

RAJAJI

कार्यालय प्रमुख वन संरक्षक (वन्यजीव)/मुख्य वन्यजीव प्रतिपालक, उत्तराखण्ड

85 राजपुर रोड, देहरादून, फोन नं० 0135-2742884 फैक्स नं० 0135-2745691 ईमेल-cwlwua@yahoo.co.in

पत्रांक 668/12-1 देहरादून दिनांक 07 सितम्बर 2017

सेवा मे,

महानिरीक्षक (वन्यजीव),
वन पर्यावरण एवं जलवायु परिवर्तन मंत्रालय,
भारत सरकार, नई दिल्ली।

विषय :-

Four Laning of Roorkee-Chhutmalpur-Saharnpur-Yamunanagar (UP/Haryana border) section of NH-73 & Chhutmalpur-Ganeshpur section of NH-72A, in the State of UP & Uttarakhand.
-Proposal for Forest Clearance in Distt-Saharnpur (Forest Proposal No.FP/UPROAD/17752/2016)-reg.

सन्दर्भ:-

अपर महानिदेशक वन, वन पर्यावरण एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार, नई दिल्ली का पत्रांक-8-64/2013-FC, दिनांक 20.08.2017

महोदय,

उर्पयुक्त विषयक भारतीय राष्ट्रीय मार्ग प्राधिकरण, देहरादून का पत्रांक-31063/NHAI/RO-UKD/2014/5717, दिनांक 25.08.2017 (प्रति संलग्न) द्वारा विषयगत प्रकरण पर मुख्य वन्यजीव प्रतिपालक की टिप्पणी/आख्या हेतु प्रस्ताव इस कार्यालय को प्रेषित किया गया है। इस सम्बन्ध में कृपया अपर महानिदेशक वन, भारत सरकार के सन्दर्भित पत्र का सन्दर्भ ग्रहण करने का कष्ट करें। जिसमें उल्लेख किया गया है कि "The Ministry has come across several instances where grant of forest clearance under the Forest (Conservation) Act, 1980 is pending for want of clearance from the Standing Committee of the NBWL for the projects falling within Eco-sensitive zones of the protected areas or within 10km distance from PA's (where Eco-Sensitive Zones are not notified). Many a time, cases of forest clearance got unduly delayed for long time resulting into unwarranted pendency of forest clearance cases. Further, clearance from the Standing Committee of the NBWL, is granted under the provisions of Wildlife (Protection) Act, 1972 which is altogether different from the provisions of the Forest (Conservation) Act, 1980. Taking cognizance of this fact, the matter was examined in this Ministry, and it is decided that approval being granted under the Forest (Conservation) Act, 1980 will not be linked to the grant of clearance from the Standing Committee of the NBWL except in cases where land proposed for diversion falls within protected areas for which prior approval of the Hon'ble supreme court is required."

अतः भारत सरकार के उक्त निर्देश विषयगत प्रकरण पर भी लागू होगा या नहीं, कृपया इस सम्बन्ध में स्थिति स्पष्ट करने का कष्ट करें ताकि तदनुसार अग्रेत्तर कार्यवाही सुनिश्चित की जा सके।
संलग्नक-यथोपरि।

संलग्नक-यथोपरि।

भवदीय,

(डी0वी0एस0 खाती)

प्रमुख वन संरक्षक (वन्यजीव)/
मुख्य वन्यजीव प्रतिपालक,
उत्तराखण्ड



वी. के. शर्मा

मुख्य महाप्रबंधक

(भूमि अर्जन एवं संयोजन / न. हा. एवं प्रा.)

V. K. Sharma

Chief General Manager

(L.A. & Coord. / HR & Admin.)

कल. / Tel. : 011-25074100/200

एफा. / Extn. : 1205

फैक्स / Fax : 011-25093543

ई-मेल / E-mail : vksharma@nhai.org

वेबसाइट / Website : www.nhai.org

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

NATIONAL HIGHWAYS AUTHORITY OF INDIA

(सड़क परिवहन और राजमार्ग मंत्रालय)

(MINISTRY OF ROAD TRANSPORT AND HIGHWAYS)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

G-5 & 6, SECTOR-10, DWARKA, NEW DELHI-110075

D.O.No.11013/1/2k/Env.

