED CARBON, CARBON BLACK</b> |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 17.1        | Carbon black manufacturing   | 20 | 15 | 20 | 55  | 25 | 30 | 30 | 85  | 30 | 20 | 50  | 92.9                 | Red      |         | IPC-I              |
| 17.2        | Industrial carbon including electrodes & graphite blocks and calcined pet coke                                     | 20 | 15 | 20 | 55  | 25 | 25 | 25 | 75  | 30 | 10 | 40  | 86.9                 | Red      |         | IPC-II             |
| 17.3        | Activated carbon manufacturing (with steam activation)   | 20 | 15 | 20 | 55  | 25 | 25 | 15 | 65  | 0  | 0  | 0   | 74.6                 | Orange   |         | IPC-V              |
| <b>18.0</b> | <b>INORGANIC CHEMICALS</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 18.1        | Basic inorganic chemicals and electro chemicals and its derivatives including manufacturing of acid                | 10 | 30 | 25 | 65  | 30 | 30 | 20 | 80  | 20 | 20 | 40  | 90.5                 | Red      |         | IPC-I              |
| 18.2        | Phosphorous and its compounds, including phosphorous rock processing   | 20 | 30 | 20 | 70  | 35 | 25 | 10 | 70  | 10 | 30 | 40  | 86.5                 | Red      |         | IPC-I              |
| 18.3        | Chlorates, per-chlorates & peroxides   | 20 | 30 | 20 | 70  | 30 | 20 | 25 | 75  | 20 | 20 | 40  | 88.8                 | Red      |         | IPC-I              |
| 18.4        | Chlorine, fluorine, bromine, iodine, and their compounds   | 10 | 30 | 25 | 65  | 35 | 20 | 10 | 65  | 20 | 20 | 40  | 83.4                 | Red      |         | IPC-I              |
| 19          | Coke oven plant, coal liquefaction, coal tar distillation and fuel gas-making                                      | 30 | 30 | 30 | 90  | 25 | 30 | 35 | 90  | 25 | 50 | 75  | 98.3                 | Red      |         | IPC-II             |
| <b>20.0</b> | <b>CEMENT PLANTS</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |

| S. No.      | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks | Concerned Division |
|-------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|
| 20.1        | With co-processing with CPP (Captive Power Plant)   | 20 | 25 | 35 | 80  | 35 | 30 | 35 | 100 | 10 | 50 | 60  | 100                  | Red      |         | IPC-II             |
| 20.2        | With co-processing without CPP  | 20 | 0  | 20 | 40  | 35 | 30 | 35 | 100 | 30 | 20 | 50  | 100                  | Red      |         | IPC-II             |
| 20.3        | Without co-processing with CPP  | 10 | 25 | 35 | 70  | 35 | 30 | 35 | 100 | 10 | 50 | 60  | 100                  | Red      |         | IPC-II             |
| 20.4        | Without co-processing without CPP   | 0  | 0  | 0  | 0   | 25 | 30 | 35 | 90  | 30 | 10 | 40  | 92                   | Red      |         | IPC-II             |
| 20.5        | Stand-alone grinding units with CPP   | 20 | 25 | 35 | 80  | 25 | 30 | 35 | 90  | 10 | 50 | 60  | 97                   | Red      |         | IPC-II             |
| 20.6        | Stand-alone grinding units without CPP  | 0  | 0  | 0  | 0   | 25 | 30 | 0  | 55  | 30 | 10 | 40  | 64                   | Orange   |         | IPC-II             |
| 20.7        | Bulk terminals for storage and packaging of cement  | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    |         | IPC-II             |
| <b>21.0</b> | <b>CHLOR ALKALI</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 21.1        | Chlor alkali  | 10 | 20 | 25 | 55  | 30 | 25 | 25 | 80  | 20 | 20 | 40  | 89.5                 | Red      |         | IPC-I              |
| 21.2        | Chlor alkali using washed salt  | 10 | 20 | 15 | 45  | 30 | 25 | 25 | 80  | 20 | 10 | 30  | 87.5                 | Red      |         | IPC-I              |
| 21.3        | Chlor alkali using cleaner/gaseous fuel   | 10 | 20 | 25 | 55  | 30 | 25 | 10 | 65  | 20 | 20 | 40  | 81.6                 | Red      |         | IPC-I              |
| 21.4        | Chlor alkali using cleaner/gaseous fuel and washed salt                                       | 10 | 20 | 15 | 45  | 30 | 25 | 10 | 65  | 20 | 10 | 30  | 78.1                 | Orange   |         | IPC-I              |
| 22          | Manufacturing of Compact disc Computer (CD/DVD) / cassette manufacturing / reel manufacturing | 0  | 15 | 15 | 30  | 30 | 0  | 0  | 30  | 20 | 10 | 30  | 51                   | Green    |         | IPC-V              |
| <b>23.0</b> | <b>MANUFACTURING OF COIR/COIR PITH AND COIR PRODUCTS</b>                                      |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 23.1        | Coir bleaching and dyeing/printing units  | 25 | 0  | 25 | 50  | 25 | 25 | 20 | 70  | 0  | 0  | 0   | 77.5                 | Orange   |         | IPC-V              |
| 23.2        | Coir fibre/pith processing units generating effluent  | 25 | 0  | 20 | 45  | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 51.9                 | Green    |         | IPC-V              |

| S. No.      | Sector   | W1 | W2 | W3 | Pl <sub>w</sub> | A1 | A2 | A3 | Pl <sub>A</sub> | H1 | H2 | Pl <sub>H</sub> | Pollution Index (PI) | Category | Remarks | Concerned Division |
|-------------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|---------|--------------------|
| 23.3        | Coir fibre/pith processing and/or Manufacturing of coir products from coir (only dry process)                            | 0  | 0  | 0  | 0               | 0  | 20 | 0  | 20              | 0  | 0  | 0               | 20                   | White    |         | IPC-V              |
| <b>24.0</b> | <b>CERAMICS</b>  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |         |                    |
| 24.1        | Ceramics/ Glass/Earthen potteries and tile manufacturing using coal/oil fired kilns (fuel consumption: 12 TPD and above) | 0  | 0  | 0  | 0               | 25 | 25 | 30 | 80              | 0  | 0  | 0               | 80                   | Red      |         | IPC-V              |
| 24.2        | Ceramics/ Glass/Earthen potteries and tile manufacturing using coal/oil fired kilns (fuel consumption: less than 12 TPD) | 0  | 0  | 0  | 0               | 25 | 25 | 25 | 75              | 0  | 0  | 0               | 75                   | Orange   |         | IPC-V              |
| 24.3        | Ceramics/ Glass/Earthen potteries and tile manufacturing (using gas fired kilns)/tunnel kiln                             | 0  | 0  | 0  | 0               | 25 | 25 | 10 | 60              | 0  | 0  | 0               | 60                   | Orange   |         | IPC-V              |
| 24.4        | Ceramics/ Glass/Earthen potteries and tile manufacturing (using only electrical kiln)                                    | 0  | 0  | 0  | 0               | 0  | 25 | 0  | 25              | 0  | 0  | 0               | 25                   | Green    |         | IPC-V              |
| <b>25</b>   | <b>Coal Washeries</b>  | 20 | 25 | 30 | 75              | 0  | 25 | 0  | 25              | 0  | 0  | 0               | 78.1                 | Orange   |         | IPC-II             |
| <b>26</b>   | <b>Liquid floor Cleaner, black phenyl, liquid soap, glycerol mono-stearate manufacturing</b>                             | 25 | 25 | 15 | 65              | 0  | 20 | 0  | 20              | 0  | 0  | 0               | 68.5                 | Orange   |         | IPC-V              |
| <b>27</b>   | <b>Pheny/toilet Cleaner formulation and bottling</b>   | 10 | 0  | 15 | 25              | 0  | 20 | 0  | 20              | 0  | 0  | 0               | 32.5                 | Green    |         | IPC-V              |

| S. No.  | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks | Concerned Division |
|---|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|
| 28  | Cashew nut processing   | 20 | 0  | 15 | 35  | 25 | 20 | 15 | 60  | 0  | 0  | 0   | 67                   | Orange   |         | IPC-III            |
| <b>29.0 COFFEE SEEDS PROCESSING INDUSTRY</b>  |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 29.1  | Coffee seeds processing (wet process)   | 35 | 0  | 20 | 55  | 25 | 0  | 15 | 40  | 0  | 0  | 0   | 64                   | Orange   |         | IPC-III            |
| 29.2  | Coffee seeds processing with eco-pulper   | 20 | 0  | 15 | 35  | 25 | 0  | 15 | 40  | 0  | 0  | 0   | 50.5                 | Green    |         | IPC-III            |
| <b>30 Manufacturing of Candy</b>  |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 30  | Manufacturing of Candy  | 10 | 0  | 15 | 25  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 25                   | Green    |         | IPC-V              |
| <b>31 Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)</b>  |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 31  | Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)  | 0  | 0  | 0  | 0   | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 20                   | White    |         | IPC-V              |
| <b>32 Manufacturing of precast Cement products (without using asbestos/ boiler / steam curing) like pipe, pillar, jafri, well ring, block/tiles etc.(should be done in closed covered shed to control fugitive emissions)</b> |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 32  | Manufacturing of precast Cement products (without using asbestos/ boiler / steam curing) like pipe, pillar, jafri, well ring, block/tiles etc.(should be done in closed covered shed to control fugitive emissions) | 0  | 0  | 15 | 15  | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 30.6                 | Green    |         | IPC-V              |
| <b>33 Manufacturing of Ceramic Colour by mixing &amp; blending only (not using boiler and wastewater recycling process)</b>   |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 33  | Manufacturing of Ceramic Colour by mixing & blending only (not using boiler and wastewater recycling process)   | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |         | IPC-V              |
| <b>34.0 CHILLING PLANT, COLD STORAGE AND ICE-MAKING</b>   |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 34.1  | Chilling plant  | 20 | 15 | 15 | 50  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 50                   | Green    |         | IPC-IV             |
| 34.2  | Cold storage  | 0  | 15 | 15 | 30  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 30                   | Green    |         | IPC-V              |
| 34.3  | Ice Making  | 0  | 20 | 15 | 35  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 35                   | Green    |         | IPC-V              |

| S. No. | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 35     | Decoration of Ceramic Cups and plates by electric furnace  | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |  | IPC-V              |
| 36     | Ready mix Cement Concrete  | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    |  | IPC-V              |
| 37     | CO <sub>2</sub> recovery plant   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 20 | 10 | 30  | 30                   | Green    | Exhausted molecular sieves are generated as hazardous waste.   | IPC-V              |
| 38     | Assembly of air Coolers/Conditioners, repairing and servicing  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 39     | Chalk making from plaster of Paris (only casting without boilers etc. - sun drying / electrical oven)  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 40     | Standalone manufacturing of Concrete admixtures up to 1000 MT per Month capacity by physical mixing (without boiler and reactor and no generation of wastewater) | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 10 | 10 | 20  | 20                   | White    | The sector may become green category if it generates wastewater. The unit needs to be re-classified as per the methodology in case the capacity exceeds 1000 MT per Month. | IPC-V              |
| 41     | Used Cooking oil (UCO) collection centers  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| ~D~    |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 42.0   | DYES, DYE INTERMEDIATES AND PIGMENT PRODUCTIONS  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 42.1   | Dyes, Dye Intermediates and Pigments produced by chemical synthesis  | 35 | 30 | 25 | 90  | 30 | 20 | 25 | 75  | 30 | 20 | 50  | 96.3                 | Red      |  | IPC-I              |

| S. No.                                       | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks | Concerned Division |  |
|--|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|--|
| 42.2   | Natural Dye and Pigments requiring acidic/ alkaline/ solvent extraction                    | 30 | 30 | 20 | 80  | 25 | 20 | 25 | 70  | 20 | 10 | 30  | 90                   | Red      |         | IPC-I              |  |
| 42.3   | Natural Dye and Pigments not require acidic/ alkaline/ solvent extraction                  | 30 | 20 | 20 | 70  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 77.5                 | Orange   |         | IPC-I              |  |
| <b>43.0</b>                                  | <b>SYNTHETIC DETERGENT AND SOAPS</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 43.1   | Synthetic detergents and soaps (wastewater generation $\geq 100$ KLD)                      | 20 | 20 | 30 | 70  | 25 | 0  | 25 | 50  | 25 | 10 | 35  | 82.8                 | Red      |         | IPC-I              |  |
| 43.2   | Synthetic detergents and soaps (wastewater generation $< 100$ KLD)                         | 20 | 20 | 25 | 65  | 25 | 0  | 25 | 50  | 25 | 10 | 35  | 79.9                 | Orange   |         | IPC-I              |  |
| 43.3   | Synthetic detergents and soaps (only formulation)  | 0  | 0  | 0  | 0   | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 50                   | Green    |         | IPC-I              |  |
| 43.4   | Soap manufacturing (handmade -without steam boiling / boiler)                              | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |         | IPC-V              |  |
| <b>DISTILLERIES AND FERMENTATION SECTORS</b> |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| <b>44.0</b>                                  | <b>DISTILLERIES AND FERMENTATION INDUSTRIES</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 44.1   | Distillery (Molasses based)  | 35 | 25 | 35 | 95  | 25 | 25 | 35 | 85  | 0  | 0  | 0   | 97.1                 | Red      |         | IPC-III            |  |
| 44.2   | Distillery (Grain based)   | 35 | 25 | 30 | 90  | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 93.8                 | Red      |         | IPC-III            |  |
| 44.3   | Distillery (Grain based) with Distiller's Dried Grains with Soluble (DDGS) as by-product   | 25 | 25 | 20 | 70  | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 83.8                 | Red      |         | IPC-III            |  |
| 44.4   | Standalone yeast manufacturing units   | 35 | 25 | 35 | 95  | 25 | 20 | 25 | 70  | 0  | 0  | 0   | 96.8                 | Red      |         | IPC-III            |  |
| 44.5   | Breweries and malteries industry (with fermentation)- Wastewater generation $\geq 100$ KLD | 30 | 15 | 30 | 75  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 81.3                 | Red      |         | IPC-III            |  |
| 44.6   | Breweries and malteries industry (with fermentation)- Wastewater generation $< 100$ KLD    | 30 | 15 | 25 | 70  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 77.5                 | Orange   |         | IPC-III            |  |

| S. No. | Sector  | W1 | W2 | W3 | Pl <sub>w</sub> | A1 | A2 | A3 | Pl <sub>A</sub> | H1 | H2 | Pl <sub>H</sub> | Pollution Index (PI) | Category | Remarks  | Concerned Division |  |
|--------|---|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|--|--------------------|--|
| 44.7   | Potable alcohol by blending, bottling of alcohol products             | 20 | 0  | 25 | 45              | 0  | 0  | 0  | 0               | 0  | 0  | 0               | 45                   | Green    |  | IPC-III            |  |
| 45     | Diesel pump repairing and servicing (complete mechanical dry process) | 0  | 0  | 0  | 0               | 0  | 0  | 0  | 0               | 10 | 10 | 20              | 20                   | White    |  | IPC-V              |  |
| ~E~    |   |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |  |
| 46     | Manufacturing of Explosives, detonators, fuses, etc.                  | 25 | 30 | 15 | 70              | 0  | 30 | 0  | 30              | 30 | 10 | 40              | 80.5                 | Red      | Explosives manufacture contribute to release of hazardous pollutants, including generation of other toxic chemicals. Accident/safety hazard is also associated with such sector during manufacturing and usages. | IPC-I              |  |
| 47     | Manufacturing of coated Electrode                                     | 0  | 15 | 15 | 30              | 0  | 25 | 0  | 25              | 0  | 0  | 0               | 38.8                 | Green    | Process involves preparation of core wire / rod, preparation of dry mix, preparation of wet mix, application of coating by extrusion, baking of coated electrodes.   | IPC-V              |  |
| 48     | Emery powder (fine dust of sand) manufacturing                        | 0  | 0  | 0  | 0               | 0  | 30 | 0  | 30              | 0  | 0  | 0               | 30                   | Green    | Fugitive emissions from grinding operations.   | IPC-V              |  |
| 49     | Electric lamp (bulb) and CFL manufacturing by assembling only         | 0  | 0  | 0  | 0               | 0  | 0  | 0  | 0               | 0  | 0  | 0               | 0                    | White    |  | IPC-V              |  |
| 50     | Electrical and electronic item assembling (completely dry process)    | 0  | 0  | 0  | 0               | 0  | 0  | 0  | 0               | 0  | 0  | 0               | 0                    | White    |  | IPC-V              |  |

