

GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR, GUWAHATI-6

ECF No.221358/182

Dated Dispur, the 20th January, 2023

To : The Regional Officer,
 Government of India,
 Ministry of Environment, Forest & Climate Change,
 Integrated Regional Office, 4th Floor, Housefed Building,
 G.S Road, Rukminigaon, Guwahati-781022

Sub: **Diversion of 14.56 hectare of forest land for widening/up-gradation of NH-29 from 2 lane to 4 lane divided NH from Daboka to Lahorijan in Sildharampur Reserved Forest and Patradisa&Longit DCRF under Karbi Anglong East Division, Diphu by NHIDCL.**

Ref : Govt. of India letter F. No 3-AS C/136/2022/GHY/3458-59 dated 03.01.2023.

Sir,

In inviting a reference to your letter on the subject cited above, I am directed to furnish herewith the following additional information/documents as sought vide letter under reference for favour of your kind information and necessary action:-

Govt. of India letter F. No 3-AS B/136/2022/ GHY/ 3458- 59 dated 03.01.2023	Information Provided				
	<p>The User Agency (NHIDCL) vide letter No. NHIDCL/PMU-DIPHU/D-K/Sec-5/17/2020-21/2250 dated 23.12.2022 (Copy enclosed as Annexure- I) has informed that the MOEF & CC vide OM dated 17.05.2022 has issued the clarification on requirement of various Environmental and Forest Clearance for project/Activity in Eco- Sensitive Zone and other such areas outside protected Area, in light of the recent correspondences and in the matter related to Hon'ble Supreme Court Order Re: TN Godavarma Thirumulpad VS Union of India and Ors. Reported in 2022 Live Law (SC) 540 dated 3.6.2022 & in the matter of Goa Foundation v/s Uol in WP (C) No. : 435 of 2012. The following has been stipulated in the para 5 of the OM.</p> <p>5. Accordingly, in suppression of Ministry's previous OM No. 22-43/2018-IA.III dated 8.8.2019 and OM No. 6-60/2020 WL Part (I) dated 16.7.2020, the following procedure is prescribed w.r.t. applicability of EC, FC and WC in ESZ/ESA and other ecologically significant areas outside PA.</p> <table border="1" data-bbox="352 1895 1461 2078"> <thead> <tr> <th data-bbox="352 1895 791 1966">Clearance Category</th><th data-bbox="791 1895 1461 1966">Project/Activity in Notified ESZ around PA or in notified ESA</th></tr> </thead> <tbody> <tr> <td data-bbox="352 1966 791 2078">Consideration by the National Board of Wildlife/Standing Committee of the National</td><td data-bbox="791 1966 1461 2078">Projects/Activities proposed to be located within notified ESZ/ESA shall be regulated and governed by the concerned ESZ notification.</td></tr> </tbody> </table>	Clearance Category	Project/Activity in Notified ESZ around PA or in notified ESA	Consideration by the National Board of Wildlife/Standing Committee of the National	Projects/Activities proposed to be located within notified ESZ/ESA shall be regulated and governed by the concerned ESZ notification.
Clearance Category	Project/Activity in Notified ESZ around PA or in notified ESA				
Consideration by the National Board of Wildlife/Standing Committee of the National	Projects/Activities proposed to be located within notified ESZ/ESA shall be regulated and governed by the concerned ESZ notification.				

I/109876/2023

Board for Wildlife (NBWL/SCNBWL)	Accordingly, activities prohibited under the ESZ Notification shall not be undertaken. <u>Whereas, regulated and other activities proposed within the notified ESZ around National Park or Sanctuary shall require consideration by the NBWL/SCNBWL, if such activity is covered under the schedule of EIA Notification, 2006</u>
In this regard, the stipulation pertaining to the Schedule of the EIA Notification, 2006 along with its subsequent amendment, related to Highway Projects (Category 7 (f) is as below:	
Description of Highway projects in the Schedule of EIA Notification, 2006 (14.9.2006)	Description of Highway Projects in the Amendment to the Schedule of EIA Notification, 2006 dated 22.8.2013
Expansion of Highways greater than 30 KM involving additional right of way greater than 20m involving land acquisition and passing through more than one state.	Expansion of Highways greater than 100Km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re-alignment or bypasses.
The stretch of highway pertaining to the subject captioned proposal is “less than 100Km and accordingly is not stipulated in the schedule of the EIA Notification, 2006 subsequently amended on 22.08.2013.	
The proposed RoW passes through Patradisha Reserve Forest 0.41 KM from Marat Longri Wildlife Sanctuary, Longit DCRF 0.07 KM from Marat Longri Wildlife Sanctuary and Sildharampur Reserved Forest 25.50 KM from Marat Longit Wildlife Sanctuary.	