Dated: 20.09.2017

Dear

I am writing in the context of diversion of 70.201 ha forest land in district Saharanpur for Roorkee-Chhatmalpur-Saharanpur-Yamunanagar section of NH-73 and Chhatmalpur-Ganeshpur section of NH-72A in the state of U.P. and Uttarakhand.

The proposal was recommended by the state government vide letter dated 31.07.2017 and forwarded to Regional Office, MoEF&CC, Lucknow, for grant of in-principle approval. The Chief Conservator of Forest (C), MoEF&CC, RO, Lucknow, vide letter dated 14.8.2017 raised some observations at para no ix as *"a portion of the road falls in eco-sensitive zone of Rajaji National Park of Uttarakhand and comments of Chief Wildlife Warden, Uttarakhand, are included in the proposal"* (copy enclosed).

Chief Wildlife Warden, Uttarakhand, vide letter dated 7.9.2017 (Copy enclosed) sought clarification from MoEF&CC, New Delhi, and to whether the dispensation provided vide MOEF&CC letter No.8-64/2013/FC dated 20.8.2014 (copy enclosed) will be applicable for the said project.

It is submitted that the said project does not require environment clearance as per MOEF&CC OM dated 22.8.2013 and hence also clearance of NBWL for the eco-sensitive area.

MoEF&CC had already granted exemption for obtaining NBWL clearance for eco-sensitive areas for other NHAI projects such as; Haridwar-Nagina Section of NH-74, Gulabpura-Shahpura-Jahazpur-Hindoli-Nainwa-Uniara(newly declared NH-148D), Balachera-Harangajao Section of NH-54E, falling within eco-sensitive zone as environment clearance is not required in all these cases.

In light of above, it is requested to issue suitable clarification/direction to Chief Wildlife Warden, Uttarakhand, regarding non-applicability of clearance for eco-sensitive area.

Yours sincerely,

(V.K. SHARMA)

To

Shri Siddhant Das,

Director General & Special Secretary,

Ministry of Environment, Forest & Climate Change,

Indira Paryavaran Bhawan,

Alli Ganj, Jorbagh Road, New Delhi-110 003

Copy (Note in original) to: 1. Chief Wildlife Warden, Govt. of Uttarakhand, 35 Rajpur Road, Dehradun, Uttarakhand

2. APCCF, MoEF&CC RO, Lucknow

20/09



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन एवं राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport & Highways, Govt. of India)

परियोजना कार्यान्वयन ईकाई - देहरादून

Project Implementation Unit-Dehradun.

मकान नं-5, लेन नं-4, तेगबहादुर रोड, देहरादून- 248001

House No.-5, Lane-4, Teg Bahadur Road, Dehradun- 248 001

टेलीफैक्स/Telefax : 0135-2669561

दूरभाष/Phone : 0135-2669562

ई-मेल/e-mail : dehradun@nhai.org

वेबसाइट / Website : www.nhai.org

NHAI/PIU-DDN/33012/Forest Issues (SHR)/ 2007/12047
सेवामें,

Date.14.02.2017

प्रभागीय वनाधिकारी,
शिवालिक वन एवं वन्य जीवप्रभाग,
सहारनपुर।

विषय: उ०प्र० एवं उत्तराखण्ड राज्य अन्तर्गत, रा०रा०-73, रुड़की -छुटमलपुर- सहारनपुर-
यमुनानगर-उ०प्र०/हरियाणा बोर्डर भाग तथा रा०रा०-72ए, छुटमलपुर-गणेशपुरभाग के 4-लेन चौड़कीकरण
एवंसुदृढीकरण विषयक।

- जनपद-सहारनपुर के फोरेस्ट विलियरेन्स प्रस्ताव विषयक(फोरेस्ट प्रपोजल संख्या
FP/UPROAD/17752/2016)।

सन्दर्भ:- 1. प्रभागीय वनाधिकारी, शिवालिकवन एवं वन्य जीवप्रभाग, सहारनपुरकार्यालय पत्रांक 2247 दिनांक 20.01.2017।

2. मुख्य वनसंरक्षक/नोडलअधिकारी, उत्तरप्रदेश लखनऊकार्यालय पत्रांक 1419 दिनांक 06.01.2017।

Sir,

This is in reference to your letter No. 2247 dated 20.01.2017 on the captioned proposal. It is submitted that the length of the project is 76.201 km, existing ROW is. 30-60 meter. and the proposed ROW is 45-120 meter. The above-mentioned diversion proposal falls under Shivalik Forest Division, Saharanpur (5 to 6 Km distance from the boundary of Rajaji National Park) and & Social Forestry Division, Saharanpur. This is a widening of existing carriage way to 4/2-laning of Roorkee-Chutmalpur-Saharanpur-U.P./Haryana Border section of NH-73 & Chutmalpur-Ganeshpur section of NH72A in the state of UP & Uttarakhand.