| S. No.  | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|---|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 51  | Engineering and fabrication units (dry process without any heat treatment / metal surface finishing operations / painting) | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| ~F~   |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| <b>52.0 FIBRE GLASS (FIBRE REINFORCED PLASTIC) PRODUCTION</b> |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 52.1  | Fibre glass (containing lead) production and processing (excluding moulding)   | 0  | 0  | 0  | 0   | 35 | 0  | 25 | 60  | 25 | 20 | 45  | 69                   | Orange   |  | IPC-V              |
| 52.2  | Fibre glass (without lead) production and processing (excluding moulding)  | 0  | 0  | 0  | 0   | 30 | 0  | 25 | 55  | 25 | 20 | 45  | 65.1                 | Orange   | The use of styrene in most methods of fibre glass production causes hazardous air pollution that is harmful to breathe at excessive levels.                    | IPC-V              |
| 53  | Manufacturing of Firecrackers including improved crackers/green crackers, etc.   | 0  | 0  | 0  | 0   | 35 | 30 | 0  | 65  | 30 | 10 | 40  | 72                   | Orange   | Various hazardous chemicals are used in the manufacturing process. Accident/safety hazard is also associated with such sector during manufacturing and usages. | IPC-V              |
| <b>54.0 SYNTHETIC FIBRES MANUFACTURING</b>                    |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 54.1  | Synthetic fibres-PSF & PFY, generated from petrochemical   | 35 | 30 | 35 | 100 | 30 | 25 | 35 | 90  | 30 | 20 | 50  | 100                  | Red      |  | IPC-I              |
| 54.2  | Synthetic fibres including rayon, tyre cord, viscose filament yarn/staple fibre, acrylic fibres                            | 25 | 20 | 25 | 70  | 30 | 20 | 25 | 75  | 20 | 10 | 30  | 87.5                 | Red      |  | IPC-I              |
| 54.3  | Synthetic fibres including rayon, tyre cord, viscose filament yarn/staple fibre, acrylic fibres using cleaner/gaseous fuel | 25 | 20 | 25 | 70  | 30 | 20 | 10 | 60  | 20 | 10 | 30  | 83.5                 | Red      |  | IPC-I              |

| S. No.      | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks | Concerned Division |  |
|-------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|--|
| <b>55.0</b> | <b>FERTILIZERS PRODUCTION</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 55.1        | Fertilizers (Urea)   | 10 | 30 | 35 | 75  | 30 | 30 | 20 | 80  | 20 | 30 | 50  | 92.5                 | Red      |         | IPC-I              |  |
| 55.2        | Fertilizers (Calcium Ammonium Nitrate/Ammonium Nitrate)  | 10 | 30 | 25 | 65  | 30 | 25 | 25 | 80  | 20 | 20 | 40  | 90.5                 | Red      |         | IPC-I              |  |
| 55.3        | Fertilizers (NPK)  | 10 | 30 | 25 | 65  | 30 | 25 | 25 | 80  | 20 | 20 | 40  | 90.5                 | Red      |         | IPC-I              |  |
| 55.4        | Fertilizers (Straight Phosphatic Fertilizers)  | 10 | 30 | 25 | 65  | 30 | 25 | 25 | 80  | 20 | 20 | 40  | 90.5                 | Red      |         | IPC-I              |  |
| 55.5        | Fertilizer (granulation /formulation / blending) generating wastewater through floor washings, cooling towers etc. | 10 | 30 | 15 | 55  | 30 | 30 | 0  | 60  | 10 | 10 | 20  | 75                   | Orange   |         | IPC-I              |  |
| 55.6        | Fertilizer (granulation /formulation / blending) not generating wastewater   | 0  | 0  | 0  | 0   | 30 | 30 | 0  | 60  | 10 | 10 | 20  | 64                   | Orange   |         | IPC-I              |  |
| <b>56.0</b> | <b>FOOD AND FOOD PROCESSING INCLUDING FRUITS AND VEGETABLE PROCESSING</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 56.1        | Wastewater generation $\geq 10$ KLD  | 25 | 0  | 25 | 50  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 62.5                 | Orange   |         | IPC-III            |  |
| 56.2        | Wastewater generation $< 10$ KLD (without boiler)  | 25 | 0  | 15 | 40  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 40                   | Green    |         | IPC-III            |  |
| <b>57.0</b> | <b>FISH FEED, POULTRY FEED AND CATTLE FEED</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 57.1        | Fish feed, poultry feed and cattle feed (with boiler)  | 0  | 20 | 15 | 35  | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 79.4                 | Orange   |         | IPC-V              |  |
| 57.2        | Fish feed, poultry feed and cattle feed (without boiler)   | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |         | IPC-V              |  |
| 58          | Fish processing and packing (excluding chilling of fishes)   | 25 | 25 | 20 | 70  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 73                   | Orange   |         | IPC-IV             |  |
| <b>59.0</b> | <b>MANUFACTURING OF MODULAR WOODEN FURNITURE</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |

| S. No.      | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks | Concerned Division |
|-------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|
| 59.1        | Modular wooden furniture from particle board, MDF, swan timber etc, Ceiling tiles/ partition board from saw dust, wood chips etc., and other agricultural waste using synthetic adhesive resin, wooden box making (With boiler)    | 0  | 0  | 0  | 0   | 25 | 25 | 10 | 60  | 0  | 0  | 0   | 60                   | Orange   |         | IPC-V              |
| 59.2        | Modular wooden furniture from particle board, MDF, swan timber etc, Ceiling tiles/ partition board from saw dust, wood chips etc., and other agricultural waste using synthetic adhesive resin, wooden box making (Without boiler) | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |         | IPC-V              |
| <b>60.0</b> | <b>CARPENTRY &amp; WOODEN FURNITURE MANUFACTURING</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 60.1        | Carpentry & wooden furniture manufacturing with spray painting (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.                       | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |         | IPC-V              |
| 60.2        | Carpentry & wooden furniture manufacturing without spray painting (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.                    | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |         | IPC-V              |

| S. No.   | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks  | Concerned Division |  |
|--|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|--|
| 61   | Foam manufacturing  | 0  | 0  | 0  | 0   | 35 | 0  | 0  | 35  | 20 | 10 | 30  | 44.8                 | Green    | Emissions of VOCs and HAPs. Raw materials are polyurethane, latex etc. | IPC-V              |  |
| 62   | Flour mills (dry process)                                       | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    | Separate classification for domestic flour mills may not require.      | IPC-V              |  |
| <b>STEEL FURNITURE INDUSTRY</b>  |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 63.1   | Steel furniture with spray painting                             | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    | Obnoxious gases from welding.  | IPC-V              |  |
| 63.2   | Steel furniture without spray painting                          | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |  |
| <b>MANUFACTURING OF GLUE AND GELATIN</b>   |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 64.0   | Manufacturing of glue and gelatin using coal/liquid fuel        | 25 | 20 | 15 | 60  | 25 | 20 | 25 | 70  | 10 | 10 | 20  | 82                   | Red      |  | IPC-I              |  |
| 64.2   | Manufacturing of glue and gelatin by using biomass/cleaner fuel | 25 | 20 | 15 | 60  | 25 | 20 | 15 | 60  | 10 | 10 | 20  | 76                   | Orange   |  | IPC-I              |  |
| <b>MANUFACTURING OF GLASS (INCLUDING PRINTING OR ETCHING OF GLASS SHEET USING HYDROFLUORIC ACID)</b> |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 65.1   | Manufacturing of glass (Oil/coal fired)                         | 0  | 15 | 15 | 30  | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 78.8                 | Orange   |  | IPC-V              |  |
| 65.2   | Manufacturing of glass (gas fired)                              | 0  | 15 | 15 | 30  | 25 | 25 | 10 | 60  | 0  | 0  | 0   | 66                   | Orange   |  | IPC-V              |  |
| 66   | Producer Gas plant using conventional coal Gasification         | 20 | 25 | 15 | 60  | 25 | 0  | 25 | 50  | 30 | 10 | 40  | 78                   | Orange   |  | IPC-V              |  |

| S. No.  | Sector   | W1 | W2 | W3 | W1w | A1 | A2 | A3 | PIA | HI | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|---|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|
| <b>COMPRESSED BIOGAS (CBG)/BIO-CNG PLANTS</b> |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 67.0  |  | 30 | 25 | 25 | 80  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 82                   | Red      |   | UPC-II             |
| 67.1  | CBG plants based on Municipal Solid Waste (MSW) as feed  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 67.2  | CBG plants based on process waste (industrial/ process liquid effluent & solid waste like press mud, organic sludge, molasses, etc.) as feed | 30 | 25 | 25 | 80  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 82                   | Red      |   | IPC-III            |
| 67.3  | CBG plants based on crop residue (paddy straw /wheat straw /corn sweet sorghum/ Napier grass, etc.) as feed                                  | 30 | 25 | 20 | 75  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 77.5                 | Orange   |   | IPC-III            |
| 67.4  | CBG plants based on animal waste (dairy farms, poultry farms, and other animal waste) as feed  | 30 | 25 | 20 | 75  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 77.5                 | Orange   |   | IPC-III            |
| 67.5  | CBG plants producing Fermented Organic Manure (FOM) & Liquid Fermented Organic Manure (LFOM) as by-products                                  | 0  | 0  | 0  | 0   | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 20                   | White    | CBG plants producing FOM & LFOM as by-products in conformity with requirements of Gazette Notification No. 2051 dated 14.07.2020 & No. 1972 dated 01.06.2021, respectively, and utilizing entire FOM & LFOM as a fertilizer or manure on land and also not discharging any waste-water, to be considered under White category, subject to verification by SPCB on case-to-case basis. | IPC-III            |
| 68.0  | <b>STANDALONE PRODUCTION OF HYDROGEN AND/OR AMMONIA (WITHOUT CAPTIVE POWER PLANT USING FOSSIL FUEL)</b>                                      |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |

| S. No. | Sector  | W1 | W2 | W3 | Pl <sub>w</sub> | AI | A2 | A3 | Pl <sub>A</sub> | HI | H2 | Pl <sub>H</sub> | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|--------|---|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|---|--------------------|
| 68.1   | Integrated unit for production of Ammonia through Hydrogen generated by pyrolysis/gasification                                  | 20 | 25 | 20 | 65              | 20 | 25 | 25 | 70              | 30 | 20 | 50              | 87.3                 | Red      | <p>i. Pyrolysis of biomass will generate syn gas and other condensable gases having hydrocarbons and other impurities.</p> <p>ii. Purification of gas will generate wastewater having high organic content and tarry residue as hazardous waste.</p> <p>iii. The process will generate fugitive emissions and due to pyrolysis operation.</p>   | IPC-I              |
| 68.2   | Integrated unit for production of ammonia through Hydrogen generated by electrolysis using renewable energy (capacity ≥ 15 TPD) | 10 | 25 | 35 | 70              | 0  | 20 | 0  | 20              | 30 | 20 | 50              | 80.5                 | Red      | <p>i. Ammonia manufacturing process (Haber process) and associated safety hazards remain same as per the chemical properties of ammonia.</p> <p>ii. Wastewater generation due to the production of hydrogen through electrolysis and condensation of ammonia, other scrubbed liquid etc.</p> <p>iii. Generation of ETP sludge, exhausted membranes, molecular sieves, spent catalysts, etc. as hazardous waste.</p> | IPC-I              |

| S. No. | Sector  | W1 | W2 | W3 | Plw | AI | A2 | A3 | PlA | HI | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 68.3   | Integrated unit for production of Ammonia through hydrogen generated by electrolysis using renewable energy (Capacity < 15 TPD) | 10 | 25 | 20 | 55  | 0  | 20 | 0  | 20  | 30 | 10 | 40  | 68.5                 | Orange   | <p>i. Ammonia manufacturing process (Haber process) and associated safety hazards remains same as per the chemical properties of ammonia.</p> <p>ii. Wastewater generation due to production of hydrogen through electrolysis and condensation of ammonia, other scrubbed liquid etc.</p> <p>iii. Generation of ETP sludge, exhausted membranes, molecular sieves, spent catalysts, etc. as hazardous waste.</p> | IPC-I              |
| 68.4   | Hydrogen production through pyrolysis/gasification  | 20 | 25 | 20 | 65  | 20 | 25 | 25 | 70  | 30 | 10 | 40  | 85.8                 | Red      | <p>i. Pyrolysis of biomass will generate syn gas and other condensable gases having hydrocarbons and other impurities.</p> <p>ii. Purification of gas will generate wastewater having high organic content and tarry residue as hazardous waste.</p> <p>iii. The process will generate fugitive emissions and due to pyrolysis operation.</p>  | IPC-I              |

| S. No. | Sector   | W1 | W2 | W3 | Pl <sub>w</sub> | A1 | A2 | A3 | Pl <sub>A</sub> | H1 | H2 | Pl <sub>H</sub> | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|--|--------------------|
| 68.5   | Hydrogen production through electrolysis using raw/seawater and renewable energy (capacity $\geq 2.5$ TPD) | 0  | 20 | 35 | 55              | 0  | 0  | 0  | 0               | 30 | 10 | 40              | 64.0                 | Orange   | <p>i. Type of electrolyzers may include Alkaline Water Electrolyser (AWE), Proton Exchange Membrane (PEM), Solid Oxide Electrolyser Cell (SOEC) and Anion Exchange Membrane (AEM), etc.</p> <p>ii. Generation of DM reject, cooling tower blowdown, draining of alkaline/electrolyser water during maintenance, etc. as wastewater.</p> <p>iii. Generation of ETP sludge, exhausted membranes, molecular sieves, spent catalysts, etc. as hazardous waste.</p> | IPC-I              |
| 68.6   | Hydrogen production through electrolysis using raw/sea water and renewable energy (capacity $< 2.5$ TPD)   | 0  | 20 | 20 | 40              | 0  | 0  | 0  | 0               | 30 | 10 | 40              | 52.0                 | Green    | <p>i. Type of electrolyzers may include Alkaline Water Electrolyser (AWE), Proton Exchange Membrane (PEM), Solid Oxide Electrolyser Cell (SOEC) and Anion Exchange Membrane (AEM), etc.</p> <p>ii. Generation of DM reject, cooling tower blowdown, draining of alkaline/electrolyser water during maintenance, etc. as wastewater.</p> <p>iii. Generation of ETP sludge, exhausted membranes, molecular sieves, spent catalysts, etc. as hazardous waste.</p> | IPC-I              |
| 68.7   | Hydrogen production through electrolysis (using  | 0  | 0  | 0  | 0               | 0  | 0  | 0  | 0               | 0  | 10 | 10              | 10.0                 | White    | <p>i. DM water as feed water for electrolyser and cooling/chilling</p>   | IPC-I              |

