

## **ANNEXURE A: COMPARISON OF ENVIRONMENT IMPACT ASSESSMENT NOTIFICATIONS OF 1994 AND 2006.**

NO	ASPECT OF COMPARISON	1994 NOTIFICATION	2006 NOTIFICATION	COMMENT
1	<b><i>Geographical coverage</i></b>	Includes any activity or new project being undertaken in any part of India.	Includes any activity or new projects being undertaken in any part of India and its territorial waters.	While the term ‘territorial waters’ finds specific mention in the new Notification, principles/guidelines for how this term is to be understood or interpreted have not been provided. This raises the issue if the 1994 Notification excluded territorial waters. As is generally understood, India as a nation comprises of a total area of 3,166,414 square kilometres of which approximately 2,973,190 square kilometres is the land area and the rest, approximately 9% is territorial waters. <sup>1</sup>
2	<b><i>Underlying spirit and basis of Notification</i></b>	Was created in the spirit of the Environment (Protection) Act, 1986 and towards discharging obligations under Agenda 21 and the Rio Declaration of the UN Conference on Environment and Development (1992, Rio de Janeiro). This Notification for the first time sought to develop an integrated and coordinated approach to consider environmental and social impacts in development planning.	The Preamble to the Notification states that the Notification draws its validity from Section 3 of the Environment (Protection) Act, 1986. The Notification has resulted on account of a number of political and economic determinant influences, and is part of the environmental ‘re-engineering’ process that has accompanied India’s liberalized pro-economic growth agenda.	The EIA Notification 2006 was formulated along with the highly controversial National Environmental Policy, 2006 [NEP]. The NEP has been widely critiqued as being unjustifiably pro-industry and anti-poor, with both these trends being amplified by the EIA Notification 2006. Serious concerns have been raised about the non-transparent and the exclusivist manner in which the EIA Notification 2006 was drafted and finalised.
3	<b><i>Regulatory authority</i></b>	An Impact Assessment Agency (IAA) was formed within the MoEF to evaluate applications for clearance and provide recommendations. The overall regulatory authority remained the Ministry of environment & Forests [MoEF] in the Central Government. For certain limited cases, the regulatory authority was the Department of the State Government dealing with environment.	Clearance is from ‘the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority’ [SEIAA].	No clarity in 2006 Notification on the regulatory authority within MoEF that takes the final clearance decision. Such ambiguity is problematic since it reduces accountability for unjustified clearance decisions, and also excessively concentrates and centralises powers in the MoEF. Even the SEIAA members are to be nominated jointly by the State Government and the Union Government.
4	<b><i>Categorization and Division of Responsibility</i></b>	All projects listed in Schedule-I required undergoing comprehensive environmental clearance. While environmental clearance for most	Industries classified into Category A or Category B. MoEF oversees Category ‘A’, while the SEIAA handles matters under Category ‘B’. Category B is further classified into	No rationale provided for how classification into Category A or Category B has been carried out. Inconsistencies and an <i>ad hoc</i> approach to classification are very evident. Absolutely no principles or guidelines provided for how industries to be

<sup>1</sup> Websites of Government of India, in particular the Survey of India, do not have easily accessible information on the territorial area of India. The numbers for the areas provided are borrowed from Wikipedia (last visited on 15<sup>th</sup> April 2007) <<http://en.wikipedia.org/wiki/INDIA>> and the US Library of Congress Website (last visited on 15<sup>th</sup> April 2007) <[http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+in0007\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+in0007))>.

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		projects was to be granted at the Central level, exceptions for smaller thermal power projects where final clearance accorded by the State Government.	Category B1 and Category B2, with Category B2 industries not required to submit an EIA Report.	classified into Category B1 or Category B2.
5	<b>Expansion and modernisation</b>	Expansion or modernisation of any existing industry or project listed in the Schedule-I needed clearance in the same manner as a new activity. No exemptions or exclusions provided for expansion or modernisation of projects.	Express mention that all expansion or modernisation activities require environmental clearance. Extreme ambiguity as to procedures to be followed, timeframes involved and role of public, regulatory authorities, etc in such cases. A significant addition to the Notification's ambit is the inclusion of industries that change product - mix in an existing manufacturing unit beyond the specified range.	
			-- The Notification requires expansion by mining industries (where there is an increase in the lease area or productivity beyond permitted limits) to obtain clearance. However, threshold limits in the Schedule for mining units [Item 1(a)] are defined solely in terms of lease area and make no mention of production capacity.	--This loophole encourages unregulated expansion of production (with serious potential environmental damage) where the lease area remains unchanged.
			-- Isolated from the primary provision dealing with expansion and modernisation (Paragraph 7(ii)), Item 7 (f) of the Schedule specifically mentions expansion of Highways as a project requiring environmental clearance as either a category A or a category B project, depending on the particular factors involved.	--The need for specific mention is not discernible. Provisions regarding to expansion and modernisation need to be integrated in an orderly, logical fashion.
6	<b>Expert Committees</b>	Paragraph 2 (III)(a) specifies – 'The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a committee of Experts, having a composition as specified in Schedule-III of this Notification.' The Impact Assessment	-- An Expert Committee is to be created at two levels for the two categories of clearance. This is the Expert Appraisal Committee (EAC) at the Centre and the State Expert Appraisal Committees (SEACs) at the state level. These expert committees are responsible for evaluating the clearance applications and for providing recommendations	Although Experts Committees have ostensibly been given importance in the new Notification, there are various clauses that effectively limit their decision-making capabilities. One such clause is Paragraph 5 (e) , which highlights 'collective responsibility' and prioritizes consensus based decision-making. This will contribute to the selection of experts being based on their willingness to compromise, rather than integrity of approach and objectivity of opinion. Also, after the final decision has

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		Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency or such other body under the Central Government as authorised by the Impact Assessment Agency in this regard.	thereon.	been taken by the expert committees, the regulatory authority may 'request' the expert committees to re-consider their decisions. This needlessly increases the potential for political pressures to interfere with decisions taken after due consideration of facts. It also militates against the sought objectives of objective regulation.
			-- The representative composition of the Expert Committees has also changed substantially. The committees will no longer include representatives from the social sciences stream, ecosystem sciences or the NGO sector.	The definition and requirements for members of the expert committees in Appendix VI is highly problematic and inadequate. The value and benefits of experts with extensive field experience or relevant social and scientific expertise is ignored, and an unhealthy culture of patronage for technocrats and detached 'babus' is promoted.
7	<b>Procedure for application</b>	The application is to be made in the proforma specified in Schedule-II of the Notification. Application to be accompanied by a project report that includes an Environmental Impact Assessment Report, Environment Management Plan and details of public hearing as specified in Schedule-IV (to be prepared in accordance with the guidelines issued by the Central Government in the MoEF from time to time.)	Application for clearance is made by submitting Form 1 and Supplementary Form 1A, where applicable. A 'pre-feasibility' report needs to be submitted along with these documents except for activities listed in Item 8 of the Schedule (Building/Construction projects, Area development projects). Item 8 activities need to support the forms with a 'conceptual plan.'	Both 'pre-feasibility report' and 'conceptual plan' are undefined terms. No safeguards exist to ensure that relevant and required information is indeed submitted as these documents. No rationale provided for why Item 8 activities have been exempted from the need for even a pre-feasibility report, given that 1994 Notification was amended specifically in recognition of the polluting nature of this industry.
8	<b>Overall Clearance procedure</b>	No separate stages specified within the 1994 EIA Notification. The Notification emphasizes that the application form is to be accompanied by a project report that shall, <i>inter alia</i> , include an Environmental Impact Assessment Report, Environment Management Plan and details of public hearing. The applicant must obtain the requisite consents under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974	The new environmental clearance process comprises of four stages. These four stages in sequential order are Screening (Only for Category 'B' projects and activities), Scoping, Public Consultation and Appraisal. The Appraisal stage is followed by the final grant or rejection of environmental clearance by the regulatory authority. Separate regulatory authorities and expert bodies have roles assigned to them. The requirement for obtaining other requisite clearances prior to the environmental clearance process has been	While four separate stages suggest a more organized and methodical clearance procedure, a deeper reading of the Notification exposes the numerous problems posed by the new clearance process. On many occasions, the procedures and approach adopted by the Notification sharply militate against well-established global understanding of what a particular stage of the EIA process must encompass. The language is often convoluted, many important terms are highly ambiguous and processes remain unclear. On comparison with global standards (or those described within United Nation manuals), the proposed clearance mechanism is highly flawed. Public participation, the precautionary principle, and informed decision-taking

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		<p>prior to the public hearing, the procedure for which is detailed in Schedule IV. This application and the reports submitted are evaluated by the IAA, which might consult a committee of experts, before giving recommendations. The said committee of experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project. For some specified projects, a separate site clearance for the proposed project is required from the Central Government. If no comments received from the IAA in the stipulated time, the project – as proposed by the proponent – is deemed to have been approved. Following grant of clearance, the project proponent is required to submit half-yearly reports to the IAA.</p>	<p>expressly done away with by Paragraph 8(v) of the Notification. The site visit powers of the expert committees have been significantly diluted, and procedural requirements including prior notice to the applicant have been provided for. The requirement and notion of site clearances, even for the limited number of activities as proposed by the 1994 Notification, has been completely done away with. In case the decision of the regulatory authority is not conveyed to the applicant within the specified time, 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. The project proponent is required to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions to the regulatory authority.</p>	<p>are sorely lacking in the new proposed clearance process.</p>
9	<b><i>Exemptions from public consultation &amp; requirement of submitting EIA reports.</i></b>	<p>Paragraph 2 (I) states that Public Hearing is not required in respect of small scale industrial undertakings located in notified/designated industrial areas/industrial estates, areas earmarked for industries under the jurisdiction of industrial development authorities, widening and strengthening of highways, mining projects (major minerals) with lease area up to twenty five hectares, units located in Export Processing Zones, Special Economic Zones and modernisation of existing irrigation projects.</p>	<p>In the screening stage, 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.” The categorization of projects is dependent on the MoEF regularly issuing ‘appropriate guidelines’.</p> <p>-- Various projects are entirely exempted from undergoing the public consultation requirement. These include:</p> <p>(a) modernisation of irrigation projects;</p> <p>(b) all projects or activities located within industrial</p>	<p>No explanation or justification for any of these exemptions has been provided.</p> <p>Considering that there are no principles guiding the classification as Category B2, this clause can easily be misused to allow selected projects to skip the public consultations phase at the State level.</p>

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		-- For pipeline projects, Environmental Impact Assessment report is not required, although public hearing is mandatory in all affected districts.	<p>estates or parks;</p> <p>(c) expansion of Roads and Highways which do not involve any further acquisition of land;</p> <p>(d) all Building /Construction projects/Area Development projects and Townships;</p> <p>(e) all Category 'B2' projects and activities;</p> <p>(f) all projects or activities concerning national defense and security or involving other strategic considerations as determined by the Central Government.</p>	
10	<b>Provisions relating to content of, and access to, EIA Reports.</b>	A detailed EIA manual was created by the MoEF to serve as guidelines for the submission of EIA Reports.	Under the provisions of the EIA Notification - 2006, the draft EIA Report is prepared on the basis of Terms of Reference (TOR) developed during the 60-day scoping period. No other requirements, principles or requirements governing the EIA Report are stated.	<p>Scoping is globally understood as a component stage that integrates public involvement with the charting out of vital issues regarding the potential environmental and social impacts of a project. The EIA Notification 2006, however, totally excludes public involvement in the scoping stage and reduces it to a secretive, expert-driven affair. Consequently, the TOR for the EIA Report are formulated in non-participatory and exclusivist frameworks without any guiding principles.</p> <p>While the proponent is privy to information at all stages and an effort is made to ensure that information reaches the proponent as expeditiously as possible, the public's right to information is often neglected and treated shabbily overall. Also, a large amount of crucial information remains accessible only via the Internet. The need for active information dissemination and the reality that only a very small percentage of India's population can access the Internet are fully ignored.</p> <p>--The forms in the EIA Notification 2006, which are primary sources of information for screening and scoping stages, contain almost no points to adequately evaluate social impacts. Consequently, the TOR are also formulated in the absence of such information.</p>
11	<b>Other Clearances</b>	Schedule IV of the Notification provides details of the Public Hearing and specifies the procedure to be followed before initiating a Public	Section 8 (v) conveys that 'Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of	This dangerously and unjustifiably excludes critical information relating to the proposed project and its environmental impacts from the environmental clearance process. Such a provision in the EIA Notification 2006 defeats the entire notion of environmental

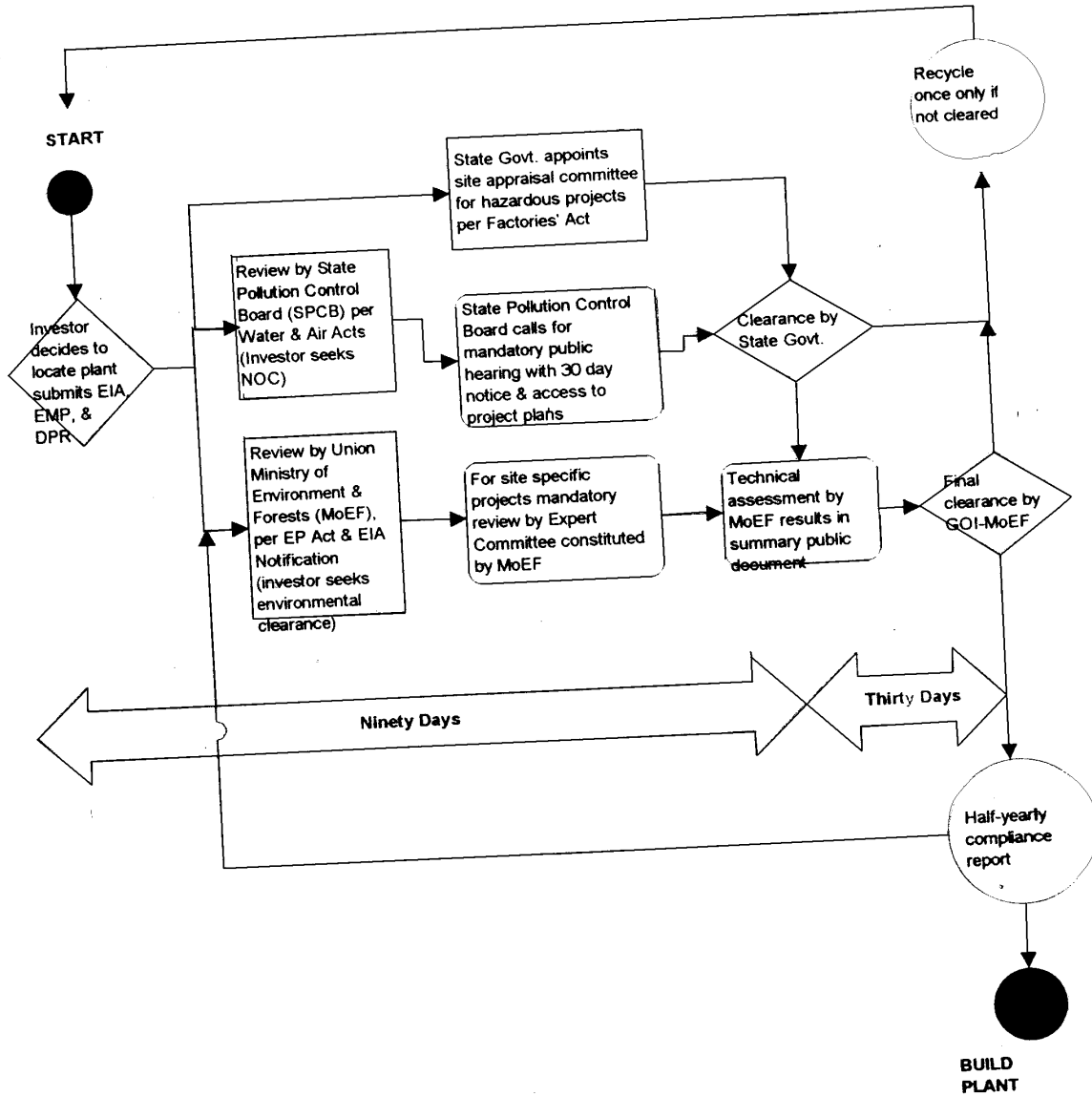
NO	ASPECT OF COMPARISON	1994 NOTIFICATION	2006 NOTIFICATION	COMMENT
		Hearing. The proponent has to submit the EIA/EMP, Form I (Air Act clearance) and Form XIII (Water Act clearance). It is only after these clearance requirements have been met that the public hearing was called for. This ensured that the public had all the relevant information on environmental aspects before the Environmental Public Hearing for the environment clearance application.	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.’  The Public Hearing itself is conducted after the submission of the draft EIA and the Summary EIA.	clearance as based upon a holistic evaluation of the proposed project’s environmental and social impacts. The Notification’s thrust of catering to investor convenience (and arbitrarily expediting the environmental clearance process without considering full implications) comes across very clearly through this provision.
12	<b>Public Participation</b>	Paragraph (2) (ii) of Schedule (IV) mentions that ‘[a]ll persons including bona fide residents, environmental groups and others located at the project site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.’	Paragraph 7 (i) (III) (ii) divides the public consultation process in two components. One component involves a hearing for the ‘affected’ and the second involves collecting concerns in writing from other ‘concerned persons having a plausible stake’.	This position is regressive in comparison with the previous Notification. The scope for public involvement has been seriously restricted. Paragraph 7 (i) (III) (v) even provides for the regulatory authority doing away with the public hearing if ‘owing to the local situation’ it is not possible to conduct a hearing. Additionally, as has been detailed extensively in this review, the EIA Notification 2006 seriously makes a mockery of public involvement in environmental decision-making at each of the stages of the environmental clearance process.
13	<b>Public -definition</b>	Schedule (IV) mentions that ‘[t]he consultation can be attended by:  -any person who is likely to be affected by the grant of environmental clearance;  -any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;  -any association of persons whether incorporated or not like to be affected by the project and/or functioning in the filed of environment;  -any local authority within any part of whose local	The language of the EIA Notification 2006 suggests that the Public Hearing is only for ascertaining concerns of local affected persons. Written responses from those who have a “plausible stake” in the project are possible. Both of these terms - ‘affected people’ and ‘plausible stake’ - have not been defined.	While the EIA Notification 1994 contemplates the public in a fairly inclusive manner, this is not the case in the new Notification. By limiting the hearing to the ‘local affected’, concerns of environmentalists, researchers, NGOs and concerned citizens are excluded.