Yours faithfully,

Enclo: As stated above.

(Neera Daulagupu, ACS)
Secretary to the Govt. of Assam
Environment and Forest Department
Dated Dispur, the 20th January, 2023

Memo ECF No.221358/182-A

Copy to:-

The Principal Chief Conservator of Forests & HoFF, Assam Panjabari Guwahati-37.

(E-SIGNED)
Secretary to the Govt. of Assam
Environment and Forest Department

GOVERNMENT OF ASSAM

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND

HEAD OF FOREST FORCE, ASSAM

ARANYA BHAWAN, PANJABARI, GUWAHATI-37

Email: addlpcsf.nodal@gmail.com

Date: 12.1.2023

No. FG.27/FCA/Proposal/Road/NHIDCL/ K.A.E.Divn.

To,

The Additional Chief Secretary to the Government of Assam
Environment and Forest Department, Dispur, Guwahati-6.

Sub:

Forest diversion proposal of 14.56 Ha. of forest land for widening/up-gradation of NH-29 from 2 lane to 4 lane divided NH from Daboka to Lahorijan in Sildharampur Reserved Forest and Patradisa & Longit DCRF under Karbi Anglong East Division, Diphu by NHIDCL.

Ref:

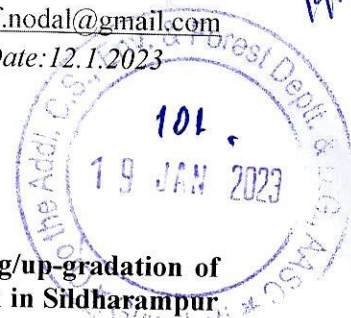
Government of India letter No. 3-AS C/136/2022/GHY/3458-59 dated 3.1.2023.

Sir,

With reference to the above, I am submitting herewith the additional information/documents as sought by the Government of India, MoEF & CC, Integrated Regional Office, Guwahati vide their letter No. 3-AS C/136/2022/GHY/3458-59 dated 3.1.2023 as under-

Govt. of India letter No 3-AS C/136/2022/ GHY/ 3374-75 dated 15.12.2022	Information Provided				
	<p>The User Agency (NHIDCL) has stated that the MOEF & CC its OM dated 17.05.2022 has issued the clarification on requirement of various Environmental and Forest Clearance for project/Activity in Eco-Sensitive Zone and other such areas outside protected Area, in light of the recent correspondences and in the matter related to Hon'ble Supreme Court Order Re: TN Godavarma Thirumulpad VS Union of India and Ors. Reported in 2022 Live Law (SC) 540 dated 3.6.2022 & in the matter of Goa Foundation v/s Uol in WP (C) No. : 435 of 2012. The following has been stipulated in the para 5 of the OM.</p> <p>Accordingly, in suppression of Ministry's previous OM No. 22-43/2018-IA.III dated 8.8.2019 and OM No. 6-60/2020 WL Part (I) dated 16.7.2020, the following procedure is prescribed wrt applicability of EC, FC and WC in ESZ/ESA and other ecologically significant areas outside PA.</p> <table border="1"> <thead> <tr> <th>Clearance Category</th><th>Project/Activity in Notified ESZ around PA or in notified ESA</th></tr> </thead> <tbody> <tr> <td>Consideration by the National Board of Wildlife/Standing Committee of the National Board for Wildlife (NBWL/SCNBWL)</td><td> <p>Projects/Activities proposed to be located within notified ESZ/ESA shall be regulated and governed by the concerned ESZ notification. Accordingly, activities prohibited under the ESZ Notification shall not be undertaken.</p> <p>Whereas, regulated and other activities proposed within the notified ESZ around National Park or Sanctuary shall require consideration by the NBWL/SCNBWL, if such activity is covered under the schedule of EIA Notification, 2006</p> </td></tr> </tbody> </table>	Clearance Category	Project/Activity in Notified ESZ around PA or in notified ESA	Consideration by the National Board of Wildlife/Standing Committee of the National Board for Wildlife (NBWL/SCNBWL)	<p>Projects/Activities proposed to be located within notified ESZ/ESA shall be regulated and governed by the concerned ESZ notification. Accordingly, activities prohibited under the ESZ Notification shall not be undertaken.</p> <p>Whereas, regulated and other activities proposed within the notified ESZ around National Park or Sanctuary shall require consideration by the NBWL/SCNBWL, if such activity is covered under the schedule of EIA Notification, 2006</p>
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19/1/23



