



IMPORTANT ACTS/ RULES/
NOTIFICATIONS/ CIRCULARS/
STANDARDS & POLLUTION
CONTROL STRATEGIES
RELATING TO ENVIRONMENT

ENVIRONMENT & FOREST DEPARTMENT

**MAHANADI COALFIELDS
LIMITED**

(A SUBSIDIARY OF COAL INDIA LIMITED)

A MINI RATNA COMPANY

**BOOKLET
ON
IMPORTANT ACTS/RULES/ REGULATIONS/NOTIFICATIONS/CIRCULARS/
ENVIRONMENT**

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**IMPORTANT ACTS/RULES/ REGULATIONS/NOTIFICATIONS/CIRCULARS/
STANDARDS & POLLUTION CONTROL STRATEGIES
RELATING TO ENVIRONMENT**

Important Act/ Rules/ Notification/ Policy/ Standards etc relating to Environment

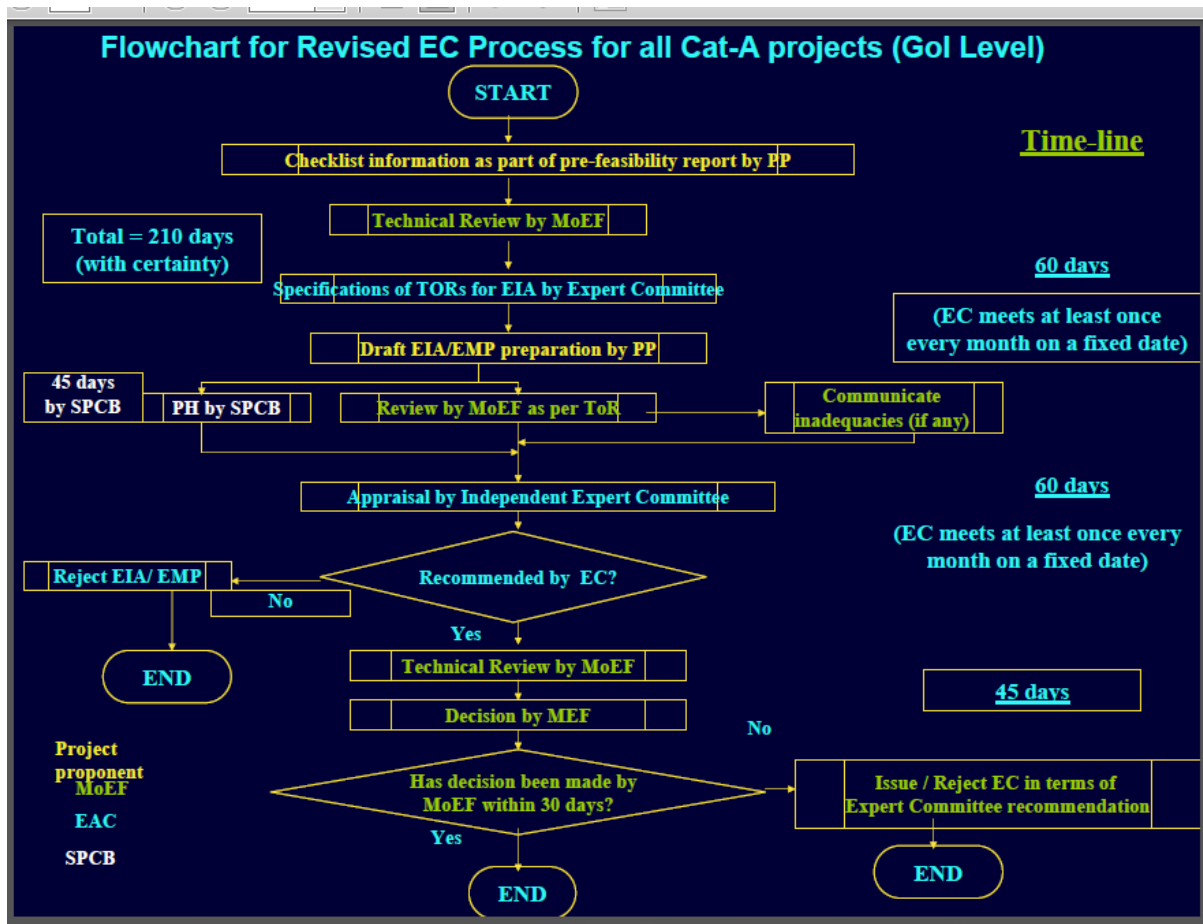
- a) [Water Prevention & Control of Pollution Act, 1974 & Rules 1975](#)
- b) [Air Prevention & Control of Pollution Act, 1981 & Rules 1982](#)
- c) [The Environment \(Protection\) Act, 1986 & Rules 1986](#)
- d) [Hazardous and Other Wastes \(Management and Transboundary Movement\) Rules, 2016](#)
- e) [E-Waste \(Management\) Rules, 2016](#)
- f) [The Public Liability Insurance Act, 1991](#)
- g) [Environment Impact Assessment Notification, 2006](#)
- h) [Environmental Standards for Coal Mines](#)
- i) [National Ambient Air Quality Standards](#) (for Residential Place)
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- l) [NGT order dt 10-07-2019](#)

Environment Clearance

- Prior Environment Clearance has to be obtained for all new & expansion projects as per the provisions made in the EIA (Environment Impact Assessment) Notification 2006 and its subsequent amendments, notified under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986.
- As per the notification 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 softcopies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.
- Environment Clearance is granted by MoEF&CC/ SEIAA/ DEIAA based on the category of project as described in the EIA, Notification 2006.
- The procedure for obtaining EC is given below:

Activity	Timeline as per EIA Notification 2006
Preparation of Form-I & Pre-feasibility report by CMPDIL	-
Submission of Form-I application, KML file, Land details etc in the MOEFCC portal – “Online Monitoring & submission of EC” For TOR/EC	
Issue of acceptance letter of by Member Secretary, (Impact Assessment- Coal Mining)	60 Days
Sending of Hard Copy of the Form-I & PFR/EIA-EMP along with a copy of Acceptance letter to Member Secretary, (Impact Assessment- Coal Mining)	
Scheduling of EAC(T&C) meeting for Consideration of TOR/EC as per the submitted proposal	
Sending of Hard copies of Form-I & PFR/ EIA-EMP to all the Expert Appraisal Members by speed post.	

Preparation and submission of Basic Information in Annexure-I, by email both in PDF(signed by project proponent) & word format to Member Secretary, (Impact Assessment- Coal Mining)	
Approved Mining Plan should be available	
Presentation & replying to the queries of the Expert appraisal committee members in the EAC(T&C) meeting	
Uploading of the Minutes of the Meeting on the MOEFCC website	
If no further queries raised – issue of TOR/EC	
Preparation of Draft EIA-EMP by CMPDIL, after conducting the various studies including the Baseline study	
Submission of the Draft EIA-EMP along with the requisite fees to SPCB for conducting Public Consultation.	45 Days
Conduct of Public Consultation	
Submission/receipt of Public consultation proceedings	
Incorporation of the Public consultation proceedings & compliance/ action plan on the issues raised by the Public, in the Final EIA-EMP report	
Submission of the EIA-EMP report in the MOEFCC portal –“Online Monitoring & submission of EC” for EC	
Issue of acceptance letter of by Member Secretary, (Impact Assessment- Coal Mining)	60 Days
Sending of Hard Copy of the EIA-EMP along with a copy of Acceptance letter to Member Secretary, (Impact Assessment- Coal Mining)	
Scheduling of EAC(T&C) meeting for Consideration of EC as per the submitted proposal	
Sending of Hard copies of EIA-EMP to all the Expert Appraisal Members by speed post.	
Sending of Hard copies of EIA-EMP to all the Expert Appraisal Members by speed post.	
Preparation and submission of Basic Information in Annexure-I, by email both in PDF(signed by project proponent) & word format to Member Secretary, (Impact Assessment- Coal Mining)	
Approved Mine Closure Plan should be available	
Presentation & replying to the queries of the Expert appraisal committee members in the EAC(T&C) meeting	
Recommendation for EC/ additional queries by EAC	
Uploading of the Minutes of the Meeting on the MOEFCC website	
If no further queries raised – issue of EC	45 Days from date of recommendation by EAC



Consent Administration by OSPCB

- Consent to Establish (CTE) one time after obtaining EC & Consent to Operate (CTO) annually has to be obtained from the State Pollution Control Board for all operating mines as per the provisions of WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 & Air (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 and its associated Rules.

Ground Water Clearance

- Groundwater Clearance has to be obtained from Central Groundwater Authority as per the Gazette Notification dated 12.12.2018. As per the notification and stipulated EC condition the Projects of MCL are required to seek the ground water clearance from CGWA. Till date all the mines of MCL have applied for CGWB clearance and clearance letter is awaited.

Critically Polluted Area Action Plan of the State Pollution Control Board

- Both Talcher Coalfields & Ib Valley Coalfields have been categorised as Critically Polluted Area by CPCB and Moritorium imposed by MoEF&CC vide letter dt: 13/01/2010 for establishment of new & expansion of existing industries and mines .
- The Moritorium was Lifted -- 1) Talcher Coalfield : 31/03/11 & 2) IB Valley Coalfield : 05/07/11
- Each projects located in the Critically Polluted Area to submit status of compliance to the Action Plan prepared by SPCB on monthly basis.

Standards for Air quality, Water Quality & Noise

STANDARDS APPLICABLE TO THE COAL MINES

- 1) Air Quality – (i) Work zone –Standards for Coal Mines issued by MoEF, GSR-742 E dt. 25.09.2000
(ii) Residential category – National Ambient Air Quality standards issued by CPCB, GSR 826(E) dt. 16.11.2009.
- 2) Water Quality – (i) Mine discharge / Workshop / Colony effluents – Standards for Coal Mines issued by MoEF, GSR-742 E dt. 25.09.2000 and GSR-801 (E), EPA, 1986, dt.31.12.1993.
(ii) Ground Water – BIS 105000 : 1991
(iii) Surface Water – BIS 2296 : 1982

A. STANDARDS FOR COAL MINES (Stipulated by Ministry of Environment and Forests (MoEF), Vide Notification No. GSR 742(E), Dt: 25.09.2000)

I. AIR QUALITY STANDARDS:

(a) Standards

Pollutant	Time weighted Average	Concentration in Ambient Air	
		New Coal Mines (commenced after 25.09.2000)	Existing Coal Mines (commenced prior to 25.09.2000)
Suspended Particulates Matter (SPM)	Annual Average	360 $\mu\text{g}/\text{m}^3$	430 $\mu\text{g}/\text{m}^3$
	24 hours	500 $\mu\text{g}/\text{m}^3$	600 $\mu\text{g}/\text{m}^3$
Respirable Particulate Matter (size less than 10 μm) (RPM)	Annual Average	180 $\mu\text{g}/\text{m}^3$	215 $\mu\text{g}/\text{m}^3$
	24 hours	250 $\mu\text{g}/\text{m}^3$	300 $\mu\text{g}/\text{m}^3$
Sulphur Dioxide (SO_2)	Annual Average	80 $\mu\text{g}/\text{m}^3$	80 $\mu\text{g}/\text{m}^3$
	24 hours	120 $\mu\text{g}/\text{m}^3$	120 $\mu\text{g}/\text{m}^3$
Oxides of Nitrogen as NO_2	Annual Average	80 $\mu\text{g}/\text{m}^3$	80 $\mu\text{g}/\text{m}^3$
	24 hours	120 $\mu\text{g}/\text{m}^3$	120 $\mu\text{g}/\text{m}^3$

Micro Gram / Cubic meter ($\mu\text{g}/\text{m}^3$)

Note : -(i) Annual arithmetic mean of 24- hourly / 8- hourly values shall be met 92% of the time in a year. However, 8% of the time it may exceed but not on two consecutive days.

(ii) In case of residential or commercial or industrial place falls within 500 metres of any dust generating sources, the National Ambient Air Quality Standards shall be made applicable.

(b) Frequency

- (1) Air quality monitoring at a frequency of once in a fortnight (24 hourly sampling) at the identified locations near the dust generating sources.
- (2) As a result of monthly monitoring, if it is found that the concentration of the pollutants is less than the 50% of the specified standards for three consecutive months, then the sampling frequency may be shifted to two days in a quarter year.
- (3) In case the value has exceeded the specified standards, the air quality sampling shall be done twice in a week. If the results of four consecutive weeks indicate that the concentration of pollutants is within the specified standards, then fortnightly monitoring may be reverted to.

II. EFFLUENT WATER QUALITY STANDARDS :

(a) Standards

pH	-- 5.5 to 9.0
Chemical Oxygen Demand (COD)	-- 250 mg/l
Total Suspended Solids (TSS)	-- 100 mg/l
	-- 200 mg/l (Land for irrigation)
Oil & Grease (O & G)	-- 10 mg/l

Note: Milligrams / litre (mg/l)

(b) Frequency

Monitoring of these parameters shall be done at a frequency of once in a fortnight.

All the 33 Parameters as given in Part-A of General Standards for discharge of Environmental Pollutants, GSR 801 (E) EPA 1993, prescribed by CPCB shall be monitored once in a year.

III. NOISE LEVEL STANDARDS:

(a) Standards

Time duration:	6.00 A.M.- 10.00 P.M.	10.00 P.M. - 6.00 A.M
Noise Level:	Leq 75 dB(A)	Leq 70 dB(A)

Note : decibel (dB)

(b) Frequency

Monitoring frequency for noise levels shall be once in a fortnight.

Occupational exposure limit of noise specified by Director General of Mines Safety (DGMS) shall be complied with by the coalmines.

B. NATIONAL AMBIENT AIR QUALITY STANDARDS

S. No.	Pollutant	Time Weighted average	Concentration in Ambient Air		Methods of Measurement
			Industrial, Residential, Rural and Other Area	Ecologically sensitive area (notified by Central Govt.)	
(1)	(2)	(3)	(4)	(5)	(6)
1	Sulphur Dioxide (SO ₂), µg/m ³	Annual*	50	20	- Improved West and Geake - Ultraviolet fluorescence
		24 hours**	80	80	
2	Nitrogen Dioxide (NO ₂), µg/m ³	Annual*	40	30	- Modified Jacob & Hochheiser (Na-Arsenite) - Chem-iluminescence
		24 hours**	80	80	
3	Particulate Matter (size less than 10 µm) or PM ₁₀ µg/m ³	Annual*	60	60	- Gravimetric - TOEM - Beta attenuation
		24 hours**	100	100	
4	Particulate Matter (size less than 2.5 microns) or PM _{2.5} µg/m ³	Annual*	40	40	- Gravimetric - TOEM - Beta attenuation
		24 hours**	60	60	
5	Ozone (O ₃) µg/m ³	8 hours **	100	100	- UV photometric - Chemiluminescence - Chemical method
		1 hour **	180	180	
6	Lead (Pb) µg/m ³	Annual*	0.5	0.5	- ASS / ICP method after sampling on EPM 2000 or equivalent filterpaper - ED – XRF using Teflonfilter
		24 hours**	1.0	1.0	
(1)	(2)	(3)	(4)	(5)	(6)
	Carbon	8 hours**	2	2	Non Dispersive Infra

7	Monoxide (CO) mg/m ³	1 hour**	4	4	RED Spectroscopy (NDIR)
8	Ammonia (NH ₃) µg/m ³	Annual*	100	100	• Chemiluminescence • Indophenol blue method
		24 hours**	400	400	
9	Benzene (C ₆ H ₆) µg/m ³	Annual*	5	5	• Gas chromatography based continuous analyser • Adsorption and desorption followed by GC analysis
10	Benzo (a) Pyrene (BaP) – particulate phase only ng/m ³	Annual*	1	1	Solvent extraction followed by HPLC / GC analysis
11	Arsenic (As) ng/m ³	Annual*	6	6	AAS / ICP method after sampling on EPM 2000 or equivalent filter paper
12	Nickel (Ni) ng/m ³	Annual*	20	20	AAS / ICP method after sampling on EPM 2000 or equivalent filter paper

* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

** 24 hourly or 8 hourly or 1 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

Note: Whenever and wherever monitoring results on two consecutive days of monitoring exceed the limits specified above for the respective category, it shall be considered adequate reason to institute regular or continuous monitoring and further investigation.

(C) GENERAL STANDARDS* FOR DISCHARGE OF ENVIRONMENTAL POLLUTANTS**Part - A : Effluents**

S. No.	Parameter	Inland surface water	Public sewers	Land for irrigation	Marine/coastal areas
	2		3		
	.	(a)	(b)	(c)	(d)
1	Colour and odour	See 6 of Annexure-1I		See 6 of Annexure-1I	See 6 of Annexure-1I
2	Suspended solids mg/l, max.	100	600	200	(a) For process waste water (b) For cooling water effluent 10 per cent above total suspended matter of influent.
3	Particle size of suspended solids	shall pass 850 micron IS Sieve	-	-	(a) Floatable solids, solids max. 3 mm (b) Settleable solids, max 856 microns
4	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
5	Temperature	shall not exceed 5°C above the receiving water temperature			shall not exceed 5°C above the receiving water temperature
6	Oil and grease, mg/l max,	10	20	10	20
7	Total residual chlorine, mg/l max	1.0	-	-	1.0
8	Ammonical nitrogen (as N),mg/l, max.	50	50	-	50
9	Total kjeldahl nitrogen (as N);mg/l, max. mg/l, max.	100	-	-	100
10	Free ammonia (as NH ₃), mg/l,max.	5.0	-	-	5.0
11	Biochemical oxygen demand (3 days at 27°C), mg/l, max.	30	350	100	100
12	Chemical oxygen demand, mg/l, max.	250	-	-	250
13	Arsenic(as As).	0.2	0.2	0.2	0.2
14	Mercury (As Hg), mg/l, max.	0.01	0.01	-	0.01
15	Lead (as Pb) mg/l,	0.1	1.0	-	2.0

	max				
16	Cadmium (as Cd) mg/l, max	2.0	1.0	-	2.0
17	Hexavalent chromium (as Cr + 6),mg/l, max.	0.1	2.0	-	1.0
18	Total chromium (as Cr) mg/l, max.	2.0	2.0	-	2.0
19	Copper (as Cu)mg/l, max.	3.0	3.0	-	3.0
20	Zinc (as Zn) mg/l, max.	5.0	15	-	15
21	Selenium (as Se)	0.05	0.05	-	0.05
22	Nickel (as Ni) mg/l, max.	3.0	3.0	-	5.0
23	Cyanide (as CN) mg/l, max.	0.2	2.0	0.2	0.2
24	Fluoride (as F) mg/l, max.	2.0	15	-	15
25	Dissolved phosphates (as P),mg/l, max.	5.0	-	-	-
26	Sulphide (as S) mg/l, max.	2.0	-	-	5.0
27	Phenolic compounds (as C ₆ H ₅ OH)mg/l, max.	1.0	5.0	-	5.0
28	Radioactive materials: (a) Alpha emitters micro curie mg/l, max. (b)Beta emittersmicro curie mg/l	10 ⁻⁷	10 ⁻⁷	10 ⁻⁸	10 ⁻⁷
		10 ⁻⁶	10 ⁻⁶	10 ⁻⁷	10 ⁻⁶
29	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluen	90% survival of fish after 96 hours in 100% effluen	90% survival of fish after 96 hours in 100% effluen
30	Manganese	2 mg/l	2 mg/l	-	2 mg/l
31	Iron (as Fe)	3mg/l	3mg/l	-	3mg/l
32	Vanadium (as V)	0.2mg/l	0.2mg/l	-	0.2mg/l
33	Nitrate Nitrogen	10 mg/l	-	-	20 mg/l

These standards shall be applicable for industries, operations or processes other than those industries, operations or process for which standards have been specified in Schedule of the Environment Protection Rules, 1989.

ANNEXURE-I

The state boards shall follow the following guidelines in enforcing the standards specified under Schedule IV.