It may be mentioned that the said project does not attract EIA Notification, 2006 in the light of MOEF OM dated 22.8.2013. Hence, this project does not require prior environment clearance.

MOEF&CC vide letter dated 26.8.2015 and 22.08.2013 (Copies enclosed), clarified that recommendation of Standing Committee, NBWL, as a part of environment clearance, is not required. Accordingly, proposal returned to the State Govt. The copy of MOEF&CC circular dated-20.8.2014 regarding delinking of FC with NBDL and also the guide lines for seeking SCNBWL clearances for the activities out side the PA are also enclosed.

The instant diversion proposal is 5-6 Km away from the RJNP boundary and similar in nature, hence, it neither requires EC nor of SBWL or SCNBWL.

It is, therefore, requested to treat this proposal in the similar line as was done in the proposal for diversion of 12 ha and 59.65 ha forest land from Borail Reserve. The forest land is outside protected area in the light of MOEF OM dated 22.8.2013.

धन्यवाद

संलग्नक- यथोपरि।

भवदीय
14.2.17
परियोजना निदेशक
पी०आई०यू०-देहरादून।

o/c

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110 003

Dated the 20th August, 2014

OFFICE MEMORANDUM

Subject: Consideration of development projects located within 10 km of National Park and Sanctuaries seeking environmental clearance under EIA Notification, 2006 – clarification regarding.

This Ministry vide Circular No.L-11011/7/2004-IA.II(I) (Part) dated 27.02.2007 and Office Memorandum(OM) No.J-11013/41/2006-IA.II(I) dated 02.12.2009 clarified procedure for consideration of developmental projects located within 10 km of Protected Areas (PAs), i.e., National Parks and Wild-life Sanctuaries and also involving wild-life habitat, for grant of environmental clearance (EC) under EIA Notification, 2006. The aforesaid Circular / OM were *inter-alia* issued pursuant to Supreme Court Order dated 04.12.2006 in W.P.(C) No.460 of 2004. It is noted that the last line of the aforesaid Circular dated 27.02.2007 states that "... shall be accorded environmental clearance subject to their Project Proponents obtaining clearance under the Wildlife (Protection) Act, 1972; a condition to this effect being stipulated explicitly in the clearance letter". The phrase, "obtaining clearance under the Wildlife (Protection) Act, 1972", in the Circular may be read as "prior clearance from the Standing Committee of the National Board for Wild-life".

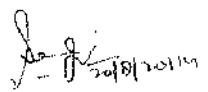
2. Over a period of time, this Ministry has notified a number of Eco Sensitive Zones (ESZs) around PAs. Many of development activities are prohibited / regulated in these ESZs as per the notifications issued for their constitution. It may be noted that, for regulated activities requiring prior ECs within such ESZs prior clearance of the Standing Committee of NBWL will be required in view of aforesaid Supreme Court Order dated 04.12.2006, the only difference being that the distance of 10 km gets substituted by the boundary limits of such ESZs.

3. With a view to facilitating early decision making by the Standing Committee of NBWL in respect of development projects requiring prior WC and located within 10 km of PAs / within the ESZs around PAs, the following procedure has been decided:-

12/

- (i) While prescribing TORs for such projects requiring prior EC, henceforth, additional TORs as per Annexure shall be mandatorily incorporated in the TORs.
- (ii) Copies of TORs issued to such projects shall be endorsed to the Wildlife Division of the Ministry.
- (iii) After examining a proposal for EC, the concerned EAC would make appropriate recommendations and in case it recommends the proposal for EC, it would forward the case along with detailed Information obtained from the Project Proponent on issues as brought out in the Annexure, to the Wildlife Division who would get the matter placed before the Standing Committee of NBWL for obtaining their recommendations on the proposal. In the meetings of Standing Committee of NBWL wherein such proposals will be considered, the Standing Committee may invite the Chief Wildlife Warden of the concerned State to give views on the proposal in the meeting.
- (iv) The Wildlife Division may thereafter record the recommendations of the Standing Committee of NBWL on the proposal and return the case to the IA Division for further processing and obtaining approval of the Competent Authority on the issue of grant of EC to the project.