1055215/2023/ENV&FOREST

In this regard, the stipulation pertaining to the Schedule of the EIA Notification, 2006 along with its subsequent amendment, elated to Highway Projects (Category 7 (f) is as below:

Description of Highway projects in the Schedule of EIA Notification, 2006 (14.9.2006)	Description of Highway Projects in the Amendment to the Schedule of EIA Notification, 2006 dated 22.8.2013
Expansion of Highways greater than 30 KM involving additional right of way greater than 20m involving land acquisition and passing through more than one state.	Expansion of Highways greater than 100Km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re-alignment or bypasses.

The stretch of highway pertaining to the subject captioned proposal is "less than 100Km and according is not stipulated in the schedule of the EIA Notification, 2006 subsequently amended on 22.08.2013 vide letter No. NHIDCL/PMU-DIPHU/D-K/Sec-5/17/2020-21/2250 dated 23.12.2022 (Copy enclosed).

The proposed RoW passes through Patradisha Reserve Forest 0.41 KM from Marat Longri Wildlife Sanctuary, Longit DCRF 0.07 KM from Marat Longri Wildlife Sanctuary and Sildharampur Reserved Forest 25.50 KM from Marat Longit Wildlife Sanctuary.

The above-mentioned information may kindly be sent to the Government of India, MoEF&CC, Integrated Regional Office, Guwahati accordingly.

Encl: As stated above.

Yours faithfully,

(Dr. C Muthukumaravel, IFS)
Chief Conservator of Forests &
Nodal Officer (FC Act), Assam

O/o the Principal Chief Conservator of Forests and
Head of Forest Force, Assam

Copy to:

1. The Inspector General of Forests (C), Government of India, Ministry of Environment Forest and Climate Change, Integrated Regional Office, Guwahati, 4th Floor, Housefed Building, G S Road, Rukminigaon, Guwahati-781022 for favour of kind information.
2. The Special Principal Chief Conservator of Forests, Karbi Anglong for information.
3. The Divisional Forest Officer, Karbi Anglong East Division, Diphu for information.
4. The Executive Director (P), NHIDCL, 2nd Floor, Agnishanti, GNB Road, Ambari, Guwahati-781001.

Chief Conservator of Forests &
Nodal Officer (FC Act), Assam
O/o the Principal Chief Conservator of Forests and
Head of Forest Force, Assam

GOVERNMENT OF ASSAM

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND

HEAD OF FOREST FORCE, ASSAM

ARANYA BHAWAN, PANJABARI, GUWAHATI-37

Email: adlpcfc.nodal@gmail.com

Date: 12.1.2023

No. FG.27/FCA/Proposal/Road/NHIDCL/ K.A.E.Divn.

To,

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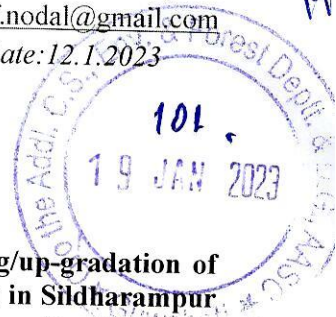
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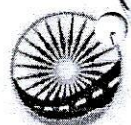
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MVB
19/1/23





A GOVT. OF INDIA UNDERTAKING

undertaken.

Whereas, regulated and other activities proposed within the notified ESZ around National Park or Sanctuary shall require consideration by the NBWL/SCNBWL, if such activity is covered under the Schedule of EIA Notification, 2006.

In this regard, the stipulation pertaining to the Schedule of the EIA Notification, 2006 along with its subsequent amendment, related to Highway Projects (Category 7(f)) is as below:

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The stretch of highway pertaining to the subject captioned proposal is "less than 100 Km" and according is not stipulated in the schedule of the EIA Notification, 2006 subsequently amended on 22.08.2013.