1. The wastewater and gases are to be treated with the best available technology (BAT) in order to achieve the prescribed standards.
2. The industries need to be encouraged for recycling and reuse of waste materials as far as practicable in order to minimize the discharge of wastes into the environment.
3. The industries are to be encouraged for recovery of biogas, energy and reusable materials.
4. While permitting the discharge of effluents and emissions into the environment, State Boards have to taken into account the assimilative capacities of the receiving bodies, especially water bodies so that quality of the intended use of the receiving waters is not affected. Where such quality is likely to be affected, discharges should not be allowed into water bodies.
5. The central and state boards shall put emphasis on the implementation of clean technologies by the industries in order to increase fuel efficiency and reduce the generation of environmental pollutants.
6. All efforts should be made to remove color and unpleasant odour as far as practicable.
7. The standards mentioned in this Schedule shall also apply to all other effluents discharged such as mining, and mineral processing activities and sewage.
8. The limit given for the total concentration of mercury in the final effluent of caustic soda industry, is for the combined effluent from (a) cell house; (b) brine plant; (c) chlorine handling; (d) hydrogen handling; and (e) hydrochloric acid plant.
9. All effluents discharged including from the industries such as cotton textile, composite woolen mills, synthetic rubber, small pulp & paper, natural rubber, petrochemicals, tanneries, paint, dyes, slaughter houses, food & fruit processing and dairy industries into surface waters shall conform to the BOD limit specified above, namely, 30 mg/l. For discharge of an effluent having a BOD more than 30 mg/l, the standards shall conform to those given above for other receiving bodies, namely, sewers, coastal waters and land for irrigation.
10. Bio-assay shall be made compulsory for all the industries, where toxic and nonbiodegradable chemicals are involved.
11. In case of fertilizer industry, the limits in respect of chromium and fluoride shall be complied with at the outlet of chromium and fluoride removal units respectively.
12. In case of pesticides.
 - a. The limits should be complied with at the end of the treatment plant before dilution.
 - b. Bio-assay test should be carried out with the available species of fish in the receiving water, the COD limits to be specified in the consent conditions should be correlated with the BOD limits.
 - c. In case metabolites and isomers of the pesticides in the given list are found in significant concentrations, standards should be prescribed for these also in the same concentration as the individual pesticides.
 - d. Industries are required to analyze pesticides in wastewater by advanced analytical methods such as GLC/HPLC.

13. The chemical oxygen demand (COD) concentration in a treated effluent, if observed to be persistently greater than 250 mg/l before disposal to any receiving body (public sewer, land for irrigation, inland surface water and marine coastal areas), such industrial units are required to identify chemicals causing the same. In case these are found to be toxic as defined in the Schedule-I of the Hazardous Rules, 1989, the state boards in such cases shall direct the industries to install tertiary treatment stipulating time limit.
14. Standards specified in Part A of Schedule VI for discharge of effluents into the public sewer shall be applicable only if such sewer leads to a secondary treatment including biological treatment system otherwise the discharge into sewers shall be treated as discharge into inland surface waters.

[GSR 801 (E), EPA, 1986, dated Dec. 31, 1993]

D. INDIAN STANDARDS FOR DRINKING WATER - SPECIFICATION (BIS 10500 : 1991)

Sl.No	Substance or Characteristic	Requirement (Desirable Limit)	Permissible Limit in the absence of Alternate source
<u>Essential characteristics</u>			
1.	Colour, (Hazen units, Max)	5	25
2.	Odour	Unobjectionable	Unobjectionable
3.	Taste	Agreeable	Agreeable
4.	Turbidity (NTU, Max)	5	10
5.	pH Value	6.5 to 8.5	No Relaxation
6.	Total Hardness (as CaCO ₃) mg/lit.,Max	300	600
7.	Iron (as Fe) mg/lit,Max	0.3	1.0
8.	Chlorides (as Cl) mg/lit,Max.	250	1000
9.	Residual, free chlorine, mg/lit, Min	0.2	--
<u>Desirable Characteristics</u>			
10.	Dissolved solids mg/lit,Max	500	2000
11.	Calcium (as Ca) mg/lit,Max	75	200
12.	Copper (as Cu) mg/lit,Max	0.05	1.5
13.	Manganese (as Mn)mg/lit,Max	0.10	0.3
14.	Sulfate (as SO ₄) mg/lit,Max	200	400
15.	Nitrate (as NO ₃) mg/lit,Max	45	100
16.	Fluoride (as F) mg/lit,Max	1.9	1.5
17.	Phenolic Compounds (as C ₆ H ₅ OH) mg/lit, Max.	0.001	0.002
18.	Mercury (as Hg)mg/lit,Max	0.001	No relaxation
19.	Cadmium (as Cd)mg/lit,Max	0.01	No relaxation
20.	Selenium (as Se)mg/lit,Max	0.01	No relaxation
21.	Arsenic (as As) mg/lit,Max	0.05	No relaxation
22.	Cyanide (as CN) mg/lit,Max	0.05	No relaxation
23.	Lead (as Pb) mg/lit,Max	0.05	No relaxation
24.	Zinc (as Zn) mg/lit,Max	5	15
25.	Anionic detergents (as MBAS) mg/lit,Max	0.2	1.0
26.	Chromium (as Cr ⁶⁺) mg/lit,Max	0.05	No relaxation
27.	Polynuclear aromatic hydro carbons (as PAH) g/lit,Max	--	--

28	Mineral Oil mg/lit,Max	0.01	0.03
29	Pesticides mg/l, Max	Absent	0.001
30	Radioactive Materials		
	i. Alpha emitters Bq/l,Max	--	0.1
	ii. Beta emitters pci/l,Max	--	1.0
31	Alkalinity mg/lit.Max	200	600
32	Aluminium (as Al) mg/l,Max	0.03	0.2
33	Boron mg/lit,Max	1	5

**E.TOLERANCE LIMITS FOR INLAND SURFACE WATERS SUBJECT TO POLLUTION
(IS: 2296-1982)**

TOLERANCE LIMITS FOR INLAND SURFACE WATERS, CLASS C
(Clause 3.3)

SL.NO (1)	CHARACTERISTIC (2)	TOLERANCE LIMIT (3)	Method of test	
			(4) Ref to Cline in IS:3025-1964 #	(5) Other Method of Test
I)	pH value	6.5-8.5	8	--
ii)	Dissolved Oxygen, mg/l, Min	4	50	--
iii)	Biochemical oxygen demand (5 days at 20° C), mg/l, Max	3	53	--
iv)	Total Coli form Organisms, MPN/100 ml, Max	5000*	--	3.3 of IS: 1622-1981**
v)	Color, Hazen units, Max	300	5	--
vi)	Fluorides (as F), mg/l, Max	1.5	23	--
vii)	Cadmium (as Cd), mg/l, Max	0.01	--	9 of IS:2488 (Part II)-1968##
viii)	Chlorides (as Cl), mg/l, Max	600	24	--
ix)	Chromium (as Cr ⁶⁺), mg/l, Max	0.05	38	--
x)	Cyanides (as CN), mg/l, Max	0.05	27	--
xi)	Total dissolved solids, mg/l, Max	1500	12	--
xii)	Selenium (as Se), mg/l, Max	0.05	28	--
xiii)	Sulphates (as SO ₄), mg/l, Max	400	20	--
xiv)	Lead (as Pb), mg/l, Max	0.1	37	--
xv)	Copper (as Cu), mg/l, Max	1.5	36	--
xvi)	Arsenic (as As), mg/l, Max	0.2	40	--
xvii)	Iron (as Fe), mg/l, Max	50	32	--
xviii)	Phenolic Compounds (as C ₆ H ₅ OH), mg/l, Max	0.005	54	--
xix)	Zinc (as Zn), mg/l, max	15	39	--
xx)	Insecticides, mg/l, Max	Absent	--	8 of IS:2488 (Part III)-1968* @
xxi)	Anionic detergents (as MBAS), mg/l, Max	1	--	Methylene blue-extraction method
xxii)	Oils and grease, mg/l, Max	0.1	--	13 of IS:2488 (Part I 1966 \$)
xxiii)	Nitrates (a NO ₃), mg/l, Max	50	48	--
xxiv)	Alpha emitters, µc/ml, Max	10 ⁻⁹	58	--
xxv)	Beta emitters, µc/ml, Max	10 ⁻⁸	58	--

Methods of sampling and test (physical and chemical) for water used in industry.

* If MPN count is noticed to be more than 5000 MPN then regular tests shall be carried out. The criteria shall be satisfied if during a period of time not more than 5 percent of the samples show more than 20000 MPN and not more

than 20 percent of the samples show more than 5000 MPN. Further the faecal coliforms should not be more than 40 percent of the total coliforms.

** Methods of sampling and microbiological examination of water (first revision)

\$ Methods of sampling and test for industrial effluents, **Part I**

##Methods of sampling and test for industrial effluents, **Part II**

@Methods of sampling and test for industrial effluents, **Part III**

Air pollution Control Strategies

- Effective dust suppression through Mist Cannons to create artificial rain like situation in Coal and OB faces, OB Dump Yard, Haul Roads, Siding, etc.
 - Fixed type – electrical driven – 250 to 300 meter throw – active mine area
 - Mobile type – 10 wheeled truck chassis mounted – 40 to 50 meter throw – 12 KL – 25 KVA DG set – Mist Cannons – for roads
 - Fixed type – electrical driven – 100 meter throw x 4 numbers – for Railway Siding
- Volvo Mist Water Tankers 28 KL – on road / off road – much effective than conventional 28 KL Water Tankers – diesel consumption very less (10 to 13 liters/hr)
- Blast-free OB Removal (Xcentric Ripper, Ripper Dozer, Surface Miner, Surface Excavation Machine) and Coal Production (Surface Miner).
- Train Loading System instead of Pay Loader Loading – elimination of weighbridges & dust free loading.
- Truck Loading System – elimination of weighbridges & dust free loading.
- Mechanical – gathering type – Road Sweeper – for effective evacuation of particulate matter from road surface – vacuum type Road Sweeper are not effective in mining like industries.
- Vacuum loader machine – wet and dry materials remover – very effective for removal of slurry from Railway Sidings etc.
- Tube Conveyor to cross the public road/habitated area
- Chemical Treatment of Kutch Roads with dust binders- Contractual Basis.
- Interlocking arrangement for Surface Miner to be strictly implemented. Cutter drum will rotate only when water is flowing through the cutting picks.
- In 198th MCL Board approved the work of procurement, installation and commissioning of 11 nos. of CAAQMS (04 nos in Talcher Coalfields, 03 nos. in Ib Valley Coalfields and 03 nos. in Basundhara Area) to CMPDI on 16.03.2018.

Tender notice has been published by CMPDI HQ on 17.12.2018 and bid opening date is 17.01.2019. Tender received from party participating, the documents of L-1 bidder verified by the tender committee. With due approval of tender committee clarification of documents has been recycled. The final TCR will be placed before the CMPDI Board for approval.

Water pollution Control Strategies

- All mines should work on zero discharge principle.
- All Workshop should have Workshop effluent Treatment Plant (WETP) and all workshop water (HEMM washing & Floor washing) should be routed through the WETP. WETP should work on zero discharge principle, with entire treated water recycled back for HEMM washing.
- O&G collected from the WETP should be sent to store for auction along with the used oil.
- All mine water should be stored in mine voids. If it has to be pumped out it has to be pumped to water recharge structures for recharge of ground water.

- As per directive of SPCB if water is pumped to outside then it has to be through a MDTP and a Continuous Water Quality Monitoring System has to be installed at the point where the water flows out of the mine premises. Two numbers of CWQMS are installed in Ib river and Brahmani river, the real time monitoring results are directly displayed at SPCB and CPCB.
- All external dumps should have toe wall & toe drain. The water from the toe drain should be settled in a sedimentation pond/ tank.
- Garland drains are made along the dumps and along the lease area to restrict the suspended solids entering into the natural water regime as well as to prevent storm water entering the lease area. The water from the toe drain should be settled in a sedimentation pond/ tank.
- All colonies should have an STP & all buildings should be connected to it. Treated water to be used for watering of plants.

Water Conservation Strategies

- All mine seepage water to be stored in mine voids and used for drinking, industrial and plantation purposes after necessary conventional treatment. Excess water to be used augmenting of ground water table or supplied to nearby villages at their request for irrigation purposes.
- Ground water levels to be periodically monitored through a network of piezometers.
- Check dams/rock fill dams are constructed wherever necessary to reduce siltation with suspended solids.
- Treated workshop effluents to be re-used within the workshop premises.
- Treated Domestic effluents to be used for raising of plantation, Nursery, Gardens, etc. and STP Sludge as manure in block plantations and OB Plantations.
- All Office buildings should have roof top water harvesting structure.
- MCL shall help the surrounding villages in de-silting of agricultural tanks & ponds which aids in more water retention and augmentation of groundwater table.
- Validated data of Mine water utilisation data submitted to CMPDI, Ranchi on 14.08.2018 for launching of mobile app "Coal Jal" which has been validated by Sambalpur University.

Land Reclamation Strategies

- Mine Plan & Progressive mine closure plan should have dumping & reclamation plan at five year interval so that the reclamation planning & monitoring can be effective.
- Mine plan should have a top soil handling & management plan with dedicated equipment for the same. There should be earmarked site for top soil dump and so planned that it is spread over reclaimed site at the earliest. Lead for out sourcing contract to be accordingly made.
- Slope stabilization and its monitoring (Vegetation, Benching, Slope Stability Radar & Drone Monitoring)
- Land resource management plan to be prepared through modern and innovative inputs by use of dynamic satellite images, GIS-GPS/DGPS based digital maps.
- KML file showing land acquired, under possession, mine boundary, quarry area & forest land-mine-wise.

- Mine specific reclamation plan to be prepared by use of 3D Models, in view of number of influencing factors like different stripping ratios, type of OB and their different swelling, compaction and bulking factors etc.
- Recruitment of Landscaping Engineers (Skilled and Experienced – entry at E-4 to E-6 level) for design and execution of the reclamation plan as above. Present set of Engineers are not suitably skilled to prepare the BOQ and Estimate for proper mine reclamation/landscaping with the available Overburden material.
- Use of Tree Transplanter for preserving the trees of girth size about 40 cm.

WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

[Act No. 6 of Year 1974]

This document is available at www.ielrc.org/content/e7402.pdf

An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith

WHEREAS it is expedient to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution and for conferring on and assigning to such Boards powers and functions relating thereto;

AND WHEREAS Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal to the effect that the matters aforesaid should be regulated in those States by Parliament by law; Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows: -

CHAPTER I PRELIMINARY

1. Short title, application and commencement

(1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1974.

(2) It applies in the first instance to the whole of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and the Union Territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(3) It shall come into force at once in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union Territories, and in any other State which adopts this Act under clause (1) of article 252 of the Constitution on the date of such adoption and any reference in this Act to the commencement of this Act shall, in relation to any State or Union Territory, mean the date on which this Act comes into force in such State or Union Territory.

2. Definitions

In this Act, unless the context otherwise requires,-

- (a) "Board" means the Central Board or a State Board;

- ¹[(b) "Central Board" means the Central Pollution Control Board constituted under section 3;]
- (c) "member" means a member of a Board and includes the Chairman thereof;
- ¹[(d) "occupier" in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;]
- ²[(dd) "outlet" includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes or is likely to cause, pollution;]
- (e) "pollution" means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms;
- (f) "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;
- (g) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains;
- ²[(gg) "sewer" means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;]
- ¹[(h) "State Board" means a State Pollution Control Board constituted under section 4;]
- (i) "State Government" in relation to a Union Territory means the Administrator thereof appointed under article 239 of the Constitution;
- (j) "stream" includes-
- (i) river;
 - (ii) water course (whether flowing or for the time being dry);
 - (iii) inland water (whether natural or artificial);
 - (iv) sub-terranean waters;
 - (v) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;
- (k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any ³[industry, operation or process, or treatment and disposal system], other than domestic sewage.

CHAPTER II

THE CENTRAL AND STATE BOARDS FOR PREVENTION AND CONTROL OF WATER POLLUTION

3. Constitution of Central Board

(1) The Central Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union Territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the ⁴[Central Pollution Control Board] to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

- (2) The Central Board shall consist of the following members, namely,-
- (a) a full-time Chairman, being a person having special knowledge or practical experience in respect of ⁵[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;
 - (b) ⁶[such number of officials, not exceeding five], to be nominated by the Central Government to represent that government;
 - (c) such number of persons, not exceeding five to be nominated by the Central Government, from amongst the members of the State Boards, of whom not exceeding two shall be from those referred to in clause (c) of sub-section (2) of section 4;
 - (d) ⁷[such number of non-officials, not exceeding three], to be nominated by the Central Government, to represent the interests of agriculture, fishery or industry or trade or any other interest which, in the opinion of the Central Government, ought to be represented;
 - (e) two persons to represent the companies or corporations owned, controlled or managed by the Central Government, to be nominated by that government;
 - ⁸(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]
- (3) The Central Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.

4. Constitution of State Boards

- (1) The State Government shall, with effect from such date ⁹[***] as it may, by notification in the Official Gazette, appoint, constitute a ¹⁰[State Pollution Control Board,] under such name as may be specified in the notification, to exercise the powers conferred on and perform the functions assigned to that Board under this Act.
- (2) A State Board shall consist of the following members, namely,-
- (a) a ¹¹[***] Chairman, being, a person having special knowledge or practical experience in respect of ⁵[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government:
²[PROVIDED that the Chairman may be either whole-time or part-time as the State Government may think fit;]
 - (b) ⁶[such number of officials, not exceeding five,] to be nominated by the State Government to represent that government;
 - (c) ¹²[such number of persons, not exceeding five,] to be nominated by the State Government from amongst the members of the local authorities functioning within the State;
 - (d) ⁷[such number of non-officials, not exceeding three] to be nominated by the State Government to represent the interests of agriculture, fishery or industry or trade or any other interest which, in the opinion of the State Government, ought to be represented;
 - (e) two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that government;

⁸[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the State Government.]

(3) Every State Board shall be a body corporate with the name specified by the State Government in the notification under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire hold and dispose of property and to contract, and may, by the said name, sue or be sued.

(4) Notwithstanding anything contained in this section, no State Board shall be constituted for a Union Territory and in relation to a Union Territory, the Central Board shall exercise the powers and perform the functions of a State Board for that Union Territory:

PROVIDED that in relation to any Union Territory the Central Board may delegate all or any of its powers and functions under this sub-section to such person or body of persons as the Central Government may specify.

5. Terms and conditions of service of members

(1) Save as otherwise provided by or under this Act, a member of a Board, other than a member-secretary, shall hold office for a term of three years from the date of his nomination:

PROVIDED that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

¹³[(2) The term of office of a member of a Board nominated under clause (b) or clause (e) of sub-section (2) of section 3 or clause (b) or clause (e) of sub-section (2) of section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or the State Government or, as the case may be, the company or corporation owned, controlled or managed by the Central Government or the State Government, by virtue of which he was nominated.]

(3) The Central Government or, as the case may be, the State Government may, if it thinks fit, remove any member of a Board before the expiry of his term of office, after giving him a reasonable opportunity of showing cause against the same.

(4) A member of a Board, other than the member-secretary, may at any time resign his office by writing under his hand addressed-

(a) in the case of the Chairman, to the Central Government or, as the case may be, the State Government; and

(b) in any other case, to the Chairman of the Board;
and the seat of the Chairman or such other member shall thereupon become vacant.

(5) A member of a Board, other than the member-secretary, shall be deemed to have vacated his seat if he is absent without reason, sufficient in the opinion of the Board, from three consecutive meetings of the Board, ⁵[or where he is nominated under clause (c) or clause (e) of sub-section (2) of section 3 or under clause (c) or clause (e) of sub-section (2) of section 4, if he ceases to be a member of the State Board or of the local authority or, as the case may be, of the company or corporation owned, controlled or managed by the Central Government or the State Government and such vacation of seat shall, in either case, take effect from such date as the Central Government or, as the case may be, the State Government may, by notification in the Official Gazette, specify.]

(6) A casual vacancy in a Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he was nominated.

- (7) A member of a Board ¹⁴[shall be eligible for renomination.]
- (8) The other terms and conditions of service of a member of a Board, other than the Chairman and member-secretary, shall be such as may be prescribed.
- (9) The other terms and conditions of service of the Chairman shall be such as may be prescribed.