| S. No. | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
|        | renewable energy) on BOO/BOOT/BOT, mode etc., located in the premises of end user industry and directly using de-mineralized water & other utilities (cooling tower, ETP, etc.) sourced from end user industry |    |    |    |     |    |    |    |     |    |    |     |                      |          | water requirement to be met by the end user industry.<br>ii. Wastewater and other waste generated during O&M shall also be managed by the end user industry. |                    |
| 69     | Glue from starch (physical mixing) with Gas/electrically operated oven /boiler.  | 0  | 0  | 0  | 0   | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 35                   | Green    |  | IPC-V              |
| 70     | Gold and silver smithy (purification with acid smelting operation and sulphuric acid polishing operation) (using less or equal to 1 litre of sulphuric acid/ nitric acid per month)                            | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |  | IPC-V              |
| 71     | Compressed oxygen Gas from crude liquid oxygen (without use of any solvents and by maintaining pressure & temperature only for separation of other Gases)  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 72     | Glass and ampules and vials making from Glass tubes  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 73     | Ground nut decorticating   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |

| S. No.                     | Sector   | W1 | W2 | W3 | Pl <sub>w</sub> | A1 | A2 | A3 | Pl <sub>A</sub> | H1 | H2 | Pl <sub>H</sub> | Pollution Index (PI) | Category | Remarks   | Concerned Division |  |
|----------------------------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|---|--------------------|--|
| 74                         | Medical Oxygen   | 0  | 0  | 0  | 0               | 0  | 0  | 0  | 0               | 10 | 10 | 20              | 20                   | White    | The sector may become green category if it generates wastewater             | IPC-V              |  |
| ~H~                        |  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |   |                    |  |
| <b>75.0 HOT MIX PLANTS</b> |  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |   |                    |  |
| 75.1                       | Hot mix plants using oil as fuel   | 0  | 0  | 0  | 0               | 25 | 25 | 25 | 75              | 0  | 0  | 0               | 75                   | Orange   |   | IPC-V              |  |
| 75.2                       | Hot mix plants using gaseous as fuel   | 0  | 0  | 0  | 0               | 25 | 25 | 10 | 60              | 0  | 0  | 0               | 60                   | Orange   |   | IPC-V              |  |
| 76                         | Hazardous waste pre-processing/processing facility including spent acid processing, spent solvent recovery, etc. | 25 | 30 | 15 | 70              | 25 | 25 | 15 | 65              | 30 | 20 | 50              | 87.3                 | Red      |   | WM-II              |  |
| 77                         | Handloom/ carpet weaving (without dyeing and bleaching operation)  | 0  | 0  | 0  | 0               | 0  | 0  | 0  | 0               | 0  | 0  | 0               | 0                    | White    |   | IPC-V              |  |
| ~J~                        |  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |   |                    |  |
| 78                         | Ice cream manufacturing units  | 25 | 25 | 20 | 70              | 25 | 0  | 25 | 50              | 0  | 0  | 0               | 77.5                 | Orange   |   | IPC-IV             |  |
| 79                         | Printing Ink Manufacturing   | 20 | 30 | 15 | 65              | 0  | 20 | 10 | 30              | 30 | 10 | 40              | 77.3                 | Orange   | In the process pigments, binders and solvents are used. VOCs are generated. | IPC-I              |  |

| S. No.                      | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks                               | Concerned Division |
|-----------------------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------------------------------------|--------------------|
| 80                          | Manufacturing of scientific and mathematical Instrument (assembling only)      | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |                                       | IPC-V              |
| ~J~                         |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |                                       |                    |
| <b>81.0 JUTE PROCESSING</b> |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |                                       |                    |
| 81.1                        | Jute processing (with dyeing / with boiler)                                    | 25 | 20 | 25 | 70  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 77.5                 | Orange   |                                       | IPC-III            |
| 81.2                        | Jute processing (without dyeing / without boiler)                              | 20 | 0  | 20 | 40  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 40                   | Green    |                                       | IPC-III            |
| 81.3                        | Manufacturing of products from jute (without dyeing/ without boiler)           | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |                                       | IPC-III            |
| ~L~                         |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |                                       |                    |
| 82                          | Lime manufacturing (using lime kiln)   | 0  | 0  | 0  | 0   | 25 | 0  | 30 | 55  | 0  | 0  | 0   | 55                   | Orange   |                                       | IPC-V              |
| 83                          | Leather foot wear and Leather products (excluding tanning and hide processing) | 0  | 0  | 0  | 0   | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 20                   | White    | Fumes due to use of adhesives / gums. | IPC-IV             |
| 84                          | Manufacturing of optical Lenses (using electrical furnace)                     | 0  | 20 | 15 | 35  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 35                   | Green    |                                       | IPC-V              |
| 85                          | Leather cutting and stitching (more than 10 machine and using motor)           | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |                                       | IPC-V              |
| ~M~                         |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |                                       |                    |

| S. No.      | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|-------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|
| 86          | Mobile towers using genset(s)   | 0  | 0  | 0  | 0   | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 50                   | Green    | i. The used oil/waste oil generated during repair and maintenance need to be disposed through authorized hazardous waste recycler by service provider/OEM.<br>ii. Order dated 24.08.2017 in the related matter with OA No. 83(THC) OF 2012 (Bharti Infratel Ltd.) may be referred for issuance of composite consent in case of mobile towers. | UPC-I              |
| <b>87.0</b> | <b>MILK PROCESSES AND DAIRY PRODUCTS</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 87.1        | Milk processes and dairy products (integrated project)  | 30 | 25 | 30 | 85  | 25 | 20 | 30 | 75  | 0  | 0  | 0   | 90.6                 | Red      |   | IPC-IV             |
| 87.2        | Dairy and dairy products (Small scale units), using coal/biomass as fuel (Wastewater generation $\geq$ 100 KLD) | 25 | 25 | 30 | 80  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 85                   | Red      |   | IPC-IV             |
| 87.3        | Dairy and dairy products (Small scale units), using coal/biomass as fuel (Wastewater generation < 100 KLD)      | 25 | 25 | 20 | 70  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 77.5                 | Orange   |   | IPC-IV             |
| 87.4        | Dairy and dairy products, (Small scale units), using PNG as fuel  | 25 | 25 | 20 | 70  | 0  | 0  | 10 | 10  | 0  | 0  | 0   | 71.5                 | Orange   |   | IPC-IV             |
| <b>88.0</b> | <b>MINING AND ORE BENEFICIATION</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 88.1        | Open-cast coal mining   | 10 | 25 | 35 | 70  | 25 | 30 | 35 | 90  | 10 | 70 | 80  | 97.5                 | Red      |   | IPC-II             |
| 88.2        | Underground coal mining   | 0  | 25 | 35 | 60  | 25 | 30 | 35 | 90  | 0  | 0  | 0   | 93                   | Red      |   | IPC-II             |
| 88.3        | Mining of major minerals and ore beneficiation  | 20 | 30 | 35 | 85  | 25 | 30 | 35 | 90  | 25 | 70 | 95  | 99.4                 | Red      | Includes captive limestone mining.  | IPC-II             |

| S. No.  | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks                      | Concerned Division |
|---|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|------------------------------|--------------------|
| 88.4  | Mining of minor minerals (except Sand/riverbed material mining)                                      | 10 | 0  | 20 | 30  | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 78.8                 | Orange   |                              | IPC-II             |
| 88.5  | Grinding, processing, and screening of minor minerals  | 0  | 0  | 0  | 0   | 25 | 30 | 0  | 55  | 0  | 0  | 0   | 55                   | Orange   |                              | IPC-II             |
| 89  | Manufacturing of <b>Mirror</b> from sheet glass  | 0  | 0  | 0  | 0   | 30 | 20 | 0  | 50  | 25 | 10 | 35  | 58.8                 | Orange   |                              | IPC-V              |
| 90  | <b>Mineral</b> processing, industries involving ore sintering, pelletising, grinding & pulverization | 0  | 0  | 0  | 0   | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 75                   | Orange   |                              | IPC-II             |
| 91  | <b>Malteries</b> (without fermentation)  | 30 | 15 | 25 | 70  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 77.5                 | Orange   |                              | IPC-III            |
| 92  | Manufacturing of <b>Mosquito</b> repellent & coil  | 0  | 0  | 0  | 0   | 30 | 0  | 25 | 55  | 0  | 0  | 0   | 55                   | Orange   | Toxic fumes may be released. | IPC-V              |
| 93  | Organic <b>Manure</b> (physical mixing)  | 0  | 0  | 0  | 0   | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 20                   | White    |                              | IPC-V              |
| 94  | Packing of powdered <b>Milk</b>  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |                              | IPC-V              |
| <b>METALS AND METALLURGICAL SECTORS</b>   |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |                              |                    |
| <b>95.0 IRON &amp; STEEL (PRIMARY PROCESSING FROM ORE, INTEGRATED STEEL PLANTS AND SPONGE IRON UNITS)</b> |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |                              |                    |
| 95.1  | Integrated iron and steel plants   | 25 | 30 | 35 | 90  | 25 | 30 | 35 | 90  | 25 | 50 | 75  | 98.3                 | Red      |                              | IPC-II             |
| 95.2  | Stand-alone sintering/palletisation  | 0  | 0  | 0  | 0   | 25 | 30 | 35 | 90  | 0  | 0  | 0   | 90                   | Red      |                              | IPC-II             |
| 95.3  | Sponge iron with CPP (Captive Power Plant)   | 20 | 25 | 35 | 80  | 25 | 30 | 35 | 90  | 10 | 50 | 60  | 97                   | Red      |                              | IPC-II             |
| 95.4  | Sponge iron without CPP  | 20 | 15 | 30 | 65  | 25 | 30 | 35 | 90  | 10 | 50 | 60  | 96.3                 | Red      |                              | IPC-II             |

| S. No.       | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks | Concerned Division |
|--------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|
| 95.5         | Stand-alone coke oven gas plants  | 25 | 30 | 30 | 85  | 25 | 30 | 35 | 90  | 25 | 50 | 75  | 98                   | Red      |         | IPC-II             |
| <b>96.0</b>  | <b>ALUMINIUM PROCESSING</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 96.1         | Aluminium Refinery  | 10 | 30 | 35 | 75  | 25 | 25 | 35 | 85  | 10 | 70 | 80  | 96.6                 | Red      |         | IPC-II             |
| 96.2         | Aluminium Smelter   | 10 | 30 | 35 | 75  | 30 | 25 | 35 | 90  | 25 | 70 | 95  | 99.1                 | Red      |         | IPC-II             |
| 97           | <b>Copper Smelter</b>   | 10 | 30 | 35 | 75  | 30 | 25 | 35 | 90  | 10 | 70 | 80  | 97.8                 | Red      |         | IPC-II             |
| 98           | <b>Zinc smelter</b>   | 10 | 30 | 35 | 75  | 30 | 25 | 35 | 90  | 10 | 70 | 80  | 97.8                 | Red      |         | IPC-II             |
| <b>99.0</b>  | <b>FERROUS AND NON-FERROUS METAL SECONDARY PROCESSING/REPROCESSING UNITS INVOLVING DIFFERENT FURNACES THROUGH MELTING, REFINING, CASTING, ALLOY-MAKING</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |
| 99.1         | All Ferrous and Non-ferrous metal secondary processing/reprocessing units involving different furnaces through melting, refining, casting, alloy-making (using coal/liquid fuels)   | 0  | 15 | 15 | 30  | 25 | 25 | 25 | 75  | 25 | 10 | 35  | 83.1                 | Red      |         | IPC-V              |
| 99.2         | Ferrous and Non-ferrous metal (excluding lead, nickel, and manganese) secondary processing/reprocessing units involving different furnaces through melting, refining, casting, alloy-making (using cleaner fuels/electricity) | 0  | 15 | 15 | 30  | 25 | 25 | 10 | 60  | 10 | 10 | 20  | 70                   | Orange   |         | IPC-V              |
| 100          | Aluminium & copper extraction from scrap using an oil-fired furnace (dry process only)  | 0  | 0  | 0  | 0   | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 75                   | Orange   |         | IPC-V              |
| <b>101.0</b> | <b>INDUSTRY OR PROCESS INVOLVING METAL SURFACE TREATMENT OR PROCESS/HEAT TREATMENT</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |

| S. No.       | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks | Concerned Division |  |
|--------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|--|
| 101.1        | Industry or process involving metal surface treatment or process such as pickling/ electroplating/paint stripping/ heat treatment using cyanide bath/ phosphating or finishing and anodizing / enamellings/ galvanizing | 25 | 30 | 20 | 75  | 30 | 25 | 0  | 55  | 25 | 30 | 55  | 88.8                 | Red      |         | IPC-V              |  |
| 101.2        | Plasma electrolytic polishing (electroplating)  | 25 | 30 | 15 | 70  | 30 | 25 | 0  | 55  | 0  | 0  | 0   | 78.3                 | Orange   |         | IPC-V              |  |
| 101.3        | Heat treatment using furnace ( without cyaniding)   | 0  | 0  | 0  | 0   | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 50                   | Green    |         | IPC-V              |  |
| 101.4        | Heat treatment with any of the new technology like ultrasound probe, induction hardening, ionization beam, gas carburizing etc.   | 0  | 15 | 15 | 30  | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 38.8                 | Green    |         | IPC-V              |  |
| <b>102.0</b> | <b>FORGING OF FERROUS AND NON-FERROUS METALS</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 102.1        | Forging of ferrous and non-ferrous metals using liquid fuel   | 0  | 0  | 0  | 0   | 25 | 25 | 20 | 70  | 30 | 10 | 40  | 76                   | Orange   |         | IPC-V              |  |
| 102.2        | Forging of ferrous and non-ferrous metals using gaseous fuel  | 0  | 0  | 0  | 0   | 25 | 25 | 10 | 60  | 30 | 10 | 40  | 68                   | Orange   |         | IPC-V              |  |
| 102.3        | Forging of ferrous and non-ferrous metals using electricity   | 0  | 0  | 0  | 0   | 25 | 25 | 0  | 50  | 30 | 10 | 40  | 60                   | Orange   |         | IPC-V              |  |
| 102.4        | Forging of ferrous and non-ferrous metals (cold forging, without any heat treatment)  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 30 | 10 | 40  | 40                   | Green    |         | IPC-V              |  |
| <b>103.0</b> | <b>ROLLING MILLS</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 103.1        | Rolling and pickling  | 25 | 30 | 15 | 70  | 25 | 30 | 25 | 80  | 25 | 10 | 35  | 90.5                 | Red      |         | IPC-V              |  |
| 103.2        | Rolling mills (oil and coal fired)  | 0  | 15 | 15 | 30  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 57.5                 | Orange   |         | IPC-V              |  |
| 103.3        | Rolling mills (gas fired)   | 0  | 15 | 15 | 30  | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 44.8                 | Green    |         | IPC-V              |  |

| S. No.       | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks                  | Concerned Division |
|--------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--------------------------|--------------------|
| 103.4        | Cold rolling mill (without heat treatment)   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |                          | IPC-V              |
| <b>104.0</b> | <b>FOUNDRY OPERATIONS</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |                          |                    |
| 104.1        | Cupola furnace   | 0  | 0  | 0  | 0   | 25 | 25 | 25 | 75  | 10 | 10 | 20  | 77.5                 | Orange   |                          | IPC-V              |
| 104.2        | Induction furnace/arc furnace  | 0  | 0  | 0  | 0   | 25 | 30 | 0  | 55  | 10 | 10 | 20  | 59.5                 | Orange   |                          | IPC-V              |
| <b>105.0</b> | <b>WIRE DRAWING AND WIRE NETTING</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |                          |                    |
| 105.1        | Wire drawing and wire netting (with pickling)  | 25 | 30 | 15 | 70  | 30 | 25 | 0  | 55  | 10 | 10 | 20  | 81.3                 | Red      |                          | IPC-V              |
| 105.2        | Wire drawing and wire netting (without pickling and with heat treatment)   | 0  | 0  | 0  | 0   | 25 | 0  | 20 | 45  | 10 | 10 | 20  | 50.5                 | Green    |                          | IPC-V              |
| 105.3        | Wire drawing and wire netting (without pickling and without heat treatment)  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |                          | IPC-V              |
| <b>106</b>   | <b>Die-casting /extrusion process only</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |                          |                    |
|              |  | 0  | 0  | 0  | 0   | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 50                   | Green    |                          | IPC-V              |
| <b>107</b>   | <b>Manufacturing of aluminium utensils from aluminium circles pressing/ Brass and bell Metal utensils manufacturing from circles (dry mechanical operation only)</b> |    |    |    |     |    |    |    |     |    |    |     |                      |          |                          |                    |
|              |  | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    | Emissions during buffing | IPC-V              |
| <b>108</b>   | <b>Manufacturing of Metal caps containers etc</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |                          |                    |
|              |  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |                          | IPC-V              |