5. This issues with the approval of the competent authority.


 (Dr. Satish C. Garkoti)
 Director

Enc. Annexure

Copy to:

1. All the officers of IA Division
2. Chairperson/ Member Secretaries of all the SEIAAs/SEACs
3. Chairman of all the Expert Appraisal Committees
4. Chairman, CPCB
5. Chairpersons/ Member Secretaries of all SPCBs/ UTPCCs
6. IGF(WL), MoEF&CC

Copy for information:

1. JS(AT)
2. PS to MOS(Independent Charge)
2. PPS to Secretary (E&F)
3. PPS to AS (SS)
4. Website, MoEF
5. Guard File

24/8/14
 24/8/14
 24/8/14

Annexure

Form for providing information for consideration of Standing Committee of NBWL

1. Name and area (ha.) of national park/sanctuary involved
2. Type of forest in which the proposed area falls.
3. Conservation value/critical wildlife habitats in the PA.
4. Prevalent land use categories within 10km distance/ ESZ around the PA.
5. Is any project of similar nature already located within 10km of the PA boundary/ ESZ around the PA? If so, please give the following details separately for each project.

Name of Project

Distance from PA

Size (Capacity/output in appropriate units)

Impact if any on the conservation status of PA perceived

6. Provide your assessment of the likely POSITIVE AND NEGATIVE impact/s of the proposed project giving scientific and technical justification for each impact.
7. Whether the project applicant has ever committed violation of the Wild Life (Protection) Act, 1972 or Forest Conservation Act, 1980 in the past. If yes, provide the details of the offences and the present status of each case.
8. Have you examined the Project Appraisal document and the alternatives as provided in EC application form?

9. Any information that would like to bring to the notice of the National Board for Wildlife ~~or its Standing Committee~~ that may be relevant and assist in decision making.
10. Do you recommend the project?
(please provide full justification to support your recommendation)
11. Conditions, if any, to be ensured in the interest of protection and conservation of the PA for according EC to the project?

Chief Wildlife Warden

Government of India
Ministry of Environment, Forest and Climate Change
(Wildlife Division)

6th Floor, Vayu Wing
Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi-110003

F.No.6-43/2015 WL

Dated: 26th August 2015

The General Manager,
National Highways Authority of India,
G-5 &6, Sector-10,
Dwarka, New Delhi-110075.

Sub: Diversion of 12 ha of forestland from Borail Reserve for upgradation of 4-lanning Balacheri-Harangajao section within Dima Hassao district for km 244.00 to km 275.00 of NH-54(E) under EW Corridor, Assam.

Ref: Letter No.11013/1/2k./Env./159 dated 6th May 2015 from General Manager (Environment), NHAI, New Delhi.

Sir,

In accordance with your letter cited in above reference regarding subject matter, said proposal does not attract EIA Notification, 2006. In this context, the recommendation of Standing Committee of NBWL as part of Environmental Clearance is not required. Hence your proposal is being returned to you.

Yours faithfully

R. Rajasekhar
(Rajasekhar Ratti)

Scientist 'C'/Deputy Director (WL)
rs.ratti@gov.in

Copy to: The Chief Wildlife Warden, Government of Assam, Guwahati.

F. No. 8-64/2013-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110003
Date: 29th August, 2014

To

The Principal Secretary (Forests),
All State/UT Governments.

Sub: Guidelines regarding de-linking of grant of forest clearance from the clearance from the Standing Committee of the National Board for Wildlife (NBWL).

Sir,

I am directed to inform that, The Ministry has come across several instances where grant of forest clearance under the Forest (Conservation) Act, 1980 is pending for want of clearance from the Standing Committee of the NBWL for the projects falling within Eco-sensitive zones of the protected areas or within 10 km distance from PA's (where Eco-Sensitive zones are not notified). Many a time, cases of forest clearance got unduly delayed for long time resulting into unwarranted pendency of forest clearance cases. Further, clearance from the Standing Committee of the NBWL, is granted under the provisions of Wildlife (Protection) Act, 1972 which is altogether different from the provisions of the Forest (Conservation) Act, 1980. Taking cognizance of this fact, the matter was examined in this Ministry, and it is decided that approval being granted under the Forest (Conservation) Act, 1980 will not be linked to the grant of clearance from the Standing Committee of the NBWL except in cases where land proposed for diversion falls within protected areas for which prior approval of the Hon'ble supreme court is required.