Accordingly, in light of the stipulations of the MoEF&CC dated 17.05.2022, the **NBWL Clearance is not required.**

2	The SOI map indicating the 13.28 Ha revised CA area as recommended by the State Govt in its site inspection report dated 07.11.2022 along with Sol map indicating the CA site, site suitability certificate, corrected kml/shape file, GPS, coordinate etc	The same have been enclosed again with this letter
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1055215/2023/ENV&FOREST

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The above-mentioned information may kindly be sent to the Government of India, MoEF&CC, Integrated Regional Office, Guwahati accordingly.

Encl: As stated above.

Yours faithfully,

(Dr. C Muthukumaravel, IFS)

Chief Conservator of Forests &

Nodal Officer (FC Act), Assam

O/o the Principal Chief Conservator of Forests and

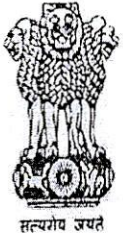
Head of Forest Force, Assam

Copy to:

1. The Inspector General of Forests (C), Government of India, Ministry of Environment Forest and Climate Change, Integrated Regional Office, Guwahati, 4th Floor, Housefed Building, G S Road, Rukminigaon, Guwahati-781022 for favour of kind information.
2. The Special Principal Chief Conservator of Forests, Karbi Anglong for information.
3. The Divisional Forest Officer, Karbi Anglong East Division, Diphu for information.
4. The Executive Director (P), NHIDCL, 2nd Floor, Agnishanti, GNB Road, Ambari, Guwahati-781001.

Chief Conservator of Forests &
Nodal Officer (FC Act), Assam

O/o the Principal Chief Conservator of Forests and
Head of Forest Force, Assam



सत्यमेव जयते

भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, गुवाहाटी/Integrated Regional office, Guwahati
चौथी मंजिल, होसेफेड इमारत, जीएस रोड, रुक्मिणीगाँव, गुवाहाटी-७८१०२२
4th Floor, Housefed building, GS Road, Rukminigaon, Guwahati - 781022
दूरभाष/Tel Fax: 0361-2962350, E-mail: iro.guwahati-mefcc@gov.in



F.No.3-AS C/136/2022/GHY/3374-75

15th December, 2022

सेवामे,

अतिरिक्त प्रमुख सचिव/ Addl. Chief Secretary,
असम सरकार/Govt of Assam,
पर्यावरण और वन विभाग/Environment and Forests Department,
दिसपुर/Dispur, गुवाहाटी/Guwahati-781006.

Sub: Proposal for diversion of 14.56 ha of forest land for widening/up-gradation of NH-29 from 2 lane to 4 lane divided NH from Daboka to Lahorijan in Sildharampur Reserved Forest and Patradisha & Longit DCRF under Karbi Anglong East Division, Diphu by NHIDCL.

Ref: (i) Letter No. ECF No. 221358/146 dated 18.11.2022 of Govt of Assam.

Sir,

With reference to the subject and letter cited above, I am directed to inform that the proposal mentioned above was discussed by the REC in its 18th REC meeting held on 22.11.2022 in the Integrated Regional Office Guwahati. However, after examining the State Govt letter under reference (i) above received a day before the REC meeting observed the following lacking information:-

1. The NBWL clearance of the 6.64 ha proposed area falling under Longrit DCRF as per the Hon'ble Supreme Court Order Re: T.N. Godavarma Thirumulpad Vs Union of India and Ors. Reported in 2022 Live Law (SC) 540 dated 03.06.2022 as the aerial distance of the proposed area is 7.16 km from the Marat Longri Wildlife Sanctuary, which is within the ESZ of Marat Longri Wildlife Sanctuary.
2. The Sol map indicating the 13.28 ha revised CA area as recommended by the State Govt in its site inspection report dated 07.11.2022 along with Sol map indicating the CA site, site suitability certificate, corrected kml/shape file, GPS coordinates etc.

State Govt. is requested to furnish the following information to this office at the earliest for further processing of the proposal.

भवदीय,

(Ms. Laetitia Jean Syiemiong)
i/c DIGF (C), IRO, Guwahati

Copy to:

1. The Principal Chief Conservator of Forests & HoFF, Govt of Assam, Environment and Forest Department, Aranya Bhawan, Rop Konwar Jyoti Prasad, Agarwal Path, Near Srimanta Sankardev Kalakhetra, Panjabari, Guwahati-781037 for kind information and necessary action.

i/c DIGF (C), IRO, Guwahati

FC-11/119/2020-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Prayavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003

Dated: 17th May, 2022

OFFICE MEMORANDUM

Subject: Clarification on Requirement of Various Environmental and Forest Clearances for Project/Activity in Eco-Sensitive Zone and Other Such Areas outside Protected Area – regarding.