| S. No.  | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|---|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|
| 109   | Formulation/palletisation of camphor tablets, <b>Naphthalene</b> balls from camphor/ naphthalene powders.   | 0  | 0  | 0  | 0   | 35 | 20 | 0  | 55  | 0  | 0  | 0   | 55                   | Orange   | Emissions of benzene, hydrocarbons etc. are expected.           | IPC-V              |
| 110   | Organic and inorganic <b>Nutrients</b> by physical mixing (without boiler and without any reactor)  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 10 | 10 | 20  | 20                   | White    | The sector may become green category if it generates wastewater | IPC-V              |
| <b>111.0 ORGANIC CHEMICALS INCLUDING HALOGENATED HYDROCARBONS</b> |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 111.1   | Organic chemicals including halogenated hydrocarbons (using solid/liquid fuel)  | 30 | 30 | 25 | 85  | 35 | 0  | 30 | 65  | 30 | 20 | 50  | 93.6                 | Red      |   | IPC-I              |
| 111.2   | Organic chemicals including halogenated hydrocarbons (using cleaner fuel)   | 30 | 30 | 25 | 85  | 35 | 0  | 10 | 45  | 30 | 20 | 50  | 92.1                 | Red      |   | IPC-I              |
| 112   | <b>Oil</b> and gas extraction (offshore & onshore extraction through drilling wells), Coal Bed Methane (CBM) drilling and shale gas, including group gathering stations (GGS), etc. | 25 | 30 | 15 | 70  | 20 | 25 | 0  | 45  | 30 | 10 | 40  | 82.8                 | Red      |   | IPC-I              |
| <b>113.0 EDIBLE OIL MILLS</b>                                     |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 113.1   | Vegetable oil manufacturing including solvent extraction and refinery /hydrogenated oils  | 25 | 25 | 20 | 70  | 25 | 0  | 20 | 45  | 0  | 0  | 0   | 76.8                 | Orange   |   | IPC-III            |
| 113.2   | Oil mills Ghani and extraction without boiler (no refining/hydrogenation)   | 10 | 25 | 15 | 50  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 50                   | Green    |   | IPC-III            |

| S. No.   | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks  | Concerned Division |  |
|--|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|--|
| <b>~P~</b>   |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| <b>114.0 POWER GENERATION PLANTS</b>                           |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 114.1  | Power plants based on coal  | 0  | 15 | 35 | 50  | 35 | 25 | 35 | 95  | 10 | 70 | 80  | 98.3                 | Red      |  | IPC-II             |  |
| 114.2  | Power plants based on liquid fuels  | 0  | 15 | 35 | 50  | 25 | 25 | 35 | 85  | 30 | 20 | 50  | 92.5                 | Red      |  | IPC-II             |  |
| 114.3  | Biomass-based power plants  | 0  | 15 | 30 | 45  | 25 | 25 | 25 | 75  | 10 | 50 | 60  | 88.1                 | Red      |  | IPC-II             |  |
| 114.4  | Nuclear energy-based power plants (> 220 MW)  | 0  | 30 | 35 | 65  | 25 | 0  | 25 | 50  | 25 | 20 | 45  | 81.6                 | Red      | Overall safety aspects related with radioactivity is regulated by Atomic Energy Regulatory Board (AERB). | IPC-II             |  |
| 114.5  | Nuclear energy-based power plants (up to 220 MW)  | 0  | 30 | 35 | 65  | 25 | 0  | 25 | 50  | 25 | 10 | 35  | 79.9                 | Orange   | Overall safety aspects related with radioactivity is regulated by Atomic Energy Regulatory Board (AERB). | IPC-II             |  |
| 114.6  | Gas-based power plants  | 0  | 15 | 35 | 50  | 25 | 0  | 20 | 45  | 0  | 0  | 0   | 61.3                 | Orange   |  | IPC-II             |  |
| <b>115.0 PULP &amp; PAPER (AGRO &amp; WOOD)</b>                |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 115.1  | Manufacturing of bleached chemical pulp, papers, and paperboards  | 30 | 30 | 35 | 95  | 30 | 0  | 35 | 65  | 30 | 30 | 60  | 98.1                 | Red      |  | IPC-III            |  |
| 115.2  | Unbleached or Totally Chlorine Free (TCF) bleaching for manufacturing of chemical pulp, papers, and paperboards | 30 | 20 | 35 | 85  | 30 | 0  | 35 | 65  | 10 | 30 | 40  | 92.9                 | Red      |  | IPC-III            |  |
| 115.3  | Bleached grades of chemical pulp, paper, and paperboard having Totally Chlorine Free (TCF) bleaching            | 30 | 20 | 35 | 85  | 30 | 0  | 35 | 65  | 10 | 30 | 40  | 92.9                 | Red      |  | IPC-III            |  |
| <b>116.0 PULP AND PAPER (RECYCLED FIBRE/WASTE PAPER BASED)</b> |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 116.1  | Pulp & Paper (With bleaching)   | 30 | 15 | 35 | 80  | 25 | 0  | 25 | 50  | 10 | 30 | 40  | 89                   | Red      |  | IPC-III            |  |
| 116.2  | Pulp & Paper (Without bleaching, capacity ≥15 TPD)  | 25 | 15 | 35 | 75  | 25 | 0  | 25 | 50  | 10 | 30 | 40  | 86.3                 | Red      |  | IPC-III            |  |

| S. No.       | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks  | Concerned Division |  |
|--------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|--|
| 116.3        | Pulp & Paper (Without bleaching; plant capacity <15 TPD)   | 25 | 15 | 20 | 60  | 25 | 0  | 25 | 50  | 10 | 10 | 20  | 74                   | Orange   |  | IPC-III            |  |
| <b>117.0</b> | <b>MANUFACTURING OF PAINTS, VARNISHES</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 117.1        | Manufacturing of solvent-based paints/varnish  | 35 | 30 | 20 | 85  | 25 | 20 | 25 | 70  | 25 | 30 | 55  | 94.4                 | Red      | The process may cause considerable emissions of volatile organic compounds (VOC)   | IPC-I              |  |
| 117.2        | Manufacturing of water-based paints  | 25 | 30 | 20 | 75  | 25 | 20 | 25 | 70  | 20 | 20 | 40  | 88.8                 | Red      |  | IPC-I              |  |
| 117.3        | Manufacturing of powder coatings   | 0  | 15 | 15 | 30  | 20 | 30 | 25 | 75  | 10 | 20 | 30  | 82.5                 | Red      |  | IPC-I              |  |
| 117.4        | Manufacturing of paint and varnishes (only blending and mixing)  | 20 | 30 | 15 | 65  | 0  | 20 | 0  | 20  | 30 | 20 | 50  | 77.3                 | Orange   |  | IPC-I              |  |
| <b>118.0</b> | <b>PESTICIDE INDUSTRIES</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 118.1        | Pesticide technical (organic chemicals based)  | 30 | 30 | 20 | 80  | 30 | 25 | 25 | 80  | 30 | 30 | 60  | 94                   | Red      |  | IPC-I              |  |
| 118.2        | Pesticide technical (inorganic chemicals based like Zinc Phosphide and Aluminium Phosphide)  | 20 | 30 | 20 | 70  | 30 | 25 | 25 | 80  | 20 | 20 | 40  | 91                   | Red      |  | IPC-I              |  |
| 118.3        | Pesticide formulation industries (Liquid formulation only) having boiler/thermopack  | 20 | 30 | 20 | 70  | 25 | 20 | 25 | 70  | 20 | 20 | 40  | 86.5                 | Red      |  | IPC-I              |  |
| 118.4        | Pesticide formulation industries (Liquid formulation only) without having boiler/thermopack  | 20 | 30 | 20 | 70  | 0  | 20 | 0  | 20  | 20 | 20 | 40  | 79                   | Orange   | Considering that dry formulation industries can also generate effluent because of equipment cleaning, the water pollution score is given | IPC-I              |  |
| 118.5        | Pesticide formulation industries (having both liquid and dry formulation or dry formulation only) without having boiler / thermopack | 20 | 30 | 20 | 70  | 30 | 20 | 0  | 50  | 20 | 20 | 40  | 83.5                 | Red      | Considering that dry formulation industries can also generate effluent because of equipment cleaning, the water pollution score is given | IPC-I              |  |

| S. No.  | Sector   | W1 | W2 | W3 | Plw | AI | A2 | A3 | PlA | HI | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|---|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 118.6   | Pesticide formulation industries (having both liquid and dry formulation or dry formulation only) having boiler / thermopack | 20 | 30 | 20 | 70  | 30 | 20 | 25 | 75  | 20 | 20 | 40  | 88.8                 | Red      | Considering that dry formulation industries can also generate effluent because of equipment cleaning, the water pollution score is given | IPC-I              |
| 119   | <b>Photographic</b> film and its chemicals   | 20 | 20 | 15 | 55  | 30 | 0  | 25 | 55  | 20 | 10 | 30  | 74.1                 | Orange   | Silver salts and other chemicals are used  | IPC-I              |
| 120   | <b>Petroleum</b> oil refineries  | 35 | 30 | 30 | 95  | 35 | 20 | 35 | 90  | 20 | 20 | 40  | 98.3                 | Red      |  | IPC-I              |
| <b>121.0 PETROCHEMICALS</b>   |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 121.1   | Petrochemicals (Naphtha cracker.)  | 30 | 30 | 30 | 90  | 35 | 25 | 35 | 95  | 30 | 20 | 50  | 98.5                 | Red      |  | IPC-I              |
| 121.2   | Petrochemicals (Gas cracker)   | 30 | 30 | 30 | 90  | 35 | 25 | 25 | 85  | 30 | 20 | 50  | 96.8                 | Red      |  | IPC-I              |
| 121.3   | Petrochemicals (without cracker)   | 25 | 30 | 20 | 75  | 25 | 25 | 15 | 65  | 20 | 20 | 40  | 88.1                 | Red      |  | IPC-I              |
| 121.4   | Petrochemicals (without cracker and using cleaner/gaseous fuel)  | 25 | 30 | 20 | 75  | 25 | 25 | 10 | 60  | 20 | 20 | 40  | 87.5                 | Red      |  | IPC-I              |
| <b>122.0 MANUFACTURING OF LUBRICATING OILS, GREASE AND PETROLEUM-BASED PRODUCTS</b> |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 122.1   | Manufacturing of lubricating oils, grease, and petroleum-based products  | 20 | 15 | 15 | 50  | 25 | 20 | 10 | 55  | 30 | 10 | 40  | 75.3                 | Orange   | Such unit uses distillation columns/ boilers etc   | IPC-I              |
| 122.2   | Manufacturing of lubricating oils, grease, and petroleum-based products (only blending)                                      | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 10 | 10 | 20  | 32.5                 | Green    |  | IPC-I              |
| <b>123.0 PHARMACEUTICAL INDUSTRY</b>  |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 123.1   | Pharmaceuticals manufacturing  | 35 | 30 | 30 | 95  | 35 | 25 | 35 | 95  | 30 | 20 | 50  | 98.6                 | Red      |  | IPC-I              |
| 123.2   | Pharmaceuticals manufacturing using cleaner/gaseous fuel   | 35 | 30 | 30 | 95  | 35 | 25 | 10 | 70  | 30 | 20 | 50  | 98                   | Red      |  | IPC-I              |

| S. No. | Sector  | W1 | W2 | W3 | Plw | AI | A2 | A3 | PlA | HI | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|--------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|
| 123.3  | Pharmaceuticals (Formulation)   | 20 | 15 | 15 | 50  | 25 | 0  | 25 | 50  | 30 | 10 | 40  | 72.5                 | Orange   |   | IPC-I              |
| 123.4  | Pharmaceuticals (Formulation) using cleaner/gaseous fuel  | 20 | 15 | 15 | 50  | 25 | 0  | 10 | 35  | 30 | 10 | 40  | 68.8                 | Orange   |   | IPC-I              |
| 123.5  | Vaccine manufacturing   | 20 | 15 | 15 | 50  | 25 | 0  | 35 | 60  | 30 | 10 | 40  | 78                   | Orange   |   | IPC-I              |
| 123.6  | Vaccine manufacturing using cleaner/gaseous fuel  | 20 | 15 | 15 | 50  | 25 | 0  | 10 | 35  | 30 | 10 | 40  | 68.8                 | Orange   |   | IPC-I              |
| 123.7  | Pharmaceutical R&D facilities   | 20 | 15 | 15 | 50  | 25 | 0  | 25 | 50  | 30 | 10 | 40  | 72.5                 | Orange   |   | IPC-I              |
| 123.8  | Ayurvedic or Unani medicines manufacturing  | 20 | 15 | 15 | 50  | 25 | 0  | 25 | 50  | 30 | 10 | 40  | 72.5                 | Orange   |   | IPC-I              |
| 123.9  | Ayurvedic or unani medicines manufacturing using cleaner fuel   | 20 | 15 | 15 | 50  | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 58.8                 | Orange   |   | IPC-I              |
| 123.10 | Ayurvedic or unani medicines manufacturing (Without boiler)   | 20 | 15 | 15 | 50  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 50                   | Green    |   | IPC-I              |
| 124    | Digital Printing on flex /vinyl, PVC etc. (more than 5 machines)  | 0  | 0  | 0  | 0   | 20 | 0  | 0  | 20  | 30 | 10 | 40  | 46                   | Green    |   | IPC-V              |
| 125    | Spray Painting, Paint baking, Paint shipping  | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 30 | 10 | 40  | 47.5                 | Green    | Emissions in the form of VOCs and HC are generated. | IPC-V              |
| 126    | Plywood/board manufacturing ( including Veneer and laminate) with biomass fired boiler / thermic fluid heater (without resin plant) | 20 | 20 | 15 | 55  | 25 | 20 | 25 | 70  | 0  | 0  | 0   | 78.3                 | Orange   |   | IPC-V              |

| S. No. | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks                            | Concerned Division |
|--------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|------------------------------------|--------------------|
| 127    | Printing press (newspaper, books, magazines, etc./ Gravure printing)                                 | 20 | 0  | 15 | 35  | 20 | 0  | 0  | 20  | 30 | 10 | 40  | 56.5                 | Orange   |                                    | IPC-V              |
| 128    | Manufacturing of bi-axially oriented <b>Polypropylene</b> (PP) film along with metalizing operations | 0  | 15 | 15 | 30  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 30                   | Green    | Mainly extrusion process involving | IPC-V              |
| 129    | <b>Pulse/Dal Mills</b>   | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    |                                    | IPC-V              |
| 130    | Insulation and other coated <b>Papers</b> (excluding paper or pipe manufacturing)                    | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |                                    | IPC-V              |
| 131    | <b>Packaging</b> materials manufacturing from non-asbestos fibre, vegetable fibre yarn               | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |                                    | IPC-V              |
| 132    | <b>Polythene</b> and plastic processed products manufacturing (virgin/compostable plastic)           | 0  | 15 | 15 | 30  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 37                   | Green    |                                    | IPC-V              |
| 133    | <b>Poultry, piggery, and hatchery</b>  | 0  | 0  | 0  | 0   | 30 | 20 | 0  | 50  | 0  | 0  | 0   | 50                   | Green    |                                    | IPC-V              |
| 134    | <b>Puffed rice</b> (muri) (using gas)  | 0  | 0  | 0  | 0   | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 35                   | Green    |                                    | IPC-V              |