This issues with the approval of competent authority.

Yours faithfully,


(M. Rajkumar)

Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forest, All State/UT Governments.
2. The Addl. PCCF (Central), All Regional Offices of the MoEF&CC.
3. The Nodal Officer (FCA), Office of the PCCF, All State/UT Governments.
4. Director (BKS)/Director (ROHQ)/AIGF (FC).
5. Sr. PPS to DGF&SS, PS to Addl. DGF, PS to IGF(FC)
6. Monitoring cell, FC Division, MoEF&CC, New Delhi.
7. Guard File.


(M. Rajkumar)
Assistant Inspector General of Forests

No.1-20/2014/WL
Government of India
Ministry of Environment, Forests and Climate Change
(Wildlife Division)

Indira Paryavaran Bhawan,
Jorbagh Road,
New Delhi

Dated: 26th September, 2014

OFFICE MEMORANDUM

Sub: Consideration of development projects located within 10 km of National Park and Sanctuaries seeking environmental clearance under EIA Notification, 2006- O.M. issued by IA Division providing clarification-reg.

A copy of O.M. No.J-11013/41/2006-IA-II(I) (part) dated 20th August, 2014 is enclosed for reference and necessary action.

2. The need of recommendation of Standing Committee of NBWL for the projects located outside the limits of National Parks or Wildlife Sanctuaries is not governed by the Wildlife (Protection) Act, 1972.

3. As apparent from the Office Memorandum enclosed, the requirement of clearance for such projects from the Standing Committee of NBWL is part of Environment Clearance (EC) process pursuant to the Supreme Court Order dated 04/12/2006 in WP (c) 460/2004. The process for referring the cases to Standing Committee of NBWL in Ministry of EF&CC has accordingly been elaborated in O.M. dated 20th August, 2014 (enclosed).

4. It is requested that the Office Memorandum enclosed with this clarification may be made available to all the subordinate offices and public so that any proposals of clearance of NBWL for Environment Clearance (EC) cases located in the areas outside National Parks and Sanctuaries are not taken up for processing at the State level. Wherever applicable, the proposals will be referred to Standing Committee of NBWL within the Ministry itself as detailed in para II to IV of the Office Memorandum. Project proponents approaching the Forest Departments in this respect may be advised accordingly.

5. This is for information and necessary action. This communication may be given appropriate publicity.

(M.L.Srivastava)

Dy. Inspector General of Forests
Tele: 011 2469 5355

Enclosure: Office Memorandum dtd. 20th August, 2014

To

1. The Principal Secretaries
All States/UTs Forests Departments.
2. The Principal Chief Conservator of Forests
and Chief Wildlife Wardens
All States/UTs Forests Departments.

Copy to:

- i) PS to MOS(IC)EF&CC.
- ii) PPS to Secy.(EF&CC)
- iii) PPS to DGF&SS
- iv) PPS to JS (AT)
- v) PPS to JS (AS)

F.No. J-11013/41/2006-IA.II(I) (part)
Government of India
Ministry of Environment, Forests & Climate Change

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi-110 003

Dated 4th September, 2014

Office Memorandum

Subject: Consideration of development projects located within 10km of National Park and Sanctuaries seeking environmental clearance under EIA Notification, 2006-O.M. issued by IA Division providing clarification-reg.

Reference File No. 1-20/2014/WL regarding process related to Environment Clearance cases around protected areas. On this file, Wildlife Division had proposed action to be taken by the Impact Assessment Division.

2. The Impact Assessment Division took action in the matter with the approval of Secretary (EF&CC) and an OM No. J-11013/41/2006-IA.II(I)(Part) dated 20th August, 2014 was issued. It has been decided to keep the file of Wildlife Division as referred above in the Impact Assessment Division and endorse copy of OM to Wildlife Division.

3. Accordingly, the undersigned is directed to enclose herewith a copy of above referred Office Memorandum dated 20th August, 2014 on the subject mentioned above for kind information and further necessary action. A copy of entire file is also enclosed.

Encl: as above.