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		limits is within the neighbourhoods wherein the project is proposed to be located'		
14	<b>Panel for Hearing</b>	<p>Schedule IV provides for the constitution of the public hearing panel—</p> <p>'The composition of Public Hearing Panel may consist of the following, namely: -</p> <p>(i) Representative of State Pollution Control Board;</p> <p>(ii) District Collector or his nominee;</p> <p>(iii) Representative of State Government dealing with the subject;</p> <p>(iv) Representative of Department of the State Government dealing with Environment;</p> <p>(v) Not more than three representatives of the local bodies such as Municipalities or panchayats;</p> <p>(vi) Not more than three senior citizens of the area nominated by the District Collector.'</p>	<p>Paragraph 4.1 of Appendix IV states that—</p> <p>'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.' No quorum requirement for the Public Hearing Panel has been stipulated.</p>	<p>The change in the panel constitution represents a serious regression, especially by excluding the limited possibility there was in involving Panchayat representatives. In addition the panel is completely non-representative, and comprising only of State officials. Consequently it has little chance of representing issues involved in consideration of the environmental and social costs of the proposed project.</p> <p>While the previous Notification envisioned the need for local viewpoints to be directly represented in the public hearing panel, the EIA Notification 2006 completely and unwarrantedly removes such representation from the decision making process.</p> <p>Also the MoEF seems to have ignored judicial pronouncements, particularly those in Centre for Social Justice, Ahmedabad v. Union of India, AIR 2001 Guj 71, which expressly directs the need for a quorum within the hearing panel.</p>
15	<b>Site clearance</b>	<p>The Notification specifically mentions that the following activities need to obtain a site clearances from the MoEF:</p> <p>a. mining;</p> <p>b. pit-head thermal power stations;</p> <p>c. hydro-power, major irrigation projects and/or their combination including flood control;</p> <p>d. ports and harbours (excluding minor ports);</p> <p>e. prospecting and exploration of major minerals in areas above 500 hectares;</p> <p>The Notification also mentions that -</p> <p>'Committee of Experts shall have full right of entry and inspection of the site or, as the case may be,</p>	<p>The requirement of site clearances has been removed.</p> <p>Paragraph 7 (i) (II) (i) mentions that site visits shall be undertaken only in case the EAC/SEAC feels it is important to make one.</p> <p>Also Paragraph 5 (d) provides that the EAC/SEAC shall give a notice period of 7 days to the proponent before the site inspection.</p>	<p>The EIA Notification 2006 repeatedly displays an approach that does not value the idea of deciding upon the most appropriate site for a proposed project. Time and again, the Notification seems to suggest that the proponent's choice of the site for the project must not be subject to evaluation as part of the environmental clearance process.</p> <p>Paragraph 5 (d) completely defeats the value of any surprise site checks and visits, and effectively torpedoes any possibility of independent monitoring and verification by the EAC or SEAC.</p>

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		factory premises at any time prior to, during or after the commencement of the operations relating to the project.’		
16	<b><i>Role of Pollution Control Board</i></b>	The Central Pollution Control Board (CPCB) had no part to play in the clearance process but the state PCB’s did have a very significant role to play in the clearance mechanism. The application (and the accompanying documents) would be processed by the IAA only if it included a Consent for Establishment (NOC) and Public Hearing report conducted by PCB. State PCB’s were also responsible for providing the Water and Air Act clearances, which were a pre-requisite for the public hearing. In effect, the state PCB’s were significantly integrated into the environmental clearance process.	Paragraph 8 (v) specifies that “[c]learances 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.”  The state PCB’s have been completely excluded from the environmental clearance process, with the exception of organization of the public hearings.	The EIA Notification 2006 drastically reduces the role and involvement of the state PCB’s. The finances, time, training and experience invested in the state PCB’s over the past decades is completely wasted, even as the new Notification creates an elaborate and cumbersome new technical bureaucracy.
17	<b><i>Time frames of the processes</i></b>	The total time for the environment clearance process was a 120-day period.	There is a lot of ambiguity regarding the number of days within which the clearance has to be granted or rejected.	Time periods in the Notification are ambiguous, confusing and do not integrate with overall timeframes. Potential for this ambiguity being exploited or leading to confusion looms large.
18	<b><i>Industries covered</i></b>	The Schedule listed the industries that needed environmental clearance from the MoEF. Approximately thirty industries and activities were covered. Following several amendments to the Notification, certain additional industries or activities (including the construction industry) were included within the scope of the EIA Notification.	While the Schedule’s coverage has been increased to include more industries, this has been accompanied by a classification of these projects into different categories. Applications for Category A projects are to be evaluated by the MoEF, while Category B applications are evaluated by the SEIAA. A large number of exemptions and exclusions have been provided for.	While it may seem that more industries have been brought within the purview of the EIA norms, in effect, the Notification’s applicability and scope has been seriously diluted. Several activities and industries (with potentially disastrous environmental and social impacts) continue to be excluded from the scope of the environmental clearance process. No explanation for such exclusions has been provided. Some examples are large development projects within urban areas (including metros and expressways), railways, automobile manufacturing units, transmission grids, manufacture of lead acid batteries, and so on.  Many problems also arise relating to the General Conditions and the Specific Conditions at the end of the Schedule. A large amount of ambiguity remains

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				regarding the applicability of the General Conditions. The loose and vague wording of the 'Specific Conditions' creates loopholes for a large number of potentially destructive projects to escape, circumvent or reduce the stringency of the environmental clearance process.
19	<b>EC validity</b>	Paragraph 2 (III) (c) mentions that "[t]he clearance granted shall be valid for a period of five years for commencement of the construction or operation of the project."	<p>Paragraph 9 of the Notification states that "[t]he prior environmental clearance granted for a project or activity shall be valid for a period of five years for all projects."</p> <p>However, the Notification also provides environmental clearance with validity of ten years in the case of River Valley projects and for 'a maximum of thirty years for mining projects'.</p> <p>In the case of Area Development projects and Townships, the Notification states that the validity period shall be limited to such activities as may be the responsibility of the applicant as a developer.</p>	<p>The largesse shown to the mining industry is totally unjustified given the negative environmental, social and health impacts of this sector in India. It is shocking that river valley projects, which most often involve extremely serious environmental and social costs, have been provided a greater impetus (and weaker regulation) through a ten-year validity period.</p> <p>The ambiguous language and lack of clarity on the validity of the environmental clearance in the case of Area Development projects and Townships is prone to abuse, and will result in a lot of confusion.</p>

**ANNEXURE A1: SCHEMATIC OF THE ENVIRONMENTAL CLEARANCE PROCESS PER  
THE EIA NOTIFICATION 1994.**



Source: Subbarayan Prasanna and Leo F. Saldanha, 1997

## **ANNEXURE B: COMPARISON OF DRAFT EIA NOTIFICATION (2005) AND EIA NOTIFICATION - 2006**

No	CATEGORY	EIA DRAFT NOTIFICATION 2005	EIA NOTIFICATION 2006	REMARKS
1	<b>SEIAA</b>			
	a) <i>Defining SEIAA</i>	The Notification only mentions SEIAA in Paragraph 2. No details regarding it are given.	Paragraph 3 of the Notification is devoted to defining the SEIAA.	While it is appreciated that the SEIAA is further defined, the removal of the footnote regarding seaward jurisdiction creates a few issues. As no state jurisdiction is defined within the final Notification, it remains unclear on who clears projects within territorial waters (such as ship canals, oil rigs, etc.). This is also relevant to determine who accords clearances under the Water and Air Act (as SPCB jurisdictions are not defined where territorial waters are concerned.)
	b) <i>Seaward jurisdiction</i>	The seaward jurisdiction is defined to be 4 nautical miles for the SEIAA.	The footnote mentioning the seaward jurisdiction was removed and instead another footnote was added to the beginning of the new Notification that said that the Notification was applicable even to the Indian territorial waters.	
2	<b>Categorization of Industries</b>			
	a) <i>Types of categories</i>	The Draft Notification creates three categories – A, A/B, B to distinguish between projects to be cleared by the Centre or States. Category A/B projects would be again classified under A or B by the Expert Appraisal Committee based on the project's potential for 'adverse third party environmental impacts'.	There exist only two categories - A and B, within the final Notification. Category A/B has been removed. The basis of defining categories has been 'the spatial extent of potential impacts and potential impacts on human health and natural and manmade resources'.	While the A/B category was removed from the draft, categories B1 and B2 were introduced into the final Notification. These categories, which have no clear guidelines for classification, allow industries to escape the environmental clearance process or do away with the vital Public Consultation stage. No such provisions were included in the 1994 Notification.
	b) <i>Re-categorisation</i>	While there is a mention of checking whether a project needs further environmental studies, this did not constitute a part of the categorization process.	The further categorization of Category B projects by the SEAC into-B1 and B2 has been added. Category B2 projects will not require an Environment Impact Assessment report. No guidelines for the categorization have been provided, and the Notification merely states that the MoEF shall 'issue appropriate guidelines from time to time'.	
3	<b>Expert Appraisal Committees</b>	The Notification provides details regarding the formation of EAC's. The composition of the Expert Committees has changed substantially from the 1994 Notification. It no longer includes social scientists, ecosystem experts, NGOs, etc.	No change made, except inclusion of a provision that makes it mandatory for EAC's to meet once a month.	Comments received by the MoEF in their brief period of 'flawed' consultation indicate that many civil society members urged for a greater participation of local body members, social scientists, NGO's etc in the expert committees.

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4	<b>Application</b>	The application procedure differs from that under the 1994 Notification. Under the 1994 Notification, every industry had to submit an EIA and EMP along with their form. The draft Notification merely asks for the submission of a 'pre-feasibility' report along with the form. No definition of this is provided.	No further definitions, clarifications or guidelines were provided.	The process has certainly regressed from the previous position under the 1994 Notification. Special concessions made for the construction industry are unjustified, especially in context of growing urban areas where unchecked construction has resulted in major environmental and social problems.
		In the case of Construction projects and activities only a 'conceptual plan' needs to be submitted. Even this term is not defined by the Notification.	No changes have been made in these sections.	
5	<b>Screening</b>			
	<i>a) Definition</i>	The draft defines Screening as "a definite assignment of environmental Category to projects or activities in respect of which an application is made for prior EC, where the same is not completely specified in the Schedule."	No definition of Screening is provided.	The process of Screening has been reduced to a mere review of the forms submitted by project proponents. This is followed by classification as Category B1 or B2. No rationale for why certain projects do not need EIA reports, given that these projects find mention in the Schedule as potentially harmful industries.
	<i>b) Process</i>	The process involves the further categorization of projects under Category A/B followed by a decision on whether Category B projects need further environmental studies.	This stage involves a scrutiny of applications to categorize them into B1 and B2. B2 projects will not require EIA reports.	
	<i>c) Exemptions</i>	No exceptions provided prior to the categorizing of projects.	Construction projects are exempted, without reason, from producing EIA reports.	Again, the construction industry has been exempted from preparing EIA Reports without basis or reason for such an approach.
6	<b>Scoping</b>			

No	CATEGORY	EIA DRAFT NOTIFICATION 2005	EIA NOTIFICATION 2006	REMARKS
	<i>a) Terms of Reference</i>	Scoping involves drawing up of Terms of Reference for preparation of the EIA Report. No provision for situations where the TOR are not finalized within the given period of 60 days.	The process remains the same as in the draft with two additions. First - "if the TOR are not finalised and conveyed to the applicant within 60 days of the receipt of Form 1, the TOR suggested by the applicant shall be deemed as the final TOR approved for EIA studies". Second - River Valley Projects will have their Terms of Reference (TOR) conveyed along with clearance for pre-construction activities.	Instead of ensuring that the EAC arrives at comprehensive and appropriate TORs, the Notification introduces a provision that significantly erodes the clearance process.
	<i>b) Exemption</i>	No special exemptions have been made.	Pre-construction activities exempted from clearance	The de facto clearance for pre-construction activities, in the case of river valley projects, before the project proponent has even submitted a proper EIA report is a significant and unexplained exemption.
7	<b>Public Consultations</b>			
	<i>a ) Definitions</i>	The Public Consultation procedure has changed from the 1994 Notification. While the old Notification defined the term 'public', no such effort is made here. Terms like 'local affected people' and 'concerned persons with a plausible stake' are loosely used. A large number of provisions allow industries to circumvent the Public Consultation stage.	While the provisions largely remain the same, one significant change is that the phrase 'addressing the material concerns in the EIA and the EMP' has been removed from the definition of Public Consultation.	
	<i>b)Exemptions</i>	Building and construction projects with a built up area of less than 1 lakh sq. m, were exempt from the Public Consultation stage.	The 2006 Notification removes the area specification and completely exempts Item 8 industries from the Public Consultation stage.	Another visible trend in this section of the Notification is the trust invested in the project proponent. Instead of ensuring a stronger environmental clearance mechanism, the Notification 'facilitates' the proponent in circumventing vital stages of the clearance mechanism. This is reflected in the provision that exempts construction projects, townships and area development projects from public consultations.

No	CATEGORY	EIA DRAFT NOTIFICATION 2005	EIA NOTIFICATION 2006	REMARKS
	<i>c) Reduction of process period</i>	Number of days for the Public Consultation process – 60.	Number of days reduced to 45.	An obvious change from the 1994 Notification is the reduction of the days for each stage of the environmental clearance process. This is not accompanied by any capacity building measures or coordinate increase in resources to the agencies involved. Considering that resources were already strained when the 1994 Notification was in place, a reduced timeframe only further pressurizes and strains agencies in discharge of their functions.
	<i>d) Intellectual property rights and access to information.</i>	Not mentioned	A provision stating that information is not to be displayed on the MoEF website if it infringes on Intellectual Property Rights has been added. A number of other 'exceptions' to the right to access information have been stipulated.	Militating against the tenor of Section 4 of the Right to Information Act, 2005, a larger number of unwarranted, undefined exception to public access to information have been incorporated. The ambiguity in the language, and the lack of specific guidelines, permits project proponents to deny access to virtually all information!
	<i>e) Final Submission</i>	A final copy of the EIA Report, which accommodates for the aspects brought out during the Public Consultation, is to be submitted.	An option of submitting a supplementary report, instead of accommodating the Public Consultation concerns in the main EIA document, has been included in the final Notification.	The new inclusion again illustrates the subordination of ecological security, the precautionary principle, etc. to the overall convenience of the investor/project proponent.
8	<b>Appraisal</b>	Appraisal is defined as the detailed scrutiny of the application and the EIA Report submitted'.	The definition has been expanded slightly to mention the relevance of the process of Public Consultation, and of the EIA document itself, in appraising the project.	While this undoubtedly represents an improvement from the draft, the benefits from this improvement are significantly eroded on account of the flaws and weaknesses discussed throughout this review.
9	<b>EC for Expansion, modernization or change of product mix</b>	No specific mention of these aspects of the environment clearance process in the draft Notification.	Paragraph 7(ii) was added to the final Notification. It sketchily tries to fashion out a procedure and mechanism for expansion and modernization of projects.	It is very evident that Paragraph 7(ii) has been hastily added as an after-thought to suggest that the Notification does indeed account for the environmental impacts of expansion and modernization of projects. The shocking inadequacies of Paragraph 7(ii) have been extensively detailed in this review.
10	<b>Grant or rejection of clearance</b>			
	<i>a) Time frames</i>	The regulatory authority is to consider recommendations of the expert committees within 120 days from the day of application.	The time for consideration has possibly been reduced to 105 days (though some serious confusion exists over the time-periods involved on account of the shoddy drafting of the provision.)	This again demonstrates the Notification's blind commitment to expedited clearances (and rejections) where the number of days allotted for each stage has been reduced with absolutely no emphasis on ensuring that the rigour or thoroughness of the process is not compromised.
		In case of disagreement with the EAC a reconsideration period of 60 days is given to the EAC.	The time period for a decision (when the Ministry disagrees with the decision of the EAC) has been reduced to 45 days.	