| S. No.       | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 135          | Biscuits trays etc from rolled PVC sheet (using automatic vacuum forming machines) | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 136          | Fountain Pen manufacturing by assembling only                                      | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 137          | Glass Putty and sealant (by mixing with machine only)                              | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 138          | Manufacturing of Paper Pins, U-clips, etc.   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 139          | Solar Power generation through solar photovoltaic cell and wind power              | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| ~R~          |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 140          | Synthetic Rubber excluding molding   | 20 | 15 | 15 | 50  | 20 | 0  | 25 | 45  | 20 | 10 | 30  | 68.8                 | Orange   | Most synthetic rubber is created from two materials, styrene, and butadiene. | IPC-I              |
| <b>141.0</b> | <b>REFRACTORIES</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 141.1        | Refractories based on coal/liquid fuel (fuel consumption: 12 TPD and above)        | 0  | 0  | 0  | 0   | 25 | 25 | 30 | 80  | 0  | 0  | 0   | 80                   | Red      |  | IPC-V              |
| 141.2        | Refractories based on coal/liquid fuel (fuel consumption: less than 12 TPD)        | 0  | 0  | 0  | 0   | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 75                   | Orange   |  | IPC-V              |
| 141.3        | Refractories based on cleaner fuels  | 0  | 0  | 0  | 0   | 25 | 25 | 10 | 60  | 0  | 0  | 0   | 60                   | Orange   |  | IPC-V              |
| <b>142.0</b> | <b>RUBBER PRODUCTS MANUFACTURING</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |

| S. No.       | Sector  | W1 | W2 | W3 | Plw | AI | A2 | A3 | PlA | HI | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 142.1        | Tyre and tube manufacturing   | 0  | 15 | 15 | 30  | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 78.8                 | Orange   |  | IPC-V              |
| 142.2        | Tyres and tubes vulcanization/ hot retreading   | 0  | 15 | 15 | 30  | 25 | 20 | 10 | 55  | 0  | 0  | 0   | 61.8                 | Orange   | Emissions of PM, VOCs and obnoxious odour are generated. | IPC-V              |
| 142.3        | Rubber goods industry (with solid fuel/oil-based boiler)  | 0  | 15 | 15 | 30  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 57.5                 | Orange   |  | IPC-V              |
| 142.4        | Rubber goods industry (with gas-based boiler)   | 0  | 15 | 15 | 30  | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 44.8                 | Green    |  | IPC-V              |
| <b>143.0</b> | <b>SYNTHETIC RESINS</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 143.1        | Synthetic resins manufacturing  | 20 | 15 | 15 | 50  | 25 | 20 | 25 | 70  | 20 | 10 | 30  | 82                   | Red      |  | IPC-I              |
| 143.2        | Synthetic resins manufacturing (using only gaseous fuel)  | 20 | 15 | 15 | 50  | 25 | 20 | 10 | 55  | 20 | 10 | 30  | 73                   | Orange   |  | IPC-I              |
| 144          | Blending of melamine Resins & different powder, additives by physical mixing, including phenolic resin (without boiler) | 0  | 15 | 15 | 30  | 0  | 30 | 0  | 30  | 20 | 10 | 30  | 51                   | Green    |  | IPC-I              |
| <b>145.0</b> | <b>RICE MILLS</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 145.1        | Parboiled rice mill (with soaking and steam/drier)  | 25 | 0  | 20 | 45  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 61.3                 | Orange   |  | IPC-V              |
| 145.2        | Raw rice mill (Without soaking and steam/drier)/ hullers)   | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    |  | IPC-V              |
| 146          | Repairing of electric motors and generators (dry mechanical process)  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |
| 147          | Manufacturing of plastic or cotton Rope   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |

| S. No.                                   | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks | Concerned Division |  |
|--|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|--|
| 148                                      | Tyre Retraders   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |         | WM-III             |  |
| <b>RECYCLING AND REPROCESSING SECTOR</b> |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| <b>149.0</b>                             | INDUSTRIES ENGAGED IN RECYCLING/REPROCESSING/RECOVERY/REUSE OF HAZARDOUS WASTE UNDER SCHEDULE IV OF H&OW(M & TBM) RULES, 2016 - ITEMS, NAMELY, SPENT CATALYSTS CONTAINING NICKEL, CADMIUM, ZINC, COPPER, ARSENIC, VANADIUM, AND COBALT, INCLUDING DRY BATTERY (EXCEPT LEAD), AND CLEARED METAL CATALYST. |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 149.1                                    | Hydro & pyro metallurgy  | 0  | 30 | 15 | 45  | 35 | 25 | 25 | 85  | 25 | 10 | 35  | 91                   | Red      |         | WM-II              |  |
| 149.2                                    | Hydro & pyro metallurgy (using cleaner/gaseous fuels & without crushing of materials)  | 0  | 30 | 15 | 45  | 35 | 25 | 10 | 70  | 25 | 10 | 35  | 82                   | Red      |         | WM-II              |  |
| 149.3                                    | Pyro metallurgy (using coal/liquid fuels)  | 0  | 0  | 0  | 0   | 35 | 25 | 25 | 85  | 20 | 10 | 30  | 87.3                 | Red      |         | WM-II              |  |
| 149.4                                    | Pyro metallurgy (using cleaner/gaseous fuels)  | 0  | 0  | 0  | 0   | 35 | 25 | 10 | 70  | 20 | 10 | 30  | 74.5                 | Orange   |         | WM-II              |  |
| 149.5                                    | Hydro metallurgy   | 0  | 30 | 15 | 45  | 30 | 25 | 0  | 55  | 25 | 10 | 35  | 73                   | Orange   |         | WM-II              |  |
| <b>E-WASTE DISMANTLING / RECYCLING</b>   |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 150.1                                    | Industry engaged in recycling of e-waste generated from the electrical and electronic Equipment (EEE) listed in the E-Waste (Management) Rules 2022 using pyro/ hydro/ electro-metallurgical processing and recycling of plastic separated from Waste EEE  | 30 | 30 | 20 | 80  | 35 | 25 | 15 | 75  | 25 | 20 | 45  | 92                   | Red      |         | WM-III             |  |

| S. No.       | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 150.2        | Industry engaged in recycling of e-waste generated from the electrical and electronic equipment (EEE) listed in the E-Waste (Management) Rules 2022 (PCB processing limited to only mechanical processing and separation without pyro/hydro/ electro-metallurgical processing), production of Al, Cu, and other metals from non-PCB sources and/or recycling of plastic and/or recycling of plastic separated from Waste EEE. | 0  | 15 | 15 | 30  | 20 | 25 | 15 | 60  | 25 | 10 | 35  | 73                   | Orange   |  | WM-III             |
| 150.3        | Industry engaged in dismantling (only) of e-waste, generated from the electrical and electronic equipment (EEE) listed in the E-Waste (Management) Rules 2022   | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 25 | 10 | 35  | 43.1                 | Green    |  | WM-III             |
| 150.4        | E-waste refurbishing centres  | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 25 | 10 | 35  | 43.1                 | Green    |  | WM-III             |
| <b>151.0</b> | <b>INDUSTRIES ENGAGED IN RECYCLING/REPROCESSING/ RECOVERY/REUSE OF HAZARDOUS WASTE (Items as per Schedule IV of H&amp;OW( M &amp; TBM) Rules, 2016.)</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 151.1        | Lead Recycling ( Lead Acid Batteries with Acids; Lead Scrap Recycling) Rotary Furnace/ Pit Furnace (Mandir/Canopy Bhatti)   | 0  | 30 | 20 | 50  | 35 | 30 | 25 | 90  | 20 | 20 | 40  | 94.5                 | Red      | This also includes 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." | WM-II              |

| S. No. | Sector   | W1 | W2 | W3 | Pl <sub>w</sub> | A1 | A2 | A3 | Pl <sub>A</sub> | H1 | H2 | Pl <sub>H</sub> | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|--|--------------------|
| 151.2  | Lead Recycling ( Drained Lead Acid Batteries; Lead Scrap Recycling) Rotary Furnace/Mandir Bhatti on Cleaner Fuel         | 0  | 30 | 15 | 45              | 35 | 30 | 10 | 75              | 20 | 10 | 30              | 84.4                 | Red      | This also includes, 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."  | WM-II              |
| 151.3  | Isolated storages (as defined under Manufacture, Storage, and Import of Hazardous Chemicals Rules, 1989 as amended)      | 10 | 25 | 15 | 50              | 20 | 25 | 0  | 45              | 30 | 10 | 40              | 71.3                 | Orange   |  | IPC-I              |
| 151.4  | Paint and ink sludge / residues recycling  | 20 | 25 | 15 | 60              | 0  | 20 | 0  | 20              | 30 | 10 | 40              | 72                   | Orange   |  | WM-II              |
| 151.5  | Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste, excluding lead, paint, and ink sludge | 0  | 30 | 15 | 45              | 35 | 0  | 25 | 60              | 20 | 10 | 30              | 75                   | Orange   | This includes items namely - Brass Dross, Copper Dross, Copper Oxide Mill Scale, Copper events, Cake & Residues, Waste Copper and copper alloys in dispersible form, Slags from copper processing for further processing or refining, Insulated Copper Wire, Scrap/copper with PVC sheathing including ISRI-code material namely "Druid" Jelly filled Copper cables, Zinc Dross-Hot dip Galvanizers SLAB,, Zinc Dross-Bottom Dross, Zinc ash/Skimming arising from galvanizing and die casting operations, Zinc ash/Skimming/other zinc bearing wastes arising from smelting and refining,, Zinc ash and residues including zinc alloy residues in dispersible form. | WM-II              |

| S. No.       | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks  | Concerned Division |  |
|--------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|--|
| 151.6        | Refining of used oil by hydro-treating/using solvent extraction                             | 10 | 25 | 25 | 60  | 25 | 0  | 25 | 50  | 20 | 20 | 40  | 78                   | Orange   |  | WM-II              |  |
| 151.7        | Refining of used oil by using thin film evaporation/vacuum distillation with clay treatment | 10 | 25 | 15 | 50  | 25 | 0  | 15 | 40  | 20 | 10 | 30  | 67.5                 | Orange   |  | WM-II              |  |
| 151.8        | Recycling / reprocessing of waste oil   | 20 | 25 | 15 | 60  | 25 | 0  | 15 | 40  | 20 | 10 | 30  | 74                   | Orange   |  | WM-II              |  |
| <b>152.0</b> | <b>RECYCLING OF PLASTIC WASTE</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 152.1        | Manufacturing of flakes/staple fibre/strip from the recycling of PET bottles                | 20 | 15 | 25 | 60  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 64                   | Orange   |  | IPC-I              |  |
| 152.2        | Plastic waste processing (manufacturing of flakes/granules)                                 | 20 | 15 | 15 | 50  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 55                   | Orange   | Process using In-built heaters. Washwater and fugitive emission. | UPC-II             |  |
| <b>153.0</b> | <b>SCRAPING FACILITIES FOR RECYCLING END-OF-LIFE VEHICLES, WAGONS, AND COACHES</b>          |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 153.1        | Collection, Depollution and Dismantling Centers (Without shredding)                         | 0  | 30 | 15 | 45  | 0  | 30 | 0  | 30  | 25 | 10 | 35  | 62.9                 | Orange   |  | WM-II              |  |
| 153.2        | Collection, Depollution, Dismantling and shredding Centers                                  | 0  | 30 | 15 | 45  | 0  | 30 | 0  | 30  | 25 | 10 | 35  | 62.9                 | Orange   |  | WM-II              |  |
| 153.3        | Common Shredders (Standalone)   | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 25 | 10 | 35  | 44.8                 | Green    |  | WM-II              |  |
| 153.4        | Collection Centers (Without depollution, dismantling and shredding)                         | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | WM-II              |  |
| ~S~          |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 154          | <b>Sugar (excluding khandsari/jaggery)</b>  | 30 | 25 | 35 | 90  | 25 | 0  | 25 | 50  | 30 | 10 | 40  | 94.5                 | Red      | Generates large volume of wastewater.                            | IPC-III            |  |

| S. No. | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 155    | Ship breaking industries   | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 30 | 20 | 50  | 57.5                 | Orange   | Ship breaking releases a large number of pollutants, including toxic waste, used/waste oil, polychlorinated biphenyls, and heavy metals. | WM-III             |
| 156    | Slaughterhouse / Slaughterhouse (with rendering plant)/ integrated slaughtering unit, meat processing units, bone mill, processing of animal horns, hoofs and other body parts | 30 | 25 | 30 | 85  | 25 | 20 | 25 | 70  | 0  | 0  | 0   | 90.3                 | Red      |  | IPC-IV             |
| 157    | Manufacturing of Silica gel  | 10 | 25 | 20 | 55  | 30 | 0  | 20 | 50  | 25 | 10 | 35  | 74.1                 | Orange   |  | IPC-I              |
| 158    | Manufacturing of Iodized Salt from Crude / Raw Salt  | 10 | 20 | 15 | 45  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 61.3                 | Orange   | Process may involve boiling in evaporators (multiple effect evaporators), centrifuging, iodization, mixing, etc.                         | IPC-V              |
| 159    | Manufacturing of Starch / Sago / Sorbitol  | 20 | 25 | 25 | 70  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 77.5                 | Orange   |  | IPC-III            |
| 160    | Stone crushers   | 0  | 0  | 0  | 0   | 25 | 30 | 0  | 55  | 0  | 0  | 0   | 55                   | Orange   |  | IPC-V              |
| 161    | Stone crushing/grinding/washing & screening of riverbed material(s)  | 10 | 0  | 25 | 35  | 25 | 30 | 0  | 55  | 0  | 0  | 0   | 62.9                 | Orange   |  | IPC-V              |

| S. No.       | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | HI | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |  |
|--------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|--|
| <b>162.0</b> | <b>MANUFACTURING OF SURGICAL AND MEDICAL PRODUCTS</b>                                |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 162.1        | Manufacturing of Surgical and medical products                                       | 10 | 25 | 15 | 50  | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 58.8                 | Orange   |  | IPC-V              |  |
| 162.2        | Surgical and medical products assembled only (with effluent-generating processes)    | 10 | 25 | 15 | 50  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 50                   | Green    |  | IPC-V              |  |
| 162.3        | Surgical and medical products assembled only (without effluent-generating processes) | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |  | IPC-V              |  |
| <b>163.0</b> | <b>SEMICONDUCTOR MANUFACTURING INDUSTRIES</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 163.1        | Semiconductor fabs manufacturing   | 25 | 30 | 35 | 90  | 35 | 30 | 0  | 65  | 25 | 10 | 35  | 95                   | Red      | i. Toxic wastewater is generated due to presence of Hydrofluoric acid (HF), Mixed Nitric HF (HF+HNO <sub>3</sub> ), Phosphoric acid, Sulphuric acid (H <sub>2</sub> SO <sub>4</sub> ), Hydrogen Peroxide, Isopropyl alcohol (IPA) / Methanol (Methanol Only), Stripper EKC-265 /ACT N396 (ACT N396 Only), BHF – 63 U, Choline etchant, etc.<br><br>ii. The air pollutants which are being emitted during the manufacturing process are SiH <sub>4</sub> , PH <sub>3</sub> , B <sub>2</sub> H <sub>6</sub> , HF, HBr, DCS, NF <sub>3</sub> , SF <sub>6</sub> , BCl <sub>3</sub> , Cl <sub>2</sub> , HCL, NH <sub>3</sub> , C <sub>2</sub> F <sub>6</sub> , CHF <sub>3</sub> , CF <sub>4</sub> , C <sub>4</sub> F <sub>8</sub> , C <sub>2</sub> F <sub>6</sub> etc.<br><br>iii. Process waste, used oil etc. are generated as hazardous waste. | WM-III             |  |
| 163.2        | Display fabs manufacturing   | 25 | 30 | 35 | 90  | 25 | 30 | 0  | 55  | 25 | 10 | 35  | 94.5                 | Red      |  | WM-III             |  |
| 163.3        | Sensor fabs manufacturing/Compound semiconductors/silicon photonics                  | 25 | 30 | 35 | 90  | 25 | 30 | 0  | 55  | 25 | 10 | 35  | 94.5                 | Red      |  | WM-III             |  |
| 163.4        | Semiconductor Assembly, Testing, Marking and Packaging Facility (ATMP)               | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 25 | 10 | 35  | 43.1                 | Green    |  | WM-III             |  |
| 164          | Saw mills  | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    |  | IPC-V              |  |