(Dr. S.C.Garkoti)
Scientist 'F'

Inspector General of Forest(Wildlife)
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhawan,
Ali Ganj, Jor Bargh Road,
New Delhi-110 003

Copy for Information:

JS(AT)

[भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (ii) में प्रकाशनार्थ]

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 22 अगस्त 2013

का.आ. 2559 (ई).-केन्द्रीय सरकार ने, भारत सरकार की पर्यावरण और वन मंत्रालय में पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (2) के खंड (5) और उपधारा (1) के अधीन जारी अधिसूचना संख्या का.आ. 1533 (अ) तारीख 14 सितंबर, 2006 द्वारा निदेश दिया है कि इस अधिसूचना के प्रकाशन की तारीख से ही नई परियोजनाओं या उक्त अधिसूचना की अनुसूची में सूचीबद्ध विद्यमान परियोजनाओं या कार्यकलापों के विस्तार या आधुनिकीकरण के लिए अपरिहार्य क्षमतावर्धन के लिए प्रक्रिया या प्रौद्योगिकी में परिवर्तन और या उत्पाद मिश्रण, भारत के किसी भी भाग में यथास्थिति केन्द्रीय सरकार या उक्त अधिनियम की धारा 3 की उपधारा (3) के अधीन केन्द्रीय सरकार द्वारा सम्यक् रूप से गठित राज्य स्तरीय पर्यावरण संघात निर्धारण प्राधिकरण की उसमें विनिर्दिष्ट प्रक्रिया के अनुसरण में पूर्व पर्यावरण निकासी के पश्चात् ही हाथ में लिया जाएगा;

और भारत सरकार ने पर्यावरण और वन मंत्रालय में राजमार्गों, भवनों और विशेष आर्थिक क्षेत्र परियोजनाओं के लिए पर्यावरणीय निकासी प्रदान करने से संबंधित पर्यावरण संघात निर्धारण अधिसूचना, 2006 के उपबंधों का पुनर्विलोकन करने के लिए कार्यालय जापन सं. 21-270/2008-आईए.॥, तारीख 11 दिसंबर, 2012 और पर्यावरण और वन मंत्रालय के गगनचुंबी भवनों के संबंध में कार्यालय जापन तारीख 7 फरवरी, 2011 द्वारा सदस्य, (पर्यावरण और वन तथा विज्ञान और प्रौद्योगिकी), योजना आयोग की अध्यक्षता में एक उच्च स्तरीय समिति का गठन किया था ;

और समिति के संदर्भ के निबंधनों (टीओआर) में एक निबंधन पर्यावरण संघात निर्धारण अधिसूचना के अधीन 60 मीटर के मार्गाधिकार और 200 किलोमीटर लंबी राजमार्ग विस्तार परियोजनाओं के लिए पर्यावरण निकासी की अपेक्षाओं का पुनर्विलोकन करना था ;

और समिति ने मंत्रालय को अपनी रिपोर्ट प्रस्तुत कर दी है और इस टीओआर पर समिति ने राजमार्ग विस्तार परियोजनाओं को विस्तारण की अपेक्षा और पर्यावरण संघात निर्धारण से छूट देने की सिफारिश की है या राजमार्ग विस्तार परियोजनाओं के लिए पर्यावरण

प्रबंधन परियोजना माडल टीओआर, जिसे मंत्रालय की वेबसाइट पर पोस्ट किया जाएगा के अनुसार तैयार किया जा सकता है और पर्यावरण निकासी की अपेक्षा के संबंध में समिति ने सिफारिश की है कि 100 किलोमीटर तक राष्ट्रीय राजमार्ग परियोजनाओं का विस्तार जिसमें अतिरिक्त मार्गाधिकार या विद्यमान सरेखणों पर 40 मीटर तक अर्जन और पुनःसरेखण पर 60 मीटर या उप-मार्गों को अधिसूचना की परिधि से बाहर रखने की सिफारिश की है ;

और समिति की रिपोर्ट की पर्यावरण और वन मंत्रालय में जांच की गई है। पहले ही अधिसूचना सं. का. आ. 3067(अ) तारीख 1 दिसंबर, 2009 द्वारा सभी राज्य राजमार्ग विस्तार परियोजनाओं को सिवाय उन परियोजनाओं के जो पहाड़ी क्षेत्रों (1000 मीटर एएमएसएल) और पारिस्थितिकीय रूप से संवेदनशील क्षेत्रों में है, को पर्यावरण संघात निर्धारण अधिसूचना 2006 से छूट प्रदान कर दी गई है।