6. Disqualifications

- (1) No person shall be a member of Board, who-
- (a) is, or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
 - (b) is of unsound mind and stands so declared by a competent court, or
 - (c) is, or has been, convicted of an offence which, in the opinion of the Central Government or, as the case may be, of the State Government, involves moral turpitude, or
 - (d) is, or at any time has been, convicted of an offence under this Act, or
 - (e) has directly or indirectly by himself or by any partner, any share or interest in any firm or company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of sewage or trade effluents, or
 - (f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the government constituting the Board, or with a local authority in the State, or with a company or corporation owned, controlled or managed by the government, for the carrying out of sewerage schemes or for the installation of plants for the treatment of sewage or trade effluents, or
 - (g) has so abused, in the opinion of the Central Government or as the case may be, of the State Government, his position as a member, as to render his continuance on the Board detrimental to the interest of the general public.
- (2) No order of removal shall be made by the Central Government or the State Government, as the case may be, under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.
- (3) Notwithstanding anything contained in sub-sections (1) and (7) of section 5, a member who has been removed under this section shall not be eligible for renomination as a member.

7. Vacation of seats by members

If a member of a Board becomes subject to any of the disqualifications specified in section 6, his seat shall become vacant.

8. Meetings of Boards

A Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed: PROVIDED that if, in the opinion of the Chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

9. Constitution of committees

- (1) A Board may constitute as many committees consisting wholly of members or wholly of other persons or partly of members and partly of other persons, and for such purpose or purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(3) The members of a committee (other than the members of the Board) shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board as may be prescribed.

10. Temporary association of persons with Board for particular purposes

(1) A Board may associate with itself in such manner, and for such purposes, as may be prescribed any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

²[(3) A person associated with the Board under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board, as may be prescribed.]

11. Vacancy in Board not to invalidate acts or proceedings

No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board or such committee, as the case may be.

²[11A. Delegation of powers to Chairman

The Chairman of a Board shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board.]

12. Member-secretary and officers and other employees of Board

(1) The terms and conditions of service of the member-secretary shall be such as may be prescribed.

(2) The member-secretary shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board or its Chairman.

(3) Subject to such rules as may be made by the Central Government or, as the case may be, the State Government in this behalf, a Board may appoint such officers and employees as it considers necessary for the efficient performance of its functions.

²[(3A) The method of recruitment and the terms and conditions of service (including the scales of pay) of the officers (other than the member-secretary) and other employees of the Central Board or a State Board shall be such as may be determined by regulations made by the Central Board or, as the case may be, by the State Board:

PROVIDED that no regulation made under this sub-section shall take effect unless-

- (a) in the case of a regulation made by the Central Board, it is approved by the Central Government; and
- (b) in the case of a regulation made by a State Board, it is approved by the State Government.]

¹⁵[(3B) The Board may, by general or special order, and subject to such conditions and limitations, if any, as may be specified in the order, delegate to any officer of the Board such of its powers and functions under this Act as it may deem necessary.]

(4) Subject to such conditions as may be prescribed, a Board may from time to time appoint any qualified person to be a consulting engineer to the Board and pay him such salaries and allowances and subject him to such other terms and conditions of service as it thinks fit.

CHAPTER III JOINT BOARDS

13. Constitution of Joint Boards

(1) Notwithstanding anything contained in this Act, an agreement may be entered into-

- (a) by two or more governments of contiguous States, or
- (b) by the Central Government (in respect of one or more Union Territories) and one or more governments of States contiguous to such Union Territory or Union Territories, to be in force for such period and to be subject to renewal for such further period, if any, as may be specified in the agreement to provide for the constitution of a Joint Board-
 - (i) in a case referred to in clause (a), for all the participating States, and
 - (ii) in a case referred to in clause (b), for the participating Union Territory or Union Territories and the State or States.

(2) An agreement under this section may-

- (a) provide, in a case referred to in clause (a) of sub-section (1), for the apportionment between the participating States and in a case referred to in clause (b) of that sub-section, for the apportionments between the Central Government and the participating State Government or State Governments, of the expenditure in connection with the Joint Board;
- (b) determine, in a case referred to in clause (a) of sub-section (1), which of the participating State Governments and in a case referred to in clause (b) of that sub-section, whether the Central Government or the participating State Government (if there are more than one participating State, also which of the participating State Governments) shall exercise and perform the several powers and functions of the State Government under this Act and the references in this Act to the State Government shall be construed accordingly;
- (c) provide for consultation, in a case referred to in clause (a) of sub-section (1), between the participating State Governments and in a case referred to in clause (b) of that sub-section, between the Central Government and the participating State Government or State Governments either generally or with reference to particular matters arising under this Act;
- (d) make such incidental and ancillary provisions, not inconsistent with this Act, as may be deemed necessary or expedient for giving effect to the agreement.

(3) An agreement under this section shall be published, in a case referred to in clause (a) of sub-section (1), in the Official Gazette of the participating States and in a case referred to in clause (b) of that sub-section, in the Official Gazette of the participating Union Territory or Union Territories and participating State or States.

14. Composition of Joint Boards

(1) A Joint Board constituted in pursuance of an agreement entered into under clause (a) of sub-section (1) of section 13 shall consist of the following members namely,-

- (a) a full-time chairman, being a person having special knowledge or practical experience in respect of ⁵[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;
 - (b) two officials from each of the participating States to be nominated by the concerned participating State Government to represent that government;
 - (c) one person to be nominated by each of the participating State Governments from amongst the members of the local authorities functioning within the State concerned;
 - (d) one non-official to be nominated by each of the participating State Governments to represent the interests of agriculture, fishery or industry or trade in the State concerned or any other interest which, in the opinion of the participating State Government, is to be represented;
 - (e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;
 - ⁸[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]
- (2) A Joint Board constituted in pursuance of an agreement entered into under clause (b) of sub-section (1) of section 13 shall consist of the following members, namely,-
- (a) a full-time Chairman, being a person having special knowledge or practical experience in respect of ⁵[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;
 - (b) two officials to be nominated by the Central Government from the participating Union Territory or each of the participating Union Territories, as the case may be, and two officials to be nominated, from the participating State or each of the participating States, as the case may be, by the concerned participating State Government;
 - (c) one person to be nominated by the Central Government from amongst the members of the local authorities functioning within the participating Union Territory or each of the participating Union Territories, as the case may be, and one person to be nominated, from amongst the members of the local authorities functioning within the participating State or each of the participating States, as the case may be, by the concerned participating State Government;
 - (d) one non-official to be nominated by Central Government and one person to be nominated by the participating State Government or State Governments to represent the interests of agriculture, fishery or industry or trade in the Union Territory or in each of the Union Territories or the State or in each of the States, as the case may be, or any other interest which in the opinion of the Central Government or, as the case may be, of the State Government is to be represented;
 - (e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the Central Government and situate in the participating Union Territory or Territories

and two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;

- ⁴[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.

(3) When a Joint Board is constituted in pursuance of an agreement under clause (b) of sub-section (1) of section 13, the provisions of sub-section (4) of section 4 shall cease to apply in relation to the Union Territory for which the Joint Board is constituted.

(4) Subject to the provisions of sub-section (3), the provisions of sub-section (3) of section 4 and sections 5 to 12 (inclusive) shall apply in relation to the Joint Board and its member-secretary as they apply in relation to a State Board and its member-secretary.

(5) Any reference in this Act to the State Board shall, unless the context otherwise requires, be construed as including a Joint Board.

15. Special provisions relating to giving of directions

Notwithstanding anything contained in this Act where any Joint Board is constituted under section 13-

- (a) the government of the State for which the Joint Board is constituted shall be competent to give any direction under this Act only in cases where such direction relates to a matter within the exclusive territorial jurisdiction of the State;
- (b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertaining to a Union Territory.

CHAPTER IV POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board

(1) Subject to the provisions of this Act, the main function of the Central Board shall be to promote cleanliness of streams and wells in different areas of the States.

(2) In particular and without prejudice to the generality of the foregoing function, the Central Board may perform all or any of the following functions, namely,-

- (a) advise the Central Government on any matter concerning the prevention and control of water pollution;
- (b) co-ordinate the activities of the State Boards and resolve disputes among them;
- (c) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
- (d) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of water pollution on such terms and conditions as the Central Board may specify;
- (e) organise through mass media a comprehensive programme regarding the prevention and control of water pollution;

- ¹⁵[(ee) perform such of the functions of any State Board as may be specified in an order made under sub-section (2) of section 18;]

- (f) collect, compile and publish technical and statistical data relating to water pollution and the measures devised for its effective prevention and control and prepare manuals, codes or guides relating to treatment and disposal of sewage and trade effluents and disseminate information connected therewith;
 - (g) lay down, modify or annul, in consultation with the State Government concerned, the standards for a stream or well:
 PROVIDED that different standards may be laid down for the same stream or well or for different streams or wells, having regard to the quality of water, flow characteristics of the stream or well and the nature of the use of the water in such stream or well or streams or wells;
 - (h) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of water pollution;
 - (i) perform such other functions as may be prescribed.
- (3) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.

17. Functions of State Board

- (1) Subject to the provisions of this Act, the functions of a State Board shall be-
- (a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;
 - (b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;
 - (c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;
 - (d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
 - (e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;
 - (f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;
 - (g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;
 - (h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;
 - (i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;

- (j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;
 - (k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;
 - (l) to make, vary or revoke any order-
 - (i) for the prevention, control or abatement of discharges of waste into streams or wells;
 - (ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution;
 - (m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;
 - (n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;
 - (o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.
- (2) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.

18. Power to give directions

¹⁶[(1)] In the performance of its functions under this Act-

- (a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and
- (b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:
 PROVIDED that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.

¹⁵[(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.]

CHAPTER V

PREVENTION AND CONTROL OF WATER POLLUTION

19. Power of State Government to restrict the application of the Act to certain areas

(1) Notwithstanding anything contained in this Act, if the State Government, after consultation with, or on the recommendation of the State Board, is of opinion that the provisions of this Act need not apply to entire State, it may, by notification in the Official Gazette, restrict the application of this Act to such area or areas as may be declared therein as water pollution, prevention and control area or areas and thereupon the provisions of this Act shall apply only to such area or areas.

(2) Each water pollution, prevention and control area may be declared either by reference to a map or by reference to the line of any watershed or the boundary of any district or partly by one method and partly by another.

(3) The State Government may, by notification in the Official Gazette-

- (a) alter any water pollution, prevention and control area whether by way of extension or reduction; or
- (b) define a new water pollution, prevention and control area in which may be merged one or more water pollution, prevention and control areas, or any part or parts thereof.

20. Power to obtain information

(1) For the purpose of enabling a State Board to perform the functions conferred on it by or under this Act, the State Board or any officer empowered by it in that behalf, may make surveys of any area and gauge and keep records of the flow or volume and other characteristics of any stream or well in such area, and may take steps for the measurement and recording of the rainfall in such area or any part thereof and for the installation and maintenance for those purposes of gauges or other apparatus and works connected therewith, and carry out stream surveys and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

(2) A State Board may give directions requiring any person who in its opinion is abstracting water from any such stream or well in the area in quantities which are substantial in relation to the flow or volume of that stream or well or is discharging sewage or trade effluent into any such stream or well, give such information as to the abstraction or the discharge at such times and in such form as may be specified in the directions.

(3) Without prejudice to the provisions of sub-section (2), a State Board may, with a view to preventing or controlling pollution of water, give directions requiring any person in charge of any establishment where any ¹⁷[industry, operation or process, or treatment and disposal system] is carried on, to furnish to it information regarding the construction, installation or operation of such establishment or of any disposal system or of any extension or addition thereto in such establishment and such other particulars as may be prescribed.

21. Power to take samples of effluents and procedure to be followed in connection therewith

(1) A State Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of any sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream or well.

(2) The result of any analysis of a sample of any sewage or trade effluent taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3), (4) and (5) are complied with.

(3) Subject to the provisions of sub-sections (4) and (5), when a sample (composite or otherwise as may be warranted by the process used) of any sewage or trade effluent is taken for analysis under sub-section (1), the person taking the sample shall-

- (a) serve on the person in charge of, or having control over, the plant or vessel or in occupation of the place (which person is hereinafter referred to as the occupier) or any agent of such occupier, a notice, then and there in such form as may be prescribed of his intention to have it so analysed;
- (b) in the presence of the occupier or his agent, divide the sample into two parts;
- (c) cause each Part to be placed in a container which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;
- (d) send one container forthwith-
 - (i) in a case where such sample is taken from any area situated in a Union Territory, to the laboratory established or recognised by the Central Board under section 16; and
 - (ii) in any other case, to the laboratory established or recognised by the State Board under section 17;
- (e) on the request of the occupier or his agent, send the second container-
 - (i) in a case where such sample is taken from any area situated in a Union Territory, to the laboratory established or specified under sub-section (1) of section 51; and
 - (ii) in any other case, to the laboratory established or specified under sub-section (1) of section 52.

¹⁸[(4) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3) and the occupier or his agent wilfully absents himself, then-

- (a) the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (e) of sub-section (3) and such person shall inform the government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of section 53, in writing about the wilful absence of the occupier or his agent; and
- (b) the cost incurred in getting such sample analysed shall be payable by the occupier or his agent and in case of default of such payment, the same shall be recoverable from the occupier or his agent, as the case may be, as an arrear of land revenue or of public demand:

PROVIDED that no such recovery shall be made unless the occupier or, as the case may be, his agent has been given a reasonable opportunity of being heard in the matter.]

(5) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent a notice under clause (a) of sub-section (3) and the occupier or his agent who is present at the time of taking the sample does not make a request for dividing the sample into two parts as provided in clause (b) of sub-section (3), then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (d) of sub-section (3).

22. Reports of the result of analysis on samples taken under section 21

(1) Where a sample of any sewage or trade effluent has been sent for analysis to the laboratory established or recognised by the Central Board or, as the case may be, the State Board, the concerned Board analyst appointed under sub-section (3) of section 53 shall analyse the sample and submit a report in the prescribed form of the result of such analysis in triplicate to the Central Board or the State Board as the case may be.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the Central Board or the State Board, as the case may be, to the occupier or his agent referred to in section 21, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the concerned Board.

(3) Where a sample has been sent for analysis under clause (e) of sub-section (3) or sub-section (4) of section 21 to any laboratory mentioned therein, the government analyst referred to in that sub-section shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the Central Board or, as the case may be, the State Board which shall comply with the provisions of sub-section (2).

(4) If there is any inconsistency or discrepancy between, or variation in the results of, the analysis carried out by the laboratory established or recognised by the Central Board or the State Board, as the case may be, and that of the laboratory established or specified under section 51 or section 52, as the case may be, the report of the latter shall prevail.

(5) Any cost incurred in getting any sample analysed at the request of the occupier or his agent shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

23. Power of entry and inspection

(1) Subject to the provisions of this section, any person empowered by a State Board in this behalf shall have a right at any time to enter, with such assistance as he considers necessary, any place-

- (a) for the purpose of performing any of the functions of the Board entrusted to him;
- (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder of any notice, order, direction or authorisation served, made, given, or granted under this Act is being or has been complied with;
- (c) for the purpose of examining any plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such

plant, record, register, document or other material object, if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder:

PROVIDED that the right to enter under this sub-section for the inspection of a well shall be exercised only at reasonable hours in a case where such well is situated in any premises used for residential purposes and the water thereof is used exclusively for domestic purposes.

(2) The provisions of the ¹⁹[Code of Criminal Procedure, 1973 (2 of 1974)], or, in relation to the State of Jammu and Kashmir, the provisions of any corresponding law in force in that State, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under ²⁰[section 94] of the said Code, or, as the case may be, under the corresponding provisions of the said law.

Explanation : For the purposes of this section, "place" includes vessel.

24. Prohibition on use of stream or well for disposal of polluting matter, etc.

(1) Subject to the provisions of this section-

- (a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any ²¹[Stream or well or sewer or on land]; or
- (b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

(2) A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely,-

- (a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;
- (b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land, or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;
- (c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream;
- (d) causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream.

(3) The State Government may, after consultation with, or on the recommendation of, the State Board, exempt, by notification in the Official Gazette, any person from the operation of sub-section (1) subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification be altered, varied or amended.

25. Restrictions on new outlets and new discharges

²²[(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board-

- (a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or
 - (b) bring into use any new or altered outlet for the discharge of sewage; or
 - (c) begin to make any new discharge of sewage:
 PROVIDED that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.
- (2) An application for consent of the State Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed.]
- (3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry shall follow such procedure as may be prescribed.
- ²³[(4) The State Board may-
- (a) grant its consent referred to in sub-section (1), subject to such conditions as it may impose, being-
 - (i) in cases referred to in clauses (a) and (b) of sub-section (1) of section 25, conditions as to the point of discharge of sewage or as to the use of that outlet or any other outlet for discharge of sewage;
 - (ii) in the case of a new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of the effluent from the land or premises from which the discharge or new discharge is to be made; and
 - (iii) that the consent will be valid only for such period as may be specified in the order, and any such conditions imposed shall be binding on any person establishing or taking any steps to establish any industry, operation or process, or treatment and disposal system or extension or addition thereto, or using the new or altered outlet, or discharging the effluent from the land or premises aforesaid; or
 - (b) refuse such consent for reasons to be recorded in writing.
- (5) Where, without the consent of the State Board, any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, is established, or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, or using the outlet, or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect of such establishment, such outlet or discharge.
- (6) Every State Board shall maintain a register containing particulars of the conditions imposed under this section and so much of the register as relates to any outlet, or to any effluent, from any land or premises shall be open to inspection at all reasonable hours by any person interested in, or affected by such outlet, land or premises, as the

case may be, or by any person authorised by him in this behalf and the conditions so contained in such register shall be conclusive proof that the consent was granted subject to such conditions.]

(7) The consent referred to in sub-section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board.

(8) For the purposes of this section and sections 27 and 30-

- (a) the expression "new or altered outlet" means any outlet which is wholly or partly constructed on or after the commencement of this Act or which (whether so constructed or not) is substantially altered after such commencement;
- (b) the expression "new discharge" means a discharge which is not, as respects the nature and composition, temperature, volume, and rate of discharge of the effluent substantially a continuation of a discharge made within the preceding twelve months (whether by the same or a different outlet), so however that a discharge which is in other respects a continuation of previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

26. Provision regarding existing discharge of sewage or trade effluent

Where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a ²¹[stream or well or sewer or on land], the provisions of section 25 shall, so far as may be, apply in relation to such person as they apply in relation to the person referred to in that section subject to the modification that the application for consent to be made under sub-section (2) of that section ⁵[shall be made on or before such date as may be specified by the State Government by notification in this behalf in the Official Gazette.]

27. Refusal or withdrawal of consent by State Board

²⁴[(1) A State Board shall not grant its consent under sub-section (4) of section 25 for the establishment of any industry, operation or process, or treatment and disposal system or extension or addition thereto, or to the bringing into use of a new or altered outlet unless the industry, operation or process, or treatment and disposal system or extension or addition thereto, or the outlet is so established as to comply with any conditions imposed by the Board to enable it to exercise its right to take samples of the effluent.]

¹³[(2) A State Board may from time to time review-

- ²⁵[(a) any condition imposed under section 25 or section 26 and may serve on the person to whom a consent under section 25 or section 26 is granted a notice making any reasonable variation of or revoking any such condition.]
- (b) the refusal of any consent referred to in sub-section (1) of section 25 or section 26 or the grant of such consent without any condition, and may make such orders as it deemed fit.]

(3) Any condition imposed under section 25 or section 26 shall be subject to any variation made under sub-section (2) and shall continue in force until revoked under that sub-section.

28. Appeals

(1) Any person aggrieved by an order made by the State Board under section 25, section 26 or section 27 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute:

PROVIDED that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

¹³[(2) An Appellate Authority shall consist of a single person or three persons as the State Government may think fit, to be appointed by that government.]

(3) The form and manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(5) If the Appellate Authority determines that any condition imposed, or the variation of any condition, as the case may be, was unreasonable, then-

- (a) where the appeal is in respect of the unreasonableness of any condition imposed, such authority may direct either that the condition shall be treated as annulled or that there shall be substituted for it such condition as appears to it to be reasonable;
- (b) where the appeal is in respect of the unreasonableness of any variation of a condition, such authority may direct either that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to it to be reasonable.

29. Revision

(1) The State Government may at any time either of its own motion or on an application made to it in this behalf, call for the records of any case where an order has been made by the State Board under section 25, section 26 or section 27 for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it may think fit:

PROVIDED that the State Government shall not pass any order under this sub-section without affording the State Board and the person who may be affected by such order a reasonable opportunity of being heard in the matter.