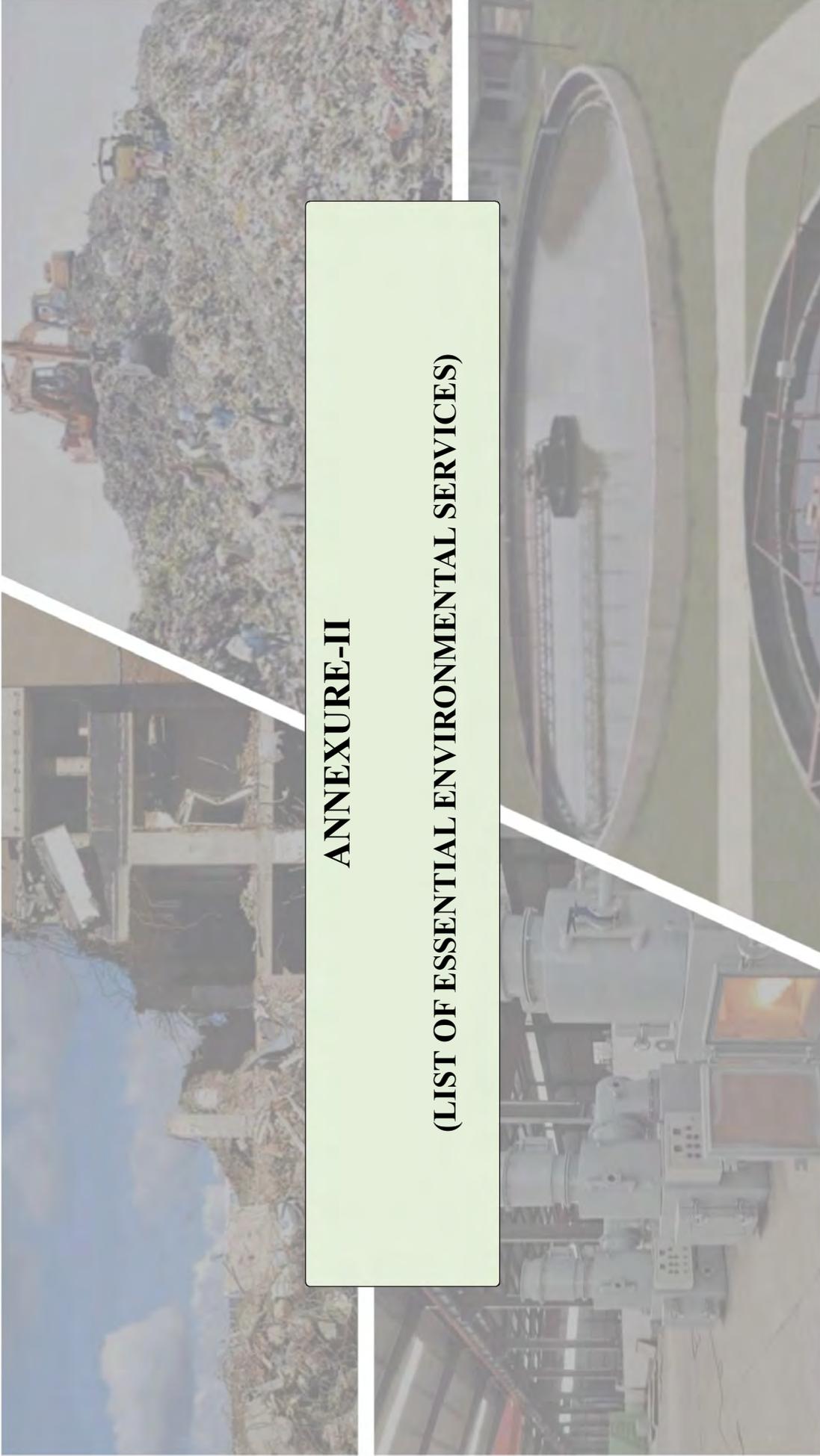
| S. No.       | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|--------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|
| 165          | Spice grinding   | 0  | 0  | 0  | 0   | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 30                   | Green    |   | IPC-V              |
| 166          | Cutting, Sizing and polishing of marble, granite and other stones                        | 10 | 0  | 20 | 30  | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 40.5                 | Green    |   | IPC-V              |
| 167          | Manufacturing of Solar module/ non-conventional energy apparatus                         | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |   | IPC-V              |
| ~T~          |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| <b>168.0</b> | <b>TANNERIES</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 168.1        | Tanneries (Raw to finish)  | 35 | 30 | 25 | 90  | 0  | 20 | 0  | 20  | 25 | 30 | 55  | 93.8                 | Red      |   | IPC-IV             |
| 168.2        | Tanneries (Raw to wet blue)  | 35 | 30 | 25 | 90  | 0  | 20 | 0  | 20  | 25 | 30 | 55  | 93.8                 | Red      |   | IPC-IV             |
| 168.3        | Tanneries (Wet blue to finish)   | 35 | 30 | 20 | 85  | 0  | 20 | 0  | 20  | 25 | 30 | 55  | 90.6                 | Red      |   | IPC-IV             |
| 168.4        | Vegetable tanning  | 20 | 25 | 25 | 70  | 0  | 20 | 0  | 20  | 20 | 10 | 30  | 77.5                 | Orange   |   | IPC-IV             |
| <b>169.0</b> | <b>MANUFACTURING OF TOOTH POWDER, TOOTHPASTE, TALCUM POWDER AND OTHER COSMETIC ITEMS</b> |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 169.1        | Manufacturing of toothpaste and other cosmetic items                                     | 20 | 25 | 20 | 65  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 73.8                 | Orange   |   | IPC-V              |
| 169.2        | Manufacturing of tooth powder, talcum powder   | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |   | IPC-V              |
| <b>170.0</b> | <b>THERMOMETER MANUFACTURING</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 170.1        | Glass (mercury based) thermometer manufacturing  | 10 | 30 | 15 | 55  | 25 | 0  | 10 | 35  | 25 | 10 | 35  | 70.8                 | Orange   | Process involves making of glass bulb, forming reservoir in the glass tube for fluid, inserting fluid, scale marking. Use of fuel to heat the glass tubes and hydrofluoric acid to seal the scaling. Small quantities of spent acids are generated. | IPC-V              |
| 170.2        | Digital thermometer manufacturing  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |   | IPC-V              |

| S. No.  | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|---|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|
| 171   | Manufacturing of Teflon-based products   | 10 | 0  | 15 | 25  | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 78.1                 | Orange   | Due to spraying applications, emissions (HC) are generated   | IPC-V              |
| 172   | Thermocol manufacturing (with boiler)  | 0  | 20 | 15 | 35  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 58.8                 | Orange   |  | IPC-V              |
| <b>173.0 MANUFACTURING OF TOBACCO PRODUCTS INCLUDING CIGARETTES AND TOBACCO PROCESSES</b> |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |
| 173.1   | Manufacturing of tobacco products including cigarettes and tobacco processes (with boiler)           | 20 | 0  | 15 | 35  | 25 | 20 | 25 | 70  | 0  | 0  | 0   | 75.3                 | Orange   |  | IPC-III            |
| 173.2   | Manufacturing of tobacco products including cigarettes and tobacco processes (without boiler)        | 20 | 0  | 15 | 35  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 41.5                 | Green    |  | IPC-III            |
| 174   | Transformer repairing/ manufacturing (dry process only)  | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 30 | 10 | 40  | 47.5                 | Green    |  | IPC-V              |
| 175   | Tyre Pyrolysis Oil Industries-Applicable for advanced batch automated process / continuous TPO units | 10 | 0  | 15 | 25  | 25 | 25 | 25 | 75  | 0  | 0  | 0   | 78.1                 | Orange   |  | WM-III             |
| 176   | Tamarind powder manufacturing  | 10 | 15 | 15 | 40  | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 50.5                 | Green    | Dried tamarind fruits are cleaned, soaked, and boiled in steam jacketed kettle. Then pulp is extracted in pulper and dried in drum type drier. | IPC-V              |

| S. No.                | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks | Concerned Division |  |
|-----------------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|--|
| <b>177.0</b>          | <b>TEA PROCESSING AND BLENDING</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 177.1                 | Tea processing (with boiler)  | 10 | 0  | 15 | 25  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 56.3                 | Orange   |         | IPC-III            |  |
| 177.2                 | Tea processing (without boiler)   | 10 | 0  | 15 | 25  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 25                   | Green    |         | IPC-III            |  |
| 177.3                 | Blending and packing of tea   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |         | IPC-V              |  |
| <b>TEXTILE SECTOR</b> |   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| <b>178.0</b>          | <b>TEXTILE INDUSTRY</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 178.1                 | Yarn / Textile processing involving any effluent/emission generating processes including bleaching, dyeing, printing, and colouring, including the garment and apparel manufacturing industry | 30 | 30 | 30 | 90  | 25 | 0  | 35 | 60  | 30 | 20 | 50  | 95.5                 | Red      |         | IPC-III            |  |
| 178.2                 | Yarn to grey fabric manufacturing with water jet machines   | 20 | 25 | 25 | 70  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 70                   | Orange   |         | IPC-III            |  |
| 178.3                 | Garment and apparel manufacturing industry including Doubling / Reeling / TFO-Two for one unit (dry process)-with boiler  | 0  | 0  | 0  | 0   | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 50                   | Green    |         | IPC-III            |  |
| 178.4                 | Garment and apparel manufacturing industry including Doubling / Reeling / TFO-Two for one unit (dry process)-without boiler   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |         | IPC-III            |  |
| <b>179.0</b>          | <b>SAREE/FABRIC PRINTING BY SCREEN / WOODEN BLOCK / HAND BLOCK</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 179.1                 | Saree/fabric printing by screen / wooden block/hand block   | 25 | 0  | 25 | 50  | 25 | 0  | 20 | 45  | 30 | 10 | 40  | 71.3                 | Orange   |         | IPC-III            |  |
| 179.2                 | Hand block printing without effluent generation   | 0  | 0  | 0  | 0   | 25 | 0  | 20 | 45  | 0  | 0  | 0   | 45                   | Green    |         | IPC-III            |  |

| S. No.       | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PlH | Pollution Index (PI) | Category | Remarks | Concerned Division |  |
|--------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---------|--------------------|--|
| <b>180.0</b> | <b>TEXTILE SPINNING, SIZING AND WEAVING MILLS</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 180.1        | Textile spinning, sizing and weaving mills (wastewater generation ≥ 10 KLD)                              | 10 | 20 | 20 | 50  | 25 | 0  | 15 | 40  | 0  | 0  | 0   | 60                   | Orange   |         | IPC-III            |  |
| 180.2        | Textile spinning, sizing and weaving mills (wastewater generation < 10 KLD)                              | 10 | 20 | 15 | 45  | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 54.6                 | Green    |         | IPC-III            |  |
| 181          | Power looms (without dye and bleaching)  | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |         | IPC-III            |  |
| <b>182.0</b> | <b>REPROCESSING OF WASTE TEXTILE FABRIC</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 182.1        | Integrated facility for reprocessing of waste textile fabric (including washing, bleaching, dyeing etc.) | 30 | 30 | 20 | 80  | 25 | 25 | 15 | 65  | 0  | 0  | 0   | 86.5                 | Red      |         | IPC-III            |  |
| 182.2        | Reprocessing of waste textile fabric (dry process)   | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |         | IPC-III            |  |
| 183          | Cotton and woollen Hosiery making (Dry process only without any dyeing / washing operation)              | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0                    | White    |         | IPC-V              |  |
| ~W~          |  |    |    |    |     |    |    |    |     |    |    |     |                      |          |         |                    |  |
| 184          | Seasoning of Wood in steam heated chamber  | 0  | 0  | 0  | 0   | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 50                   | Green    |         | IPC-V              |  |
| 185          | Pulverization of bamboo and scrap Wood   | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25                   | Green    |         | IPC-V              |  |
| 186          | Distilled Water (without boiler) with electricity as source of heat                                      | 0  | 20 | 20 | 40  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 40                   | Green    |         | IPC-V              |  |

| S. No. | Sector  | W1 | W2 | W3 | PI <sub>w</sub> | A1 | A2 | A3 | PI <sub>A</sub> | H1 | H2 | PI <sub>H</sub> | Pollution Index (PI) | Category | Remarks     | Concerned Division |
|--------|---|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|-------------|--------------------|
| 187    | Purification of Water and packaging (mineralized/non-mineralized water) | 0  | 20 | 25 | 45              | 0  | 0  | 0  | 0               | 0  | 0  | 0               | 45                   | Green    | RO Rejects. | IPC-V              |