No	CATEGORY	EIA DRAFT NOTIFICATION 2005	EIA NOTIFICATION 2006	REMARKS
11	<b>Validity of Environmental Clearance</b>			
	<i>a) Mining Industry</i>	While the 1994 Notification kept validity a simple matter of clearance granted for a period of five years from commencement or operation of the project, the draft introduces very significant (and undeniably investment favouring) changes to the validity of environmental clearances.	This Paragraph has mostly remained the same from the Draft, with a few changes that further cater to the investor.	
		No mention of the mining industry.	The environmental clearance for mining operations have been provided a validity period of thirty years. No basis or rationale to justify such a long-term validity period has been provided.	The changes from the 1994 Notification are very significant and have serious ramifications on environmental conservation. What is shocking is that extremely significant further dilutions take place from the 2005 draft Notification! Certain high-impact industries have been given validity for periods that are simply unjustifiable. Another serious regression is the complete removal of an outer limit for the extension of validity. Quite clearly, the provisions relating to validity represent very serious and very questionable 'concessions' to investors. Also, absolutely no review or other safeguards have accompanied the extension of validity periods.
	<i>b) Area Development projects</i>	Not mentioned	Another addition to the final Notification is the clause that mentions that 'Area development projects and townships, the validity period shall be limited only to such activities as maybe the responsibility of the applicant as a developer'.	This provision contains many ambiguities and raises the spectre of excessively long-term validity periods for Area development projects and townships, possibly even co-terminus with the lease period (signed with the developer). No possibilities of review or other safeguards exist under the Notification.
	<i>c) River valley projects</i>	An exception has been made in the cases of river valley projects with validity for 10 years instead of the customary five.		
	<i>d) Extension of validity</i>	It mentions 'No extension of the validity period shall be granted beyond a total of fifteen years in the case of river valley projects and a total of ten years in the case of other projects and activities'.	Conspicuously, this last sentence and safeguard of Paragraph 8 of the Draft Notification has been removed in the final version.	

No	CATEGORY	EIA DRAFT NOTIFICATION 2005	EIA NOTIFICATION 2006	REMARKS
12	<b>Industries in the Schedule</b>			
	<i>a) Categorization</i>	The Schedule gives the categorization of the projects into A, A/B, B. This is very different from the Schedule to the 1994 Notification that just listed out industries without categorizing them on any basis. Surprisingly, the drafting seems to suggest (and definitely allows for an interpretation) that the General Conditions are not applicable to all categories of industries. The drafting therefore suggests that even high-impact projects relating to nuclear power, chemical industries, etc can be located anywhere (irrespective of the social and ecological nature of the site proposed).	Category A/B is removed. Also the National Industries Categorization codes given in the draft Notification have been removed. Threshold limits and conditions have been considerably modified in the Final Notification.	Some very significant industries (including industries with very serious social and environmental impacts) that were present in the draft have been entirely removed from the Schedule to the final Notification. Of particular relevance to urban areas and their populations, is the removal of mass rapid transports systems, flyovers, bridges, biomedical waste management facilities, etc. The deletions are indicative of the strong influence of certain influential business/investment lobbies in defining the clearance process.  To highlight the impacts of these deletions, it is relevant to note that the (highly polluting) Toyota automobile plant in Bidadi, Karnataka; the Tata Motors plant in Singur, West Bengal and other such 'big money, big influence' automobile manufacturing units with potentially serious environmental and social impacts will no longer have to obtain an environmental clearance under the new regime. Similarly, the other deletions have a very serious significance from the context of environmental conservation, and are also very clearly indicative of investor-induced pressures vitiating the formulation of an effective and objective environmental clearance mechanism.
	<i>b) Automobile manufacturing units</i>	Mentioned in the Schedule to the Draft Notification.	Removed from the final schedule.	
	<i>c) Common biomedical waste management facility</i>	Mentioned in the Schedule to the Draft Notification.	Removed from the final schedule.	
	<i>d) Mass rapid transport systems in metro cities</i>	Mentioned in the Schedule to the Draft Notification.	Removed from the final schedule.	
	<i>e) Flyovers, bridges, tunnels in urban areas</i>	Mentioned in the Schedule to the Draft Notification.	Removed from the final schedule.	
	<i>f) Lead acid battery manufacturing</i>	Mentioned in the Schedule to the Draft Notification.	Removed from the final schedule.	

No	CATEGORY	EIA DRAFT NOTIFICATION 2005	EIA NOTIFICATION 2006	REMARKS
13	<b>Appendix</b>			
	a) <i>Declaration s regarding public hearing</i>	Member secretary has 30 days to decide on the day, date and timing of the public hearing.	There are a lot of very significant changes in this section. This is especially in context of the Public Hearing.	The procedures for conduct of the Public Hearing are unclear, muddled and highly flawed.
	b) <i>Advertiseme nt</i>	The advertisement informs the public about the panel constituted, and where the information regarding a project will be available.	This line has been conspicuously removed from the final Notification.	The Notification's scant respect for genuine access to information and public participation is highlighted.
	c) <i>Panel</i>	The panel consists of the District Magistrate or his representative (Chairperson), local MLA, three representatives of the local bodies, three prominent citizens of the area, representatives of the SPCB/UTPCC, and three sectoral experts.	In the final Notification, the panel has been reduced to the District Magistrate or his representative and a representative of the SPCB/UTPCC.	It is most shocking that the representative panel for the Public Hearing has been fully eroded and reduced to two members, which too with no quorum requirement specified. This clear democratic deficit of the new Notification is amply highlighted by the utterly regressive change from the Draft.
	d) <i>Quorum</i>	While there is no quorum requirement for starting the proceedings, half of the panelists and the Magistrate or his representative must be present.	The requirement for any quorum is removed altogether.	This removes a vital safeguard, especially so, in situations where coercion and intimidation are used to 'commandeer' Public Hearing proceedings.
	e) <i>Intimation of proceedings</i>	The proceedings are to be displayed prominently at the SPCB/UTPCC office, Zila Parishad office, District Magistrate office for a period of 30 days.	The phrase 'for a period of 30 days' has been removed from the final Notification.	This would indicate that the records of proceedings are to be always accessible at the notified places – this would facilitate post-clearance monitoring. It remains to be seen whether these are actually implemented.
	f) <i>Timeframe to complete the consultation</i>	The Hearing is to be completed with 60 days of date of receipt of the request letter from the Applicant.	The number of days has been reduced to 45.	The repeated emphasis on an expedited clearance process comes through once again. The likelihood of repeat or additional Public Hearings is also severely curtailed.

## **ANNEXURE C: EIA NOTIFICATION – 2006**

**(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>2</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.

1. **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.

<sup>2</sup> Includes the territorial waters

- (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, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

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

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

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

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

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy 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 I 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 I and Form 1A, 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	
(1)	(2)	(3)	(4)	(5)
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
1(a)	<b>Mining of minerals</b>	≥ 50 ha. of mining lease area Asbestos mining irrespective of mining area	<50 ha ≥5 ha .of mining lease area.	General Condition shall apply <b>Note</b> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(b)	Offshore and onshore oil and gas exploration, development & production	<b>All projects</b>		<b>Note:</b> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	General Condition shall apply
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naptha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels )	< 500 MW (coal/lignite/naptha & gas based); <50 MW ≥ 5MW (Pet coke ,diesel and all other fuels )	General Condition shall apply
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		
<b>2</b>		<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  (If located within mining area the proposal shall be

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
				appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply  (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)
<b>3</b>		<b>Materials Production</b>		
<b>3(a)</b>	Metallurgical industries (ferrous & non ferrous)	a)Primary metallurgical industry  All projects		
		b) Sponge iron manufacturing ≥ 200TPD	Sponge iron manufacturing <200TPD	General Condition shall apply for Sponge iron manufacturing
		c)Secondary metallurgical processing industry	Secondary metallurgical processing industry	
		All toxic and heavy metal producing units ≥ 20,000 tonnes /annum	i.)All toxic and heavymetal producing units <20,000 tonnes /annum ii.)All other non – toxic secondary metallurgical processing industries >5000 tonnes/annum	
3( b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply
<b>4</b>		<b>Materials Processing</b>		
4(a)	Petroleum refining industry	All projects		
4(b)	Coke oven plants	≥ 2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum	
4(c )	Asbestos milling and asbestos based products	All projects		
4(d)	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 No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
4(e)	Soda ash Industry	All projects		

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	Specific condition shall apply
<b>5</b>		<b>Manufacturing/Fabrication</b>		
5(a)	Chemical fertilizers	All projects		
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides		
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects		
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
5(g)	Distilleries	(i)All Molasses based distilleries  (ii) All Cane juice/ non-molasses based distilleries $\geq 30$ KLD	All Cane juice/non-molasses based distilleries – $<30$ KLD	General Condition shall apply
5(h)	Integrated paint industry		All projects	General Condition shall apply
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry		$\geq 5000$ tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more		All projects	General Condition shall apply
<b>6</b>		<b>Service Sectors</b>		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects		
6(b)	Isolated storage & handling of		All projects	General Condition shall

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
	hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)			apply
<b>7</b>		<b>Physical Infrastructure including Environmental Services</b>		
7(a)	Air ports	All projects		
7(b)	All ship breaking yards including ship breaking units	All projects		
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.	Industrial estates housing at least one Category B industry and area <500 ha.	Special condition shall apply  Note: Industrial Estate of area below 500 ha. And not housing any industry of category A or B does not require clearance.
		Industrial estates with area greater than 500 ha. And housing at least one Category B industry	Industrial estates of area > 500 ha. And not housing any industry belonging to Category A or B	
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply
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	i) New State High ways; and	General Condition shall apply
		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.	ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	
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
<b>8</b>		<b>Building /Construction projects/Area Development projects and Townships</b>		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area )
8(b)	Townships and Area Development		Covering an area ≥ 50	++ All projects under

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
	projects.		ha and or built up area ≥1,50,000 sq .mtrs ++	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):**

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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):**

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

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

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

**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:**

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

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

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		

7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

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

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

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

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting, utilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: <ul style="list-style-type: none"> <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**

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, overwintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		

6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses ( <i>hospitals, schools, places of worship, community facilities</i> )		
10	Areas containing important, high quality or scarce resources ( <i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i> )		
11	Areas already subjected to pollution or environmental damage. ( <i>those where existing legal environmental standards are exceeded</i> )		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems ( <i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i> )		

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

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## 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 its 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.

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### APPENDIX III

(See paragraph 7

#### GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> <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> </ul> </li> <li>• Assessment of New &amp; untested technology for the risk of technological failure</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 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 (This will constitute the summary of the EIA 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 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 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.

6.1 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 sent 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.

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

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**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 -I or 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.

**ANNEXURE D: ADDITIONAL CIRCULARS, MEMOS, CORRIGENDUM AND  
CLARIFICATIONS ISSUED BY MOEF TO THE EIA NOTIFICATION – 2006 (UPDATED TILL  
15 APRIL 2007)**

No J-15012/59/2005-IA.II(M)  
Government of India  
Ministry of Environment & Forests

Paryavaran Bhawan  
CGO Complex Lodhi Road,  
New Delhi - 110003.  
Telfax: 2436 2434

Dated the 2<sup>nd</sup> March, 2007

**CIRCULAR**

**Sub: EIA Notification dated 14<sup>th</sup> September, 2006 – Interim Operational Guidelines till 13<sup>th</sup> September, 2007 for grant of Temporary Working Permission (TWP) in terms of EIA Notification, 1994, as amended on 4<sup>th</sup> July, 2005.**

The EIA Notification dated 14<sup>th</sup> September, 2006 supersedes, the earlier EIA Notification, 1994 and subsequent amendments thereto. However, in terms of para 12 of the EIA Notification, 2006, Ministry of Environment & Forests has issued interim operational guidelines vide Circulars No. J- 11013/41/2006-IA.II(I) dated 13<sup>th</sup> October, 2006 and dated 21<sup>st</sup> November, 2006. The following further guidelines are issued as per paras 2 - 4 given below, in respect of the proposals which were submitted by the project proponents for grant of Temporary Working Permission (TWP) and were pending as on 13<sup>th</sup> September, 2006, under the provisions of the earlier EIA Notification, 1994 as amended on 4<sup>th</sup> July 2005.

**2. Proposals for grant of Temporary Working Permission (TWP):** Such proposals submitted for grant of TWP, under the provisions of the EIA Notification, 1994 as amended on 4<sup>th</sup> July, 2005, and pending for consideration as on 13<sup>th</sup> September, 2006, will be

considered in accordance with the provisions of the EIA Notification, 1994, and shall be decided on merits, on case to case basis, keeping in view the public interest to be substantiated by the project proponent to the satisfaction of the Competent Authority.

2. **Validity of TWP:** TWP, if granted, will be valid only for such period as may be specified in the Order but shall not in any case be beyond the date of 13<sup>th</sup> September, 2007. During the period of validity of TWP, the project proponent shall take all necessary steps, as may be required, for obtaining environment clearance in accordance with the provisions of the new EIA Notification, 2006.

4. **Cut of Date for receipt of TWP:** No proposal received, for grant of TWP, after 13<sup>th</sup> September, 2006 shall be considered and if any proposal is received after the said date it shall be deemed to be rejected.

(Dr. S.K. Aggarwal)  
Director

To,  
1. All States / UTs Environment Department  
2. All States / UTs Pollution Control Board/ Committee  
3. All Officers of IA Division  
Copy to  
PPS to Secretary / PPS to SS(SB) / PPS to JS(JM)

No J-11013/41/2006-IA.II (I)  
Government of India  
Ministry of Environment and Forests  
(IA Division)

Paryavaran Bhavan  
CGO Complex, Lodhi Road  
New Delhi 110003

13<sup>th</sup> October 2006

CIRCULAR

**Subject: EIA Notification 14 September 2006 – Interim Operational Guidelines till 13 September 2007 in respect of applications made under EIA 1994.**

Pursuant to the new Environment Impact Assessment Notification of 14 September 2006 ("EIA 2006") replacing the EIA Notification of 27 January 1994 and its various amendments ("EIA 1994"), and in terms of the provisions of Section (Para) 12 of EIA 2006, the following Interim Operational Guidelines are issued for the period up to 13 September 2007, with the approval of the Competent Authority:

**1.0 Applications involving violation of EIA 1994:**

**1.1 Applications which were pending consideration for EIA Appraisal as on 14 September 2006:** All such applications, provided the activity is included in Schedule of EIA Notification 2006, are to be considered as per the provisions of EIA 1994, and will continue to attract action under the relevant provisions of the Environment (Protection) Act (EPA) 1986. For those applications which are not covered under EIA 2006 only action under the relevant provisions of the EP Act, 1986 for violation of EIA 1994, will be pursued.

**1.2 New applications (under EIA 1994) for EIA Appraisal received on or after 14 September 2006 and up to 30<sup>th</sup> June, 2007:** All such complete applications with Public Hearing proceedings where it was necessary under EIA, 1994 and provided the activity is included in Schedule of EIA Notification 2006, will continue to attract action under the relevant provisions of the Environment Protection Act 1986. Otherwise, they would undergo EIA Appraisal by Central Government as per the procedure of EIA (1994),-

**2.0 Applications NOT involving violation of EIA 1994:** No NOC will be required from the SPCB/State Government/UT Administration in such cases for consideration for EIA Appraisal. The following are further specific instructions:

**2.1 Applications for EIA Appraisal were pending with MOEF as on 14 September 2006:**

**2.1.1 Activity requires EIA Appraisal as per Schedule of EIA 2006:** There are several sub cases:

(i) **EIA has already been prepared, and PH conducted as per EIA 1994:** The EIA would be evaluated by the Expert Appraisal Committee (EAC), without insistence on the submission of FORM I/IA required under EIA 2006. In case the EIA document is considered complete and accurate, the EC would consider the same, together with the PH proceedings, even if PH is not required under EIA 2006, and furnish its recommendations. In case the EIA document is considered incomplete and/or inaccurate, the EAC would specify ALL the additional Terms of Reference (TORs) to be undertaken by the project sponsor. In case PH is required under EIA 2006, the proceedings of the PH conducted as per EIA 1994 would be considered along with the EIA by the EAC, which would provide its recommendations.

(ii) **EIA has already been prepared, but PH NOT conducted:** The EIA would be evaluated by the Expert Appraisal Committee (EAC), without insistence on the submission of a FORM I/IA required under EIA 2006. In case the EIA document is considered complete and accurate, and PH if required under EIA 2006, the same would be conducted as per the provisions of EIA 2006. In case the EIA document is considered incomplete and/or inaccurate, the EAC would specify ALL the additional Terms of Reference (TORs) to be undertaken by the project sponsor. If required under EIA 2006, the PH would be conducted as per the provisions of EIA 2006. When a complete and accurate EIA document is available, together with the PH proceedings, if required under EIA 2006, the EAC would consider the same and furnish its recommendations.

- (iii) **Neither has EIA been prepared nor PH conducted:** In such cases, the project proponent would be advised to follow the procedure of EIA 2006 in its entirety.

**2.1.2 Activity does NOT require EIA Appraisal as per EIA 2006:** In all such cases, the applicant shall be informed that the activity does not require EIA Appraisal as per EIA 2006, and the application may be returned to him.