(2) The State Government shall not revise any order made under section 25, section 26, or section 27 where an appeal against that order lies to the Appellate Authority, but has not been preferred or where an appeal has been preferred such appeal is pending before the Appellate Authority.

30. Power of State Board to carry out certain works

²⁴[(1) Where under this Act, any conditions have been imposed on any person while granting consent under section 25 or section 26 and such conditions require such person to execute any work in connection therewith and such work has not been executed within such time as may be specified in this behalf, the State Board may serve on the person concerned a notice requiring him within such time (not being less than thirty days) as may be specified in the notice to execute the work specified therein.]

(2) If the person concerned fails to execute the work as required in the notice referred to in sub-section (1), then, after the expiration of the time specified in the said notice, the State Board may itself execute or cause to be executed such work.

(3) All expenses incurred by the State Board for the execution of the aforesaid work, together with interest, at such rate as the State Government may, by order, fix, from the date when a demand for the expenses is made until it is paid, may be recovered by that Board from the person concerned, as arrears of land revenue, or of public demand.

31. Furnishing of information to State Board and other agencies in certain cases

²⁴[(1) If at any place where any industry, operation or process, or any treatment and disposal system or any extension or addition thereto is being carried on, due to accident or other unforeseen act or event, any poisonous, noxious or polluting matter is being discharged, or is likely to be discharged into a stream or well or sewer or on land and, as a result of such discharge, the water in any stream or well is being polluted, or is likely to be polluted, then the person in charge of such place shall forthwith intimate the occurrence of such accident, act or event to the State Board and such other authorities or agencies as may be prescribed.]

(2) Where any local authority operates any sewerage system or sewage works, the provisions of sub-section (1) shall apply to such local authority as they apply in relation to the person in charge of the place where any industry or trade is being carried on.

32. Emergency measures in case of pollution of stream or well

(1) Where it appears to the State Board that any poisonous, noxious or polluting matter is present in ²⁶[any stream or well or on land by reason of the discharge of such matter in such stream or well or on such land] or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations, as it may consider necessary for all or any of the following purposes, that is to say-

- (a) removing that matter from the ²¹[stream or well or on land] and disposing it of in such manner as the Board considers appropriate;
- (b) remedying or mitigating any pollution caused by its presence in the stream or well;
- (c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter ²⁷[into the stream or well or on land] or from making insanitary use of the stream or well.

(2) The power conferred by sub-section (1) does not include the power to construct any works other than works of a temporary character which are removed on or before the completion of the operation.

33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells

²⁴[(1) Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial

Magistrate of the first class, for restraining the person who is likely to cause such pollution from so causing.]

(2) On receipt of an application under sub-section (1) the court may make such order as it deems fit.

(3) Where under sub-section (2) the court makes an order restraining any person from polluting the water in any stream or well, it may in that order-

- (i) direct the person who is likely to cause or has caused the pollution of the water in the stream or well, to desist from taking such action as is likely to cause pollution or, as the case may be, to remove from such stream or well, such matter, and
- (ii) authorise the Board, if the direction under clause (i) (being a direction for the removal of any matter from such stream or well) is not complied with by the person to whom such direction is issued, to undertake the removal and disposal of the matter in such manner as may be specified by the court.

(4) All expenses incurred by the Board in removing any matter in pursuance of the authorisation under clause (ii) of sub-section (3) or in the disposal of any such matter may be defrayed out of any money obtained by the Board from such disposal and any balance outstanding shall be recoverable from the person concerned as arrears of land revenue or of public demand.

¹⁵[33A. Power to give directions

Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation : For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) the storage or regulation of supply of electricity, water or any other service.]

CHAPTER VI FUNDS, ACCOUNTS AND AUDIT

34. Contributions by Central Government

The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contributions to the Central Board as it may think necessary to enable the Board to perform its functions under this Act.

35. Contributions by State Government

The State Government may, after due appropriation made by the Legislature of the State by law in this behalf, make in each financial year such contributions to the State Board as it may think necessary to enable that Board to perform its functions under this Act.

36. Fund of Central Board

(1) The Central Board shall have its own fund, and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of gifts,

grants, donations, benefactions ²[fees] or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The Central Board may expend such sums as it thinks fit for performing its functions under this Act, ²[and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the Central Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the fund of the Board.

37. Fund of State Board

(1) The State Board shall have its own fund, and the sums which may, from time to time, be paid to it by the State Government and all other receipts (by way of gifts, grants, donations, benefactions ²[fees] or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The State Board may expend such sums as it thinks fit for performing its functions under this Act, ²[and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the State Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the fund of the Board.

¹⁵**[37A. Borrowing powers of Board**

A Board may, with the consent of, or in accordance with, the terms of any general or special authority given to it by the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for the performance of all or any of its functions under this Act.]

38. Budget

The Central Board or, as the case may be, the State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure, and copies thereof shall be forwarded to the Central Government or, as the case may be, the State Government.

⁴**[39. Annual report**

(1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government within four months from the last date of the previous financial year and that government shall cause every such report to be laid before both Houses of Parliament within nine months from the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that government shall cause every such report to be laid before the State Legislature within a period of nine months from the last date of the previous financial year.]

40. Accounts and audit

(1) Every Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956 (1 of 1956).

(3) The said auditor shall be appointed by the Central Government or, as the case may be, the State Government on the advice of the Comptroller and Auditor-General of India.

(4) Every auditor appointed to audit the accounts of the Board under this Act shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(5) Every such auditor shall send a copy of his report together with an audited copy of the accounts to the Central Government or, as case may be, the State Government.

(6) The Central Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before both Houses of Parliament.

(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before the State Legislature.

CHAPTER VII PENALTIES AND PROCEDURE

⁴[41. Failure to comply with directions under sub-section (2) or sub-section (3) of section 20, or orders issued under clause (c) of sub-section (1) of section 32 or directions issued under sub-section (2) of section 33 or section 33A

(1) Whoever fails to comply with the direction given under sub-section (2) or sub-section (3) of section 20 within such time as may be specified in the direction shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) Whoever fails to comply with any order issued under clause (e) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A shall, in respect of each such failure and on conviction, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for everyday during which such failure continues after the conviction for the first such failure.

(3) If the failure referred to in sub-section (2) continues beyond a period of one year after the date of conviction, the offender shall, on conviction, be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.]

42. Penalty for certain acts

(1) Whoever-

- (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or

- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or
- (c) damages any works or property belonging to the Board, or
- (d) fails to furnish to any officer or other employee of the Board any information required by him for the purpose of this Act, or
- (e) fails to intimate the occurrence of any accident or other unforeseen act or event under section 31 to the Board and other authorities or agencies as required by that section, or
- (f) in giving any information which he is required to give under this Act, knowingly or wilfully makes a statement which is false in any material particular, or
- (g) for the purpose of obtaining any consent under section 25 or section 26, knowingly or wilfully makes a statement which is false in any material particular, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ²⁸[ten thousand rupees] or with both.

(2) Where for the grant of a consent in pursuance of the provisions of section 25 or section 26 the use of meter or gauge or other measure or monitoring device is required and such device is used for the purposes of those provisions, any person who knowingly or wilfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ²⁸[ten thousand rupees] or with both.

43. Penalty for contravention of provisions of section 24

Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than ²⁹[one year and six months] but which may extend to six years and with fine.

44. Penalty for contravention of section 25 or section 26

Whoever contravenes the provisions of section 25 or section 26 shall be punishable with imprisonment for a term which shall not be less than ²⁹[one year and six months] but which may extend to six years and with fine.

45. Enhanced penalty after previous conviction

If any person who has been convicted of any offence under section 24 or section 25 or section 26 is again found guilty of an offence involving a contravention of the same provision, he shall, on the second and on every subsequent conviction, be punishable with imprisonment for a term which shall not be less than ³⁰[two years] but which may extend to seven years and with fine:

PROVIDED that for the purpose of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

¹⁵[45A. Penalty for contravention of certain provisions of the Act

Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure, with an additional fine which may

extend to five thousand rupees for every day during which such contravention or failure continues after conviction for the first such contravention or failure.]

46. Publication of names of offenders

If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

47. Offences by companies

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

PROVIDED that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation : For the purposes of this section-

- (a) "company" means any body corporate, and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

48. Offences by government departments

Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

PROVIDED that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

49. Cognizance of offences

²⁴[(1) No court shall take cognizance of any offence under this Act except on a complaint made by-

- (a) a Board or any officer authorised in this behalf by it; or
- (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Board or officer authorised as aforesaid, and no court inferior to that

of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.]

¹⁵[(2) Where a complaint has been made under clause (b) of sub-section (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person:

PROVIDED that the Board may refuse to make any such report available to such person if the same is in its opinion, against the public interest.]

³¹[(3)] Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any ⁵[Judicial Magistrate of the first class or for any Metropolitan Magistrate] to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under this Act.

50. Members, officers and servants of Board to be public servants

All members, officers and servants of a Board when acting or purporting to act in pursuance of any of the provisions of this Act and the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

CHAPTER VII MISCELLANEOUS

51. Central Water Laboratory

(1) The Central Government may, by notification in the Official Gazette-

- (a) establish a Central Water Laboratory; or
- (b) specify any laboratory or institute as a Central Water Laboratory, to carry out the functions entrusted to the Central Water Laboratory under this Act.

(2) The Central Government may, after consultation with the Central Board, make rules prescribing-

- (a) the functions of the Central Water Laboratory;
- (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or tests, the form of the laboratory's report thereunder and the fees payable in respect of such report;
- (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

52. State Water Laboratory

(1) The State Government may, by notification in the Official Gazette-

- (a) establish a State Water Laboratory; or
- (b) specify any laboratory or institute as a State Water Laboratory, to carry out the functions entrusted to the State Water Laboratory under this Act.

(2) The State Government may, after consultation with the State Board, make rules prescribing-

- (a) the functions of the State Water Laboratory;
- (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or tests, the form of the laboratory's report thereon and the fees payable in respect of such report;
- (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

53. Analysts

(1) The Central Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be government analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub-section (1) of section 51.

(2) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be government analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub-section (1) of section 52.

(3) Without prejudice to the provisions of sub-section (3) of section 12, the Central Board or, as the case may be, the State Board may, by notification in the Official Gazette, and with the approval of the Central Government or the State Government, as the case may be, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or recognised under section 16, or, as the case may be, under section 17.

54. Reports of analysts

Any document purporting to be a report signed by a government analyst or, as the case may be, a Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

55. Local authorities to assist

All local authorities shall render such help and assistance and furnish such information to the Board as it may require for the discharge of its functions, and shall make available to the Board for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

56. Compulsory acquisition of land for the State Board

Any land required by a State Board for the efficient performance of its functions under this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the State Board under the provisions of the Land Acquisition Act, 1894 (1 of 1894), or under any other corresponding law for the time being in force:

57. Returns and reports

The Central Board shall furnish to the Central Government, and a State Board shall furnish to the State Government and to the Central Board such reports, returns, statistics, accounts and other information with respect to its fund or activities as that government, or, as the case may be, the Central Board may, from time to time, require.

58. Bar of jurisdiction

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Appellate Authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

59. Protection of action taken in good faith

No suit or other legal proceedings shall lie against the government or any officer of government or any member or officer of a Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

60. Overriding effect

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

61. Power of Central Government to supersede the Central Board and Joint Boards

(1) If at any time the Central Government is of opinion-

- (a) that the Central Board or any Joint Board has persistently made default in the performance of the functions imposed on it by or under this Act; or
- (b) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Central Board or such Joint Board, as the case may be, for such period, not exceeding one year, as may be specified in the notification: PROVIDED that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the Central Government shall give a reasonable opportunity to the Central Board or such Joint Board, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections if any, of the Central Board or such Joint Board, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Central Board or any Joint Board-

- (a) all the members shall, as from the date of supersession vacate their offices as such;
- (b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the Central Board or such Joint board shall, until the Central Board or the Joint Board, as the case may be, is reconstituted under sub-section (3) be exercised, performed or discharged by such person or persons as the Central Government may direct;
- (c) all property owned or controlled by the Central Board or such Joint Board shall, until the Central Board or the Joint Board, as the case may be, is reconstituted under sub-section (3) vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may-

- (a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or
- (b) reconstitute the Central Board or the Joint Board, as the case may be, by fresh nomination or appointment, as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall not be deemed disqualified for nomination or appointment: PROVIDED that the Central Government may at any time before the expiration of the period of supersession, whether originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

62. Power of State Government to supersede State Board

(1) If at any time the State Government is of opinion-

- (a) that the State Board has persistently made default in the performance of the functions imposed on it by or under this Act; or
- (b) that circumstances exist which render it necessary in the public interest so to do, the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding one year, as may be specified in the notification:

PROVIDED that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the State Government shall give a reasonable opportunity to the State Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) Upon the publication, of a notification under sub-section (1) superseding the State Board, the provisions of sub-sections (2) and (3) of section 61 shall apply in relation to the supersession of the State Board as they apply in relation to the supersession of the Central Board or a Joint Board by the Central Government.

63. Power of Central Government to make rules

(1) The Central Government may, simultaneously with the constitution of the Central Board, make rules in respect of the matters specified in sub-section (2):

PROVIDED that when the Central Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting the Board.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,-

- (a) the terms and conditions of service of the members (other than the Chairman and member-secretary) of the Central Board under sub-section (8) of section 5;
- (b) the intervals and the time and place at which meetings of the Central Board or of any committee thereof constituted under this Act, shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business under section 8, and under sub-section (2) of section 9;
- (c) the fees and allowances to be paid to such members of a committee of the Central Board as are not members of the Board under sub-section (3) of section 9;

³²[(d) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 10 and the fees and allowances payable to such persons;]

- (e) the terms and conditions of service of the Chairman and the member-secretary of the Central Board under sub-section (9) of section 5 and under sub-section (1) of section 12;
- (f) conditions subject to which a person may be appointed as a consulting engineer to the Central Board under sub-section (4) of section 12;
- (g) the powers and duties to be exercised and performed by the Chairman and the member-secretary of the Central Board;

⁹[(h) ***]

(i) ***]

- (j) the form of the report of the Central Board analyst under sub-section (1) of section 22;

- (k) the form of the report of the government analyst under sub-section (3) of section 22;
 - ⁴[(l) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 38;
 - (ll) the form in which the annual report of the Central Board may be prepared under section 39;]
 - (m) the form in which the accounts of the Central Board may be maintained under section 40;
 - ¹⁵[(mm) the manner in which notice of intention to make a complaint shall be given to the Central Board or officer authorised by it under section 49;]
 - (n) any other matter relating to the Central Board, including the powers and functions of that Board in relation to Union Territories;
 - (o) any other matter which has to be, or may be, prescribed.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, ⁵[before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. Power of State Government to make rules

(1) The State Government may, simultaneously with the constitution of the State Board, make rules to carry out the purposes of this Act, in respect of matters not falling within the purview of section 63:

PROVIDED that when the State Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting that Board.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,-

- (a) the terms and conditions of service of members (other than the Chairman and the member-secretary) of the State Board under sub-section (8) of section 5;
- (b) the time and place of meetings of the State Board or of any committee of that Board constituted under this Act and the procedure to be followed at such meeting, including the quorum necessary for the transaction of business under section 8 and under sub-section (2) of section 9;
- (c) the fees and allowances to be paid to such members of a committee of the State Board as are not members of the Board under sub-section (3) of section 9;
- (d) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of section 10 ²[and the fees and allowances payable to such persons;]
- (e) the terms and conditions of service of the Chairman and the member-secretary of the State Board under sub-section (9) of section 5 and under sub-section (1) of section 12;
- (f) the conditions subject to which a person may be appointed as a consulting engineer to the State Board under sub-section (4) of section 12;
- (g) the powers and duties to be exercised and discharged by the Chairman and the member-secretary of the State Board;

- (h) the form of the notice referred to in section 21;
- (i) the form of the report of the State Board analyst under sub-section (1) of section 22;
- (j) the form of the report of the government analyst under sub-section (3) of section 22;
- (k) the form of application for the consent of the State Board under sub-section (2) of section 25, and the particulars it may contain;
- (l) the manner in which inquiry under sub-section (3) of section 25 may be made in respect of an application for obtaining consent of the State Board and the matters to be taken into account in granting or refusing such consent;
- (m) the form and manner in which appeals may be filed, the fees payable in respect of such appeals and the procedure to be followed by the Appellate Authority in disposing of the appeals under sub-section(3) of section 28;
- ³³[(n) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 38;
- (nn) the form in which the annual report of the State Board may be prepared under section 39;]
- (o) the form in which the accounts of the State Board may be maintained under sub-section (1) of section 40;
- ¹⁵[(oo) the manner in which notice of intention to make a complaint shall be given to the State Board or officer authorised by it under section 49;]
- (p) any other matter which has to be, or may be, prescribed.

Foot Notes

- 1 Substituted by Act No. 53 of 1988, for clauses (b), (d) and (h).
- 2 Inserted by Act No. 44 of 1978.
- 3 Substituted for the words "trade or industry" by Act No. 53 of 1988.
- 4 Substituted by Act No. 53 of 1988.
- 5 Substituted by Act No. 44 of 1978.
- 6 Substituted for the words "five officials" by Act No. 44 of 1978.
- 7 Substituted for the words "three non-officials" by Act No. 44 of 1978.
- 8 Substituted for clause (f) by Act No. 53 of 1988.
- 9 Omitted by Act No. 44 of 1978.
- 10 Substituted by Act No. 53 of 1988, for the words "State Board".
- 11 The words "full time" omitted by Act No. 44 of 1978.
- 12 Substituted by Act No. 44 of 1978, for the words "five persons".
- 13 Substituted for sub-section (2) by Act No. 44 of 1978.
- 14 Substituted by Act No. 53 of 1988, for the words "shall not be eligible for renomination for more than two terms".
- 15 Inserted by Act No. 53 of 1988.
- 16 Section 18 renumbered as sub-section (1) thereof by Act No. 53 of 1988.
- 17 Substituted by Act No. 53 of 1988, for the words "industry or trade".

- 18 Substituted for sub-section (4) by Act No. 44 of 1978,
- 19 Substituted by Act No. 44 of 1978, for the words and figures "Code of Criminal Procedure, 1898 (5 of 1898)".
- 20 Substituted by Act No. 44 of 1978, for the words and figures "section 98".
- 21 Substituted by Act No. 53 of 1988, for the words "stream or well".
- 22 Substituted by Act No. 53 of 1988, for sub-sections (1) and (2).
- 23 Substituted by Act No. 53 of 1988, for sub-sections (4), (5) and (6).
- 24 Substituted by Act No. 53 of 1988, for sub-section (1).
- 25 Substituted by Act No. 53 of 1988, for clause (a).
- 26 Substituted by Act No. 53 of 1988, for the words "any stream or well".
- 27 Substituted by Act No. 53 of 1988, for the words "into the stream or well".
- 28 Substituted by Act No. 53 of 1988, for the words "one thousand rupees".
- 29 Substituted by Act No. 53 of 1988, for the words "six months".
- 30 Substituted by Act No. 53 of 1988, for the words "one year".
- 31 Sub-section (2) renumbered as sub-section (3) by Act No. 53 of 1988.
- 32 Substituted by Act No. 44 of 1978, for clause (d).
- 33 Substituted by Act No. 53 of 1988, for clause (n).

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THE WATER (PREVENTION AND CONTROL OF POLLUTION) RULES, 1975

THE WATER (PREVENTION AND CONTROL OF POLLUTION) RULES, 1975

[Dated the 27th February, 1975]

G.S.R. 58(E).--In exercise of the powers conferred by section 63 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) the Central Government after consultation with Central Board for the Prevention and Control of Water Pollution, hereby makes the following rules, namely :-

CHAPTER I

PRELIMINARY

1. (1) These rules may be called -the Water (prevention and Control of Pollution) Rules, 1975. Commence- ment.

(2) They. Shall come into force on the date of their publication of the Official Gazette.

2. In these rules unless the context otherwise requires:

(a)" Act" means the Water (Prevention and Control of Pollution) Act, 1974;

(b) "Chairman" means the Chairman of the Central Board;

(c) "Central Board Laboratory" means a laboratory established or recognized as such under sub-section (3) of section 16;

(d) "Central Water Laboratory" means a laboratory established or specified as such under sub-section (1) of section 51;

(e) "Form" means a form set out in Schedule I;

(f) "Member" means a member of the Central Board and includes the Chairman thereof;

(g) "Member-Secretary" means the Member-Secretary of the Central Board;

(h)"Section" means a section of the Act.