और अन्य बातों के साथ पूर्वोक्त को ध्यान में रखते हुए पर्यावरण और वन मंत्रालय ने कार्यालय ज्ञापन सं. 21-270/2008-आई.ए.आ., तारीख 11 दिसंबर, 2012 द्वारा गठित उच्च स्तरीय समिति की पूर्वोक्त सिफारिशों को स्वीकार करने का विनिश्चय किया है ;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उपधारा (2) के खंड (5) और उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006 में उक्त नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्ति देने के लिए निम्नलिखित और संशोधन करती है, अर्थात् :-

2. उक्त अधिसूचना में,-

(क) पैरा 7 के उपपैरा 11 के मद (i) के स्थान पर निम्नलिखित मद रखी जाएगी, अर्थात्:-

'(i) "विस्तारण" उस प्रक्रिया को निर्दिष्ट करता है, जिसके द्वारा प्रवर्ग 'क' परियोजना क्रियाकलापों के मामले में विशेषज्ञ आंकलन समिति और प्रवर्ग 'ख' 1 परियोजनाओं या क्रियाकलापों के मामले में, राज्य स्तर विशेषज्ञ आंकलन समिति, जिसके अंतर्गत विद्यमान परियोजनाओं या क्रियाकलापों के विस्तार या आधुनिकीकरण या उत्पाद मिश्रण में परिवर्तन उस परियोजना या क्रियाकलाप, जिसके लिए पूर्व पर्यावरणीय अनापत्ति ईप्सित की गई है, के संबंध में पर्यावरण समाधात निर्धारण रिपोर्ट (ईआईए) तैयार करने के लिए सभी सुसंगत पर्यावरणीय चिंताओं को संबोधित करते हुए विस्तृत और समय निर्देश के निबंधनों का अवधारण और विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर आंकलन समिति विहित आवेदन प्ररूप 1/प्ररूप1क में दी गई जानकारी के आधार पर जिसके अंतर्गत आवेदक द्वारा प्रस्तावित निर्देश के निबंधन हैं, किसी विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर आंकलन समिति के किसी उप समूह द्वारा स्थल भ्रमण यदि संबंधित विशेषज्ञ आंकलन समिति या संबंधित राज्य स्तर विशेषज्ञ आंकलन समिति द्वारा आवश्यक समझा जाए, आवेदक द्वारा सुझाए गए निर्देश के निबंधन, यदि प्रस्तुत किए जाए और अन्य सूचना जो

विशेषज्ञ आंकलन समिति या राज्य स्तर विशेषज्ञ आंकलन समिति के पास उपलब्ध हो, सम्मिलित है:

परंतु निम्नलिखित को विस्तारण की आवश्यकता नहीं होगी-

(i) अनुसूची के मद 8 में प्रवर्ग ख के रूप में सूचीबद्ध सही परियोजनाएं और कार्यकलाप (नगरों या वाणिज्यिक परिसरों या आवासन का संनिर्माण) ;

(ii) अनुसूची के मद 7 की उपमद (च) के अधीन स्तंभ (3) और स्तंभ (4) की प्रविष्टि (ii) के अधीन आने वाली राजमार्ग विस्तार परियोजनाएं ;

परंतु यह और कि -

अ. खंड (i) में निर्दिष्ट परियोजनाएं और कार्यकलापों का अंकन प्ररूप 1 या प्ररूप 1क और अवधारणा योजना के आधार पर किया जाएगा ;

आ. खंड (ii) में निर्दिष्ट परियोजनाएं पर्यावरण और वन मंत्रालय द्वारा विनिर्दिष्ट माडल टीओआर के आधार पर ईआईए और ईएमपी रिपोर्ट तैयार करेंगी ;

(ख) अनुसूची में मद 7 की उप मद (च) के सामने स्तंभ (3) में प्रविष्टि (ii) के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"(ii) राष्ट्रीय राजमार्गों का 100 किलोमीटर से अधिक विस्तार जिनमें अतिरिक्त 40 मीटर से अधिक विद्यमान संरेखणों पर और पुनः संरेखणों या उपमार्गों पर 60 मीटर क्षेत्राधिकार या भूमि अर्जन अंतर्भूत है ।"

[फा.सं.21-270/2008-आईए.।।।]

अजय त्यागी,

संयुक्त सचिव, भारत सरकार

टिप्पण : मूल नियम भारत के राजपत्र असाधारण, भाग 2, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और तत्पश्चात् निम्नानुसार संशोधित किए गए