**2.2 New applications for EIA Appraisal received on or after 14 September 2006 and up to 30<sup>th</sup> June, 2007:** No NOC from SPCB/State Government/UT Administration is necessary in such cases. Such cases may be considered as follows:

**2.2.1 Activity requires EIA Appraisal by the MoEF as per Schedule of EIA 2006:** The EIA Appraisal applications will be dealt with as follows:

- (i) **EIA document has been submitted:** The EAC would not request the submission of the FORM I/IA as per EIA 2006, and evaluate the EIA for completeness and accuracy. In the event that it is found to be incomplete and/or inaccurate, the EAC would specify ALL the additional TORs to be accomplished by the proponent. Upon receipt of the revised EIA, the same would be considered further. In case (or as and when) the EIA as submitted is found to be in order, the same would be considered further by the EAC. In addition if the activity requires PH as per EIA 2006:

- (a) In case PH has been conducted as per the procedure of EIA 1994, it would be considered along the EIA by the EAC, which would provide its recommendations

- (b) In case PH has not been conducted at all, it would be conducted as per the procedure of EIA 2006.

**2.2.2 Activity requires EIA Appraisal/Clearance by the SEIAA/SEAC as per Schedule of EIA 2006, but SEIAA/SEAC has not yet been notified:** The EIA Appraisal applications will be processed/evaluated by MoEF as per the procedure above, till such time as the concerned SEIAA/SEAC is notified. Upon such notification, the papers will be promptly transferred to the SEIAA for further consideration as above.

### 3.0

**Applications in respect of category of Thermal Power projects pending with the State Government under EIA 1994 (delegated powers):** The above applications will fall in two categories:

**3.1.1 EIA has already been prepared, and PH conducted as per EIA 1994:**

All such pending applications should be transferred to concerned SEIAA. In the absence of a duly notified SEIAA the applications should be forwarded to MoEF

**3.1.2 EIA has already been prepared, but PH NOT conducted:**

The SPCB concerned should be directed to conduct and complete PH as in EIA 2006. Thereafter action should be taken as in 3.1.1 above.

### 4.0

**Applications pending with SPCB's for PH:**

In all such cases SPCB's will conduct PH as per procedure prescribed in EIA 2006 and the proceedings should be forwarded to the MOEF /SEIAA.

**5.0** No application made as per EIA 1994 will be accepted after 1<sup>st</sup> July, 2007 for appraisal and clearance under EIA 2006

G.V. Subrahmanyam)Director

To:

All officers of IA Division/SPCBs/State Governments/UT Administrations

MoEF website

Copy to:

1. PPS to Secretary E&F
2. PPS to AS (CC)
3. PS to JS (CC-II)

### Corrigendum

New Delhi, the 13<sup>th</sup> November 2006

S.O.1939(E) In the notification of the Government of India in the Ministry of Environment and Forests number S.O. 1533 (E) dated the 14<sup>th</sup> September, 2006, published in the Gazette of India, Part II, section 3, sub-section (ii), dated the 14<sup>th</sup> September, 2006, at pages 1 to 71 -

- (i) in paragraph 7, in sub-paragraph (i), in clause III, in sub-clause (iii), for “45 (forty five)”, read “forty five days”;
- (ii) in paragraph 12,-
  - (a) for “except in suppression of the things done or omitted to be done before such suppression”, read “except in supersession of the things done or omitted to be done before such supersession”;

(b) for “Schedule I”, read “Schedule”.

(iii) In column (3) and (4) of category 1(d) of Schedule, for the words “naphta” and “naptha” read “naphtha”.

(iv) In para 7, sub para 7(i), clause IV, sub clause (iii), for the words “an application be shall be” read “an application shall be”.

(v) In General Conditions (GC) under Note of Schedule, for the words “Critically Polluted areas as notified by the CPCB “ read as “Critically Polluted areas as identified by the CPCB”.

**(J.M. Mauskar)**

Joint Secretary to the Government of India  
J-11013/56/2004-IA-II (I)

Government of India  
Ministry of Environment and Forest  
IA Division

Paryavaran Bhawan, CGO Complex  
Lodi Road, New Delhi-110 003  
Dated the November 21, 2006

**CIRCULAR**

**Subject: EIA Notification dated 14<sup>th</sup> September, 2006 – Interim Operational Guidelines till 13<sup>th</sup> September, 2007 in respect of Categories of Projects which were not in EIA Notification, 1994.**

Pursuant to the new Environment Impact Assessment Notification of 14<sup>th</sup> September 2006 (EIA 2006) replacing the EIA Notification of 27<sup>th</sup> January 1994 and its various amendments (EIA 1994) and in terms of the provisions of Para 12 of EIA 2006, the Ministry had earlier issued Interim Operational Guidelines on 13<sup>th</sup> October 2006. Further to these guidelines, the following guidelines are issued for the Categories of Projects, which did not require EIA Clearance under EIA Notification, 1994 and now require the same under EIA Notification, 2006:

- i. No NOC from the State Government/SPCB is required for Environmental Clearance Process. Consent to Establish (NOC) and prior Environmental Clearance are separate legal requirements, any project proponent has to fulfill. NOCs required under Water and Air Acts are mandatory requirement under those Acts and will have to be taken as required and do not require to be linked to environmental clearance.
- ii. Such projects for which NOCs issued before 14<sup>th</sup> September, 2006 will not be required to take

**To:**

1. All State Environment Departments
2. All State Pollution Control Boards
3. All Officers of IA Division, MoEF
4. UT Administrations

Environmental Clearance under the EIA Notification, 2006.

- iii. Applications received for NOC by the State Pollution Control Boards before 14<sup>th</sup> September 2006 may be considered as per provisions of the said Acts. However, they will have to obtain the environmental clearance from the relevant Authority by 30<sup>th</sup> June 2007, if the category requires EIA Clearance as per the new Notification. In such cases, the unit can meanwhile carry on with the commencement of their project activities. Projects not seeking clearance under EIA Notification, 2006 by 30<sup>th</sup> June 2007 will be treated as violation cases under Section 15 of Environment (Protection) Act, 1986.
- iv. Applications received for NOC after 14<sup>th</sup> September 2006 will have to obtain EIA Clearance from the relevant Authority before starting the project activities. Application for EC (TORs / Scoping) may be submitted simultaneously to the relevant Authority/ies.

**(Sanchita Jindal)**

Additional Director

**Copy to:**

1. PPS to Secretary (E&F)
2. PPS to AS (CC)
3. PPS to JS (CC-II)

**No J-11013/41/2006-IA.II (I)**  
**Government of India**  
**Ministry of Environment and Forests**  
**(IA Division)**

**Paryavaran Bhawan**  
**CGO Complex, Lodhi Road**  
**New Delhi 110003**

**8<sup>th</sup> December, 2006**

CIRCULAR

**Subject: EIA Notification 14 September 2006 – Interim Operational Guidelines till 13 September 2007 in respect of River Valley and Hydro-Electric Power Project applications made under EIA 1994.**

Pursuant to the new Environment Impact Assessment Notification of 14 September 2006 (“EIA 2006”) replacing the EIA Notification of 27 January 1994 and its various amendments (“EIA 1994”), and in terms of the provisions of *Para 12* of EIA 2006, the Ministry had earlier issued Interim Operational Guidelines on 13<sup>th</sup> October, 2006 and 21<sup>st</sup> November, 2006. Further to these Guidelines, the following Guidelines are issued in respect of River Valley and Hydro-Electric Power Project applications made under EIA Notification, 1994 with the approval of Competent Authority:

- i. In respect of cases where site clearance has been accorded before 14<sup>th</sup> September, 2006 and EIA and EMP has been prepared and public hearing has been conducted; appraisal etc. will be in accordance to the procedure given in EIA Notification, 1994.

- ii. In respect of cases where site clearance has been accorded before 14<sup>th</sup> September, 2006 but EIA and EMP and public hearing have not been completed; appraisal under EIA Notification, 1994 will be done only for those cases where receipt of the complete documents including public hearing conducted as per EIA Notification, 2006 is made by 30<sup>th</sup> June, 2007. Other such cases will be appraised under EIA Notification, 2006.

- iii. In respect of cases where site clearance has not been accorded but which were pending with the Ministry prior to 14<sup>th</sup> September, 2006 Notification; site clearance is not required and all such cases have to be processed as per EIA Notification dated 14<sup>th</sup> September, 2006.

**(G.V. Subrahmanyam)**  
**Director**

**To:**

**All officers of IA Division/SPCBs/State Governments/UT Administrations / MoEF website**

**Copy to:**

1. PPS to Secretary E&F
2. PPS to AS (CC)
3. PS to JS (CC-II)

File No. J-11013/41/2006 IA-II (I)  
Government of India  
Ministry of Environment and Forest

Paryavarn Bhawan  
CGO Complex, Lodhi Road  
New Delhi- 110 003  
Dated the November 9, 2006

**ORDER**

The existing Expert Committees constituted by the Ministry for Environmental Appraisal of the projects related to Industry, Mining, Thermal Power, River Valley Hydroelectric Power, Nuclear Power, Infrastructure and Miscellaneous, New Construction and Industrial Estates including Additional Expert Committees for New Construction Projects and Mining Projects

vide various orders of this Ministry will be deemed to be the Expert Appraisal Committee (EAC), hereinafter to be referred as EAC, constituted under the EIA Notification No. 1533 (I) dated 14<sup>th</sup> September, 2006 till further orders.

This issue with the approval of Component Authority.  
**(Sanchita Jindal)**  
Additional Director

To,

1. The Chairmen of All Committees referred above
  2. All Officers of IA Division
  3. PPS to Secretary (E&F)
  4. PPS to AS (CC)
  5. PS to JS (CC- II)
-

F. No. J-11013/41/2006-IA-II (I)  
Government of India  
Ministry of Environment and Forest  
IA Division

Paryavaran Bhawan, CGO Complex  
Lodi Road, New Delhi-110 003  
Dated the December 14, 2006

**CIRCULAR**

Subject: **EIA Notification dated 14<sup>th</sup> September, 2006 – Clarification regarding EIA Clearance for Change in Product-Mix.**

Pursuant to the new Environment Impact Assessment Notification of 14<sup>th</sup> September 2006 (EIA 2006) replacing the EIA Notification of 27<sup>th</sup> January 1994 and its various amendments (EIA 1994) and in terms of the provisions of Para 12 of EIA 2006, the Ministry had earlier issued Interim Operational Guidelines on 13<sup>th</sup> October 2006. Further to these Guidelines, the following clarification is issued for Environment Clearance for the category of products involving change in Product- Mix.

- (i) In cases of change in Product –Mix, changes in the quantities or numbers of products may be allowed without prior Environmental Clearance by the concerned State Pollution Control Board provided such changes in the quantities of products are in the

same category and are within the previously granted overall total limits.

- (ii) Projects involving modernization of the existing unit with increase in the total production capacity beyond the threshold limit specified in the Schedule to the Notification, through change in process or technology or change in the product mix or debottle-necking or a combination of these, involving increase in pollution load will obtain prior Environment Clearance from the concerned regulatory authority under the EIA Notification, 2006.

2. This issues with the approval of the Competent Authority.

**(Sanchita Jindal)**  
Additional Director

**To:**

5. All State Environment Departments
6. All State Pollution Control Boards
7. All Officers of IA Division, MoEF
8. UT Administrations

**Copy to:** (i) PPS to Secretary (E&F), (ii) PPS to AS (CC) and (iii) PPS to JS (CC-II)

No. 01-12/2006-Dir-IA-III  
Govt. of India  
Ministry of Environment & Forests  
IA III Division

'Paryavaran Bhawan'  
CGO Complex,  
Lodhi Road,  
New Delhi-110003.  
**Dated: December 26, 2006**

To

**The Chairman**  
Haryana State Pollution Control Board,  
C-11, Sector-6,  
Panchkula, Haryana.

**Sub. Reg. Clarification on Environmental Clearance sought by M/s. Adani Agri Logistics Ltd. for construction of Bulk Food Grain Handling facility at Daund, Distt. Kaithal, Haryana**

Sir,

M/s. Adani Agri Logistics Ltd. has requested vide their letter dated 21.11.2006 to issue a clarification letter as to whether their project is covered under EIA Notification or not. They have also enclosed details of their project proposal for construction of Bulk Food Grain Handling facility at Daund, Kaithal in Haryana. It is stated in their application that the built-up area of the facility is 17,616.04 sq.m.

As per the EIA Notification dated 14<sup>th</sup> September, 2006 building construction projects having built up area less than 20,000 sq. m. do not require environmental clearance from the Ministry of Environment & Forests. As such the project of M/s Adani Agri Logistics Ltd for construction of Bulk Food Grain Handling facility at Daund, Kaithal in Haryan do not require environmental clearance.

You are requested to kindly take appropriate action on similar cases, which are being submitted to the Haryana State Pollution Control Board.

Yours faithfully,

  
( K.C. Rathore )  
Additional Director  
Tel 23468526

Copy to:

M/s Adani Agri Logistics Limited, E-68, Vasant Marg, Vasant Vihar, New Delhi 110057

**F.No.J-11013/41/2006-IA.II(I)**  
**Government of India**  
**Ministry of Environment & Forests**  
**(IA. Division)**

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi – 110 003

Dated 15<sup>th</sup> February, 2007

**C I R C U L A R**

Sub: **EIA Notification dated 14<sup>th</sup> September, 2006 – Follow up action reg.**  
\*\*\*\*\*

In continuation of earlier circular dated 13<sup>th</sup> October, 2006 wherein it is clearly mentioned that no cases are to be considered in-house without obtaining recommendations of the Expert Appraisal Committee as per EIA Notification, 2006. The internal processing of all the proposals under EIA Notification, 1994 whose investment is less than Rs. 5.00 Crores has been completely dispensed with as mentioned in the above referred circular. The developmental activities under the EIA Notification, 2006 are categorized based on the potential impacts and not on investment criteria. Therefore, in-house processing of the proposals with investment less than Rs. 5.00 Crores as used to be under the earlier EIA Notification, 1994 is not applicable any more under the new notification.

In view of the above, all the concerned officers are requested not to process any developmental project costing less than Rs. 5.00 Crores in-house internally. Instead, all the developmental proposals should be invariably placed before the Expert Appraisal Committee for consideration for the award of Term of Reference or grant of Environmental Clearance as the case may be as per EIA Notification, 2006.

This issues with the approval of the Competent Authority.

  
(G.V. Subrahmanyam)  
Director

**Copy to:**

1. All Officers of IA Division
2. PPS to Secretary (E&F)
3. PPS to Special Secretary (CC)
4. PPS to JS (CC-II)

Ministry of Environment of Forest  
IA Division

\*\*\*\*\*

File No- J- 13011/81/2006-IA II (I)

Date: 6<sup>th</sup> February 2007

C I R C U L A R

Subject: Clarification regarding Consideration of Integrated Projects.

It has been decided that the consideration of the integrated projects having components from industry, power projects, townships, mining etc. sectors by various Expert Committees will be done as follows:

- (i) If the core proposal is for Industry sector along with Captive Power Plant, it will be considered by the "Industry" Committee.
- (ii) Stand-alone Power Projects, captive or otherwise, will be considered by the "Thermal" Committee.
- (iii) Industry Projects with mining component will be considered by the "Industry" Committee.
- (iv) Stand-alone Mining Projects will be considered by "Mining" Committees.
- (v) Projects involving Townships will be considered by the respective Committees considering the Core Project.

2. The experts in the relevant field may be co-opted from the other sector Committee, if required, with the approval of the Joint Secretary (IA Division).

This is issues with the approval of Special Secretary.

  
(Sanchita Jindal)  
Additional Director

To,

All Officers of IA Division

## **ANNEXURE E: EIA NOTIFICATION 1994**

### **MINISTRY OF ENVIRONMENT AND FORESTS**

#### **ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION S.O.60(E), dated 27/01/1994**

(incorporating amendments vide S.O. 356(E) dated 4/5/1994, S.O. 318(E) dated 10/4/1997, S.O. 319 dated 10/4/1997, S.O. 73(E) dated 27/1/2000, S.O. 1119(E) dated 13/12/2000, S.O. 737(E) dated 1/8/2001, S.O. 1148(E) dated 21/11/2001, S.O. 632(E) dated 13/06/2002, S.O. 248(E) dated 28/2/2003, S.O. 506(E) dated 7/5/2003, S.O. 1087(e) dated 22/9/2003, S.O. 891(E) dated 4/8/2003, S.O. 801 (E) dated 7/7/2004.)

- 1) **S.O. 60 (E)-** Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as SO No. 80(E) dated 28<sup>th</sup> January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity (if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

- 2) Requirements and procedure for seeking environmental clearance of projects:

I.(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule-II of this notification and shall be accompanied by a project report which shall, inter alia, include an Environmental Impact Assessment Report, Environment Management Plan and details of public hearing as specified in Schedule-IV prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time. However, Public Hearing is not required in respect of (i) small scale industrial undertakings located in (a) notified/designated industrial areas/industrial estates or (b) areas earmarked for industries under the jurisdiction of industrial development authorities; (ii) widening and strengthening of highways; (iii) mining projects (major minerals) with lease area up to twenty five hectares, (iv) units located in Export Processing Zones, Special Economic Zones (v) modernisation of existing irrigation projects (vi) offshore exploration activities, beyond 10 kilometres from the nearest habitated village boundary, goothans and ecologically sensitive areas such as, mangroves (with a minimum area of 1000 sq.m.), corals, coral reefs, national parks, marine parks, sanctuaries, reserve forests and breeding and spawning grounds of fish and other marine life.