(i) "Schedule" means a schedule appended to these rules;

(j) "Year" means the financial year commencing on the first day of April.

CHAPTER 2

TERMS AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE CENTRAL BOARD AND OF COMMITTEES OF CENTRAL BOARD

3. (1) The Chairman shall be paid a fixed monthly salary of Rs3000

2) (a) in addition to the salary specified in sub-rule (1), the chairman shall be entitled to city compensatory allowance and house rent allowance as admissible to a Central government servant in terms of Ministry of Finance (Department of Expenditure) O.M No. 2(3)-E. II (B)/64 , dated the 27th November, 1965

Provided that where the Chairman is allotted an accommodation by the Central Government, he shall not be entitled to house rent allowance and shall be required to pay ten per cent of the emoluments drawn by him as house rent or license fee.

(b) in respect of journeys undertaken by the Chairman in connection with his duties as Chairman, he shall be entitled to traveling allowance and daily allowance at the rates permissible in the case of a government officer of equivalent rank under the Supplementary Rules of the Central Government:

(c) The Central Board shall provide to the Chairman, medical facilities as admissible to an office of the Central Government drawing salary of Rs. 3000/- per mensem.

(3) Notwithstanding anything contained in sub-rules (1) and (2), where a Government servant is appointed as Chairman, the terms and conditions of his Service shall be such as may be specified by the Central Government from time to time.

4. (1) The Member-Secretary shall be paid a monthly pay in the scale of Salaries Rs.2250-125-2500.

(2) (a) in addition to the salary specified in sub-rule (1) the Member-Secretary shall be entitled to city compensatory allowance and house rent allowance as Member-admissible to a Central Government servant in terms of Ministry of Finance Secretary. (Department of Expenditure) O.M. No. 2(3)-E. II (b)/64 , dated the 27th November, 1965:

Provided that where the Member-Secretary is allotted an accommodation by the Central Government he shall not be entitled to house rent allowance and shall be required to pay ten per cent. of the emolument drawn by him as house rent or license fee.

(b) in respect of journeys undertaken by the Member-Secretary in connection with his duties as Member-Secretary he shall be entitled to traveling allowance and daily allowance at the rates permissible in the case of a Government Officer of equivalent rank under the Supplementary Rules of the Central Government;

(c) the Central Board shall provide to the Member-Secretary, medical facilities as admissible to an officer of the Central Government drawing salary in the scale of Rs. 2250--2500 per mensem.

(d) the other terms and conditions of service of the Member-Secretary including allowances payable to him, shall be, as far as may be, the same as are applicable to a Grade I Officer of corresponding status of the Central Government.

(3) Notwithstanding anything contained in sub-rules (1) and (2) where a Government servant is appointed as Member-Secretary, the terms and conditions of his service shall be such as may be specified by the Central Government from time to time.

5. (1) Non-official members of the Central Board resident in Delhi shall be paid an allowance of rupees seventy five per day for each day of the actual meetings of the Central Board.

(2) Non-official members of the Central Board, not resident in Delhi shall be paid an allowance of rupees seventy five per day (inclusive of daily allowance) for each day of the actual meetings of the Central Board and also traveling allowance at such rate as is admissible to a Grade I officer of the Central Government.

Provided that in case of a member of Parliament who is also a member of the Central Board, the said daily and traveling allowance will be admissible when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source,

6. A member of a committee of the Central Board shall be paid in respect of meeting of the committee traveling and daily allowance, if he is a non-official at the rates specified in rule 5. as if he were a member of the Central Board and a Government servant, at the rates, admissible under the relevant rules of the respective government under whom he is serving.

CHAPTER 3

POWERS AND DUTIES OF THE CHAIRMAN AND MEMBER SECRETARY AND APPOINTMENTS OF OFFICERS' AND EMPLOYEES

7. (1) The Chairman shall have overall control over the day-to-day activities of the Central Board,

(2) (i) The Chairman may undertake tours within India for carrying out the functions of the Central Board:

Provided that he shall keep the Central Government (Secretary to the Ministry of Works and P.W.D.) and the Central Board, informed of his tours.

(ii) The Chairman may, with the prior approval of Government, visit any country outside India.

(3) * * * *1

(4) In the matter of acceptance of tenders, the Chairman shall have full powers subject to the concurrence of the Central Board:

Provided that no such occurrence is required for acceptance of tenders upto an amount of rupees one thousand in each case.

(5) Subject to overall sanctioned budget provision, the Chairman shall have full powers to administratively approve and sanction all estimates, -

8. The Central Board may create such posts as it considers necessary for the efficient Performance of its functions and may abolish post, so created provided that for the creation of, and appointment to, posts, the maximum of the scale of which is above Rs. 1,600 per month, the Central Board shall obtain prior sanction of the Central Government.

9. The Member-Secretary shall be subordinate to the Chairman and shall, subject to the control of the Chairman, exercise the following powers, namely:

(1) The Member-Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for preserving them.

(2) The Member-Secretary shall produce such papers whenever so directed by the Chairman or by the Central Board.

(3) The Member-Secretary shall make available to any member of the Central Board, for his perusal, any record of the Board.

(4) The Member-Secretary shall be entitled to call for the services of any officer or employee of the Central Board, and files, papers and documents for study from any department of the Board, as also to carry out inspection of any department at any time including checking of accounts, vouchers, bills and others records and stores pertaining to the Board or regional offices there under.

(5) The Member-Secretary may withhold any payment:

Provided that as soon as may be and in any case not later than three month after such withholding of payment the matter shall be placed before the Central Board for its approval:

(6) The Member-Secretary shall make all arrangements for holding meetings of the Central Board and meetings of the Committees constituted by the Central Board.

(7) All orders or instructions to be issued by the Central Board shall be over the signature of the Member-Secretary or of any other officer authorized in his behalf by the Chairman.

(8) The Member-Secretary shall authorize, sanction or pass all payments against allotments made or estimates sanctioned.

(9) The Member-Secretary shall write and maintain confidential reports of all Class I and Class II officers of the Central Board and shall get them countersigned by the Chairman.

(10) The Member-Secretary shall countersign the confidential reports of all the Class III employees of the Central Board.

(11) (i) The Member-Secretary shall sanction the annual increments of the Class I and Class II officers of the Central Board:

Provided that the increment of Class I and Class II officers shall be withheld only with the approval of the Chairman.

(ii) The annual increment of other employees of the Central Board not referred to in clause (i) shall be sanctioned by officers authorized in this behalf by the Member - Secretary.

(12) The Member-Secretary shall have full powers for according technical sanction to all estimates.

(13) The Member-Secretary shall exercise such other powers and perform such other functions as may be delegated to him from time to time either by the Board or by the Chairman.

CHAPTER 4

TEMPORARY ASSOCIATION OF PERSONS WITH CENTRAL BOARD

10. (1) The Central Board may invite any persons, whose assistance or advice it considers useful to obtain in performing any of its functions, to participate in the deliberations of any of its meetings.

(2) If the person associated with the Board under sub-rule (1) happens to be a non-official, resident in Delhi, he shall be entitled to get an allowance of rupees seventy five per day for each day of actual meeting of the Central Board in which he is so associated.

(3) If such person is non-resident in Delhi, he shall be entitled to get an allowance of rupees seventy-five per day (inclusive of daily allowance) for each day of actual meeting of the Central Board in which he is so associated and also to travelling allowance at such rates as admissible to a Grade I Officer of the Central Government.

(4) Notwithstanding anything in sub-rule (2) and (3), if such person is a Government servant or an employee in a Government undertaking he shall be entitled to traveling and daily allowances only at the rates admissible under the relevant rules applicable to him.

CHAPTER 5

CONSULTING ENGINEER

11. For the purpose of assisting the Central Board in the performance or its functions, the Board may appoint a consulting engineer to the Board for a specified period not exceeding four months:

Provided that the Board may, with the prior approval of the Central Government extend the period of the appointment from time to time:

Provided further that if at the time of the initial appointment the Central Board had reason to believe that the services of the consulting engineer would be required for a period of more than four months, the Central Board shall not make the appointment without the prior approval of the Central Government.

12. Notwithstanding the appointment of a consulting engineer for a specified period under rule 11, the Central Board shall have the right to terminate the services of the consulting engineer before the expiry of the specified period, if, in the opinion of the Board, the consulting engineer is not discharging his duties properly or to the satisfaction of the Board or such a course of action is necessary in the public interest.

Provided that the services of a consulting engineer shall not be terminated under this rule by the Central Board except after giving him a reasonable opportunity of showing cause against the proposed action.

13. The Central Board may pay the consulting engineer suitable emoluments or fees or fees depending on the nature of work, and the experience of the consulting engineer:

Provided that the Central Board shall not appoint any person as consulting engineer without the prior approval of the Central Government if the emoluments or fees payable to him exceeds rupees two thousand per month.

14. The consulting engineer may undertake tours within the country for the performance of the duties entrusted to him by the Central Board and in respect of

such tours he shall be entitled to traveling and daily allowances as admissible to a Grade I officer of the Central Government. He shall, however, get the prior approval of the Member-Secretary to his tour programme.

15. The consulting engineer shall not disclose any information either given by the Central Board or obtained during the performance of the duties assigned to him either from the Central Board or otherwise, to any person other than the Central Board without the written permission of the Board.

16. The consulting engineer shall discharge such duties and perform such functions as are assigned to him, by the Central Board and it will be his duty to advise the Board on all technical matters referred to him by the Board.

CHAPTER 6

BUDGET OF THE CENTRAL BOARD

17. (1) The budget in respect of the year next ensuing showing the estimates receipts and expenditure of the Central Board shall be prepared in Forms I, II, III and IV and submitted to the Central Government.

(2) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the current year.

(3) The budget shall, as far as may be, based ,on the account heads specified in Schedule II.

18. (J) The budget estimates as compiled in accordance with rule 17 shall be placed by the' Member-Secretary before the Central Board by the 5th October each year for approval

(2) After approval of the budget estimates by the Central Board, four copies of the final budget proposals incorporating therein such modifications as have been decided upon by the Central Board shall be submitted to the Central Government by the 15th October each year.

19. (1) The estimates of expenditure on fixed establishment as well as fixed monthly recurring charges on account of rent, allowances. etc., shall provide for the gross sanctioned pay without deductions of any kind.

(2) To the estimates referred to in sub-rule (1) shall be added a suitable provision for leave salary based on past experience with due regard to the intention of the members of the staff in regard to leave as far as the same can be ascertained.

(3) If experience indicates that the total estimate for fixed charges referred to in sub-rules (1) and (2) is not likely to be fully utilized, a suitable lump deduction shall re made from the total amount estimated.

20. No expenditure which is not covered by a provision in the sanctioned budget estimates, or which is likely to re in excess over the amount provide under any head, shall re incurred by the Central Board without provision being made by re-appropriation from some other head under which saving are firmly established and available.

21. The Central Board shall incur expenditure out of the funds received by it in accordance with the instructions laid down under the General Financial Rules of the Central Government and other instructions issued by that Government from time to time.

22. The fund of the Central Board shall be operated by the Member Secretary of the Central Board or in his absence by any officer of the Central Board who may, subject to the approval of the Central Government, be so empowered by the Central Board.

23. Nothing in this Chapter shall apply to a budget already finalized before the commencement of these rules.

CHAPTER 7

ANNUAL REPORT OF THE CENTRAL BOARD

24. The annual report in respect of the year last ended giving a true and full account of the activities of the Central Board during the previous financial year shall contain the particulars specified in the I [Schedule III].

CHAPTER 8

ACCOUNT OF THE CENTRAL BOARD

25. The annual statement of accounts of the Central Board shall be in Forms V to IX.

CHAPTER 9

REPORT OF CENTRAL BOARD ANALYST AND THE QUALIFICATIONS OF ANALYSTS

26. When a sample of any water, sewage or trade effluent has been sent for analysis to a laboratory established or recognized by the Central Board, the Central Board analyst appointed under sub-section (3) of section 53 shall analyse the sample and submit to the Central Board a report in triplicate in Form X of the result of such analysis.

26A. Persons possessing the following qualifications are eligible for appointment as Government analysts or as Board analysts under sub-section (1) or sub-section (3), as the case may be, of section 53, namely:

Essential :- (i) M.Sc. Degree in Chemistry or equivalent or Bachelor Degree in Chemical Engineering or Bio-chemical Engineering; and

(ii) 10 years' experience in analysis of water, sewage or industrial wastes in teaching, research or Government Laboratory.

Desirable:- (i) Doctorate Degree in- Chemistry or Bio-chemistry or Master's Degree in Chemical Engineering or Bio-chemical Engineering;

(ii) Evidence of published papers in the field.

CHAPTER 10

CENTRAL WATER LABORATORY

27. The Central Water Laboratory shall cause to be analyzed any samples of water, sewage or trade effluent received by it from any officer authorized by the Central Board for the purpose, and the findings shall be recorded in triplicate in Form XI.

28. The fees payable in respect of each report of the Central Water Laboratory on any analysis or test mentioned in column (2) of Schedule IV shall be at the rates specified in the corresponding entry in column (3) thereof.

CHAPTER 11

POWERS AND FUNCTIONS OF THE CENTRAL BOARD IN RELATION TO UNION TERRITORIES

29. The Central Board shall act as State as State Board for Union territories under sub-section (4) of section 4.

30. The Central Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of sewage or trade effluent which is passing from any ,plant or

vessel or from or over any place into any such stream or well in any Union territory .

31. A notice under clause (a) of sub-section (3) of section 21 shall, in case of a Union territory, be in Form XII.

32. An application for obtaining the consent of the Central Board for establishing or taking any steps to establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereinafter in this Rule referred to as discharge of sewage); or for bringing into use any new or altered outlet for the discharge of sewage or beginning to make any new discharge of sewage under section 25 or for continuing an existing discharge of sewage under section 26 shall be made to the Central Board in Form XIII.

33. (1) On receipt of an application for consent under section 25 or section 26, the Central Board may depute any of its Officers, accompanied by as many assistants as may be necessary, to visit the premises of the applicant; to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as such officer may consider necessary. Such officer may for that purpose inspect any place where water or sewage or trade effluent is discharged by the applicant, or treatment plants, purification works or disposal systems of the applicant and may require the applicant to furnish to him any plans, specifications and other data relating to such treatment plants, purification works or disposal systems or any part thereof, that he considers necessary.

(2) Such officer shall before visiting any premises of the applicant for the purpose of inspection under sub-rule (1) above, give notice to the applicant of his intention to do so in Form XIV. The applicant shall furnish to such officer all facilities that such officer may legitimately require for the purpose.

(3) An officer of the Central Board may, before or after carrying out an inspection under sub-rule (1) above, require the applicant to furnish to him, orally or in writing such additional information or clarification, or to produce before him such documents, as he may consider necessary for the purpose of investigation of the application and may, for that purpose, summon the applicant or his authorized agent to the office of the Central Board.

34. (1) any direction issued under section 33A shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

(3) The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given all opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

(4) Where the proposed direction is for tire stoppage or regulation of electricity or water or any other services affecting the carrying on an industry, operation or process and is sought to be issue to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designed in this behalf shall be dealt with in accordance with the procedures under sub-rules (3) and (5) of this rule:

Provided that no opportunity of being heard shall be given to the occupier, if he had already been heard earlier and the proposed direction referred to in sub-rule (3) above for the stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Board after such earlier hearing.

(5) The Central Board shall within a period of 45 days from the date of receipt of objections, if any, or from the date upto which an opportunity is given to the person, officer or authority to file objections whichever is earlier, after considering the objections, if any, sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(6) In a case where the Central Board is of the opinion that in view of the likelihood of the grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity

(7) Every notice or direction required to be issued under this rule shall be deemed to be duly served :-

(a) Where the person to be served is a company, if the document is addressed in the name of the company and its registered office or at its principal office or place of business and is either-

(i) sent by registered post; or

(ii) delivered at its registered office or at the principal office or place or business;

(b) Where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to his Head of the Department and also to the Secretary to the Government as the case may be, in charge of the Department in which for the time being the business relating to the Department in which the officer is employed is transacted and is- either :- .

(i) sent by registered post, or

(ii) is given or rendered to him;

(c) in any other case, if the document is addressed to the person to be served and-

(i) is given or tendered to him, or

(ii) if such persons cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult members of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

(iii) is sent by registered post to that person.

Explanation :- For the purpose of this sub-rule :-

(a) "company" means body corporate and includes a firm or other association of individuals;

(b) "a servant" is not a member of the family.

35. The manner of giving notice under clause (b) of sub-section (1) of section 49 shall be as follows. namely :-

(1) The notice shall be in writing in Form XV;

(2) If the alleged offence has taken place in a Union Territory, the person giving notice may send notice to :-

(i) the Ministry of Environmental and Forests (represented by the Secretary to the Government of India);

(ii) the Administrator of the Union Territory (represented by the Secretary Head in charge of Environment).

(3) The notice shall be sent by registered post acknowledgement due; and

(4) The period of sixty days mentioned in clause (b) of sub-section (1) of section 49 of the Act, shall be reckoned from the date it is first received by one of the authorities mentioned in sub-rule (2).

