

ANNEX- 'E'

23383833

24/12/08

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भारत सरकार (GOVERNMENT OF INDIA)  
रेल मंत्रालय (MINISTRY OF RAILWAYS)  
रेलवे बोर्ड (RAILWAY BOARD)

No.2003/W-LPQL/NF/DONER/1.

New Delhi, dated 10.12.08

10.12.08

The General Manager (Const)  
N.E. Railway,  
Maligaon,  
Guwahati.

Sub: Environmental clearance for Railway Projects.

Enclosed please find herewith a copy of Gazette Notification No.42 Part II-Section 3-Sub-section (II) regarding the requirement of environmental clearance for projects to be undertaken in Indian Territory. This is a negative list and Railway projects are not mentioned in the list of projects required to obtain environmental clearance before taking them up.

In the Draft Notification issued by MOEF on 28<sup>th</sup> Jan., 1993, Railway line involving acquisition of Non-Railway land and underground Railways were also mentioned in the list of projects requiring Environmental clearance from the Central Govt. But it was deleted from the final notification issued by MOEF on 27<sup>th</sup> Jan., 1994.

DA: As above

10.12.08  
(Vijay Garg)  
Director (Works)  
PH/Fax No.23383833

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 27<sup>th</sup> January, 1994

(As amended on 04/05/1994, 10/04/1997, 27/1/2000 and 13/12/2000)

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, an \*\* 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.

- (b) Cases rejected due to submission of insufficient or inadequate data and \*Plans may be reviewed as and when submitted with complete data and \*Plans. 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:

- (a) mining;
- (b) pit-head thermal power stations;
- (c) hydro-power, major irrigation projects and/or their combination including flood control;
- (d) ports and harbours (excluding minor ports);
- (e) \*prospecting and exploration of major minerals in areas above 500 hectares;  
\*

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.

- (b) 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 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. \*\*

\*III.A.\* No construction work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental and site clearance is obtained.

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 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.

(b) any item falling under entry Nos.1,2,3,4,5,9,10,13, 16,17,19,\*21\*,25 and 27 of Schedule-I if the investment is less than Rs.50 crores.

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

(d) defence related road construction projects in border areas.

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:

- False information
- False data

- Engineered reports
- Concealing of factual data
- False recommendations or decisions

SCHEDULE-I

(See paras 1 and 2)

LIST OF PROJECTS REQUIRING 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, major Irrigation and their combination including flood control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
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.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.
16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloys.
18. 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.
19. Thermal Power Plants.
20. Mining projects \*(major minerals)\* with leases more than 5 hectares.
21. 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\*\*

22. Tarred Roads in the Himalayas and or Forest areas.
23. Distilleries.
24. Raw Skins and Hides
25. Pulp, paper and newsprint.
26. Dyes.
27. Cement.
28. Foundries (individual)
29. Electroplating
30. Meta amino phenol

## SCHEDULE-II

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

### APPLICATION FORM

1.
  - (a) Name and Address of the project proposed:
  - (b) Location of the project:  
 Name of the Place:  
 District, Tehsil:  
 Latitude/Longitude:  
 Nearest Airport/Railway Station:
  - (c) 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:
2. Objectives of the project:
3.
  - (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:
    - (ii) Topography of the area indicating gradient, aspects and