Provided that for pipeline projects, Environmental Impact Assessment report will not be required:

Provided further, that for pipeline and highway projects, public hearing shall be conducted in each district through which the pipeline or highway passes through.

- Cases rejected due to submission of insufficient or inadequate data and Plan may be reviewed as and when submitted with complete data and Plan. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact assessment Agency to reject the case summarily.

II. In case of the following site specific projects:

mining;

pit-head thermal power stations;

hydro-power, major irrigation projects and/or their combination including flood control;

ports and harbours (excluding minor ports);

prospecting and exploration of major minerals in areas above 500 hectares;

greenfield airports, petrochemical complexes and refineries

any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 (fifty thousand) litres per day or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below.

any industrial estate falling under entry 32 of Schedule-I including industrial estates accommodating industrial units in an area of 50 hectares or below but excluding the industrial estates irrespective of area if their pollution potential is high

Explanation.–

- New construction projects which were undertaken without obtaining the clearance required under this notification, and where construction work has not come up to the plinth level, shall require clearance under this notification with effect from the 7<sup>th</sup> day of July, 2004.
- In the case of new Industrial Estates which were undertaken without obtaining the clearance required under this notification and where the construction work has not commenced or the expenditure does not exceed 25% of the total sanctioned cost, shall require clearance under this notification with effect from the 7<sup>th</sup> day of July, 2004.
- Any project proponent intending to implement the proposed project under sub-para (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification”;

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

III. (a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of

Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency or such other body under the Central Government authorised by the Impact Assessment Agency in this regard.

1. The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.

(c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities supplemented by data collected during visits to sites or factories, if undertaken and details of the public hearing.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation of the project.

IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half yearly report to the Impact Assessment Agency. Subject to the public interest, the Impact Assessment Agency shall make compliance reports publicly available.

V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3) Nothing contained in this Notification shall apply to:

a. any item falling under entry Nos. 3, 18 and 20, 31 and 32 of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No.102 (E) dated 1<sup>st</sup> February, 1989, S.O. 114 (E) dated 20<sup>th</sup> February, 1991; S.O. No. 416 (E) dated 20<sup>th</sup> June, 1991 and S.O. No.319 (E) dated 7<sup>th</sup> May, 1992.

3.0 any item falling under entry no.1,2,3,4,5,7,9,10,13,14,16,17,19,21,25,27 of Schedule-I if the investment is less than Rs.100 crores for new projects and less than Rs. 50 crores for expansion / modernization projects.

4.0 any item reserved for Small Scale Industrial Sector with investment less than Rs. 1 crore.

5.0 defence related road construction projects in border areas.

6.0 any item falling under entry no. 8 of Schedule-I, if that product is covered by the notification G.S.R. 1037(E) dated 5<sup>th</sup> December 1989.

7.0 Modernization projects in irrigation sector if additional command area is less than 10,000 hectares or project cost is less than Rs. 100 crores.

4) Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:

1. False information
2. False data
3. Engineered reports
4. Concealing of factual data
5. False recommendations or decisions

## SCHEDULE-I

(See paras 1 and 2)

### LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT

**Note**-Every project proposed to be located in –

- (a) a critically polluted area; or
- (b) within a radius of fifteen kilometers of the boundary of –
  - (i) reserved forests,
  - (ii) ecologically sensitive areas which include national parks, sanctuaries, biosphere reserves; and
  - (iii) any state,

shall require environmental clearance from the Central Government.

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, Rare Earths.
2. River Valley projects including hydel power projects, major Irrigation projects and their combination including flood control project except projects relating to improvement work including widening and strengthening of existing canals with land acquisition upto a maximum of 20 meters, (on both sides put together) along the existing alignments provided such canals do not pass through ecologically sensitive areas such as national parks, sanctuaries, tiger reserves and reserve forests.”
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines isolated petroleum product storages.
5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LLDPE, HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13 (a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys).
- (b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.
  - v. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.

- vi. Viscose Staple fibre and filament yarn.
- vii. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloys.
- viii. All tourism projects between 200m—500 metres of High Water Line and at locations with an elevation of more than 1000 metres with investment of more than Rs.5 crores.
- ix. Thermal Power Plants.
- x. Mining projects (major minerals) with leases more than 5 hectares.
- xi. Highway Projects except projects relating to improvement work including widening and strengthening of roads with marginal land acquisition along the existing alignments provided it does not pass through ecologically sensitive areas such as National Parks, Sanctuaries, Tiger Reserves, Reserve Forests
- xii. Tarred Roads in the Himalayas and or Forest areas.
- xiii. Distilleries.
- xiv. Raw Skins and Hides
- xv. Pulp, paper and newsprint.
- xvi. Dyes.
- xvii. Cement.
- xviii. Foundries (individual)
- xix. Electroplating
- xx. Meta amino phenol
- xxi. New construction projects
- xxii. New industrial estates

## SCHEDULE-II

[See Sub-para I (a) of para 2]

### Procedure for seeking environment clearance of projects.

1. (1) Any persons who desires to establish a thermal power plant of any category mentioned in Schedule-I, shall submit an application to the Department of the State Government dealing with the subject of environment.

(2) The application shall be made in the Form 'A' specified in Schedule-II annexed to this notification and shall be accompanied by a detailed project report which shall, inter alia, include an Environmental Impact Assessment Report and an Environment Management plan prepared in accordance with the guidelines issued by the State Department of Environment from time to time.

(3) Cases rejected due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the State Government to reject the case summarily.

5) In case of the pit-head thermal power plants, the applicant shall intimate the location of the project site to the State Government while initiating any investigation and surveys. The State Government will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance will be granted for a sanctioned capacity and it will be valid for a period of five years for commencing the construction or operation of the project.

3. (1) The applicant shall obtain No Objection Certificate from the concerned Pollution Control Board. The State Pollution Control Board shall issue No Objection Certificate to establish only after completing public hearing as specified in Schedule-IV annexed to this notification.

(2) The reports submitted with the application and No Objection Certificate from the State Pollution Control Board shall be evaluated and assessed by the State Government, in consultation with a Committee of experts which shall be constituted by the State Government as specified in Schedule-III appended to this notification.

(3) The said Committee of experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the preparations relating to the plant.

(4) The State Government Department dealing with the subject of Environment shall prepare a set of recommendations based on technical assessment of documents and data furnished by the applicant supplemented by data collected during visits to sites, if undertaken and interaction with affected population and environment groups, if necessary.

(5) The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the applicant and decision conveyed within thirty days thereafter.

(6) the environmental clearance granted shall be valid for a period of five years from commencement of the construction or operation of the project.

**7.1.1.1.1** Concealing factual data or submission of false, misleading data reports, decisions of recommendations would lead to the project being rejected. Approval, if granted, earlier on the basis of false data, can also be revoked.

**(FORM A)**

**APPLICATION FORM**

1. (a) Name and Address of the project proposed :

7. Location of the project:

Name of the Place:

District, Tehsil:

Latitude/Longitude:

Nearest Airport/Railway Station :

8. Alternate sites examined and the reasons for selecting the proposed site:

(d) Does the site conform to stipulated land use as per local land use plan:

4. Objectives of the project:

5. (a) Land Requirement:

Agriculture Land:

Forest land and Density of vegetation.

Other (specify):

(b) (i) Land use in the Catchment within 10 kms radius of the proposed site:

9. Topography of the area indicating gradient, aspects and altitude:

10. Erodibility classification of the proposed land:

(c) Pollution sources existing in 10 km radius and their impact on quality of air, water and land:

11. Distance of the nearest National Park/Sanctuary/Biosphere Reserve/Monuments/heritage site/Reserve Forest:

12. Rehabilitation plan for quarries/borrow areas:

13. Green belt plan:

14. Compensatory afforestation plan:

4. Climate and Air Quality:

- 2.1 Windrose at site:
- 2.2 Max/Min/Mean annual temperature:
- 2.3 Frequency of inversion:
- 2.4 Frequency of cyclones/tornadoes/cloud burst:
- 2.5 Ambient air quality data:
- 2.6 Nature & concentration of emission of SPM, Gas (CO, CO<sub>2</sub>, NO<sub>x</sub>, CH<sub>n</sub> etc.) from the project:
  - 2.6.1 Water balance:
    - (a) Water balance at site:
      - 2.6.1.1 Lean season water availability;
      - Water Requirement:
        - 2.6.1.2 Source to be tapped with competing users (River, Lake, Ground, Public supply):
        - 2.6.1.3 Water quality:
        - 2.6.1.4 Changes observed in quality and quantity of groundwater in the last years and present charging and extraction details:
        - 2.6.1.5 (i) The quantum of existing industrial effluents and domestic sewage with incremental load to be released in the receiving water body due to the proposed activities along with treatment details;;
          - 2.6.1.5.1 The quantum and quality of water in the receiving water body before and after disposal of solid wastes including municipal solid wastes, industrial effluents and domestic sewage;
          - 2.6.1.5.2 The quantum of industrial effluents and domestic sewage to be released on land and type of land;;
    - (g) (i) Details of reservoir water quality with necessary Catchment Treatment Plan:
    - (ii) Command Area Development Plan:
      - 2.6.2 Solid wastes:
        3. Nature and quantity of solid wastes generated including municipal solid wastes, biomedical wastes, hazardous wastes and industrial wastes..
        4. Solid waste disposal method:
      - 2.6.3 Noise and Vibrations:
        15. Sources of Noise and Vibrations:
        16. Ambient noise level:
        17. Noise and Vibration control measures proposed:
        18. Subsidence problem, if any, with control measures:
      - 2.6.4 Power requirement indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:
      - 2.6.5 Peak labour force to be deployed giving details of:
        4. Endemic health problems in the area due to waste water/air/soil borne diseases:
        5. Health care system existing and proposed:
  10. (a) Number of villages and population to be displaced:
    - 2.6.5.1 Rehabilitation Master Plan:
      - Risk Assessment Report and Disaster Management Plan:
12. (a) Environmental Impact Assessment
- (b) Environment Management Plan:

5. Detailed Feasibility Report:
6. Duly filled in questionnaire

Report prepared as per guidelines issued by the Central Government in the MOEF from time to time:

13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are due to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant  
With name and full address

Given under the seal of Organisation  
on behalf of Whom the applicant is signing.

Date:

Place:

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

### **SCHEDULE-III**

**[See Sub. Para(2), Para 3 of Schedule- II]**

#### **COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT**

- (vi) The Committees will consist of experts in the following disciplines:
  - i. Eco-system Management
  - ii. Air/Water Pollution Control
  - iii. Water Resource Management
  - iv. Flora/Fauna conservation and management
  - v. Land Use Planning
  - vi. Social Sciences/Rehabilitation
  - vii. Project Appraisal
  - viii. Ecology
  - ix. Environmental Health
  - x. Subject Area Specialists
  - xi. Representatives of NGOs/persons concerned with environmental issues.
- (vii) The Chairman will be an outstanding and experienced ecologist or environmentalist or technical professional with wide managerial experience in the relevant development sector.
- (viii) The representative of Impact Assessment Agency will act as a Member-Secretary.
- (ix) Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.
- (x) The Membership of a Committee shall not exceed 15.

## SCHEDULE IV

(See para 3, subparagraph (2) of Schedule- II)

### PROCEDURE FOR PUBLIC HEARING

(1) **Process of Public Hearing:** - Whoever apply for environmental clearance of projects, shall submit to the concerned State Pollution Control Board twenty sets of the following documents namely: -

2. An executive summary containing the salient features of the project both in English as well as the local language along with Environmental Impact Assessment (EIA). However, for pipeline project, Environmental Impact Assessment report will not be required. But Environmental Management Plan including risk mitigation measures is required.
3. Form XIII prescribed under Water (Prevention and Control of Pollution) Rules, 1975 where discharge of sewage, trade effluents, treatment of water in any form, is required.
4. Form I prescribed under Air (Prevention and Control of Pollution) Union Territory Rules, 1983 where discharge of emissions are involved in any process, operation or industry.
5. Any other information or document which is necessary in the opinion of the Board for their final disposal of the application.

(2) **Notice of Publics Hearing:** -(i) The State Pollution Control Board shall cause a notice for environmental public hearing which shall be published in at least two newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned. State Pollution Control Board shall mention the date, time and place of public hearing. Suggestions, views, comments and objections of the public shall be invited within thirty days from the date of publication of the notification.

(ii) All persons including bona fide residents, environmental groups and others located at the project site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.

**Explanation:** - For the purpose of the paragraph person means: -

- a. any person who is likely to be affected by the grant of environmental clearance;
- b. any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;
- c. any association of persons whether incorporated or not like to be affected by the project and/or functioning in the filed of environment;
- d. any local authority within any part of whose local limits is within the neighbourhood wherein the project is proposed to be located.

(3) **Composition of public hearing panel:** - The composition of Public Hearing Panel may consist of the following, namely: -

- (i) Representative of State Pollution Control Board;
- (ii) District Collector or his nominee;
- (iii) Representative of State Government dealing with the subject;
- (iv) Representative of Department of the State Government dealing with Environment;

- (v) Not more than three representatives of the local bodies such as Municipalities or panchayats;
- (vi) Not more than three senior citizens of the area nominated by the District Collector.

**(4) Access to the Executive Summary and Environmental Impact Assessment report:-** The concerned persons shall be provided access to the Executive Summary and Environmental Impact Assessment report of the project at the following places, namely:-

(i) District Collector Office;

- (a) District Industry Centre;
- (b) In the Office of the Chief Executive Officers of Zila Praishad or Commissioner of the Municipal Corporation/Local body as the case may be;
- (c) In the head office of the concerned State Pollution Control Board and its concerned Regional Office;
- (d) In the concerned Department of the State Government dealing with the subject of environment.

5. Time period for completion of public hearing:

The public hearing shall be completed within a period of 60 days from the date of receipt of complete documents as required under paragraph 1.

**Note:** The principal notification was published in the Gazette of India vide number S.O.60 (E) dated 27-1-1994 and subsequently amended *vide*:

- 1) S.O. 356 (E) dated 4<sup>th</sup> May, 1994,
- 2) S.O 318 (E), dated 10<sup>th</sup> April, 1997,
- 3) S.O. 73 (E) dated 27<sup>th</sup> January, 2000,
- 4) S.O. 1119 (E) dated 13<sup>th</sup> December, 2000,
- 5) S.O. 737(E) dated 1<sup>st</sup> August, 2001,
- 6) S.O.1148 (E) dated 21<sup>st</sup> November, 2001,
- 7) S.O. 632 (E) dated the 13<sup>th</sup> June, 2002,
- 8) S.O. 248 (E) dated the 28<sup>th</sup> February, 2003,
- 9) S.O. 506 (E) dated the 7<sup>th</sup> May, 2003,
- 10) S.O. 891(E) dated the 4<sup>th</sup> August, 2003,
- 11) S.O. 1087(E) dated the 22<sup>nd</sup> September, 2003.

To be published in the Gazette of India

(Extraordinary)

Part II-Section 3-Sub section (ii)

Government of India

Ministry of Environment and Forests

## NOTIFICATION

New Delhi, the 4th July, 2005

S.O.942 (E).

--- WHEARAS by notification of the Government of India in the Ministry of Environment & Forests No. S.O. 60(E), dated 27th January, 1994 (hereinafter referred to as the said notification) issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government imposed certain restrictions and prohibition on the expansion or modernization of any activity or the undertaking of any project, unless environment clearance has been granted by the Central Government;

And Whereas, sub-rule (4) of rule 5 of the said Rules provides that, whenever it appears to the Central Government that it is in public interest to do so it may dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules;

AND WHEARAS, the Central Government is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said Rules;

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 further amendments in the said notification, namely:

In the said notification:-

(i) In paragraph 1, the following proviso shall be inserted in the end, namely:-

“provided that for projects relating to expansion or modernization of activities as listed against items 1, 2, 3, 19 and 20 in schedule-I of this notification taken up after 27th January, 1994, without prior environmental clearance, the Central Government in the Ministry of Environment and Forests may, on case to case basis, in public interest, relax the requirement of obtaining prior environmental clearance and may, after satisfying itself, grant temporary working permission on receipt of application in the prescribed format in Schedule-II, for a period not exceeding two years, during which the proponent shall obtain the requisite environmental clearance as per the procedure laid down in the notification. The grant of temporary working permission would not necessarily imply that the environmental clearance shall be granted for the said project”.

(ii) In paragraph 2, in sub-para III, after clause (c), the following provision shall be added at the end, namely:-

“provided that for projects relating to expansion or modernization of activities listed against items 1, 2, 3, 19 and 20 in schedule-I, in respect of which temporary working permission has been granted, in public interest, such projects would be permitted to continue to operate during the validity period of the temporary working permission. Such temporary working permission shall automatically cease from the date of grant or rejection of environment clearance or at the expiry of two years whichever is earlier”.