SCHEDULE I

FORM I

CENTRAL POLLUTION CONTROL BOARD

ADMINISTRATION

(Expenditure)

Head of actuals	Actuals for the past three years			Sanctioned estimate for the current year	Actuals of last six months ie year 19-19	Actuals of six months of the current year 19	Revised estimate for the current year 19	Budget estimate for the next year	Variations between columns 5 and 8	Variations between columns 8 and 9	Explanation for columns 10 and 11
1	2	3	4	5	6	7	8	9	10	11	12

FORM II

CENTRAL POLLUTION CONTROL BOARD

ESTABLISHMENT

Statement of details of provisions proposed for pay of officers/Establishment for the year 19 -19

(See rule 7)

1	2	3	4	5			6	7
Name and designation	Reference to page of estimate form	Sanctioned pay of post	Amount of provision for the year at the rate in column 3©	Investment falling due within the year			Total provision for the year ie totals of columns 4&5©	Remarks
		Min max – Actual pay of the person concerned due on 1 st April next year		Date of increment (a)	Rate of increment (b)	Amount of increment for the year ©		
		A B C						

FORM III
CENTRAL POLLUTION CONTROL BOARD
NOMINAL ROLLS
(See rule 17)

Name and designation	Pay	Dearness Allowance	City Compensatory	House rent allowance	Over time allowance	Children educational	Leave travel concession	Other allowance	Total
1	2	3	4	5	6	7	8	9	10
TOTAL									

FORM IV
CENTRAL POLLUTION CONTROL BOARD
ABSTRACT NOMINAL ROLLS
(See rule 17)

Actual sanctioned strength as on 1 st march, 19	Particulars of posts	Sanctioned Budget Grant 19 - 19		Revised estimates		Budget estimates 19 - 19		Explanation for the difference between sanctioned budget Grant Revised estimates and Budget estimates
		No of posts included	Pay and allowance	No of posts included	Pay and allowance	No of posts included	Pay and allowance	
1	2	3	4	5	6	7	8	9
	I. Officers (a) Posts filled (b) Posts vacant							

	Total Officers II.Establishment (a)Posts filled (b)Posts vacant Total II Establishment III Class IV (a)Posts filled (b)Posts vacant Total III Class IV							
GRAND TOTAL- I , II and III								

FORM V

CENTRAL POLLUTION CONTROL BOARD

Receipt and payment for the year ended

(See rule 25)

Previous year	Receipts	Previous year	Payment
(1)	(2)	(3)	(4)
Opening Balance--- i.Grants received... (a)from Govt..... (b)from other agencies.. II.Fees..... III.Fines and Forfeitures IV.Interest of investments V.Miscellaneous Receipt VI.Miscellaneous Advance VII.Deposits TOTAL		1. Capital Expenditure..... (i)Works..... (ii)Fixed Assets..... (iii)Other Assets..... (a)Laboratory equipment (b)Vehicle ©Furniture and Fixtures (d)Scientific Instruments and (e)Tools and Plant	

		2.RevenueExpenditure..... (A)Administrative..... (i)pay of Officer..... (ii)Pay of Establishment..... (iii)Allowance and Honoraria..... (iv)Leave salary and pension contributions..... (v)Contingent expenditure..... Deduct recoveries..... (B)(i)Board Laboratory (ii)Charges to be paid to the Central water Lab. ©Running and maintenance of vehicles..... (D)Maintenance and Repairs (i)Building and land Drainage including rents if any..... (ii)Works..... (iii)Furniture and Fixtures..... (iv)Scientific Instruments and Office Appliance and repairs (v)Tools and Plants..... (vi)Temporary work including maintenance and repairs (E)Fees to Consultants and Specialists..... (F)Law charges..... (G)Miscellaneous..... (H)Fees for Audits.....
		3.Purchases..... 4.Miscellaneous..... 5.Advances..... 6.Deposits..... Total.....
Accounts Officer	Member Secretary	Chairman

FORM VI
CENTRAL POLLUTION CONTROL BOARD
Annual Statement of Account
Income and Expenditure account for the year ended 31st march,19
(See rule 25)

Previous year	Expenditure Details	Total of Sub- head	Total of major head	Previous year	Income details	Total of Sub-head	Total of major head
1	2	3	4	5	6	7	8
Rs.		Rs.	Rs.	Rs.		Rs.	Rs.
To REVENUE EXPENDITURE (A)Administrative: (i)Pay of Officers (ii)Pay of establishment (iii)Allowances & Honaria (iv)Leave salary and Pension Contributions (v)Board's contributions to the staff Provident Fund (vi)Contingent expenditure Deduct Recoveries					By (i)GRANTS RECEIVED (a) From Govt. (b) From other agencies Total: Less: Amount utilized for Capital expenditure net grant available for Revenue expenditure.		
(B)Running expenses of laboratories: i)main Laboratory ii)Payments to be made to Central water Laboratory © Running and Maintenance of Vehicle					(ii) Fees:- (iii) Service Rental charges (iv)Fines and Forfeitures (v)Interest on investments (vi)Miscellaneous Receipts (vii)Excess of Expenditure over income		

(D)Maintenance and Repairs: (i)Building and land Drainage (ii)Works (iii)Furniture and Fixtures (iv)Scientific instruments and office appliances. (E)Temporary Works(Including maintenance and repairs) (F)Fees to consultant and specialist (G)law charges (H)Depreciation: (i)Buildings (ii)Laboratory equipments (iii)vehicles (iv)Furniture and Fixtures (v)Scientific Instruments and office appliance (vi)Tools and Plants (I)Miscellaneous: (i)Write off of closes (as per details in the statement attached) (ii)Other miscellaneous expenditure. (J)Fees and Audit (k)Excess of income over expenditure. TOTAL					
Accounts Officer	Member Secretary			Chairman	

FORM VII
CENTRAL POLLUTION CONTROL BOARD
Annual Statement of Account
Balance Sheet as at 31st march,19.....)
(See rule 25)

Capital and liabilities				Property and Assets			
Previous year	Details	Total of sub-head	Total of major head	Previous year	Details	Total of sub-head	Total of major head
1	2	3	4	5	6	7	8
	i)Grants received from Govt. for capital expenditure. (a)Amount utilized upto 31 st March 19..... (b)Unutilized balance on 31 st March 19..... (ii)Grant from other agencies for capital expenditure (i) Amount utilized upto 31 st March 19..... (ii) Unutilized balance on 31 st March 19..... (iii)Value of land provided by Govt.(per contra) (A) capital Receipts- (B) (i)Deposits received for works from outside bodies- Expenditure- (C) Amounts due- (i)Purchasers (ii)Others (D) Excess of income over expenditure- (i)upto 31 st march 19.... (ii)Add for the year (iii)Deduct –Excess of expenditure over income. (E) Capital Fund				1. Works- (As per Form VIII) 2.Fixed Assets (As per Form IX) (a)value of land provided by Govt.(at cost) (b)Buildings- Balance as per last Balance sheet Additions during the year Total----- Less; Depreciation during the year Total----- 3.Other Assets-(As per Form IX) (a)Laboratory Equipment as per last balance sheet –additions during the year Total----- Less: Depreciation during the year Total: (b)Vehicles as per last balance sheet Additions during the year Total----- Less: Depreciation during the year Total: ©Furniture and Fixtures. As per last balance Sheet. Additions during the year Total----- Less:		

		Depreciation during the year Total: (d)Scientific Instruments and Office Appliance- As per last balance Sheet. Additions during the year Total----- (e)Tools and Plants- As per last balance Sheet. Additions during the year Total----- Less: Depreciation during the year Total----- 4. Sundry Debtors- (i) Amounts due from outside bodies. For expenditure incurred- Expenditure Less amount received
TOTAL.....		(ii)Other Sundry Debtors 5. Advances- a)Miscellaneous Advance b)Other amount recoverable. Cash- a)Notice/Short Term Deposits b)cash at Bank c)cash in hand d)Cash in transit----- TOTAL.....
Accounts Officer	Member-Secretary	Chairman

FORM VIII
CENTRAL POLLUTION CONTROL BOARD
Annual Statement of Account
Balance Sheet as on 31st march,19.....)

(See rule 25)

SI No	Name of Work	Upto March 19			During the year 19			Upto 31 st march 19		
		Direct expenditure	Overhead Charges	Total Expenditure	Direct expenditure	Overhead Charges	Total Expenditure	Direct expenditure	Overhead Charges	Total Expenditure
TOTAL										
Accounts Officer					Member Secretary			Chairman		

FORM IX

CENTRAL POLLUTION CONTROL BOARD

Annual Statement of Account

Fixed Assets as on 31st March, 19 (Item 2 Assets of the balance Sheet)

Other Assets as on 31st March, 19 (Item 3 Assets of the balance Sheet)

(See rule 25)

Sl. No.	Particulars	Balance as on 31 st March 19	Additions during the year	Total	Depredation during the year	Sales of write off during the year	Balance as on 31 st March 19	Cumulative Depreciation as on 31 st March 19

Accounts Officer

Member Secretary

Chairman

FORM X
REPORT BY THE CENTRAL BOARD ANALYST
(See Rule 26)

Report No......
Dated the

I hereby certify that I. (I) Central Board analyst duly appointed under sub-section (3) of section 53 of the Water (Prevention and Control of Pollution) Act. 1974 (6 of 1974) received on the (II) day of..... 19..... from (III)..... a sample of..... for analysis. The sample was in a condition fit for analysis reported below;

I further certify that I have analyzed the aforementioned sample on (IV) and declare the result of the analysis reported below:

I further certify that I have analyzed the aforementioned sample on (IV).....and declare the result of the analysis to be as follows: -

(V).....
.....

The condition of the seals fastening and container on receipt was as follows:-

.....
.....

signed this..... day of 19.....

(Signature)
Central Board analyst.

Address.....

To
.....

(I) Here write the full name of the Central Board analyst.

(II) Here write the date of receipt of the sample.

(III) Here write the name of the Board or person or body of person or officer from whom the sample was received.

(IV) Here write the date of analysis.

(V) Here write the details of the analysis and refer to the method or analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM XI

REPORT BY THE GOVERNMENT ANALYST

(See rule 27)

Report No

Dated the 19

I hereby certify that I. (i) Government analyst duly appointed under sub-section (1) of section 53 of the Water (Prevention and Control of Pollution) Act. 1974 (6 of 1974) received on the (ii).....day of 19.....from (III) a sample of for analysis. The sample was in a condition for analysis reported below:

I further certify that I have analyzed the aforementioned sample. on (IV) and declare the result of the analysis to be as follows :-

(V)

.....
.....

The condition of the seals. fastening and container on receipt was as follows:-

.....
.....

signed this..... day of..... 19.....

(Signature)

(Government analyst)

Address

To

(i) Here write the full name of the Government analyst.

(II) Here write the date of receipt of the sample.

(III) Here write the name of the Board or person or body of persons or officer from whom the sample was received.

(IV) Here write the date of analysis.

(V) Here write the details of the analysis and refer to the method of analysis. If the space is not adequate and details may be given on a separate sheet of paper.

FORM XII

CENTRAL POLLUTION CONTROL BOARD

Notice or intention to have sample analysed

(See Rule 31)

To

Take notice that it is intended to have analysed the sample of water/sewage effluent/trade effluent which is being taken today the.....day of-19..... from (I)

Name and designation of the person who takes the sample

(I) Here specify the stream, well, plant, vessel or place from where the sample is taken.

To

.....
.....

FORM XIII

Application for consent for establishing or taking any Steps for establishment of Industry operation process or any treatment disposal system for discharge. continuation of discharge under section 25 or section 26 of the Water (Pollution and Control of Pollution) Act. 1974.

(See Rule 32)

From

Date

.....

.....

To

The Member Secretary.

Central Pollution Control Board.

Sir ;

I/We hereby apply for Consent/Renewal of Consent under section 25 of the Water (Prevention and Control of Pollution) Act. 1974 (6 of 1974) for establishing or taking any steps for establishment of Industry/operation process or any treatment/disposal system to bring into use any new/alterd outlet/or discharge of *sewage/trade effluent* to continue to discharge* sewage/trade effluent* from land/premises owned by

The other relevant details are below :-

1. Full Name of the applicant

2. Nationality of the applicant-

3. (a) Individual

(b) Proprietary concern

(c) Partnerships firm

(whether registered or unregistered)

(d) Joint family concern

(c) Private Limited Company

- (f) Public Limited Company
- (g) Government Company
- (1) State Government
- (2) Central Government
- (3) Union Territory
- (h) Foreign Company
- (i) if a foreign company the details of registration. incorporation. etc,
- (j) Any other Association or Body:

4. Name , Address and Telephone Nos. of Applicant (the full list of individuals partners. persons. Chairman (full-time or part-time) Managing Directors. Managing Partners Directors (Full time or part-time) other kinds of office bearers arc to be furnished with their period of tenure in the respective office with telephone Nos. and address).

5. Address of the Industry :

(Survey No.. Khasra No.. location as per the revenue records. Village Firka. Tehsil District. Police Station or SHO jurisdiction of the First-Class Magistrate).

6. Detail of commissioning. etc. :-

(a) Approximate date of proposed commissioning of work.

(b) Exceed date of production :

(c)

7. Total number of employee expected to employed.

8. Details of license if any obtained under the provisions of Industrial Development Regulations Act. 1951.

9. Name of the parson authorized to sign this form (the original authorization except in the case or individual proprietary concern is to enclosed).

10. (a) attach the list of raw materials and chemicals used per month.

(b) License Annual Capacity or the Factorj/Industry.

11. State daily quantity of water in kilolitres utilized and its source (domestic industrial process boiler Cooling others).

12.(a)State the daily maximum quantity of effluents quantity and mode of disposal.

(sewer or drains or river). Also attach analysis report of the effluents. Type of effluent quantity in kilolitres. Mode of disposal.

(i) Domestic

(ii) Industrial.

(b) Quality of effluent currently being discharged or expected to be discharged

(c) What monitoring arrangement is currently there or proposed.

13. State whether you have any treatment plant for industrial, domestic or combined effluents.

Yes/No

If yes, attach the description of the process of treatment in brief. Attach information on the quality of treated effluent vis-à-vis the standards.

14. State details of solid wastes generated in the process or during waste treatment.

Description Quantity Method Method of disposal

15. I/We further declare that the information furnished above is correct to the best of my/our knowledge.

16. I/We hereby submit that in case of change either of the point of discharge or the quantity of discharge or its quality, a fresh application for CONSENT shall be made and until such CONSENT is granted no change shall be made.

17. I/We hereby agree to submit to the Central Board an application for renewal of consent one month in advance of the date of expiry of the consented period for outlet/discharge if to be continued thereafter.

18. I/We undertake to furnish any other information within one month of its being called by the Central Board,

19. I/We enclose herewith cash receipt No./bank draft No..... dated.....for Rs (Rupees.....)

in favour of the Central Pollution Control Board, New Delhi. as fees payable under section 25 of the Act.

Yours faithfully

Signature of the applicant

Note: * Strike out which is not relevant

FORM XIV

CENTRAL POLLUTION CONTROL BOARD NOTICE OF INSPECTION

[See Rule 33(2)]

Chairman

Member Secretary

Sri

Sri.....

.....

No.....

Dated.....

To

.....
.....

TAKE NOTICE that for the purpose of enquiry under sections 25/26 the following officers of the Central Board namely :-

i) Shri.....

ii) Shri.....

iii) Shri.....

and the persons authorized by the Board to assist them shall inspect the-

(i) Water Works

(ii) Sewage Works

(iii) Waste treatment Plant

(iv) \actory

(v) Disposal system

(I) Any other parts thereof or pertaining thereto under management/control on date(s)..... between.....hours when all facilities requested by them for such inspection should be made available to them on the site. Take Notice that refusal or denial to above stated demand made under the functions of the Central Board shall amoW1t to obstruction punishable under section 42 of the Act.

By order of the Board.

Member-Secretary.

Copy to;- 1.....

2.....

SCHEDULE II
BUDGET AND ACCOUNT HEADS
[(See Rule 17(3))]
ADMINISTRATION
Heads of Accounts (Expenditure)

1. Salaries.
2. 2. Wages.
3. Travel Expenses.
4. Office Expenses.
 - (a) Furniture. (b) Postage
 - (c) Office Machines/Equipment (d) liveries
 - (e) Hot and cold weather charges (f) Telephones
 - (g) Electricity and Water charges (h) Stationery (i) Printing
 - (j) Staff car and other vehicles
 - (k) Other items.
5. Fee and Honoraria.
6. Payment for professional and special services. 7. Rents, Rates and Taxes/Royalty.
8. Publications.
9. Advertising Sales and Publicity Expenses.
10. Grants in aid/Contributions/Subsidies.
11. Hospitality Expenses/Sumptuary Allowances etc.
12. Pensions/Gratutities. 13. Write off/Losses. 14. Suspense.
5. Expenses in connection with tile setting up and maintenance or the Board Laboratory
16. Other charges (A residuary head, this will also include rewards and prizes).

Heads of Account (Receipts)

1. Payments by Central Government. .
2. Fees.
3. Fines and other receipts.

[SCHEDULE III]

(See Rule 24)

**CENTRAL POLLUTION CONTROL BOARD ANNUAL REPORT FOR THE
FINANCIAL YEAR**

APRIL 19... TO MARCH 31, 19...

CHAPTER-I	Introduction
CHAPTER-2	Constitution of the Board including changes therein.
CHAPTER-3	Meetings of the Board with major decisions taken therein.
CHAPTER-4	Committees constituted by the Board and their activities.
CHAPTER-5	Monitoring Network for air, water and-soil quality.
CHAPTER-6	Present State of environment environmental problems and counter measures.
CHAPTER-7	Environmental Research.
CHAPTER-8	Environmental Training.
CHAPTER-9	Environmental Awareness and Public Participation.
CHAPTER-10	Environmental Standards including time schedule for their enforcement
CHAPTER-II.1	Prosecutions launched. and convictions secured for environmental pollution control.
CHAPTER-II.2	Directions given for closure of polluting industrial units.
CHAPTER-12	Finance and accounts of the Board.
CHAPTER-13	Annual Plan of the following year.
CHAPTER-14	Any other important matter dealt with by the Central Board.

ANNEXURES

1. Members of the Board. 2. Organization Chart.
3. Staff Strength including recruitment. 4. Publications.
5. Training Courses/Seminars/Workshops organized or attended.
6. Consents to establish industries, operations & processes-issued/refused.
7. Consents to operate industries operations & process- issued/refused.

[No.2-200]3/4/91-C.P.W.]

MUKUN SANWAL, Jt. Secy.

SCHEDULE IV

(See Rule 28)

Rates of fees payable in respect of a report of the Central water Laboratory

Sl No.	Nature of analysis	Rates of fees
1.Chemical Analysis of Water		Rs. 56/- (for all the tests)
	(a) Dissolved solids (at 103°- 105°c)	
	P- alkalinity , as CaCO ₃	
	M- alkalinity , as CaCO ₃	
	Total hardness, as CaCO ₃	
	Alkaline hardness, as CaCO ₃	
	Non Alkaline hardness, as CaCO ₃	
	calcium as Ca	
	Magnesium as Mg	
	Chlorides as Cl	
	Sulphate as SO ₄]	
	Turbidity Units	
	PH	
	Appearance and colour in Units (visual)	

(b) Dissolved solids (at 103°- 105°c) P- alkalinity , as CaCO_3 M- alkalinity , as CaCO_3 Total hardness, as CaCO_3 Alkaline hardness, as CaCO_3 Non Alkaline hardness, as CaCO_3 calcium as Ca Magnesium as Mg Sodium as Na Potassium as K Iron as Fe Manganese as Mn Chlorides as Cl Sulphate as SO_4 Flurides as F Nitrate as N Phosphate as PO_4 Turbidity Units Turbidity Units PH Appearance and colour in Units (visual)	Rs. 100/- (For all the tests)

(c) Dissolved solids P- alkalinity , as CaCO ₃ M- alkalinity , as CaCO ₃ Free -alkalinity , as CaCO ₃ Total hardness, as CaCO ₃ Alkaline hardness, as CaCO ₃ Non Alkaline hardness, as CaCO ₃ calcium as Ca Magnesium as Mg Sodium as Na Potassium as K Iron as Fe Manganese as Mn Chlorides as Cl Sulphate as SO ₄ Fluorides as F Nitrate as N Phosphate as PO ₄ Silica as SiO ₂ Turbidity Units PH Langelier Index Conductivity micromhos/cm Appearance and colour(visual) Probable composition of residue <table><tr><td>CaCO₃</td><td>CaSO₄</td><td>CaCl</td><td>SiO₂</td></tr><tr><td>MgCO₃</td><td>MgSO₄</td><td>MgCl₂</td><td>Fe₂O₃</td></tr><tr><td>Na₂CO₃</td><td>Na₂SO₄</td><td>NaCl</td><td>Mn₂O₂</td></tr><tr><td>K₂CO₃</td><td>K₂SO₄</td><td>KCL</td><td>Al₂O₃</td></tr></table>	CaCO ₃	CaSO ₄	CaCl	SiO ₂	MgCO ₃	MgSO ₄	MgCl ₂	Fe ₂ O ₃	Na ₂ CO ₃	Na ₂ SO ₄	NaCl	Mn ₂ O ₂	K ₂ CO ₃	K ₂ SO ₄	KCL	Al ₂ O ₃	Rs. 174/- (For all tests)
CaCO ₃	CaSO ₄	CaCl	SiO ₂														
MgCO ₃	MgSO ₄	MgCl ₂	Fe ₂ O ₃														
Na ₂ CO ₃	Na ₂ SO ₄	NaCl	Mn ₂ O ₂														
K ₂ CO ₃	K ₂ SO ₄	KCL	Al ₂ O ₃														
Tripura State Pollution Control Board																	

35

II. Chemical Analysis of Irrigation Waters Dissolved solids PH Boron as B Calcium as Ca Chloride as Cl Conductivity, micromohs/cm Manganese as Mg Potassium as K Sodium as Na Sulphate SO₄ Oil and Grease III. Bacteriological Analysis of Potable Waters Standard Plate Count Coliform EE Coli Fecal streptococci	Rs. 50/- (for all the tests)
IV. Distilled Water (as IS 1070-1960)	Rs. 120/- (for each test)
V. Sewage and Trade effluent BOD 20°C 5 day pH COD suspended solids (103°C -15°C) Colour (visual) units.	Rs. 60/- (for all the tests)

Manganese as Mn Silica as SiO ₄ Potassium in sludge and waste water as K Sodium in sludge and waste waters as Na Soluble phosphate as PO ₄ Sulphides as S Suspended solids Total phosphorus Volatile acids Alkalinity (P&M) (c) heavy Metals (qualitative test) Aluminium (gravimetric) Arsenic Barium Calcium COD Chromium Copper Cynide Insecticides Lead Magnesium(gravimetric) Mercury Nickel Selenium Silver Sulphate(gravimetric) Zinc Percent Sodium	Rs. 24/- (For each test)

Oil and Grase Phenolic Substances	
(d)BOD Air samples analysis for:- (1) Carbon dioxide (2) Carbon monoxide (3) Oxyzen Total fluorides by distillation	Rs. 36/- (For each test)
(e)Sieve analysis Conventional Marble Test The Ensflow Stability Indicator Test	Rs. 40/- (For each test)
(f) Alum dose determination by jar test in water treatment Alumino non-ferric (as per IS: 260-1960) Bioassay tests without chemical analysis (Tim value) Plain settlement test of solution containing fines Filter sand and gravel Including sieve analysis solubility in dilute HCL loss on ignition and specific gravity	Rs. 60/- (For each test)
(g) Alum Jar test to evaluate optimum coagulant and coagulant aid dose in water treatment Alumino ferric (as per IS: 299- 1962) Lime Detailed analysis	Rs. 96/- (For each test)
(h) Lead extraction test on UPVC pipe as per IS: 4985-1963	Rs. 180/- (For each test)
(i)Scale deposits (detailed analysis)	Rs.240/- (For each test)

(j) Attrition Test	Rs. 40/- (For each test)
(k) To find out correlation between Jackson Candle Turbidity and Gravimetric Units.	Rs. 60/- (For each test)

FORM XV
(See Rule 35)
FORM OF NOTICE

By registered post
Acknowledgment due

From

.....
.....