Ministry has been receiving communications from States/Union Territories, Project Proponents, associated organizations and other stakeholders seeking clarifications regarding requirement of various statutory clearances viz. Environmental Clearance (EC), Forest Clearance (FC) and consideration by the National Board for Wild Life/Standing Committee of the National Board for Wild Life (NBWL/SCNBWL) for Project/Activity falling in Eco Sensitive Zones (ESZ)/ Eco Sensitive Area (ESA) and other such ecologically significant areas around Protected Areas (PAs) as defined in Wild Life (Protection) Act, 1972.

2. In this reference, it is imperative to take note of some of the important related court judgements, which are as enumerated below:

- i. The Hon'ble Supreme vide Court Order dated 4.12.2006 in Writ Petition No. 460 of 2004 in the matter of Goa Foundation Vs. Union of India, *inter-alia* directed that "(MoEF) would also refer to the Standing Committee of the National Board for Wild Life, under Section 5(b) & 5(c) (ii) of the Wild Life (Protection) Act, 1972, the cases where Environmental Clearances have already been granted where activities are within 10km zone of the boundaries of the Sanctuaries and National Parks".
- ii. Many of developmental activities are prohibited /regulated in ESZs *inter-alia* including mining operations to be carried out in accordance with the Order of the Hon'ble Supreme court dated 4.08.2006 in the T.N. Godavarman Thirumulpad vs UOI matter in WP(C) No. 202 of 1995 and Order dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in WP(C) No. 435 of 2012.

3. Taking cognizance of conservation need of ecologically rich area outside notified PAs and aforesaid Court Orders, Ministry has issued clarifications in reference to the subject matter in the past vide OM No. 22-43/2018-IA.III dated 08.08.2019 followed by OM No. 6-60/2020WL Part (I) dated 16.07.2020.

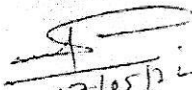
4. The matter has been further examined in detail in the Ministry with reference to various recent communications received seeking further clarifications w.r.t. applicability of EC, FC and WC in ESZ/ESA and other ecologically significant areas outside PAs.

5. Accordingly, in supersession of Ministry's previous OM No. 22-43/2018-IA.III dated 08.08.2019 and OM No. 6-60/2020WL Part (I) dated 16.07.2020, the following procedure is


17/05/22

prescribed w.r.t. applicability of EC, FC and WC in ESZ/ESA and other ecologically significant areas outside PA:

Clearance Category	Project/Activity in Notified ESZ Around PA or in notified ESA	Project/Activity outside PA wherein ESZ is not notified or ESZ Notification is at draft stage	Project/Activity outside PA in area which is part of Tiger Reserve or linking one PA or Tiger Reserve to another PA or Tiger Reserve
Environmental Clearance (EC)	Project/Activity shall be regulated and governed by the concerned ESZ/ESA Notification. Accordingly, activities prohibited under the ESZ/ESA Notification cannot be undertaken. Whereas, for regulated and other activities in ESZ/ESA Notification covered under the Schedule of EIA Notification, 2006: prior EC as per the prescribed procedure is mandatory.	For Project/Activity covered under the Schedule of EIA Notification, 2006: prior EC as per the prescribed procedure is mandatory anywhere outside the PA.	For Project/Activity covered under the Schedule of EIA Notification, 2006: prior EC as per the prescribed procedure is mandatory anywhere outside the PA.
Forest Clearance (FC)	Projects shall be regulated and governed by the concerned ESZ/ESA Notification. Accordingly, activities prohibited under the ESZ Notification cannot be undertaken. Whereas, for regulated and other activities; Forest Clearance will be required, only if forest land is involved and proposed activity is for non-forestry use, as per provisions of Forest (Conservation) Act, 1980 and Rules and guidelines made there under.	Forest Clearance will be required anywhere outside the PA, only if forest land is involved and proposed activity is for non-forestry use, as per provisions of Forest (Conservation) Act, 1980 and Rules and guidelines made there under, irrespective of the notified limits/default limits of ESZ/ESA.	Forest Clearance will be required anywhere outside the PA, only if forest land is involved and proposed activity is for non-forestry use, as per provisions of Forest (Conservation) Act, 1980 and Rules and guidelines made there under, irrespective of the notified limits/default limits of ESZ/ESA.
Consideration by the National Board of Wild Life/Standing	Projects/activities proposed to be located within notified ESZ/ESA shall be regulated and	Project/Activity covered under the Schedule of EIA Notification, 2006 and located within 10 km	Approval of NBWL/SCNBWL is mandatory if the project/activity is