{File No. L-11011/7/2004-IA.II(I)}

(R. Chandramohan)

Joint Secretary to Govt. of India

Foot Note:- The Principal Notification was published vide number S.O. 60(E) dated the 27th January, 1994 and subsequently amended vide number S.O. 356(E) dated the 4th May, 1994, S.O. 318(E) dated the 10th April, 1997, S.O. 73(E) dated the 27th January, 2000, S.O. 1119(E) dated the 13th December, 2000, S.O. 737(E) dated the 1st August, 2001, S.O. 1148(E) dated 21st November, 2001, S.O. 632(E) dated 13th June, 2002, S.O. 248(E) dated 28th February, 2003, S.O. 506(E) dated 7th May, 2003, S.O. 891(E) dated 4th August, 2003 and S.O. 1087(E) dated 22nd September, 2003.

## **ANNEXURE F: EXTRACTS FROM INDIAN ENVIRONMENTAL POLICIES**

### ***NATIONAL FOREST POLICY, 1988***

#### **4.6 Tribal People and Forests**

One of the major causes for degradation of forest is illegal cutting and removal by contractors and their labour. In order to put an end to this practice, contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives, government corporations, etc. as early as possible...

### **4. STRATEGY**

#### **4.2 Afforestation, Social Forestry & Farm Forestry**

4.2.3 Village and community lands, including those on foreshores and environs of tanks, not required for other productive uses, should be taken up for the development of tree crops and fodder resources. Technical assistance and other inputs necessary for initiating such programmes should be provided by the Government. The revenues generated through such programmes should belong to the panchayats where the lands are vested in them; in all other cases, such revenues should be shared with the local communities in order to provide an incentive to them. The vesting, in individuals, particularly from the weaker sections (such as landless labour, small and marginal farmers, scheduled castes, tribals, women) of certain ownership rights over trees, could be considered, subject to appropriate regulations; beneficiaries would be entitled to usufruct and would in turn be responsible for their security and maintenance.

#### **4.3.4 Rights and Concessions**

4.3.4.2 The holders of customary rights and concessions in forest areas should be motivated to identify themselves with the protection and development of forests from which they derive benefits. The rights and concessions from forests should primarily be for the bonafide use of the communities living within and around forest areas, specially the tribals.

### ***NATIONAL WATER POLICY, 2002***

#### **Project Planning**

6.8 The involvement and participation of beneficiaries and other stakeholders should be encouraged right from the project planning stage itself.

#### **Participatory Approach to Water Resources Management**

12. Management of the water resources for diverse uses should incorporate a participatory approach; by involving not only the various governmental agencies but also the users and other stakeholders, in an effective and decisive manner, in various aspects of planning, design, development and management of the water resources schemes. Necessary legal and institutional changes should be made at various levels for the purpose, duly ensuring appropriate role for women. Water Users' Associations and the local bodies such as municipalities and gram panchayats should particularly be involved in the operation, maintenance and management of water infrastructures/facilities at appropriate levels progressively, with a view to eventually transfer the management of such facilities to the user groups / local bodies.

### **Stakeholder Involvement and Public Participation under the National Environment Policy, 2006 and the National Conservation Strategy, 1992**

NATIONAL ENVIRONMENT POLICY, 2006 - Excerpts

#### **5.6 Partnerships and Stakeholder Involvement:**

Conservation of the environment requires the participation of multiple stakeholders, who may bring to bear their respective resources, competencies, and perspectives, so that the outcomes of partnerships are superior to those of each acting alone. Implementing and policy making agencies of the Government, at Central, State, Municipal, and Panchayat levels; the legislatures and judiciary; the public and private corporate sectors; financial institutions; industry associations; academic and research institutions; independent professionals and experts; the media; youth clubs; community based organizations; voluntary organizations; and multilateral and bilateral development partners, may each play important roles in partnerships for the formulation, implementation, and promotion of measures for environmental conservation. Institutions of local self-government have an important role in management of the environment and natural resources. The 73 and 74 Constitutional amendments provide the framework for their empowerment. Further policy and legislative changes are necessary to enable them to actually realize such a role, and participate in various partnerships in this context.

### **NATIONAL CONSERVATION STRATEGY AND POLICY STATEMENT ON ENVIRONMENT AND DEVELOPMENT, 1992 – EXCERPTS**

#### **8.1 Strengthening of Institutions and Legislation**

8.1.1 It will require strengthening of existing institutions at different levels. It will need a close linkage among the compartmentalized sectors which have been historically dealt with by separate organizations. It will call for a change in the institutional - mechanism for enlisting public participation. It will necessitate quick decision making on development projects based on assessment of their potential of rendering long term sustainable benefits to the society at large, particularly vulnerable sections. It will be also require effective implementation of laws and regulations for environmental protection through strengthening of and closer interaction among the regulatory bodies and administrative machinery.

#### **8.7 Role of Non-Governmental Organizations**

8.7.1 Implementation of the conservation strategy would be impossible without active participation of the people. Non-Governmental Organizations (NGOs) can play an important role in mobilizing the people at grassroots. This will need a network among NGOs and interface between people and Government to work on community involvement, providing information on environmental surveillance and monitoring, transmitting development in science and appropriate technology to the people at large.

8.7.3 Non-Governmental Organizations, citizen groups and village level institutions like forests panchayats, and Gram Sabha should be empowered with locus standi and support for mobilization of public opinion and participation in development activities.

#### **9.0 Conclusion**

9.2 The task before us would be daunting if it were not for the many positive factors that are emerging: people's movements to conserve their own environment, greater public and media

concern for environmental issues and spread of environmental awareness among children and youth.

### ***EXCERPTS FROM THE POLICY ON THE ABATEMENT OF POLLUTION, 1992***

#### **3. FUTURE DIRECTIONS AND OBJECTIVES**

3.3 The objective is to integrate environmental considerations into decision making at all levels. To achieve this, steps have to be taken to:

- prevent pollution at source;
- encourage, develop and apply the best available practicable technical solutions;
- ensure that the polluter pays for the pollution and control arrangements;
- focus protection on heavily polluted areas and river stretches; and
- involve the public in decision making.

#### **8. INTEGRATION**

8.2 Policy making, legislation and law enforcement influence each other. The increase in the number of regulations increases difficulties in enforcement.

Legislation regulating particular activities will be amended to incorporate and eliminate clashes with environmental criteria. Traditional instruments for monitoring of compliance and investigation of offences are becoming over-burdened. An integrated overview and organisational structure for decentralized environment impact assessments and environmental law enforcement based on cooperation with local authorities will be sought.

#### **9. ENVIRONMENTAL AUDIT**

9.1 Industrial concerns and local bodies should feel that they have a responsibility for abatement of pollution. The procedure of an environmental statement will be introduced in local bodies, statutory authorities and public limited companies to evaluate the effect of their policies, operations and activities on the environment, particularly compliance with standards and the generation and recycling of waste. An annual statement will help in identifying and focussing attention on areas of concern, practices that need to be changed and plans to deal with adverse effects. This will be extended to an environmental audit. The measures will provide better information to the public.

#### **10. ENVIRONMENTAL STATISTICS**

The collection and integration of environmental, economic and health data will be done to determine the status and to develop a concise set of environmental indicators for monitoring the effects of pollution. Information and access to the public are essential so that everyone knows what is happening to the environment.

#### **11. PUBLIC PARTNERSHIP**

11.1 The public must be made aware in order to be able to make informed choices. A high governmental priority will be to educate citizens about environmental risks, the economic and health dangers of resource degradation and the real cost of natural resources. Information about the environment will be published periodically. Affected citizens and non-governmental organisations play a role in environmental monitoring and therefore allowing them to supplement the regulatory system and recognising their expertise where such exists and their commitments and vigilance, will also be cost effective. Access to information to enable public monitoring of environmental concerns, will be provided for.

11.2 Public interest litigation has successfully demonstrated that responsible non-governmental organisations and public spirited individuals can bring about significant pressure on polluting units for adopting abatement measures. This commitment and expertise will be encouraged and their practical work supported.

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11.4 As the present system of jurisprudence does not provide for compensation to individuals for environmental damage, including effects on health and environmental damage caused by pollution, it is proposed to set up special legal institutions to redress this deficiency and also make adequate arrangements for interim relief.

11.5 Greater emphasis will be placed on promoting awareness, undertaking and competence in schools, colleges, and training institutions. Professional and non-governmental bodies will be encouraged to be more active in environmental training and building awareness.

12. This statement is based on considerations of effectiveness, efficiency and availability of financial resources. The responsibility for abatement of pollution is not a duty of the Government alone, it is an obligation on all. The approach mentioned above should indicate how every one can help in achieving a safe and environmentally appropriate environment in our country.

## **ANNEXURE G: OPEN LETTERS BY INDIAN NGOS/CAMPAIGN ORGANISATIONS QUESTIONING THE NATIONAL ENVIRONMENTAL POLICY -2006**

Bangalore Press Release

25 August, 2005

### **Why is India's Environment Policy a Secret!?!**

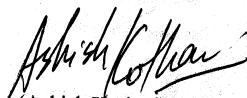
The Union Ministry of Environment and Forests (MoEF) seems to consider environmental policy matters "secret". It has finalised a draft of the National Environment Policy (NEP), and submitted it for clearance to the Cabinet. Not only has this document not been made public, it is reportedly marked "secret". This is a mockery of the government's professed commitment to transparent governance, and is a violation of the Right to Information Act, which commits the government to "publish all relevant facts while formulating important policies or announcing the decisions which affect the public".

Protesting this step by MoEF, over 70 citizens' groups and individuals from various parts of India have written to the Prime Minister (see attached), demanding that the document be made public before finalising it. We have asked for consultations to be held across the country, particularly with local communities and elected representatives. The signatories include mass movements, environmental NGOs, researchers and scientists, women's and human rights groups, mediapersons & others.

We have pointed out that the first draft of the NEP was riddled with contradictions, and tended to make the environment subservient to narrow economic interests. In 2004, this draft had provoked concern from hundreds of organisations and individuals across India. The widespread outcry against it had prompted the National Advisory Council to also take it up in two discussions, with a number of its members expressing concern about the draft NEP. Given this background, the MoEF should have made its revised draft public, and undertaken at least one more round of consultations before finalising and placing it before the Cabinet.

Instead, MoEF has once again shown its disregard for public opinion, in trying to bypass public consultation by labelling the revised draft "secret" and taking it directly to the Prime Minister and the Cabinet. **We have urged the Prime Minister to adhere to his professed commitment to transparency and openness in governance, by making the NEP document public, and providing appropriate public forums for citizens to debate, discuss and own up the document.**

Should the Cabinet pass this document without engaging in such a process, we would consider this a serious violation of the Common Minimum Programme of the government, and a significant blow to the democratic temperament of our society. It would also be in contradiction to the commitment made by the Prime Minister in his Independence Day speech to the nation, in which he explicitly mentioned our responsibility to protect the environment.



**(Ashish Kothari)**

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On Behalf of 70 who have signed the letter to the PM

## Open Letter to the Prime Minister of India

26 August, 2005

Sub: Please Make the *National Environment Policy* Public before Finalisation

Dear Dr. Manmohan Singh,

We would like to express our very strong concern about the reported move by the Ministry of Environment and Forests (MoEF) to submit a revised draft of the National Environment Policy (NEP), marked a “**secret**” document, to you and to the Cabinet for approval. We do not understand what is at all secret about the environment, of which we are all a part. From a governance perspective, it is extremely distressing that MoEF is violating your government’s oft-stated commitment to transparent and open governance. Such a process is also in direct violation of the Right to Information Act’s basic provision, requiring the government to “publish all relevant facts while formulating important policies or announcing the decisions which affect the public”.

In August 2004, a draft National Environment Policy (NEP) was put up on MoEF’s website inviting comments. This document provoked a large number of protests and expressions of concern from environmental groups across the country. There had been no consultation in the preparation of this document, and even the time and opportunities given to comment on it were extremely limited. The process was leaving out almost all the people of this country, including its elected representatives in Panchayats, Nagarpalikas, Legislatures (and even the Parliament, until some MPs raised the matter). The draft was also seriously faulty in content.

On 29<sup>th</sup> October 2004, over 90 individuals and organisations from across the country had come together to point out the serious lacunae in the process as well as the content of the draft NEP through an Open Letter to the MoEF. Several other groups and networks had also independently expressed serious reservations.

The main concerns were:

- *Making Environment Subservient to Wealth Generating Sectors:* The overall approach was anthropocentric and economic, ignoring the fundamental ethical imperative of conserving nature, and leaving out any discussion of the moral and cultural relations of humans with nature. The attitude displayed was that ensuring environmental conservation in a developing country like India mainly requires improved economic instruments and public-private partnerships, while continuing to persist with the current model of ‘development’ even though this model has been discredited as unsustainable and inequitable. Claiming to be a way of mainstreaming environmental concerns into all sectors, it was more of an attempt to make the environment subservient to the goals and objectives of all other – specifically so-called ‘development’ - sectors. The section calling for a re-assessment of regulatory measures, seemed to pave the way for weakening already inadequate legislation and enforcement mechanisms, especially in the context of already ongoing attempts to dilute environmental legislation to make it easier for industrial and

commercial interests to operate anywhere, without conformity to the prudential principles upheld by the Supreme Court.

- *Falling Short of a Policy Statement:* The draft NEP lacked several essential elements of a policy statement. It did not state a long-term vision. It did not refer to other existing and related policies on the subject or analyse their successes and failures. It did not refer in any detail to the relationship with other sectors (in this case sectors such as energy, water, agriculture, transport, infrastructure and tribal affairs). It also had several internal contradictions and scientific inaccuracy. All of this was pointed out by dozens of citizens’ groups who wrote to MoEF or made public statements expressing concern over the draft policy.
- *Lack of a Participatory Process:* Facing tremendous pressure from environmental groups, as also other sections like parliamentarians over being excluded from the policy formulation process, the MoEF repeatedly extended the date for receiving comments on the draft, and made the draft available to MPs and others. Some extremely limited consultations were held between November 2004 and April 2005. It may be highlighted that these too were held only after strident demands were made from many quarters. Strangely, industry associations were specially called for consultation but no consultation was organized with local communities whose lives are most intertwined with the health of the environment. When civil attempts were made by representatives of such communities from across the country to enter an “NGO Consultation” held by the Secretary, MoEF on 29 November 2004, they were violently removed by the security.

Such widespread indignation of the methods employed by MoEF forced it to acknowledge that the inputs from various consultations held would be summarized and included before the draft was finalized. However, there is no way we can be sure this commitment has been adhered to, for the new document is now “secret”!

Serious concerns on this draft policy were also taken to the National Advisory Council (NAC). At the NAC’s behest two consultations were held with NGOs and individuals. Some members of the NAC concurred with over 90 of the country’s most active environmental groups, in calling for an *entirely new* and participatory process of formulating a National Environment Policy. However, even the NAC has, reportedly, been misled by the MoEF. Some NAC members were earlier informed that the revised NEP has been uploaded on the MoEF website, which was actually not the case. One member of the NAC has now received a letter from the MoEF stating that there are no intentions to make available the revised draft on its website.

We understand that this draft was presented to you for endorsement about two weeks ago, before being taken to Cabinet for approval. This draft is reportedly marked *Secret*.

This level of secrecy on the fundamental issue of environment that concerns all, and which is in jeopardy without the serious cooperation of all, is surely unacceptable. It flies in the face of a democracy such as ours, where citizens should have the right to know what their government is proposing. This secrecy regarding a policy is hardly a way for the MoEF to operationalise principles of transparency, accountability and good governance referred to in the draft policy itself! It will, moreover, lead to creating a needless and unproductive climate of suspicion, that the MoEF is apprehensive of criticism of its agenda, and hence seeks to present the country with a *fait accompli*.

The concern is further compounded by the flurry of policy-making that the government seems to be currently engaged in, with little apparent coordination amongst the various pronouncements being made on forests, tribal people's rights, resettlement and rehabilitation, patent and intellectual property rights, trade and so on. In the general atmosphere of economic liberalization, and substantial slackening of government regulatory and statutory/legislative safeguards on environment, one can only wonder if protecting the natural resources and cultural heritage of the country is a core focus of the government?

Finally, India's obligations to international standards regarding the environment including human rights standards are also vital. This move by MoEF would subvert our government's obligations to these international standards.

Therefore, given these very serious (basic) concerns (problems), we the undersigned would like to bring to your attention that we once again reject the process with which the process of drafting the NEP has taken place.

In consideration of these views, we urge you to direct MoEF:

- a) To make the revised draft National Environmental Policy document public.
- b) To allocate sufficient resources for its dissemination in national and regional languages, and ensure that the document is available across the length and breadth of this country for **at least six months**, to encourage widespread and healthy debate on its contents.
- c) To utilize its vast machinery, along with the machinery of the State Environment Departments and those of Pollution Control Boards and Forest Departments, to provide appropriate forums for citizens to assess and comment on this document.
- d) To particularly make an effort to ensure that an appropriate language copy of this document is available to all Taluk Panchayats, Nagarpalikas, Legislatures and Parliamentarians, so that elected representatives at least have a chance in reviewing and debating the country's policy on the environment.