1. का.आ. 1733(अ), तारीख 11 अक्टूबर, 2007;
2. का.आ. 3067(अ), तारीख 1 दिसंबर, 2009;
3. का.आ. 695(अ), तारीख 4 अप्रैल, 2011;
4. का.आ. 2896 (अ), तारीख 13 दिसंबर, 2012; और
5. का.आ. 674(अ), तारीख 13 मार्च, 2013

**[To be published in the Gazette of India, Extraordinary, Part II, Section 3,
Sub-section(ii)]**

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 22nd August, 2013

S.O. 2559 (E).- Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S.O.1533(E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed 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 the said notification entailing the capacity addition with change in process or technology and or product mix shall be undertaken in any part of India only after 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 therein;

And whereas the Government of India in the Ministry of Environment and Forests had constituted a High Level Committee under the Chairmanship of Member (Environment and Forests and Science and Technology), Planning Commission, vide OM No.21-270/2008-IA.III dated the 11th December, 2012 to review the provisions of Environmental Impact Assessment Notification, 2006 relating to granting Environmental Clearances for Roads, Buildings and Special Economic Zone projects and provisions under the OM dated the 7th February, 2012 issued by the Ministry of Environment and Forests regarding guidelines for High Rise Buildings;

And whereas one of the terms of reference (ToR) of the Committee was to review the requirement of Environmental Clearance for highway expansion projects upto the right of way of 60 meters and length of 200 kms under Environmental Impact Assessment notification;

And whereas the Committee has submitted its report to the Ministry and on this ToR, the Committee has recommended exempting highway expansion projects from the requirement of scoping and that Environmental Impact Assessment or Environment Management Plan for highway expansion projects may be prepared on the basis of model ToRs to be posted on Ministry's website and in respect of requirement of environmental clearance, the Committee has recommended that expansion of National Highway projects up to 100 kms involving additional right of way or land acquisition upto 40 mts on existing alignments and 60 mts on re-alignments or by-passes may be exempted from the preview of the notification;

And whereas the report of the Committee has been examined in the Ministry of Environment and Forests. Earlier, vide notification S.O.3067(E), dated the 1st December 2009 all State Highway expansion projects, except those in hilly terrain (above 1000 m AMSL) and ecologically sensitive areas, have already been exempted from the purview of the Environmental Impact Assessment notification, 2006.

And whereas, keeping inter-alia in view the foregoing, the Ministry of Environment and Forests has decided to accept the aforesaid recommendations of the High Level Committee constituted vide OM No.21-270/2008-IA.III, dated the 11th December 2012;

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 sub-rule (4) of rule (5) of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendment to the notification of the Government of India, in the Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the said rule 5 in public interest, namely:-

2. In the said notification, -

(a) in paragraph 7, in sub-paragraph II, for item (i), the following item shall be substituted, namely:-

“(i) “Scoping” refers to the process by which the Expert Appraisal Committee in the case of Category ‘A’ projects activities, and State level Expert Appraisal Committee in the case of Category ‘B1’ projects or activities, including applications for expansion or modernization 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 and 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 Form 1 or 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:

Provided that the following shall not require Scoping-

(i) all projects and activities listed as Category ‘B’ in item 8 of the Schedule (Construction or Township or Commercial Complexes or Housing);

- (ii) all Highway expansion projects covered under entry (ii) of column (3) and column (4) under sub-item (f) of item 7 of the Schedule:

Provided further that-

- A. the projects and activities referred to in clause (i) shall be appraised on the basis of Form I or Form IA and the conceptual plan;
- B. The projects referred to in clause (ii) shall prepare EIA and EMP report on the basis of model TOR specified by Ministry of Environment and Forests;

(b) in the Schedule, against sub-item (f) of item 7, in column (3), for the entry (ii), the following entry shall be substituted, namely:-

- “(ii) Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re-alignments or by-passes.”

[F.No. 21-270/2008-IA.III]

Ajay Tyagi
Joint Secretary to the Government of India

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and subsequently amended as follows:-

1. S.O. 1737 (E), dated the 11th October, 2007;
2. S.O. 3067 (E), dated the 1st December, 2009;
3. S.O. 695 (E), dated the 4th April, 2011;
4. S.O. 2896 (E), dated the 13th December, 2012; and
5. S.O. 674(E), dated the 13th March, 2013

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