To

.....
.....

Notice under section 49 of the Water (Prevention and Control of Pollution) Act, 1974.

Whereas an offence under the Water (Prevention and Control of Pollution) Act. 1974, has been committed/ is being Committed by

(2) I/ We hereby give notice of 60 days under section 49 of the Water (Prevention and Control of Pollution) Act, 1974 of my/our intention to file a complaint in the court against.....

(2) for violation of section of the Water (Prevention and Control of Pollution) Act, 1974.

In support of my/our notice, I am/we are enclosing the following documents (3) as evidence of proof of violation of the Water (Prevention and Control of Pollution) Act, 1974.

Place.....

Signature(s)

Date.....

Explanation:-

(1) In case the notice is given in the name of a company, documentary evidence authorizing the person to sign the notice on behalf of the company shall be enclosed to this notice. Company for this purpose means a company defined in Explanation to section 47 of the Act.

(2) Here give the name and address of the alleged offender in case of a manufacturing processing operating unit, indicated the name/location/nature of activity etc.

(3) Documentary evidence shall include photographs/technical reports/health reports of the area etc. for enabling enquiry into the alleged violation/offence."

[No.oQ-15011/3/88-CPW]

G. SUNDARAM, Jt. Secy.

[Gazette of India. 1989, Extraordinary Pt. II Sec 3(1) p. 8]

CENTRAL POLLUTION CONTROL BOARD

NOTIFICATION

New Delhi, the 31st March, 1994

S.O.296(E). - In exercise of the power vested under Sub- Section 4 of Section 4 of the Water (Prevention and Control of Pollution) Act, 1974, the Central Pollution Control Board pursuant to Section 17(2) of the said Act, has established the Board Laboratory located at Parivesh Bhawan, East Arjun Nagar, Shahdhra, Delhi.

The fees payable to the Board's Laboratory in respect of each report of the analysis for various Physico-chemical parameters shall be as per the rates given in Schedule annexed.

The rates shall come into force from the date of issue of this notification.

[No. Legal/42(3)/87] D. K. BJSWAS, Chairman

CENTRAL POLLUTION CONTROL BOARD
SCHEDULE OF FEE FOR ANALYSIS OF VARIOUS ANALYTICAL PARAMETERS IN
CPCB LABORATORIES FOR WATER SAMPLES

S.No	Physical Tests	Fee in Rs.
1	2	3
1.	Colour	15
2.	Conductivity	15
3.	PH	15
4.	Suspended Solids	20
5.	Settle able Solids	20
6.	Sludge Volume Index	20
7.	Total solids	20
8.	Temperature	05
9.	Turbidity	15
10.	Velocity of Flow	15
	CHEMICAL TESTS	
11.	Acidity	30
12.	Alkalinity	30
13.	Aluminum	70
14.	Amm. Nitrogen	85
15.	Arsenic	85
16.	Barium	70
17.	Beryllium	70
18.	Boron	70
19.	Bromide	40
20.	Carbon Dioxide	20
21.	Cadmium	85
22.	COD	85
23.	BOD	150

24.	Chloride	20
25.	Chlorine residual	20
26.	Calcium (Titrimetric)	35
27.	Chromium Hexavalent	85
28.	Chromium Total	85
29.	Copper	85
30.	Cyanide	70
31.	Dissolved Oxygen	30
32.	Fluoride	40
33.	Hardness	30
34.	Iodide	40
35.	Iron	85
36.	. Lead	85
37.	Manganese	85
38.	Magnesium	85
39.	Mercury	85
40.	Nickel	85
41.	. Nitrate Nitrogen	85
42.	Nitrite Nitrogen	85
43.	Nitrogen (organic)	85
44.	Oil & Grease	70
45.	Pesticides (each)	100
46.	Phosphate	85
47.	Phenol	85
48.	Potassium	85
49.	Selenium	85
50.	Silica	85
51.	Silver	85
52.	Sodium	85
53.	Strontium	85

54.	Sulphite	85
55.	Sulphate	40
56.	Tanin Aignin	85
57.	Tin	85
58.	Total Organin Carbon	100
59.	Urea Nitrogen	85
60.	Zinc	85

CENTALPOLLUTION CONTROL BOARD

(Ministry of Environment & Forests)

NOTIFICATION

New Delhi, the 23rd September, 1994

S.O.390(E)-In exercise of the power vested under sub-section 3 of Section 16 and Sub-section 2 of Section 17 read with Sub-section 4 of Section 4 of the Water (Prevention and Control of Pollution) Act, 1974, (Act 6 of 1974) and further to add in the Notification S.O.No.296(E), dated 31st March, 1994, the Central Pollution Control Board established the Laboratories located at :

- (i) **Delhi** 'Parivesh Bhawan' East Arjun Nagar, Shahdara, Delhi JJ0032
- (ii) **Calcutta** Zonal Office(East), 61, Prince Anwar Shah Road. Calcutta-700 033.
- (iii) **Vadodara** Zonal Office(West), Chokshi Chamber. Priya Laxmi Mill Road, Vadodara-390 003.
- (iv) **Kanpur** Zonal Office(Central), 1st Floor, 117/51 - Q, Block- Sharda Nagar. Gurdeo Place, Kanpur-208025.

The fees payable to these laboratories in respect of each report of the analysis for various analytical parameters and sampling charges for the water, wastewater and soil samples shall as per the rates given in schedule.

The rate shall come into force from the date of issue of the notification.

Schedule of Fee for analysis of various analytical parameters in CPCB Laboratories for water Samples.

(Additional Parameters)

Entries before serial no. 61 be referred to in the Notification No.296(E), dated 31.03.1994.

Sl. No	Parameters	Rate per Test in Rs
61.	Adsorb halides (AOX)	500
62.	Antimony	85
63.	Bioassay test(Fish)	800
64.	Chlorine demand	50
65.	Cobalt	85
66.	Detergents	50
67.	Fecal coliform	75
68.	Hardness(calsium)	30
69.	Hardness(Magnesium)	50
70.	Molebdenum	85
71.	Odour	15
72.	Percent Sodium	200
73.	Polynuclear aromatic hydrocarbon(PAH)	150
74.	Salinity	30
75.	Sodium absorption ratio(SAR)	150
76.	Solids, fixed (each)	40
77.	Solids (dissolved)	20
78.	Solids-volatile(each)	40
79.	Standard plate count	75
80.	Sulphide	50

81.	Total coliform	75
82.	Volatic organic acids	80

SOIL SAMPELS

Sl. No	Parameters	Rate per Test in Rs
01.	Ammonia	85
2.	Calcium	60
3.	Calcium carbide	60
4.	Cation exchange capacity(CEC)	80
5.	Chloride	40
6.	Colour	15
7.	Conductivity(EC)	30
8.	Exchangeable sodium percent (ESP)	250
9.	Heavy metals/trace elements(each)	100
10.	Magnesium	70
11.	Mechanical soil analysis (Texture)	50
12.	Nitrate	85
13.	Nitrite	85
14.	Organic carbon/matter (chemical method)	85
15.	Pesticides(each)	150
16.	PH	50
17.	Phosphate	85
18.	Polyunclear aromatic hydricarbon(PAH)	150
19.	Potassium	100
20.	Sodium	100
21.	Sodium absorption ratio(SAR) in soil extract	200
22.	Soil moisture	30
23.	Sulphate	60
24.	Total water soluble salts	50
25.	Total organic carbon(TOC)	150
26.	Total Kjeldohl Nitrozen(TKN)	100

27.	Water holding capacity	50

Samples charges for Water & Wastewater

Sl. No	Type of sampling	Charges in Rs.
1.	2.	3.
I.	GRAB SAMPLING	
	(1) Grab sampling/sample/place	250
	(2) For every additional grab sampling/same place	125
II.	COMPOSITE SAMPLING	
	(1) Composite sampling/sources/place upto 8 hrs.	500
	Composite sampling/sources/place upto 16 hrs.	1000
	Composite sampling/sources/place upto 24 hrs.	1500
	(2) for every additional composite sampling /same place but different sources upto 8 hrs.	250
	-do- upto 16 hrs	500
	-do- upto 24 hrs	750
III.	Flow rate measurement/sources - Once-	200
	-do- every additional	75

Note:

- (i) Transportation is separate on actual basis. .
- (ii) Sample analysis charges are separate as per list.

No. Legal/42/(3)/87]
D.K.BISWAS, Chairman

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

No. 14 of 1981

[29th March, 1981]

An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

AND WHEREAS it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution;

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows :-

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.

(1) This Act may be called the Air (Prevention and Control of Pollution) Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.

In this Act, unless the context otherwise requires,-

(a) "air pollutant" means any solid, liquid or gaseous substance² [(including noise)] present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;

(b) "air pollution" means the presence in the atmosphere of any air

(c) "approved appliances" means any equipment or gadget used for the bringing of any combustible material or for generating or consuming any fume, gas or particulate matter and approved by the State Board for the purpose of this Act;

(d) "approved fuel" means any fuel approved by the State Board for the purposes of this Act;

(e) "automobile" means any vehicle powered either by internal combustion engine or by any method of generating power to drive such vehicle by burning fuel;

(f) "Board" means the Central Board or State Board;

(g) "Central Board" means the ³[Central Board for the Prevention and Control of Water Pollution] constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974;

(h) "chimney" includes any structure with an opening or outlet from or through which any air pollutant may be emitted,

(i) "control equipment" means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant;

(j) "emission" means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;

(k) "industrial plant" means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;

(l) "member" means a member of the Central Board or a State Board, as the case may be, and includes the Chairman thereof,

⁴[(m) "occupier", in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;]

(n) "prescribed" means prescribed by rules made under this Act by the Central Government or as the case may be, the State government;

(o) "State Board" means,-

(i) in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a ⁵[State Board for the Prevention and Control of Water Pollution] under section 4 of that Act, the said State Board; and

(ii) in relation to any other State, the State Board for the Prevention and Control of Air Pollution constituted by the State Government under section 5 of this Act.

CHAPTER II

CENTRAL AND STATE BOARDS FOR THE PREVENTION AND CONTROL OF AIR POLLUTION

6[3. Central Board for the Prevention and Control of Air Pollution.

The Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under this Act, exercise the powers and perform the functions of the Central Board for the Prevention and Control of Air Pollution under this Act.

7[4. State Boards for the Prevention and Control of Water Pollution to be, State Boards for the Prevention and Control of Air Pollution.

In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State a State Board for the Prevention and Control of Water Pollution under section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of air Pollution constituted under section 5 of this Act and accordingly that State Board for the Prevention and Control of Water Pollution shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the Prevention and Control of Air Pollution under this Act.]

5. Constitution of State Boards.

(1) In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is not in force, or that Act is in force but the State Government has not constituted a 8[State Board for the Prevention and Control of Water Pollution] under that Act, the State Government shall, with effect from such date as it may, by notification in the Official Gazette, appoint, constitute a State Board for the Prevention and Control of Air Pollution under such name as may be specified in the notification, to exercise the powers conferred on, and perform the functions assigned to, that Board under this Act.

(2) A State Board constituted under this Act shall consist of the following members, namely:-

(a) a Chairman, being a person, having a person having special knowledge or practical experience in respect of matters relating to environmental protection, to be nominated by the State Government:

Provided that the Chairman may be either whole-time or part-time as the State Government may think fit;

(b) such number of officials, not exceeding five, as the State Government may think fit, to be nominated by the State Government to represent that government;

(c) such number of persons, not exceeding five, as the State Government may think fit, to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) such number of non-officials, not exceeding three, as the State Government may think fit, to be nominated by the State Government to represent the interest of agriculture, fishery or industry or trade or labour or any other interest, which in the opinion of that government, ought to be represented;

(e) two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that Government;

9[(f) a full-time member-secretary having such qualifications knowledge and experience of scientific, engineering or management aspects of pollution control as may be prescribed, to be appointed by the State Governments

Provided that the State Government shall ensure that not less than two of the members are persons having special knowledge or practical experience in, respect of matters relating to the improvement of the quality of air or the prevention, control or abatement of air pollution.

(3) Every State Board constituted under this Act shall be a body corporate with the name specified by the State Government in the notification issued under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and dispose of property and to contract, and may by the said name sue or be sued.

6. Central Board to exercise the powers and perform die functions of a State Board in the Union territories.

No State Board shall be constituted for a Union territory and in relation to -a Union territory, the Central Board shall exercise the powers and perform the functions of a State Board under this Act for that Union territory

Provided that in relation to any Union territory the Central Board may delegate all or any of its powers and functions under this section to such person or body of persons as the Central Government may specify.

7. Terms and conditions of service of members.

(1) Save as otherwise provided by or under this Act, a member of a State Board constituted under this Act, other than the member-secretary, shall hold office for a term of three years from the date on which his nomination is notified in the Official Gazette:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The terms of office of a member of a State Board constituted under this Act and nominated under clause (b) or clause (e) of sub-section (2) of section 5 shall come to an end as soon as he ceases to hold the office under the State Government as the case may be, the company or corporation owned, controlled or managed by the State Government, by virtue of which he was nominated.

(3) A member of a State Board constituted under this Act, other than the member- secretary, may at any time resign his office by writing under his hand addressed,-

(a) in the case of the Chairman, to the State Government; and

(b) in any other case, to the Chairman of the State Board, and the seat of be Chairman or such other member shall thereupon become vacant.

(4) A member of a State Board constituted under this Act, other than the member-secretary, shall be deemed to have vacated his scat, if he is absent without reason, sufficient in the opinion of the State Board, from three consecutive meetings of the State Board or where he is nominated under clause (c) of subsection (2) of section 5, he ceases to be a member of the local authority and such vacation of scat shall, in either case, take effect from such as the State Government may, by notification in the Official Gazette, specify.

(5) A casual vacancy in a State Board constituted under this Act shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated.

(6) A member of a State Board constituted under this Act shall be eligible for re-nomination 10*****

(7) The other terms and conditions of service of the Chairman and other members (except the member-secretary) of a State Board constituted under this Act shall be such as may be prescribed.

8. Disqualifications.

(1) No person shall be a member of a State Board constituted under this

(a) is, or at any time has been, adjudged insolvent, or

(b) is of unsound mind and has been so declared by a competent court,

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act,

(e) has directly or indirectly by himself or by any partner.. any share or interest in any firm or company carrying on the business of manufacture, sale, or hire of machinery, industrial plant, control equipment or any other apparatus for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

(f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of programmes for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

(g) has so abused, in the opinion of the State Government, his position as a member, as to render his continuance on the State Board detrimental to the interest of the general public.

(2) The State Government shall, by order in writing, remove any member who is, or has become, subject to any disqualification mentioned in sub-section M.

Provided that no order of removal shall be made by the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 7, a member who has been removed under this section shall not be eligible to continue to hold office until his successor enters upon his office, or, as the case may be, for re-nomination as a member.

9. Vacation of seats by members.

If a member of a State Board constituted under this Act becomes subject to any of the disqualifications specified in section 8, his seat shall become vacant.

10. Meetings-of Board.

(1) For the purposes of this Act, a Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

Provided that it, in the opinion of the Chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

(2) Copies of minutes of the meetings under sub-section (1) shall be forwarded to the Central Board and to the State Government concerned.

11. Constitution -of committees.

(1) A Board may constitute as many committees consisting wholly of members or partly of members and partly of other persons and for such purpose or purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(3) The members of a committee other than the members of the Board shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board as may be prescribed.

12. Temporary association of persons with Board for particular purposes.

(1) A Board may associate with itself in such manner, and for such purposes, as may be prescribed, any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meetings of the Board and shall not be a member of the Board for any other purpose.

(3) A person associated with a Board under sub-section (1) shall be entitled to receive such fees and allowances as may be prescribed.

13. Vacancy in Board not to invalidate acts or proceedings.

No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of, the Board or such committee, as the case may be.

14. Member-secretary and officers and other employees of State Boards.

(1) The terms and conditions of service of the member-secretary of a State Board constituted under this Act shall be such as may be prescribed.

11[(2) The member-secretary of a State Board, whether constituted under this Act or not, shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the State Board or its Chairman.]

(3) subject to such rules as may be made by the State Government in this behalf, a State Board, whether constituted under this Act or not, may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under this Act.

(4) The method of appointment, the conditions of service and the scale of pay of the officers (other than the member-secretary) and other employees of a State Board appointed under sub-section (3) shall be such as may be determined by regulations made by the State Board under this Act.

(5) Subject to such conditions as may be prescribed, a State Board constituted under this Act may from time to time appoint any qualified person to be a consultant to the Board and pay him such salary and allowances or fees, as it thinks fit.

15. Delegation of powers

A State Board may, by general or special order, delegate to the Chairman or the member-secretary or any other officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

CHAPTER III POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board.

(1) Subject to the provisions of this Act, and without prejudice to the performance, of its functions under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the main functions of the Central Board shall be to improve the quality of air and to prevent, control or abate air pollution in the country.

(2) In particular and without prejudice to the generality of the foregoing functions, the Central Board may-

(a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;

(b) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution;

(c) co-ordinate the activities of the State and resolve disputes among them;

(d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution;

12[(dd) perform such of the function of any State Board as may, be specified in an order made under sub-section (2) of section 18;]

(e) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;

(f) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;

(g) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention, control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;

(h) lay down standards for the quality of air.,

(i) collect and disseminate information in respect of matters relating to air pollution;

(j) perform such other functions as may be prescribed.

(3) The Central Board may establish or recognise a laboratory or laboratories to enable the Central Board to perform its functions under this section efficiently.

(4) The Central Board may-

(a) delegate any of its functions under this Act generally or specially to any of the committees appointed by it;

(b) do such other things and perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes Of this Act.

17. Functions of State Boards.

(1) subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), the functions of a State Board shall be-

(a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof-,

(b) to advise the State Government on any matter concerning the prevention, control or abatement of air pollution;

(c) to collect and disseminate information relating to air pollution;

(d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise mass-education programme relating thereto;

(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft:

Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

(i) to Perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;

(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

18. Power to give directions.

13[(1) In the performance of its functions under this Act-

(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and

(b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.

14[(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.]

CHAPTER IV PREVENTION AND CONTROL OF AIR POLLUTION

19. Power to declare air pollution control areas,

(1) The State Government may, after consultation with the State Board, by notification in the Official Gazette declare in such manner as may be prescribed, any area or areas within the State as air pollution control area or areas for the purposes of this Act.

(2) The State government may, after consultation with the State Board, by notification in the Official Gazette,-

(a) alter any air pollution control area whether by way of extension or reduction ;

(b) declare a new air pollution control area in which may be merged one or more existing air pollution control areas or any part or parts thereof.

(3) If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

(4) The State Government may, after consultation with the State Board, by notification in the Official Gazette, direct that with effect from such date as may be specified therein, no appliance, other than an approved appliance, shall be used in the premises situated in an air pollution control area :

Provided that different dates may be specified for different parts of an air pollution control area or for the use of different appliances.

(5) If the State Government, after consultation with the State Board, is of opinion that the burning of any material (not being fuel) in any air pollution control area or part thereof may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the burning of such material in such area or part thereof.

20. Power to give instructions for ensuring standards for emission from automobiles.

With a view to ensuring that the standards for emission of air pollutants from automobiles laid down by the State Board under clause (g) of sub-section (1) of section 17 are complied with, the State Government shall, in consultation with the State Board, give such instructions as may be deemed necessary to the concerned authority in charge of registration of motor vehicles under the Motor Vehicles Act, 1939 (Act 4 of 1939), and such authority shall, notwithstanding anything contained in that Act or the rules made thereunder be bound to comply with such instructions.