These measures would reflect your government's commitment to take decision-making to the masses, and live up its repeated commitment to transparent governance.

Thanking you,  
Sincerely,

**Green Tapism – Annexure**

(Ashish Kothari), On behalf of the undersigned.  
Giridhar Babu A, **Deccan Development Society**, Pastapur, Andhra Pradesh  
Lata Ananth, **Chalakudy Puzha Samrakshana Samithi**, Thrissur  
Ramesh Agrawal, **Lok Shakti Samiti**, Raigarh  
Manshi Asher/Amitabh Behar, **National Centre for Advocacy Studies**, Pune  
Jayshri, C, **Andhra Pradesh Coalition in Defence of Diversity**, Andhra Pradesh  
Geevan C.P, **Centre for Environment and Social Concerns**, Ahmedabad  
Mariette Correa, Goa  
Arundhati Das, Researcher  
Samuel Sundar Das, **Andhra Pradesh Alliance for Food Sovereignty**, Hyderabad  
Sasanka Dev, **DISHA**, Kolkatta  
Xavier Dias, **Jharkhand Mines Area Coordination Committee**, Jharkhand  
Arun Mani Dixit, **Gujarat Institute of Desert Ecology**, Bhuj  
Madhumita Dutta, **Corporate Accountability Desk**, New Delhi  
Deepika D'Souza/ P. R. Arun, **India Centre for Human Rights and Law**, Mumbai  
Sheelu Francis, **Tamil Nadu Women's Collective**, Chennai  
Vidyadhar Gadgil, Goa  
Soumitra Ghosh, **NESPO**, Siliguri  
Dilip Gode, **Vidarbha Nature Conservation Society**, Nagpur  
Debi Goenka, **Conservation Action Trust**, Mumbai  
Nagesh Hegde, Journalist, Bangalore  
Pandurang Hegde, **Appiko/Prakruti**, Sirsi, Karnataka  
Syed M Irfan, **Bhopal Gas Peedit Mahila Purush Sangharsh Morcha**, Bhopal  
Ramaswami R. Iyer, **Former Secretary, Ministry of Water Resources**, Delhi.  
Nityanand Jayaraman/ Shweta Narayan/ Dharmesh Shah/ Saravanan, **Corporate Accountability Desk**, Chennai  
Bharath Jairaj, Harini Narayanan, Shobha Iyer, Kavitha Anand, **Citizen consumer and civic Action Group (CAG)**, Chennai  
Ramesh Jerai, **Jharkhandis Organisation for Human Rights**, Jharkhand  
Arun Jindal, **Society for Sustainable Development**, Karuali, Rajasthan  
Anchal Kapur, **Kriti**, New Delhi  
Durgesh Kasbekar, Independent Researcher, Canada  
Mamta Khanna, Krithika Srinivasan, **Mumbai Medwaste Action Group**, Mumbai  
Ashish Kothari, Kanchi Kohli, Bansuri Taneja, **Kalpavriksh Environmental Action Group**, Pune/New Delhi  
Smitu Kothari, **Lokayan / Intercultural Resources**, Delhi  
Ashok Kumar, **Wildlife Trust of India**, Delhi  
Bhawani Shankar Kusum, **Gram Bharati Samiti**, Jaipur, Rajasthan  
Souparna Lahiri, **Delhi Forum**, New Delhi  
Roy Laifungbam, **Centre for Organisation Research and Education (CORE)**, Manipur  
Sharad Lele, **Centre for Interdisciplinary Studies in Environment & Development**, Bangalore  
M.K. Prasad, **Kerala Sastra Sahitya Parishat**, Kerala  
Madhusudhan, **Yakshi**, Hyderabad  
Kisan Mehta, **Save Bombay Committee**, Mumbai

Biswajit Mohanty, **Wildlife Society of Orissa**, Orissa  
~~K. Somnath Nayak, Nagarika Seva Trust,~~  
 Shahid Noor, **Bhopal ki Aawaaz**, Bhopal  
 Frederik Noronha, Journalist, Goa  
 P.V. Satheesh, **South Asia Network for Food, Ecology and Culture/ South Against Genetic Engineering**, Hyderabad  
 Mangaraj Panda, United Artists Association, Orissa  
 Mahesh Pandya, **Centre for Social Justice/Paryavaranmitra**, Ahmedabad  
 Medha Patkar, **Narmada Bachao Andolan/ National Alliance of People's Movement**  
 Nitin Rai, Ecologist, Bangalore  
 Sagari Ramdas, **Anthra**, Hyderabad  
 Rajesh Rangarajan, Ravi Agarwal, K.S. Sudhakar, Chirantana Kar, **Toxics Link**, Delhi/Chennai  
 Rashida Bee, **Bhopal Gas Peedit Mahila Stationery Karmchari Sangh**, Bhopal  
 Dunu Roy, **Hazards Centre**, New Delhi  
 S.K. Anwar, **Centre for World Solidarity**, Hyderabad  
 Bedoshruiti Sadhukhan, **Environmental Justice Initiative, Human Rights Law Network**, New Delhi  
 Suman Sahai, **Gene Campaign**, New Delhi  
 Rajesh Salam, **Manipur Nature Society**, Imphal  
 Leo Saldanha, Bhargavi S. Rao, Subbu Sastry, et al  
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## **ANNEXURE H: CAMPAIGN FOR ENVIRONMENTAL JUSTICE – INDIA RELEASE ON WHY ‘DEATH CERTIFICATE’ WAS ISSUED ON MOEF**

### **Campaign for Environmental Justice in India**

Press Release: Bangalore, 25 Nov 2005

#### **WHY WAS A DEATH CERTIFICATE SERVED ON THE MINISTRY OF ENVIRONMENT AND FORESTS?**

On the 14<sup>th</sup> of November 2005, in a daring demonstration of strength, over 200 people from the Campaign for Environmental Justice – India (CEJ-I), entered the highly secure Central Government Offices complex in New Delhi and held a 5 hour long protest at Paryavaran Bhavan, headquarters of the Union Ministry of Environment and Forests (MoEF). This event (called *MoEF Chalo!*) was a follow-up to the public hearing called *MoEF Suno!* conducted the previous day at the Constitution Club in Delhi.

Both these events, *MoEF Suno!* and *MoEF Chalo!* drew participation from across the country including project-affected communities due to Sethusamudram ship canal and Sterlite Industries from Tamil Nadu; Polavaram dam in Andhra Pradesh; Vedanta Alumina Refinery and Bauxite mining in Orissa; Narmada dam evictees; Communities threatened by dam building and mining in the North Eastern states of Manipur, Assam, and Arunachal Pradesh; Mining-affected communities from Rajasthan; Jindal Steel affected from Chattisgarh; and others. Additionally, a host of NGOs and campaign organizations represented similar struggles against the destructive impacts of dam, thermal power, infrastructure, industrial and other projects.

**The main purpose of entering Paryavaran Bhavan was to demand the scrapping of the proposed reform of the Environment Impact Assessment Notification and the draft National Environmental Policy, formulated without consultation with elected representatives and the wide public, by Dr. Pradipto Ghosh, Secretary, Ministry of Environment and Forests. (Please see enclosed Background Note)**

#### **World Bank helped Ghosh rewrite law:**

*Dr. Ghosh is on record that he has formulated these policy and legislative reforms in consultation with the World Bank.* Not a single consultation has been held in any part of the country with local communities and elected representatives, even as Dr. Ghosh has been very busy attending consultations organized by industrial and corporate lobbies such as the Confederation of Indian Industry and Federation of Indian Chamber of Commerce and Industry.

The current Notification is already fraught with many inconsistencies, and has made the Ministry merely, and literally, an environment and forest clearance agency. Environment Impact Assessments and Environmental Public Hearings have become merely ritualistic, with consultants paid by investors producing reports that support the project and hardly ever critically examine its environmental and social impacts. There is

not a single case where the Ministry has rejected clearance on grounds of fraudulent environmental and social impact assessment.

The proposal for Dandeli Dam by Murdeshwar Power Corporation was on the basis of an EIA produced by international financial and consulting giant Ernst and Young which was nothing but a photocopy of an EIA being prepared for Tattihalla Dam, in the neighbouring Dharwar district. Despite being exposed by Environment Support Group and Parisara Samrakshana Kendra, no criminal action was initiated against the consultant or the project proponent. Instead, The Energy Research Institute was commissioned to do another EIA, which once more turned out to be fraudulent. Despite such serial frauds, the dam is even now being proposed for construction, threatening the last stretch of natural flowing river and surrounding forests on Kali River.

Such cases are plenty from across the country. Work on the massive Rs. 20,000 crores Polavaram Dam across the Godavari River started without environmental and forest clearances and despite a stay on the dam. The Andhra Pradesh Government interpreted the stay as merely on the dam and not the canals! The Government ensured the Statutory Public Hearings were reduced to a farce by making it a forum to promote the project. Yet the Ministry cleared the project, disregarding evidence of adverse impacts on 280 villages (mainly tribal) and extensive destruction of thick forests and decimation of wildlife.

In a similar case of environmental fraud, the Ministry cleared the massive Sethusamudram Ship Canal along the Tamilnadu coastline, disregarding appeals and protests from fisherfolk that this project would destroy the spawning grounds and thus adversely affect the livelihoods of about 10 lakhs fishing people on both the Indian and Sri Lankan coasts. Various research institutes questioned the very scientific credibility of the Environment Impact Assessments produced by National Environmental Engineering Research Institute, and pointed out that the assessment had not even considered the impact of a Tsunami, should the canal funnel the waves into a more destructive impact than what was tragically experienced last December. Questions of financial unviability of the project were simply brushed aside too. Environmental Public Hearings became terrain to terrorise communities demanding more information on the project, despite which the Ministry proceeded to grant environmental clearance.

In the North East dams are being cleared aplenty, with the ridiculous objective of generating 65000 MW of hydro power. In

effect every river will be dammed submerging tropical forests and destroying forever rural and tribal life and livelihood. There is absolutely no plan or consideration for the displaced communities. The Ministry of Environment and Forests is the only agency of the Government that could intervene to set the balance right, and here too, it has become an agency for project promotion.

If such highly destructive projects are to be cleared without any careful consideration of adverse impacts on human settlement and the environment, then the very existence of the Ministry is to be questioned. A systematic analysis of the problems in environmental decision making was undertaken by issuing a series of **Open Letters** over the past year, urging the Ministry to truly work within the spirit and mandate of the Environment Protection Act and related Acts by which it is constituted. These Open Letters were endorsed by hundreds of organizations, networks, movements and individual researchers from across the country. Repeatedly, the Ministry was urged to open its doors to voices of concern and reason, but it chose to shut its doors firmly. (Open Letters are online at [www.esgindia.org](http://www.esgindia.org))

At a so-called “National NGO consultation” held by Dr. Ghosh in his chambers on the draft National Environmental Policy, 29 November 2004, only 7 NGO representatives were present in a room otherwise full of empty chairs. Outside the door were at least 10 representatives from people’s networks and movements, including Narmada Bachao Andolan, Jungle Bachao Andolan, Brahmaputra Barak Watch, National Alliance of People’s Movements, etc., requesting that they also be given an opportunity to share their views even though they were not “officially invited”. An ESG representative who was an official invitee repeatedly urged Dr. Ghosh to accept this democratic request. Yet he chose to call his security and bundle out all those who were “officially not invited”. It was in this “official consultation” that Dr. Ghosh also pushed his reform of the environmental clearance mechanism in India as a non-agenda

item. Embarrassed by **MoEF Chalo!** MoEF issued a Press Release a day after claiming the November meeting to be evidence for its claim to being “completely transparent in the process of development of these two documents”.

If the Ministry was genuinely interested in fixing the problem ridden environmental clearance mechanisms, then it should have begun by at least listening to people when they came knocking on its doors on 14 November 2005. But neither the Minister nor Secretary would come to meet this large representation. In effect they lent credence to the widely held opinion that the Ministry of Environment and Forests was unwilling to listen and learn and thus was good as dead. Even the Press in Delhi who wanted to cover **MoEF Chalo!** was banned entry by CISF, questionably on the instructions of Dr. Ghosh.

**In light of such non-responsive and non-committal approach of the Ministry, a token ceremony was held to symbolically announce the death of the Ministry. A Death Certificate (see enclosure) was served on them by pasting it on the walls of Paryavaran Bhavan to symbolically announce that MoEF is dead within the context, spirit and letter of the Environment Protection Act by which it has been constituted.**

CEJ-I representatives have now submitted a representation to the Prime Minister’s Office urging him to reject the proposed reforms of the EIA Notification and the draft National Environmental Policy. A demand has also been placed before the Prime Minister to sack Dr. Pradipto Ghosh, Secretary, MoEF, for admittedly, he has formulated reform of law and policy in consultation with the World Bank, which is illegal. For not living up to the stated task of holding the Ministry within the constitutional mandate, CEJ-I also demanded the resignation of Union Minister for Environment and Forests, Shri. A. Raja.

To press for Shri. Raja’s resignation, a massive demonstration will be held in his coastal constituency of Perambalur very soon.

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For Campaign for Environmental Justice in India

## **ANNEXURE I: CAMPAIGN FOR ENVIRONMENTAL JUSTICE PRESS RELEASE CRITIQUING THE PROCESS BY WHICH EIA NOTIFICATION – 2006 WAS FORMULATED**

### **CAMPAIGN FOR ENVIRONMENTAL JUSTICE – INDIA**

**PRESS RELEASE: 29 August 2006**

#### **EIA Notification Amendment being pushed through without promised consultations**

**Shri. A. Raja, Union Minister for Environment and Forests in response to an appeal from the Campaign for Environmental Justice – India (CEJ-I) had directed his Secretary, Dr. Pradipto Ghosh on 9<sup>th</sup> August 2006 to open up the process of consultations in the process of comprehensively amending the Environment Impact Assessment (EIA) and Coastal Regulation Zone (CRZ) Notifications.** Shri. Raja had specifically issued this direction in light of the fact that people's organisations, regional and local Governments and public interest organisations had been deliberately kept out of the consultation process. Shri. Raja had assured that these consultations would be held after the closure of the current session of Parliament during end August.

**According to reliable sources, it is now learnt that MOEF is pushing ahead with the notification in clear violation of the assurance of the Union Environment and Forests Minister. If this turns out to be true, MoEF would have acted in direct contravention of the federal character of our country, for besides not consulting the public at large, in particular movements and networks that have repeatedly demonstrated the lackadaisical concern of MoEF to environmental and social justice issues, the Ministry would also have not given State Governments the status they have accorded the Corporate sector.**

**Information provided by the Ministry of Environment and Forests (MoEF) in response to an RTI request has confirmed that the Ministry had only consulted industries and industry lobby groups, while comments sent by many people's organisations were not even registered. The Ministry also brazenly admits that it has specifically consulted "Apex Industry Associations namely CII, ASSOCHAM, FICCI and CREDAI" and that "a draft of final notification had been circulated to Apex Industry Associations and Central Ministries/Departments for obtaining their comments/views." The MoEF further admits that the "comments of Apex Industry Associations and Central Ministries/Departments on Draft Final Notification are under examination".**

Recently, CEJI representatives met with Shri. P. G. Narayanan, MP and Chairman, Parliamentary Standing Committee on Science and Technology, Environment and Forests, to apprise him of the MoEF's intentions. Shri. Narayanan admitted he was not consulted in the process of reformulation of these critical notifications, and paying heed to CEJI concerns, immediately wrote to the Ministry calling for an explanation. In response,

MoEF has stated unequivocally that following a presentation by Dr. Ghosh, Secretary MoEF the Principal Secretary, PMO and Member Secretary, Planning Commission "it was decided that MoEF should be (sic) another round of discussions with the Apex Industry Associations namely; CII, ASSOCHAM, FICCI, CREDAI after circulating to them the amended version of the notification prepared by the Ministry. It was also directed that simultaneously the notification be circulated to all concerned Central Ministries and their comments invited within 15 days."

It is a matter of record that many State Governments and a host of NGOs, movements, networks, etc. had also made representations to the Ministry. In some cases they were as exhaustive reports following the holding of Public Hearings, as was the case with CEJI's Public Hearing held in Delhi on 13 November 2005. But MoEF and the PMO found it fit to ignore State Governments and everyone else and proceed to make the changes merely in consultation with "Apex Industry Associations" and Central Ministries. Not only is this a blatant violation of the letter and spirit of the Environment Protection Act, but clearly attacks the Federal character of our country that relies on the cooperation between Centre and States in securing the lives and livelihoods of the people of India and its ecological security for posterity.

From these submissions made by the Ministry to the Parliamentary Committee, it is also clear that bending to the pressures of Business and Multinational interests, MoEF is ready to complete diluting significant regulatory powers latent in the Environment Protection Act by issuing an Environment Impact Assessment Notification that is a completely watered down version of the existing one.

#### **Background:**

**We also wish to highlight that the executive leadership of MoEF has not responded to the calls from peoples' movements, environmental groups and NGOs that any amendment to such critical regulatory notifications must only be carried out after widespread and transparent consultations, as directed by the Union Environment Minister till date.** This especially considering that these notifications form a substantive part of ensuring conformance with environmental and social impact standards for the most polluting and environmentally damaging sectors.