17/05/22

Committee of the National Board for Wild Life (NBWL/SCNBWL)	governed by the concerned ESZ Notification. Accordingly, activities prohibited under the ESZ Notification shall not be undertaken. Whereas, regulated and other activities proposed within notified ESZ around National Park or Sanctuary shall require consideration by the NBWL/SCNBWL, if such activity is covered under the Schedule of EIA Notification, 2006.	of National Park or Sanctuary shall require consideration by the NBWL/SCNBWL. proposed to be located in an area which forms part of a Tiger Reserve or area linking one PA or Tiger Reserve with another PA or Tiger Reserve as per section 38O(1)(g) of the Wild Life (Protection) Act, 1972.
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6. In all such cases, the project proponent may submit the application simultaneously for grant of Terms of Reference under EIA Notification as well as for FC and consideration by the NBWL/SCNBWL.

7. In addition, mining operations shall be carried out in accordance with the Order of the Hon'ble Supreme court dated 4.08.2006 in the T.N. Godavarman Thirumulpad vs UOI matter in WP(C) No. 202 of 1995 and Order dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in WP(C) No. 435 of 2012.

This issues with the approval of Competent Authority.


(Suneet Bhardwaj)

Assistant Inspector General of Forest (FC)

To:

1. The Chief Secretary, All States/UTs
2. Chairman, CPCB
3. The Addl Chief Secretary/Principal Secretary/Secretary, Environment & Forest Department, All States/UTs.

Copy to:

- i. Principal Chief Conservator of Forests, All State Governments/ UT Administrations
- ii. Chief Wild Life Wardens, All State Governments/ UT Administrations
- iii. All Integrated Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India
- iv. All ADGFs/Addl. Secretaries/IGFs/ JSs/ Advisors in MoEF&CC, Govt. New Delhi.
- v. Member Secretary, National Tiger Conservation Authority, New Delhi
- vi. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
- vii. PPS to Secretary (EF&C C)/DGF&SS, MoEF&CC, New Delhi.

[भाग II—खण्ड 3(ii)]

भारत का राजपत्र : असाधारण

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

(14)

(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 अंतर्बलित है ।"

[फा.सं.21-270/2008-आईए.।।।]

अजय त्यागी, संयुक्त सचिव

टिप्पण मूल नियम भारत के राजपत्र असाधारण, भाग II, 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 अक्तुबर, 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

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 up to 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 up to 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 I or Form IA 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, Jt. Secy.

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

(17h)

IRC:SP:93-2011

based power plants. The fly ash notification makes essential the use of fly ash in road construction activities.

As per Fly ash Notification, 2008, all agencies undertaking construction of roads, flyover bridges and reclamation and compaction of low lying areas, including Ministry of Road Transport and Highways (MORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall with immediate effect:

- a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (7) of paragraph of the above mentioned Fly Ash Notification, 2008.
- b) make necessary specifications or guidelines for road or flyover embankments that are not covered by the specifications laid down by the Indian Roads Congress (IRC).

1.6.18 *Environmental Impact Assessment Notification, 2006 and amended 2009*

The Ministry of Environment and Forests has revised the EIA notification in 2006, and issued the revised EIA notification on 14th September, 2006 and its amendment on 1st December, 2009.

1.6.19 *Ecologically Sensitive Areas (ESAs)*

Ecologically Sensitive Areas (ESAs) have been identified and notified by the Indian Ministry of Environment & Forests (MOEF) since 1989. Notifications declaring areas as ESAs are issued under the Environment (Protection) Act 1986. The clauses of the EPA which allow for the notification of ESAs hold the possibility of realising landscape-level conservation. In response to a Writ Petition (No. 460) (Goa Foundation v/s Union of India) filed in 2004, the Supreme Court in its order dated December 4, 2006 gave specific directions on declaration of an area of 10 km around Protected Areas as ESAs. The order clearly stated the need to notify the areas within 10 km of the boundaries of wildlife sanctuaries and national parks as Ecologically Sensitive Areas with a view to conserving forests, wildlife and the environment, and to give due regard to the Precautionary Principle.