**ANNEXURE-II**

**(LIST OF ESSENTIAL ENVIRONMENTAL SERVICES)**

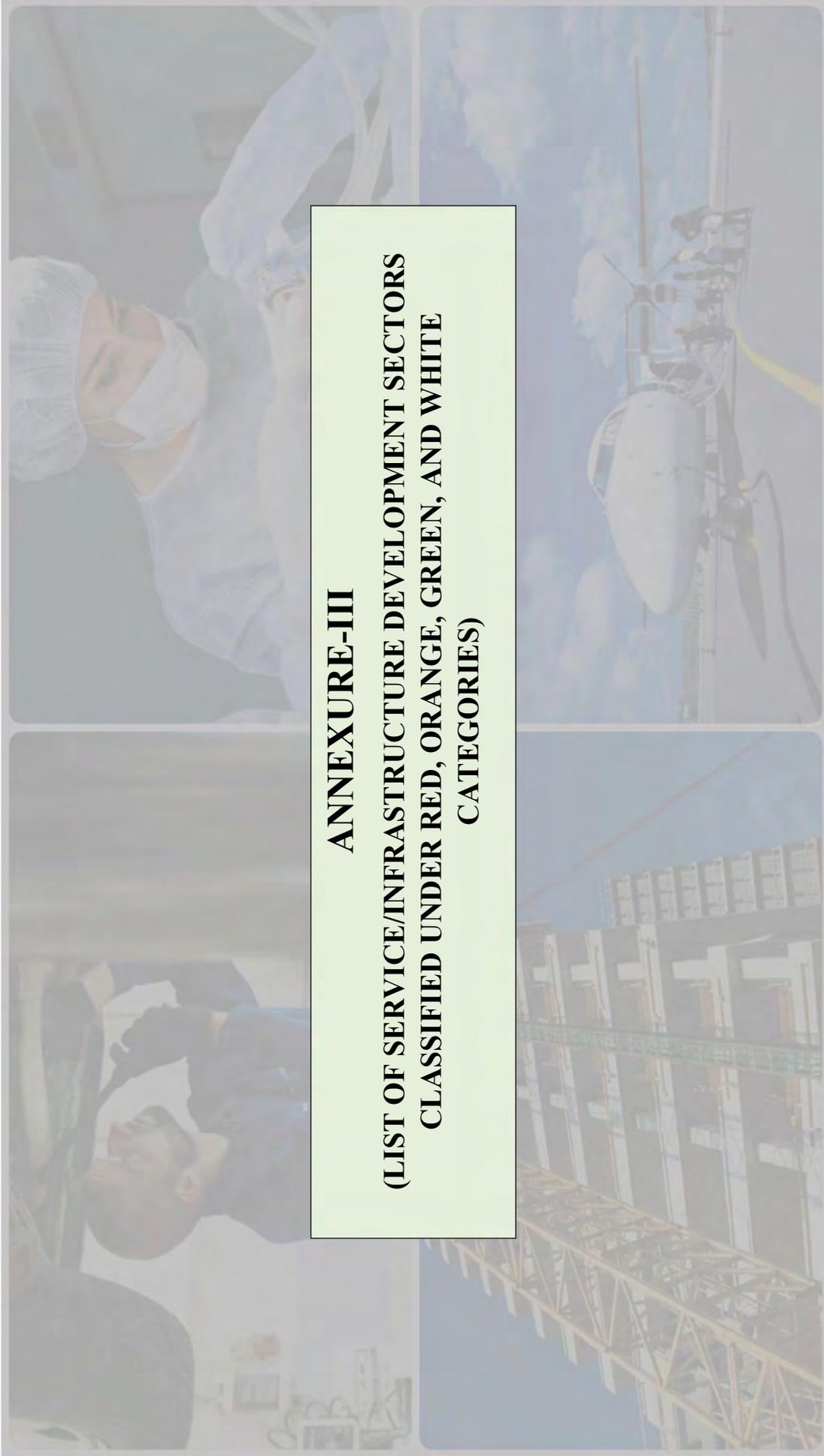
**LIST OF ESSENTIAL ENVIRONMENTAL SERVICES**

**i. Essential Environmental Services for Industrial Waste Management**

| S. No.     | Sector   | W1 | W2 | W3 | PI <sub>w</sub> | A1 | A2 | A3 | PI <sub>A</sub> | H1 | H2 | PI <sub>H</sub> | Pollution Index (PI) | Category | Remarks  | Concerned Division |                 |
|------------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|--|--------------------|-----------------|
| <b>1.0</b> | <b>COMMON EFFLUENT TREATMENT PLANT (CETP)</b>                          |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |                 |
| 1.1        | CETP having MEE/spray drier  | 30 | 30 | 35 | 95              | 25 | 0  | 25 | 50              | 25 | 50 | 75              | 98.1                 | Red      |  |                    | IPC-VII         |
| 1.2        | CETP (without having MEE/spray drier), Common ME/ common spray driers  | 25 | 30 | 30 | 85              | 0  | 0  | 0  | 0               | 25 | 30 | 55              | 89.1                 | Red      |  |                    | IPC-VII         |
| 1.3        | Common Sewage-Effluent Treatment Plant (CSETP)                         | 25 | 30 | 30 | 85              | 0  | 0  | 0  | 0               | 25 | 20 | 45              | 88.4                 | Red      |  |                    | WQM-I & IPC-VII |
| 2.0        | Effluent conveyance projects   | 20 | 30 | 35 | 85              | 0  | 0  | 0  | 0               | 25 | 10 | 35              | 87.6                 | Red      | Such projects during O&M operation will generate deposited sludge, spillage etc. in addition regular operation of handling of effluent and its disposal. |                    | IPC-VII         |
| <b>3.0</b> | <b>COMMON HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITY</b> |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |                 |
| 3.1        | Integrated facility (Secured landfill and incinerator)                 | 35 | 30 | 15 | 80              | 25 | 25 | 15 | 65              | 30 | 70 | 100             | 100.0                | Red      |  |                    | WM-II           |
| 3.2        | Only secured landfill  | 35 | 30 | 15 | 80              | 0  | 25 | 0  | 25              | 25 | 70 | 95              | 97.6                 | Red      |  |                    | WM-II           |
| 3.3        | Only incinerator   | 35 | 30 | 15 | 80              | 25 | 25 | 15 | 65              | 30 | 70 | 100             | 100.0                | Red      |  |                    | WM-II           |
| <b>4.0</b> | <b>COMMON BIO-MEDICAL WASTE TREATMENT FACILITY (CBWTF)</b>             |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |                 |
| 4.1        | CBWTF  | 20 | 25 | 20 | 65              | 35 | 20 | 25 | 80              | 20 | 20 | 40              | 90.5                 | Red      |  |                    | WM-I            |
| 4.2        | CBWTF using cleaner/gaseous fuel                                       | 20 | 25 | 20 | 65              | 35 | 20 | 10 | 65              | 20 | 20 | 40              | 83.4                 | Red      |  |                    | WM-I            |

**ii. LIST OF BLUE CATEGORY SECTORS- Essential Environmental Services for Domestic/Household Activities:**

| S. No.     | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PIA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks  | Concerned Division |  |
|------------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|--|--------------------|--|
| <b>1.0</b> | <b>MUNICIPAL SOLID WASTE MANAGEMENT FACILITY</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 1.1        | Municipal Solid Waste Management Facility (Sanitary landfill/ Integrated Sanitary landfill with material recycling facility/ refused derived fuel, etc.) | 35 | 30 | 15 | 80  | 35 | 25 | 0  | 60  | 0  | 0  | 0   | 86.0                 | Blue     |  | UPC-II             |  |
| 1.2        | Waste to energy power plants   | 0  | 15 | 30 | 45  | 35 | 25 | 35 | 95  | 10 | 50 | 60  | 97.6                 | Blue     |  | UPC-II             |  |
| 1.3        | Bio-mining of legacy waste projects  | 35 | 30 | 25 | 90  | 35 | 25 | 0  | 60  | 0  | 0  | 0   | 93.0                 | Blue     |  | UPC-II             |  |
| 1.4        | Municipal Solid Waste Bio-methanation plant (Quantity of MSW $\geq 5$ TPD)   | 30 | 25 | 25 | 80  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 82.0                 | Blue     |  | UPC-II             |  |
| 1.5        | Municipal Solid Waste Composting Facility (Quantity of MSW $\geq 5$ TPD)   | 30 | 25 | 15 | 70  | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 74.5                 | Blue     |  | UPC-II             |  |
| 1.6        | Municipal Solid Waste Material Recovery Facility (Quantity of MSW $\geq 5$ TPD)  | 20 | 25 | 15 | 60  | 0  | 30 | 0  | 30  | 0  | 0  | 0   | 66.0                 | Blue     |  | UPC-II             |  |
| 2.0        | Construction and Demolition (C&D) Waste Processing Plants  | 10 | 0  | 15 | 25  | 25 | 25 | 0  | 50  | 0  | 0  | 0   | 56.3                 | Blue     | Wastewater of high TDS of inorganic nature is generated. | UPC-I              |  |
| <b>3.0</b> | <b>SEWAGE TREATMENT PLANT</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |  |                    |  |
| 3.1        | Sewage Treatment Plant (5 MLD and above)   | 20 | 0  | 35 | 55  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 59.5                 | Blue     |  | WQM-I              |  |
| 3.2        | Sewage Treatment Plant (less than 5 MLD)   | 20 | 0  | 25 | 45  | 0  | 20 | 0  | 20  | 0  | 0  | 0   | 50.5                 | Blue     |  | WQM-I              |  |



**ANNEXURE-III**

**(LIST OF SERVICE/INFRASTRUCTURE DEVELOPMENT SECTORS  
CLASSIFIED UNDER RED, ORANGE, GREEN, AND WHITE  
CATEGORIES)**

**SERVICE/INFRASTRUCTURE DEVELOPMENT SECTORS**

| S. No.     | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PIA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|------------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|
| <b>1.0</b> | <b>STANDALONE GENERATOR SET (Genset)</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 1.1        | Genset(s) of total capacity $\geq 1$ MVA, using liquid fuel                                     | 0  | 0  | 0  | 0   | 25 | 0  | 25 | 50  | 30 | 10 | 40  | 60.0                 | Orange   | i. Standalone genset(s) of total capacity less than 1000 KVA may not require additional classification. The used oil/waste oil generated during repair and maintenance need to be disposed through authorized hazardous waste recycler by service provider/OEM. | UPC-I              |
| 1.2        | Genset(s) of total capacity $\geq 1$ MVA, using cleaner/gaseous fuel                            | 0  | 0  | 0  | 0   | 25 | 0  | 10 | 35  | 30 | 10 | 40  | 50.5                 | Green    | ii. Projects such as data centers etc. having pollution potential due to gensets only, may be classified based on the capacity and fuel used.   | UPC-I              |
| 2.0        | Airports  | 20 | 0  | 35 | 55  | 25 | 0  | 25 | 50  | 30 | 10 | 40  | 75.3                 | Orange   | Airports generate mainly domestic sewage as wastewater. Emissions and generation of hazardous waste due to overall operations in airports are considered.   | UPC-I              |
| <b>3.0</b> | <b>HEALTH CARE FACILITIES (HCFs, AS DEFINED UNDER BIO-MEDICAL WASTE MANAGEMENT RULES, 2016)</b> |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 3.1        | HCFs with captive incinerator, irrespective of number of beds                                   | 20 | 0  | 15 | 35  | 35 | 20 | 25 | 80  |    |    | 50  | 88.5                 | Red      | Sector generates bio-medical waste. As per methodology scores assigned to H.  | WM-I               |
| 3.2        | more than 1000 bedded HCFs  | 20 | 0  | 35 | 55  | 0  | 0  | 0  | 0   |    |    | 100 | 100.0                | Red      |   | WM-I               |
| 3.3        | 501 to 1,000 bedded HCFs  | 20 | 0  | 30 | 50  | 0  | 0  | 0  | 0   |    |    | 80  | 85.0                 | Red      |   | WM-I               |
| 3.4        | 201 to 500 bedded HCFs  | 20 | 0  | 30 | 50  | 0  | 0  | 0  | 0   |    |    | 60  | 70.0                 | Orange   |   | WM-I               |
| 3.5        | 51 to 200 bedded HCFs   | 20 | 0  | 20 | 40  | 0  | 0  | 0  | 0   |    |    | 50  | 60.0                 | Orange   |   | WM-I               |
| 3.6        | 11 to 50 bedded HCFs  | 20 | 0  | 20 | 40  | 0  | 0  | 0  | 0   |    |    | 40  | 52.0                 | Green    |   | WM-I               |
| 3.7        | Up to 10 bedded HCFs  | 20 | 0  | 15 | 35  | 0  | 0  | 0  | 0   |    |    | 30  | 44.8                 | Green    |   | WM-I               |
| 3.8        | Non-bedded HCFs   | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   |    |    | 25  | 25.0                 | Green    |   | WM-I               |

| S. No. | Sector   | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |  |
|--------|--|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|--|
| 4.0    | <b>HOTELS/BANQUET HALLS HAVING ROOM FACILITY</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |  |
| 4.1    | Hotels (above 3 star) or having 100 & above rooms  | 20 | 25 | 30 | 75  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 81.3                 | Red      |   | UPC-I              |  |
| 4.2    | Hotels (above 3 star) or having 100 & above rooms (based on cleaner /gaseous fuel)   | 20 | 25 | 30 | 75  | 25 | 0  | 10 | 35  | 0  | 0  | 0   | 79.4                 | Orange   |   | UPC-I              |  |
| 4.3    | Hotels (up to 3 star) or having more than 20 rooms but less than 100 rooms.  | 20 | 25 | 20 | 65  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 73.8                 | Orange   |   | UPC-I              |  |
| 4.4    | Up to 20 rooms   | 10 | 25 | 15 | 50  | 0  | 0  | 10 | 10  | 0  | 0  | 0   | 52.5                 | Green    |   | UPC-I              |  |
| 5.0    | <b>RAILWAY LOCOMOTIVE WORK SHOP/INTEGRATED ROAD TRANSPORT WORKSHOP/AUTHORIZED SERVICE CENTERS</b>                                  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |  |
| 5.1    | Railway locomotive work shop/ Integrated road transport workshop/ Authorized service centers (wastewater generation $\geq 10$ KLD) | 20 | 25 | 25 | 70  | 30 | 25 | 0  | 55  | 30 | 10 | 40  | 84.3                 | Red      |   | IPC-V              |  |
| 5.2    | Railway locomotive work shop/ Integrated road transport workshop/ Authorized service centers (wastewater generation $<10$ KLD)     | 20 | 25 | 15 | 60  | 30 | 25 | 0  | 55  | 30 | 10 | 40  | 79.0                 | Orange   |   | IPC-V              |  |
| 6.0    | <b>RAILWAY STATIONS</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |  |
| 6.1    | Railway Stations (Wastewater Generation $\geq 5$ MLD)  | 20 | 0  | 35 | 55  | 25 | 0  | 25 | 50  | 30 | 10 | 40  | 75.3                 | Orange   | Wastewater generating from public toilets, public taps, platform, and apron washing, coach cleaning, laundry, restaurants etc.<br><br>Emissions and generation of hazardous waste due to overall operations are considered. | UPC-I              |  |
| 6.2    | Railway Stations (Wastewater Generation $\geq 100$ KLD, but $< 5$ MLD)   | 20 | 0  | 15 | 35  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 35.0                 | Green    | Wastewater generating from various domestic uses as public toilets, public taps, platforms, and apron washing, restaurants etc.   | UPC-I              |  |

| S. No. | Sector  | W1 | W2 | W3 | Plw | A1 | A2 | A3 | PlA | H1 | H2 | PIH | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|--------|---|----|----|----|-----|----|----|----|-----|----|----|-----|----------------------|----------|---|--------------------|
| 7.0    | <b>RAILWAY SIDINGS</b>  |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 7.1    | Railway sidings / Mineral stock yard  | 0  | 0  | 0  | 0   | 0  | 25 | 0  | 25  | 0  | 0  | 0   | 25.0                 | Green    | Fugitive emissions due to loading, unloading, storage and transportation of the minerals.   | UPC-I              |
| 7.2    | Railway sidings only for defence purpose  | 0  | 0  | 0  | 0   | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 0.0                  | White    |   | UPC-I              |
| 8.0    | <b>PORTS AND HARBOURS</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 8.1    | Ports and harbours, jetties and dredging operations   | 20 | 30 | 25 | 75  | 0  | 25 | 0  | 25  | 30 | 20 | 50  | 84.4                 | Red      |   | WM-I               |
| 8.2    | Ports and harbours (only containers handling)/ Captive jetties  | 20 | 25 | 20 | 65  | 0  | 25 | 0  | 25  | 30 | 10 | 40  | 76.4                 | Orange   |   | WM-I               |
| 9.0    | Automobile service stations/ workshops  | 20 | 25 | 20 | 65  | 20 | 0  | 0  | 20  | 30 | 10 | 40  | 75.5                 | Orange   |   | IPC-V              |
| 10.0   | <b>BUILDING CONSTRUCTION PROJECTS</b>   |    |    |    |     |    |    |    |     |    |    |     |                      |          |   |                    |
| 10.1   | Building construction project $\geq$ 20,000 sq. m. built-up area  | 20 | 0  | 25 | 45  | 25 | 0  | 25 | 50  | 0  | 0  | 0   | 61.3                 | Orange   | i. During the construction phase, the sector is mainly air polluting. However, in post construction phase it is mainly water polluting due to generation of sewage. Consent to Establish/Operate to be taken as per EC conditions, as applicable.   | UPC-I              |
| 10.2   | Building construction project $\geq$ 5,000 sq. m., but $<$ 20,000 sq. m. built-up area (without connectivity to terminal STP) | 20 | 0  | 20 | 40  | 0  | 0  | 0  | 0   | 0  | 0  | 0   | 40.0                 | Green    | ii. Building construction project $\geq$ 5,000 sq. m., but $<$ 20,000 sq. m. built-up area (with connectivity to terminal STP) may not require separate classification.<br>iii. For projects $<$ 5000 the wastewater shall be managed according to on-site sanitation methods as mentioned in the Manual on Sewerage and Sewage Treatment System (2013), published by the | UPC-I              |