**Mrs. Sonia Gandhi, Leader of the Congress-I heading the United Progressive Alliance coalition Government at the Centre was clearly upset about this situation when CEJ-I representatives met with her on August 6, 2006.** She expressed that “it is unfortunate” and assured the delegation that she will look into the matter”.

Similarly, Shri. Prithviraj Chauhan, Minister of State attached to the Prime Minister’s Office found it wholly unacceptable that MoEF had proceeded to draft comprehensive amendments to such key notifications merely based on consultation with industry and Central Ministries. He saw no reason why the Ministry should be so sectoral and secretive in its approach, when the matter of “balancing developmental priorities and environmental sustainability” demanded widespread and open participation. **He assured CEJI representatives who met him on August 9, 2006 that he would raise the matter with the Prime Minister.**

Shri. P.G. Narayanan, Chairman of the Parliamentary Standing Committee on Environment and Forests admitted that MoEF had not consulted this apex body in re-drafting the EIA and CRZ

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On behalf of Campaign for Environmental Justice – India

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notifications. **He felt this went against the spirit of democratic participation in formulation of regulatory mechanisms and promised to take up this matter immediately in an appropriate forum.**

Keeping in view the interest of millions of farmers, workers, and communities directly dependant on natural resources, as well as the critical need to protect ecologically sensitive habitats, CEJI will continue to campaign across the country against any dilution of environmental and forest clearance standards.

The current approach of the Ministry to comprehensively amend the notifications without any meaningful consultation and precisely based on sectoral consultations with the Business Sector, had exposed itself as a Ministry that is not working to the mandate it is appointed: to protect India’s environment and forests.

**In this context, CEJI demands that the proposed EIA and CRZ Amendments should be put on hold till such time the broadbased consultations are held across the country.**

## **ANNEXURE J: EIA STAGES RECOMMENDED BY UNESCAP**

*EIA Stages recommended by United Nations Economic Commission for Asia and the Pacific. Accessible at (last visited on 15 April 2007)*  
<[http://www.unescap.org/dpad/vc/orientation/M8\\_1.htm](http://www.unescap.org/dpad/vc/orientation/M8_1.htm)>

*Project Screening* – Under the applicable law in different jurisdictions, not all projects require to carry out an EIA. Project screening generally refers to the stage where the responsible authority determines or identifies which projects require an EIA and which do not on initial consideration of threshold and/or impact criteria. Paragraph 7(i)(I) of the EIA Notification 2006 deals with the screening process with regard to Category B projects. No criteria for the screening process have been provided in the 2006 Notification, apart from the provision that the MoEF will from time to time issue appropriate guidelines for categorization of projects into B1 or B2.

*Scoping* – The scoping process is to determine the scope or coverage of the EIA study for a project proposal with significant environmental impacts. The scoping process should also help in developing and selecting alternatives to the proposed action and in identifying the issues to be considered in the EIA. It is traditionally understood to be an open and participatory exercise and methods of scoping include developing a plan for public involvement, identifying major issues of public concern, establishing priorities for environmental assessment, developing a strategy for addressing priority issues, evaluating the significance of issues, distribution of information to affected interests, and assembling existing relevant information. The scoping procedure provided for in Paragraph 7(i)(II) of the EIA Notification 2006 refers to the formulation of detailed Terms of Reference based primarily on information submitted by the project proponent and does not envision the potential for public involvement or the identification of alternatives to the proposed project at all.

*Public Consultations* – It is well acknowledged that the need for involvement is a vital component in successful EIA. The participating parties in a situation of participatory decision-making should discuss and reach a decision by means of an agreed process. The input of the public should contribute to each stage of the EIA. Some of the many methods that can be utilized to involve the public include public meetings, advisory panels, public information centres, interviews, questionnaires, participatory appraisal techniques, etc. Paragraph 7(i)(III) of the EIA Notification 2006 provided for ‘optional’ public consultations (involving public hearings and/or submission of written comments) at only one stage before the final appraisal of the project. Many stages in the EIA Notification 2006 do not accommodate for public participation at all.

*Impact Identification and Prediction* – Impact identification and prediction, features in the stages involving preparation of the EIA documents and the subsequent EIA approval granting clearance or permission. Environmental impact, by definition, implies an alternation of environmental conditions or creation of a new set of environmental consequences caused by the action under consideration. Impact identification starts at the early stage of

scoping when data on both the project and the surrounding environment are made available. As the EIA study progresses, more data becomes available on the project and possible environmental and socioeconomic impacts, thereby necessitating further investigations. Considerations for impact prediction could include magnitude of the impact, extent of impact, duration of impact, etc. Assessment of alternatives is considered to be one of the most crucial aspects of EIA. In the comparison of alternatives, it is desirable to use trade-off analysis, which typically involves the comparison of a set of alternatives relative to a series of decision factors. In the EIA Notification 2006, Appendix II provides for a check-list of environmental impacts while Appendix III provides a generic structure of the EIA document. Under Item 5 in Appendix III, analysis of alternatives (relating only to the technology and the site) is required only if the scoping process results in need for alternatives.

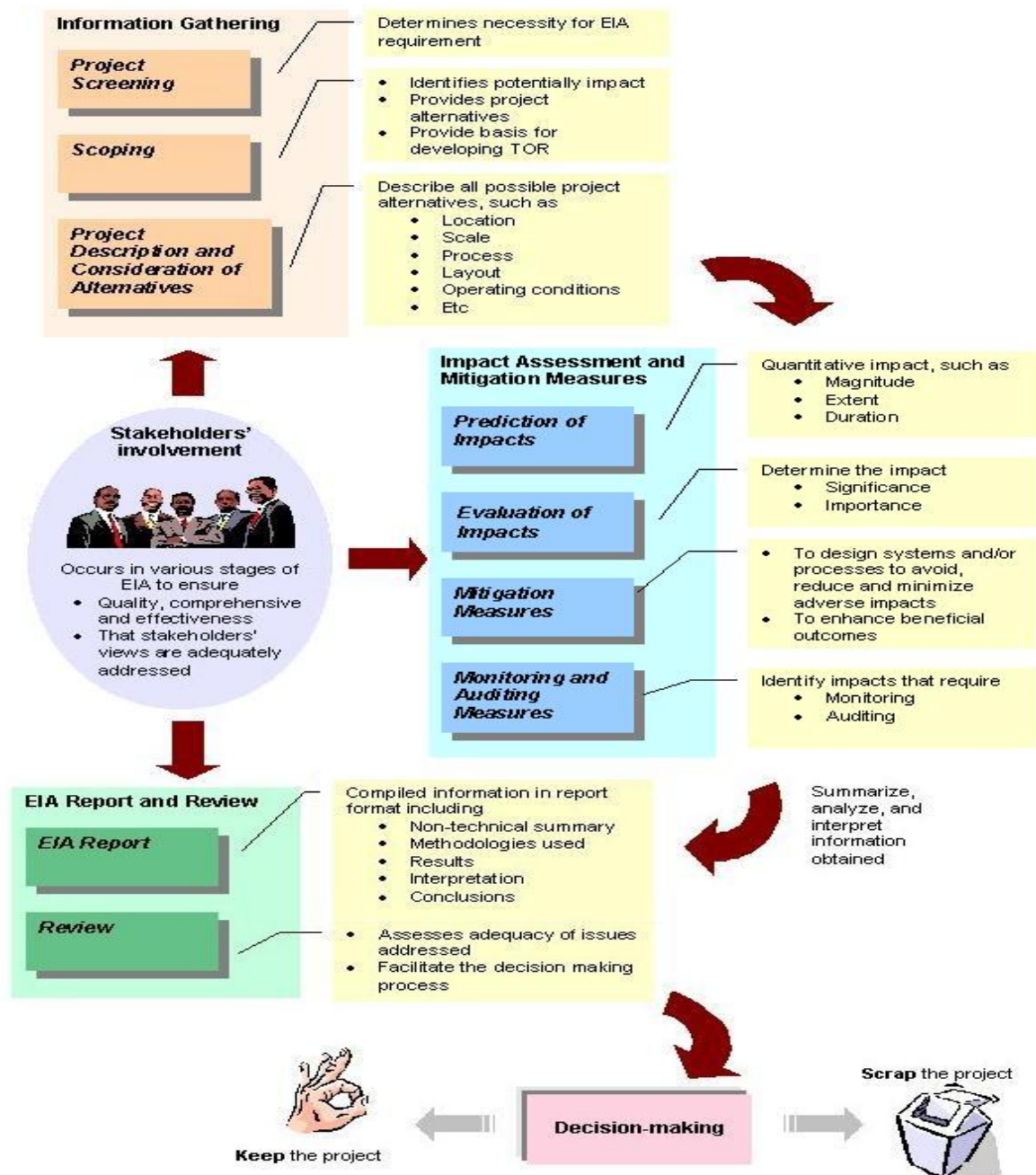
*Mitigation Measures* - Mitigation measures are recommended actions to reduce, avoid or offset the potential adverse environmental consequences of development activities. The objective of mitigation measures is to maximise project benefits and minimize undesirable impacts. Mitigation measures could include preventative measures, compensatory measures, or corrective measures. Mitigation measures should be integrated into the project design, and should not be limited as merely one point in the EIA since they should account for all possible impacts including new types of impacts that may arise during implementation. Additionally, since it is vital that mitigation measures be implemented, they should be devised with monitoring in mind. The EIA Notification 2006 refers to mitigation measures in Items 4 and 5 of Appendix III as a component of the EIA Report, and in Item 10 of Appendix III that refers to an Environment Management Plan. No further details regarding necessity or scope of mitigation measures are provided in the EIA Notification 2006.

*Environmental Monitoring* – Environmental monitoring is one of the most important components of the EIA that is essential for ensuring that impacts do not exceed legal standards; checking the implementation of the mitigation measures in the manner described in the EIA Report, and for providing early warning of potential environmental damages. Types of monitoring include baseline monitoring, impact monitoring, and compliance monitoring. The costs involved in project monitoring should be borne by the project proponent. The EIA Notification 2006 does not at any stage require the regulatory agencies to carry out environmental monitoring – site visits before the scoping stage are discretionary, and the Notification simply neglects to talk about post-clearance monitoring by the concerned authorities.

*Environmental Auditing* - In the case of an EIA, an audit assesses the actual environmental impact, the accuracy of prediction, the effectiveness of environmental impact mitigation and enhancement measures, and the functioning of monitoring mechanisms. The audit should be undertaken upon a project run

in operation, for some time, and is usually performed once or twice in the entire project cycle. Types of audit that can be implemented in different phases of the EIA process include decision point audits, implementation audits, performance audits, project impact audits, predictive technique audits, EIA

procedures audits, etc. The EIA Notification 2006 makes absolutely no mention of environmental audits.



## **ANNEXURE K: UNECE PRINCIPLES FOR MEANINGFUL IMPLEMENTATION OF THE EIA PROCESS**

Some relevant principles for the implementation of EIA norms as recommended by the United Nations Economic Commission for Europe (UNECE) to the European Union Governments (last visited on 15 April 2007) <<http://www.unece.org>>

1. Priority should be accorded to the implementation of EIA through legislation, which should:

(a) In the case of separate legislation, provide for linkage with other legislation which, *inter alia*, governs land-use planning and planning in different economic sectors, licensing and permit systems and environmental management;

(b) Provide for the analysis and evaluation of possible environmental impacts (including health impacts) of activities before a decision is taken, as well as in the construction and operation phases;

(c) Contain provisions to promote the integration of environmental considerations into planning and decision-making processes;

(d) Promote integrated environmental management in relation to sustainable economic development; and

(e) Allow for the necessary resources to be allocated to the EIA process.

2. Existing legislation and practices should be examined to ensure that EIA is fully integrated into decision-making, so that a comprehensive environmental management approach can be implemented.

3. EIA should, in principle, be applicable to a wide range of activities including urban development, agricultural and industrial development (including retrofitting into old technology) and energy generation and transportation, the development and operation of physical infrastructures, natural resources exploitation, treatment, storage and disposal of waste.

4. In each country, an authority should be identified to introduce and oversee the administration of national EIA programmes.

5. An EIA process should provide for:

(a) A clearly defined application of the process to certain activities and to specific levels of decision making;

(b) Scoping procedures;

(c) Procedures for independent review;

(d) Public participation opportunities;

(e) Identification of mitigation measures;

(f) A linkage with decision-making including a record of decision(s);

(g) Post-project analysis and monitoring; and

(h) Institutional and organizational requirements.

6. For the sake of effectiveness and the optimum allocation of financial and human resources, EIA should particularly be applied where anticipated activities are likely to cause significant environmental impacts, in particular those with a long-term or irreversible character. Mechanisms for identification should be used, such as the enumeration of activities subject to EIA (based on, *inter alia*, sensitive ecosystems, vulnerable resources, non-renewable resources, specific criteria and threshold levels, or combinations of these methods) or initial environmental evaluation procedures.

7. EIA legislation should apply to individual projects and could allow for application to regional development schemes and programmes as well as general policies and strategies.

8. Depending on the nature and degree of the assessed impacts, EIA should continue during the construction, operational and decommissioning phases of activities in order to:

(a) Monitor compliance with the agreed conditions set out in construction permits and operating licences;

(b) Review environmental impacts for the proper management of risks and uncertainties;

(c) Modify the activity or develop mitigation measures in case of unpredicted harmful effects on the environment;

(d) Verify past predictions in order to transfer this experience to future activities of the same type.

9. Procedural arrangements ('scoping') should be adopted to determine the issues to be examined, as well as to develop and to select reasonable alternatives to proposed activities.

10. Scoping processes should be undertaken early in EIA by involving and consulting all parties concerned in order to avoid unnecessary cost and delay, and to accommodate early on the conflicting interests of parties involved.

11. The EIA documentation should undergo an independent review to control the quality and adequacy of the information prior to the decision being made.

12. Review procedures should be defined in relevant legal provisions, regulations or other appropriate arrangements, and be undertaken by an interdisciplinary team with the relevant expertise, in order to assure the preparation of well-balanced and complete results, to enhance the acceptability of the outcome and to improve the management of uncertainties and risks in EIA.

13. EIA procedures should allow for the direct involvement of the affected public, individuals, groups and organizations early on in the EIA process, as they can make important contributions to the identification of objectives, impacts and alternatives.

14. Programmes should be developed as early as possible in the EIA process in order to inform the public of planned activities through direct notification and the use of mass media such as newspapers, television and radio.

15. Efforts should be increased to develop or improve:

(a) Integrated monitoring programmes;

(b) Methods and programmes for the collection, analysis, storage and timely dissemination of directly comparable data regarding environmental quality in order to provide an input to EIA.

16. In order to improve the efficiency of EIA and to obtain a better understanding of its cost-effectiveness, information should be collected to determine the benefits and costs of EIA as a tool for both planning and environmental protection as well as for the integration of environmental values into the decision-making process.

17. When applicable, the consideration of alternatives should take into account different activities, options in technology, process, operation, location, mitigation and compensation measures as well as production and consumption patterns.

18. Appropriate measures should be promoted that allow for and facilitate the assessment of environmental impacts from new technological developments in all economic sectors; to this effect regulations, guidelines and criteria should be developed in order to apply the principles of EIA to technological innovations.

19. EIA documentation should contain, as a minimum:

(a) The setting of the activity (purpose and need);

(b) Which authority(ies) is (are) required to act upon the documentation, and the nature of the decision(s);

(c) Description of the activity itself and reasonable alternatives to it, if appropriate including the 'do nothing' alternative;

(d) The potential environmental impacts and their significance attributable to the activity and its alternatives as well as the socio-economic consequences of environmental change owing to the activity or its alternatives;

(e) The relevant environmental data used and, for reasons of clarity, an explicit indication of predictive methods and underlying assumptions made during the assessment procedure;

(f) The identification of gaps in knowledge and uncertainties which were encountered in compiling the required information;

(g) An outline of monitoring and management programmes and mitigation measures to keep environmental degradation at a minimum; and

(h) A non-technical summary including a visual presentation (maps, graphs, etc).

20. Special consideration should be given to the setting up or intensification of specific research programmes aimed at:

(a) Improving existing qualitative and quantitative methods for assessing the environmental impacts of proposed activities;

(b) A better understanding of cause-effect relationships and their role in integrated environmental management;

(c) Analysing and monitoring the efficient implementation of such decisions with the intention of minimising or preventing impacts on the environment (post-project analysis);

(d) The development of methods to stimulate creative approaches in the search for environmentally sound alternatives to planned activities, production and consumption patterns;

(e) The development of methodologies for the application of the principles of EIA at the macroeconomic level. The results of the programmes listed above should be exchanged at the international level.

21. Education and training should be regarded as an important tool to improve the practical application and implementation of EIA:

(a) For managers (both proponents and competent authorities);

(b) For practitioners; and

(c) For students (at universities and other appropriate higher schools).

Managers and practitioners should be provided with additional training. For students, curricula should include the concept of the integrated approach of EIA. Governments should exchange information on planned EIA training courses.

*Source:*

[www.unep.ch/etu/publications/EIA\\_2ed/EIA\\_E\\_top2\\_hd.PDF](http://www.unep.ch/etu/publications/EIA_2ed/EIA_E_top2_hd.PDF)