| S. No. | Sector   | W1 | W2 | W3 | PI <sub>w</sub> | A1 | A2 | A3 | PI <sub>A</sub> | H1 | H2 | PI <sub>H</sub> | Pollution Index (PI) | Category | Remarks   | Concerned Division |
|--------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|---|--------------------|
| 11.0   | Standalone mechanized laundry (using boiler)                             | 20 | 0  | 20 | 40              | 25 | 0  | 25 | 50              | 0  | 0  | 0               | 60.0                 | Orange   |   | IPC-V              |
| 12.0   | New highway construction project   | 0  | 0  | 0  | 0               | 25 | 25 | 25 | 75              | 0  | 0  | 0               | 75.0                 | Orange   | Such projects involve use of hot mix plants, ready-mix concrete plants, construction activities generating fugitive emissions, etc.   | UPC-I              |
| 13.0   | <b>DAIRY FARM</b>  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |   |                    |
| 13.1   | Dairy Farm (having more than 500 animals)                                | 30 | 25 | 25 | 80              | 0  | 20 | 0  | 20              | 0  | 0  | 0               | 82.0                 | Red      | Dairy farms having less than 15 animals do not require separate classification.   | IPC-IV             |
| 13.2   | Dairy Farm (having 101 to 500 animals)                                   | 30 | 25 | 20 | 75              | 0  | 20 | 0  | 20              | 0  | 0  | 0               | 77.5                 | Orange   |   | IPC-IV             |
| 13.3   | Dairy Farm (having 15 to 100 animals)                                    | 30 | 25 | 15 | 70              | 0  | 20 | 0  | 20              | 0  | 0  | 0               | 73.0                 | Orange   |   | IPC-IV             |
| 14.0   | Gold Assaying & Hallmarking Centres                                      | 0  | 0  | 0  | 0               | 35 | 0  | 0  | 35              | 25 | 10 | 35              | 46.4                 | Green    | Lead oxide, nitrous fumes are generated during cupellation and parting acid treatment, respectively contributing to the air emissions. The hazardous waste is generated during fire assay in the form of spent cupels bearing lead, spent acid, scrubbed water etc. | IPC-V              |
| 15.0   | Facility of handling, storage, and transportation of food grains in bulk | 0  | 0  | 0  | 0               | 0  | 25 | 0  | 25              | 0  | 0  | 0               | 25.0                 | Green    |   | IPC-V              |
| 16.0   | Flyash export or disposal operations                                     | 0  | 0  | 0  | 0               | 0  | 25 | 0  | 25              | 0  | 0  | 0               | 25.0                 | Green    |   | IPC-V              |

| S. No. | Sector   | W1 | W2 | W3 | PI <sub>w</sub> | A1 | A2 | A3 | PI <sub>A</sub> | H1 | H2 | PI <sub>H</sub> | Pollution Index (PI) | Category | Remarks | Concerned Division |
|--------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|---------|--------------------|
| 17.0   | Oil and gas transportation pipeline (excluding pipeline covered under definition of isolated storage of hazardous chemicals, as per Manufacture, Storage, and Import of Hazardous Chemicals Rules, 1989) | 0  | 0  | 0  | 0               | 25 | 0  | 10 | 35              | 0  | 0  | 0               | 35.0                 | Green    |         | IPC-I              |
| 18.0   | Gaushalas  | 20 | 0  | 15 | 35              | 0  | 20 | 0  | 20              | 0  | 0  | 0               | 41.5                 | Green    |         | IPC-IV             |
| 19.0   | Household bio-digesters/gobar-gas (cow-dung) plants based on biodegradable wastes, etc.  | 0  | 0  | 0  | 0               | 0  | 20 | 0  | 20              | 0  | 0  | 0               | 20.0                 | White    |         | IPC-V              |



**ANNEXURE-IV**  
**(LIST OF OTHERS/SPECIAL CATEGORY SECTORS CLASSIFIED UNDER RED, ORANGE, GREEN, AND WHITE CATEGORIES)**

**OTHERS/SPECIAL CATEGORY SECTORS**

| S. No.   | Sector   | W1 | W2 | W3 | PI <sub>w</sub> | A1 | A2 | A3 | PI <sub>A</sub> | H1 | H2 | PI <sub>H</sub> | Pollution Index (PI) | Category | Remarks  | Concerned Division |
|--|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|--|--------------------|
|  |  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |
| <b>HYDEL POWER PLANTS INCLUDING PUMPED STORAGE PROJECTS</b>  |  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |
| 1.0  | <b>HYDEL POWER PLANTS INCLUDING PUMPED STORAGE PROJECTS</b>  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |
| 1.1  | Hydel power plants (Capacity > 50 MW)  |    |    |    |                 |    |    |    |                 |    |    |                 |                      | Red      | PI may be considered as 90.  | IPC-II             |
| 1.2  | Mini Hydel power plants (Capacity from more than 25 MVA and up to 50 MW)                                     |    |    |    |                 |    |    |    |                 |    |    |                 |                      | Orange   | PI may be considered as 67.5.  | IPC-II             |
| 1.3  | Mini Hydel power plants (Capacity ≤ 25 MW)   |    |    |    |                 |    |    |    |                 |    |    |                 |                      | White    | PI may be considered as 12.5.  | IPC-II             |
| <b>SAND / RIVERBED MATERIAL MINING FROM RIVERBED AND ITS FLOODPLAINS (excluding manual excavation)</b> |  |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |
| 2.0  | <b>SAND / RIVERBED MATERIAL MINING FROM RIVERBED AND ITS FLOODPLAINS (excluding manual excavation)</b>       |    |    |    |                 |    |    |    |                 |    |    |                 |                      |          |  |                    |
| 2.1  | Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining |    |    |    |                 |    |    |    |                 |    |    |                 |                      | Red      | i. Sand / riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.   | IPC-II             |
| 2.2  | Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)                 |    |    |    |                 |    |    |    |                 |    |    |                 |                      | Orange   | ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.<br>iii. This categorization is made considering the ecological damages and not based on pollution potential/index.<br>iv. Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by MoEF&CC.<br>v. PI may be considered as 90 and 67.5 for red and orange category, respectively. | IPC-II             |

**ANNEXURE-V**

**FORMAT FOR SUBMISSION OF INFORMATION BY SPCBS/PCCS REGARDING SECTORS  
CLASSIFIED UNDER WHITE CATEGORY**

| S. No. | Sector | Water Pollutant Score (PI <sub>w</sub> ) |    |    | Air Pollutant Score (PI <sub>A</sub> ) |    |    |    | Waste Pollutant Score (PI <sub>H</sub> ) |    |    | Pollution Index (PI) | Remarks (including brief description of process and pollution potential) |   |
|--------|--------|--|----|----|--|----|----|----|--|----|----|----------------------|--|---|
|        |        | W1                                       | W2 | W3 | W                                      | A1 | A2 | A3 | A  | H1 | H2 |                      |  | H |
|        |        |  |    |    |  |    |    |    |  |    |    |                      |  |   |
|        |        |  |    |    |  |    |    |    |  |    |    |                      |  |   |
|        |        |  |    |    |  |    |    |    |  |    |    |                      |  |   |
|        |        |  |    |    |  |    |    |    |  |    |    |                      |  |   |
|        |        |  |    |    |  |    |    |    |  |    |    |                      |  |   |
|        |        |  |    |    |  |    |    |    |  |    |    |                      |  |   |



**A tool for progressive environmental Management**



**Central Pollution Control Board**

"Parivesh Bhawan", East Arjun Nagar, Delhi - 110032



भारत का राजपत्र  
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भाग II—खण्ड 3—उप-खण्ड (ii)  
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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 13 मई, 2025

का.आ. 2125 (अ).— प्रारूप अधिसूचना भारत के राजपत्र, असाधारण में संख्यांक का.आ. 5409(अ), तारीख 21 दिसंबर, 2023, द्वारा प्रकाशित की गई थी, जिसमें ऐसे सभी व्यक्तियों से, जिनकी उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना को अन्तर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थीं, साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और, उक्त प्रारूप अधिसूचना की राजपत्र की प्रतियां जनता को तारीख 21 दिसंबर, 2023 को उपलब्ध करा दी गई थी;  
और, उक्त प्रारूप अधिसूचना की बाबत व्यक्तियों और पणधारियों से प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा विचार किया गया था;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) (जिसे इसमें इस अधिसूचना में इसके पश्चात् पर्यावरण अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) और खंड (xiv) तथा उप-धारा (3) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 102 (अ), तारीख 1 फरवरी, 1989 में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में, -

(क) पैरा (iii), (iv) और (v) के स्थान पर निम्नलिखित पैरा रखे जाएंगे, अर्थात्: -

(iii) पर्यटन योजना, चरागाह योजना, विकास का आंचलिक महायोजना और भूमि उपयोग योजना, तथा क्षेत्रीय महा योजना, एकीकृत महायोजना सहित कोई अन्य ऐसी योजना राज्य सरकार द्वारा सभी संबंधित राज्य विभागों जैसे पर्यावरण, वन, शहरी विकास, पर्यटन, नगर पालिका, राजस्व, लोक निर्माण, जल संसाधन, बागवानी, पंचायती राज, ग्रामीण विकास, प्रदूषण नियंत्रण बोर्ड आदि की सम्यक भागीदारी के साथ पर्यावरणीय चिंताओं को इसमें एकीकृत करने के लिए तैयार की जाएगी और उत्तराखंड राज्य सरकार में सक्षम प्राधिकारी द्वारा अनुमोदित की जाएगी।"

(IV) जो परियोजनाएं पर्यावरण समाघात निर्धारण अधिसूचना संख्यांक का.आ. 1533 (अ), तारीख 14 सितम्बर, 2006 के आधीन सम्मिलित नहीं हैं, तथापि, जो उद्योगों की नारंगी श्रेणी में आती हैं, उन पर उत्तराखंड राज्य प्रदूषण नियंत्रण बोर्ड द्वारा उचित प्रक्रिया का अनुसरण करते हुए विचार किया जाएगा।

(V) पर्यावरण समाघात निर्धारण अधिसूचना, जो संख्यांक का.आ. 1533 (अ), तारीख 14 सितम्बर, 2006 द्वारा जारी की गई थी, के अधीन अनुसूची में सम्मिलित परियोजनाओं को उक्त अधिसूचना में निर्धारित प्रक्रिया का अनुसरण करना होगा।

(ख) टिप्पण में, खंड (घ) के स्थान पर निम्नलिखित खंड रखे जाएंगे, अर्थात्:-

"(घ) नारंगी श्रेणी के उद्योग, जो अब उद्योगों की लाल श्रेणी में हैं, जारी रहेंगे और भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533 (अ), तारीख 14 सितम्बर, 2006 (जिसे इसमें इसके पश्चात् ईआईई अधिसूचना कहा गया है) की अनुसूची में आने वाले ऐसे नारंगी श्रेणी के उद्योगों का विस्तार केवल उक्त अधिसूचना के पैरा 7 के उप-पैरा (ii) में दिए गए ऐसे विस्तार से संबंधित विद्यमान उपाबंध के अधीन ही अनुमति दी जाएगी, जिसे समय-समय पर संशोधित मार्गदर्शक सिद्धांत तथा पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, केन्द्रीय सरकार द्वारा इस संबंध में संबंधित विद्यमान निर्देश समय-समय पर जारी किया गया।

(ड.) उत्तराखंड राज्य प्रदूषण नियंत्रण बोर्ड खंड (घ) में विनिर्दिष्ट उन उद्योगों के विस्तार के लिए तंत्र अधिकथित करेगा जो उक्त अधिसूचना की अनुसूची में नहीं आते हैं।"

[फ.सं. 25/6/2012-ईएसजेड-आरई]

डॉ. सु. केरकेट्टा, वैज्ञानिक "जी"

टिप्पण.- मूल अधिसूचना भारत के राजपत्र, असाधारण भाग II, खंड-3, उपखंड (ii) में का.आ. 102(अ), तारीख 1 फरवरी, 1989 द्वारा प्रकाशित की गई और का.आ. 94(अ), तारीख 6 जनवरी, 2020 द्वारा संशोधित की गई थी।

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

**NOTIFICATION**

New Delhi, the 13<sup>th</sup> May, 2025

**S.O. 2125(E).**— WHEREAS a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 5409(E), dated the 21<sup>st</sup>, December 2023, inviting objections and suggestions from all persons likely to be affected thereby within 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** copies of the Gazette containing the said draft notification were made available to the public on the 21<sup>st</sup> December, 2023;

**AND WHEREAS** objections and suggestions received from persons in response to the said draft notification have been considered by the Central Government;

**NOW, THEREFORE**, in exercise of the powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereafter in this notification referred to as the Environment Act), read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 102 (E), dated the 1<sup>st</sup> February, 1989, namely:-

In the said notification, -

- (a) for paragraphs (iii), (iv) and (v) the following paragraphs shall be substituted, namely: -
- “(iii) Tourism Plan, Grazing Plan, Master Plan of Development and Land Use Plan, and any other such Plan including Zonal Master Plan, Integrated Master Plan shall be prepared by the State Government with due involvement of all concerned State Departments such as Environment, Forest, Urban Development, Tourism, Municipality, Revenue, Public Works, Water Resources, Horticulture, Panchayati Raj, Rural Development, Pollution Control Board, etc., for integrating environmental concern into it and shall be approved by the competent authority in the State Government of Uttarakhand.”;
- (iv) The projects which are not covered under the Environment Impact Assessment Notification issued vide number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006, however, falls under the orange category of industries shall be considered by the Uttarakhand State Pollution Control Board following the due process.
- (v) The projects which are covered in the Schedule under the Environment Impact Assessment Notification, issued vide number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006, shall follow the procedure laid down in that notification”.
- (b) in the note, for clause (d), the following clauses shall be substituted, namely:-
- “(d) the orange categories industries, which are now in the red categories of industries shall be continued and expansion of such orange category industries falling in the Schedule of the

notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the EIA notification) to be allowed only subject to the extant provision pertaining to such expansion as laid down in sub-para (ii) of para 7 of said notification, as amended from time to time, and related extant directions issued in this regard by the Central Government in the Ministry of Environment, Forest and Climate Change, from time to time.

- (e) The Uttarakhand State Pollution Control Board shall lay down a mechanism for expansion of the industries referred to in clause (d) which are not falling in the Schedule of the said notification.”.

[F. No. 25/6/2012-ESZ-RE]

DR. S. KERKETTA, Scientist 'G'

**Note.-** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section-3, Sub-section (ii) vide S.O. 102(E), dated the 1<sup>st</sup> February, 1989 and amended S.O. 94(E), dated the 6<sup>th</sup> January, 2020.

अधिसूचना

नई दिल्ली, 13 मई, 2025

**का.आ. 2126 (अ).**— केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) और खंड (xiv) और धारा 5 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस बात से संतुष्ट है कि ऐसा करना लोकहित में आवश्यक है, अतः वह भारत सरकार के पर्यावरण और वन मंत्रालय के उस आदेश को जो भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में संख्यांक का.आ. 2125 (अ) तारीख 13 दिसम्बर, 2007 के अधीन प्रकाशित हुआ था, उन बातों के सिवाय, जो ऐसे विखण्डन से पूर्व की गई हैं या करने का लोप किया गया है, विखंडित करती है।

[फ.सं. 25/6/2012-ईएसजेड-आरई]

डॉ. सु. केरकेट्टा, वैज्ञानिक "जी"

**टिप्पण.-** मूल अधिसूचना भारत के राजपत्र, असाधारण भाग II, खंड-3, उपखंड (ii) में का.आ. 2125(अ), तारीख 13 दिसंबर, 2007 द्वारा प्रकाशित की गई थी।

**NOTIFICATION**

New Delhi, the 13<sup>th</sup> May, 2025

**S.O. 2126 (E)** .— In exercise of the powers conferred by sub-section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government being satisfied that it is necessary in the public interest so to do, hereby rescinds the order of the Government of India in the erstwhile Ministry of Environment and Forests published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 2125 (E), dated the 13<sup>th</sup> December, 2007, except as respects things done or omitted to be done before such rescission.

[F. No. 25/6/2012-ESZ-RE]

DR. S. KERKETTA, Scientist 'G'

**Note.-** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section-3, Sub-section (ii) vide number S.O. 2125(E), dated the 13<sup>th</sup> December, 2007.