21. Restrictions on use of certain industrial plants.

15[(/) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area :

Provided that a person operating any industrial plant in any air pollution control area, immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.]

(2) An application for consent of the State Board under sub-section (1) shall be accompanied by such fees as may be prescribed and shall be made in the prescribed form and shall contain the particulars of the industrial plant and such other particulars as may be prescribed :

Provided that where any person, immediately before the declaration of any area as an air pollution control area, operates in such area any industrial plant, 16**** such person shall make the application under this sub-section within such period (being not less than three months from the date of such declaration) as may be prescribed and where such person makes such application, he shall be deemed to be operating such industrial plant with the consent of the State Board until the consent applied for has been refused,

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry, shall follow such procedure as may be prescribed.

(4) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order in writing, 17[and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse consent:]

18[Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled:

Provided further that before cancelling a consent or refusing a further consent under the first provision, a reasonable opportunity of being heard shall be given to the person concerned.]

(5) Every person to whom consent has been granted by the State Board under sub-section (4), shall comply with the following conditions, namely

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(i) the control equipment of such specifications as the State Board may approve in this behalf shall be installed and operated in the premises where the industry is carried on or proposed to be carried on;

(ii) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board;

(iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;

(iv) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises; .and

(v) such other conditions as the State Board, may specify in this behalf,

(vi) the conditions referred to in clauses (i), (ii) and (iv) shall be complied with within such period as the State Board may specify in this behalf-

Provided that in the case of a person operating any industrial plant 19*** in an air pollution control area immediately before the date of declaration of such area as an air pollution control area, the period so specified shall not be less than six months :

Provided further that-

(a) after the installation of any control equipment in accordance with the specifications under clause (i), or

(b) after the alteration or replacement of any control equipment in accordance with the directions of the State Board under clause (ii),
or

(c) after the erection or re-erection of any chimney under clause (iv), no control equipment or chimney shall be altered or replaced or, as the case may be, erected or re-created except with the previous approval of the State Board.

(6) If due to any technological improvement or otherwise the State Board is of opinion that all or any of the conditions referred to in sub-section (5) require or requires variation (including the change of any control equipment, either in whole or in part), the State Board shall, after giving the person to whom consent has been granted an opportunity of being heard, vary all or any of such conditions and thereupon such person shall be bound to comply with the conditions as so varied.

(7) Where a person to whom consent has been granted by the State Board under sub-section (4) transfers his interest in the industry to any other person, such consent shall be deemed to have been granted to such other person and he shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to him originally.

22. Persons carrying on industry, etc., and to allow emission of air pollutants in excess of the standard laid down by State Board.

No person 20**** operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17.

21[22A. Power of Board to make application to court for restraining person from causing air pollution.

(1) Where it is apprehended by a Board that emission of any air pollutant, in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17, is likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from emitting such air pollutant.

(2) On receipt of the application under sub-section (1), the court may make such order as it deems fit.

(3) Where under sub-section (2), the court makes an order restraining any person from discharging or causing or permitting to be discharged the emission of any air pollutant, it may, in that order,-

(a) direct such person to desist from taking such action as is likely to cause emission;

(b) authorise the Board, if the direction under clause (a) is not complied with by the person to whom such direction is issued, to implement the direction in such manner as may be specified by the court.

(4) All expenses incurred by the Board in implementing the &sections of the court under clause (b) of sub-section (3) shall be recoverable from the person concerned as arrears of land revenue or of public demand.

23. Furnishing, of information to State Board and other agencies in certain cases.

(1) Where in any 22*** area the emission of any air pollutant into the atmosphere in excess of the standards laid down by the State Board occurs or is apprehended to occur due to accident or other unforeseen act or event, the person in charge of the premises from where which emission occurs or is apprehended to occur shall forthwith intimate the fact of such occurrence or the apprehension of such occurrence to the State Board and to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or the apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the State Board and the authorities or agencies shall, as early as practicable, cause such remedial measure to be taken as are necessary to mitigate the emission of such air pollutants.

(3) Expenses, if any, incurred by the State Board, authority or agency with respect to the remedial measures referred to in sub-section (2) together with interest ("t such reasonable rate, as the State Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by that Board, authority or agency from the person concerned, as arrears of land revenue, or of public demand.

24. Power of entry and inspection.

(1) Subject to the provisions of this section, any person empowered by a State Board in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place---

(a) for the purpose of performing any of the functions of the State Board entrusted to him :

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(c) for the purpose of examining and testing any control equipment, industrial plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made has been or is being or is about to be committed and for seizing any such control equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person 23*** operating any control equipment or any industrial plant, in an air pollution control area shall be bound to render all assistance to the person empowered by the State Board under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person willfully delays or obstructs any person empowered by the State Board under sub-section (1) in the discharge of his duties, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or any area, in which that Code is not in force, the provisions of any corresponding law in force in that State or area, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law.

25. Power to obtain information.

For the purposes of carrying out the functions entrusted to it, the State Board or any officer empowered by it in its behalf may call for any information (including information regarding the types of air pollutants emitted into the atmosphere and the level of the emission of such air pollutants) from the occupier or any other person carrying on any industry or operating any control equipment or industrial plant and for the purpose of verifying the correctness of such information, the State Board or such officer shall have the right to inspect the premises where such industry, control equipment or industrial plant is being carried on or operated.

26. Power to take samples of air or emission and procedure to be followed in connection therewith.

(1) A State Board or any officer empowered by it in this behalf shall have power to take, for the purpose of analysis, samples of air or emission from any chimney, flue or duct or any other outlet in such manner as may be prescribed.

(2) The result of any analysis of a sample of emission taken under subsection (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), when a sample of emission is taken for analysis under sub-section (1), the person taking the sample shall-

(a) serve on the occupier or his agent, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(b) in the presence of the occupier or his agent, collect a sample of emission for analysis;

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;

(d) send, without delay, the container to the laboratory established or recognised by the State Board under section 17 or, if a request in that behalf is made by the occupier or his agent when the notice is served on him under clause (a), to the laboratory established or specified under sub-section (1) of section 28.

(4) When a sample of emission is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3), then,-

(a) in a case where the occupier or his agent willfully absents himself, the person taking the sample shall collect the sample of emission for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier or his agent is present at the time of taking the sample but refuses to sign the marked and sealed container or containers of the sample of emission as required under clause (c) of subsection (3), the marked and sealed container or containers shall be signed by the person taking the sample,

and the container or containers shall be sent without delay by the person taking the **sample for analysis** to the laboratory established or specified under sub-section (7) of section 28 and such person shall inform the Government analyst appointed under sub-section (1) of section 29, in writing, about the wilfull absence of the occupier or his agent, or, as the case may be, his refusal to sign the container or containers.

27. Reports of the result of analysis on samples taken under section 26.

(1) Where a sample of emission has been sent for analysis to the laboratory established or recognised by the State Board, the Board analyst appointed under sub-section (2) of section 29 shall analyse the sample and submit a report in the prescribed form of such analysis in triplicate to the State Board.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the State Board to the occupier or his agent referred to in section 26, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the State Board.

(3) Where a sample has been sent for analysis under clause (a) of sub-section (3) or sub-section (4) of section 26 to any laboratory mentioned therein, the Government analyst referred to in the said sub-section (4) shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the State Board which shall comply with the provisions of sub-section (2).

(4) Any cost incurred in getting any sample analysed at the request of the occupier or his agent as provided in clause (d) of sub-section (3) of section 26 or when he wilfully absents himself or refuses to sign the marked and sealed container or containers of sample of emission under sub-section (4) of that section, shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

28. State Air Laboratory.

(1) The State Government may, by notification in the Official Gazette,-

(a) establish one or more State Air Laboratories; or

(b) specify one or more laboratories or institutes as State Air Laboratories to carry out the functions entrusted to the State Air Laboratory under this Act.

(2) The State Government may, after consultation with the State Board, make rules prescribing-

(a) the functions of the State Air Laboratory;

(b) the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of the Laboratory's report thereon and the fees payable in respect of such report;

(c) such other matters as may be necessary or expedient to enable that Laboratory to carry out its functions.

29. Analysis.

(1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be government analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or specified under sub-section (1) of section 28.

(2) Without prejudice to the provisions of section 14, the State Board may, by notification in the Official Gazette, and with the approval of the State Government, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or recognised under section 17.

30. Reports of analysis.

Any document purporting to be a report signed by a Government analyst or, as the case may be, a State Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

31. Appeals,

(1) Any person aggrieved by an order made by the State Board under this Act may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State government may think fit to constitute :

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2). The Appellate Authority shall consist of a single person or three persons as the State Government may think fit to be appointed by the State Government.

(3) The form and the manner in which an appeal may be preferred under subsection (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

Notwithstanding anything contained in any other law, im. subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.-For the avoidance of doubts, it is hereby declared that tile power to issue directions under this section, includes the power to direct-

- (a) the closure, prohibition or regulation of any industry, operation or
- (b) the stoppage or regulation of supply of electricity, water or any other service.]

CHAPTER V

FUND, ACCOUNTS AND AUDIT

32. Contribution by Central Government.

The Central Government may, after due appropriation made by Parliament by law in this behalf make in each financial year such contributions to the State Boards as it may think necessary to enable the State Board to perform their functions under this Act:

Provided that noting in this section shall apply to any 25[State Board for the Prevention and Control of water Pollution] constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974, which is empowered by that Act to expend money from its fund thereunder also for. performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

33. Fund of Board.

(1) Every State Board shall have its own fund for the purposes of this Act and all sums which may, from time to time, be paid to it by the *Central Government and all other receipts (by way of contributions, if any, from the State Government, fees, gifts, grants, donations benefactions or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) Every State Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the fund of that Board.

(3) Nothing in this section shall apply to any 25[State Board for the Prevention and Control of Water Pollution] constituted under section 4 of the Water -(Prevention and Control of Pollution) Act, 1974, which is empowered by that Act to expend money from its fund thereunder also for performing its functions under any law for the time being in force relating to the prevention., control or abatement of air pollution.

26[33A. Borrowing powers of Board.

A Board may, with the consent of, or in accordance with the terms of any general or special authority given to it by, the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for discharging all or any of its functions under this Act.]

34. Buduct.

The Central Board or as the case may be the State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure under this Act, and copies thereof shall be forwarded to the Central Government or, as the case may be, the State Government.

27[35. Annual report.

(1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before both Houses of Parliament within nine months of the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before the State Legislature within a period of nine months from the date of the previous financial year.)

36. Accounts and audit.

(1) Every Board shall, in relation to its functions under this Act, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956.

(3) The said auditor shall be appointed by the Central Government or, as the case may be, the State Government on the advice of the Comptroller and Auditor General of India.

(4) Every auditor appointed to audit the accounts of the Board under this Act shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(5) Every such auditor shall send a copy of his report together with an audited copy of the accounts to the Central Government or, as the case may be, the State Government.

(6) The Central Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before both Houses of Parliament.

(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before the State Legislature.

**CHAPTER VI
PENALTIES AND PROCEDURE**

28[37. Failure to comply with the provisions of section 21 or section 22 or with the directions issued under section 31A.

(1) whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31 A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.]

38. Penalties for certain acts.

Whoever-

- (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or
- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or
- (c) damages any works or property belonging to the Board, or
- (d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act, or
- (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23, or
- (f) in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, or
- (g) for the purpose of obtaining any consent under section 21, makes a statement which is false in any material particular shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to 29[tен thousand rupees] or with both.

30[39. Penalty for contravention of provisions of the Act.

Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand, rupees for every day during which such contravention continues after conviction for the first such contravention.)

40. Offences by companies.

(1) Where an offence under this Act has , been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

41. Offences by Government Departments.

(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. ,

42. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member or any officer or other employee of the Board in respect of anything which is done or intended to be done in good faith in pursuance of Otis Act or the rules made thereunder.

31[43. Cognizance of offences

(1) No court shall take cognizance of any offence under this Act except on a complaint made by—

(a) a Board or any officer authorised in this behalf by it; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorised as aforesaid, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) Where a complaint has been made under clause (b) of sub-section (1), the

Board shall, on demand by such person, make available the relevant reports in its possession to that person:

Provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest.]

44. Members, officers and employees of Board to be public servants.

All the members and all officers and other employees of a Board when acting or purporting to act in pursuance of any of the provisions of this Act or the rules made thereunder shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

45. Reports and returns.

The Central Board shall, in relation to its functions under this Act, furnish to the Central Government, and a State Board shall, in relation to its functions under this Act, furnish to the State government and to the Central Board such reports, returns, statistics, accounts and other information as that Government, or, as the case may be, the Central Board may, from time to time, require.

46. Bar of jurisdiction.

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Appellate Authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

**CHAPTER VII
MISCELLANEOUS**

47. Power of Central Government to supersede State Board,

(1) If at any time the State Government is of opinion-

(a) that a State Board constituted under this Act has persistently made default in the performance of the functions imposed on it by or under this Act, or

(b) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the State Government shall give a reasonable opportunity to the State Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) Upon the publication of a notification under sub-section (1) superseding the State Board,-

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the State Board shall, until the State Board is reconstituted under sub-section (3), be exercised, performed or discharged by such person or persons as the State Government may direct.-,

(c) all property owned or controlled by the State Board shall, until the Board is reconstituted under sub-section (3), vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government may-

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the State Board by a fresh nomination or appointment as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall also be eligible for nomination or appointment.

Provided that the State Government may at any time before the expiration of the period of supersession whether originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

48. Special provision in the case of supersession of the Central Board or the State Boards constituted under the Water (Prevention and Control of Pollution) Act, 1974.

Where the Central Board or any State Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), is superseded by the Central Government or the State Government, as the case may be, under that Act, all the powers, functions and duties of the Central Board or such State Board under this Act shall be exercised, performed or discharged during the period of such supersession by the person or persons, exercising, performing or discharging the powers, functions and duties of the Central Board or such State Board under the Water (Prevention and Control of Pollution) Act, 1974, during such period.

49. Dissolution of State Boards constituted under the Act

(1) As and when the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), comes into force in any State and the State Government constitutes a I [State Board for the Prevention and Control of Water Pollution] under that Act, the State Board constituted by the State Government under this Act shall stand dissolved and the Board first-mentioned shall exercise the powers and perform the functions of the Board second-mentioned in that State,

(2) On the dissolution of the State Board constituted under this Act,--

(a) all the members shall vacate their offices as such;

(b) all moneys and other property of whatever kind (including the fund of the State Board) owned by, or vested in, the State Board, immediately before such dissolution, shall stand transferred to and vest in the 32[State Board for the Prevention and Control of Water Pollution];

(c) every officer and other employee serving under the State, Board immediately before such dissolution shall be transferred to and become an officer or other employee of the I [State Board for the Prevention and Control of Water Pollution] and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the State Board constituted under this Act had not been dissolved and shall continue to do so unless and until such tenure, remuneration and conditions of service are duly altered by the 33[State Board for the Prevention and Control of Water Pollution] :

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the State Government;

(d) all liabilities obligations of the State Board of whatever kind, immediately before such dissolution, shall be deemed to be the liabilities or obligations, as the case may be, of the I[State Board for the Prevention and Control of Water Pollution] and any proceeding or cause of action, pending or existing immediately before such dissolution by or against the State Board constituted under this Act in relation to such liability or obligation may be continued and enforced by or against the I [State Board for the Prevention and Control of Water Pollution].]

50. [Power to amend the Schedule.] Rep. by the Air (Prevention and Control of Pollution) Amendment Act, 1987 (47 of 1987), s. 22 (w.e.f. 1-4-1988).

51. Maintenance of register.

(1) Every State Board shall maintain a register containing particulars of the persons to whom consent has been granted under section 21, the standard for emission laid down by it in relation to each such consent and such other particulars as may be prescribed.

(2) The register maintained under sub-section (1) shall be open to inspection at all reasonable hours by any person interested in or affected by such standards for emission or by any other person authorised by such person in this behalf.

52. Effect of other laws.

Save as otherwise provided by or under the Atomic Energy Act, 1962 (33 of 1962), in relation to radioactive air pollution the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

53. Power of Central Government to make rules.

(1) The Central Government may, in consultation with the Central Board by notification in the Official Gazette, make rules in respect of the following matters namely :-

(a) the intervals and the time and place at which meetings of the Central Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of section 10 and under sub-section (2) of section 11;

(b) the fees and allowances to be paid to the members of a committee of the Central Board, not being members of the Board, under sub-section (3) of section 11;

(c) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 12;

(a) the fees and allowance to be paid under sub-section (3) of section 12 to persons associated with the Central Board under sub-section (1) of section 12;

(e) the functions to be performed by the Central Board under clause (j) of sub-section (2) of section 16;

34[(f) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 34;

(ff) the form in which the annual report of the Central Board may be prepared under section 35;1

(g) the form in which the accounts of the Central Board may be maintained under sub-section (1) of section 36.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in

the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

54. Power of State Government to make rules.

(1) Subject to the provisions of sub-section (3), the State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act in respect of matter not falling within the purview of section 53.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely --

35[(a) the qualifications, knowledge and experience of scientific, engineering or management aspect of pollution control required for appointment as member-secretary of a State Board constituted under the Act;]

36[(aa) the terms and conditions of service of the Chairman and other members (other than the member-secretary) of the State Board constituted under this Act under sub-section (7) of section 7;

(b) the intervals and the time and place at which meetings of the State Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of section 10 and under sub-section (2) of section 11;

(c) the fees and allowances to be paid to the members of a committee of the State Board, not being members of the Board under sub-section (3) of section 11;

(d) the manner in which and the purpose for which persons may be associated with the State Board under sub-section (1) of section 12;

(e) the fees and allowances to be paid under sub-section (3) of section 12 to persons associated with the State Board under sub-section (1) of section 12;

(f) the terms and conditions of service of the member-secretary of a State Board constituted under this Act under sub-section (1) of section 14;

(g) the powers and duties to be exercised and discharged by the member-secretary of a State Board under sub-section (2) of section 14;

(h) the conditions subject to which a State Board may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under sub-section (3) of section 14;

(i) the conditions subject to which a State Board may appoint a consultant under sub-section (5) of section 14;

(j) the functions to be performed by the State Board under clause (i) of sub-section (1) of section 17;

(k) the manner in which any area or areas may be declared as air pollution control area or areas under sub-section (1) of section 19;

(l) the form of application for the consent of the State Board, the fees payable therefore, the period within which such application shall be made and the particulars it may contain, under sub-section (2) of section 21;

(m) the procedure to be followed in respect of an inquiry under subsection (3) of section 21;

(n) the authorities or agencies to whom information under sub-section (1) of section 23 shall be furnished;

(o) the manner in which samples of air or emission may be taken under sub-section (1) of section 26;

(p) the form of the notice referred to in sub-section (3) of section 26;

(q) the form of the report of the State Board analyst under sub-section (1) of section 27;

(r) the form of the report of the Government analyst under sub-section (3) of section 27;

(s) the functions of the State Air Laboratory, the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of Laboratory's report thereon, the fees payable in respect of such report and other matters as may be necessary or expedient to enable that Laboratory to carry out its functions, under sub-section (2) of section 28;

(t) the qualifications required for Government analysts under subsection (1) of section 29;

(u) the qualification required for State Board analysts under sub-section (2) of section 29;

(v) the form and the manner in which appeals may be preferred, the fees payable in respect of such appeals and the procedure to be followed by the Appellate Authority in disposing of the appeals under sub-section (3) of section 31;

37[(w) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 34;

(ww) the form in which the annual report of the State Board may be prepared under section 35,1

(x) the form in which the accounts of the State Board may be maintained under the sub-section (1) of section 36;

38[(xx) the manner in which notice of intention to make a complaint shall be given under section 43;]

(y) the particulars which the register maintained under section 51 may contain;

(z) any other matter which has to be, or may be, prescribed.

(3) After the first constitution of the State Board, no rule with respect to any of the matters referred to in sub-section (2) other than those referred to 39[in clause (aa) thereof], shall be made, varied, amended or repealed without consulting that Board.

[The Schedule.] Omitted by the air (Prevention and Control of Pollution) Amendment Act, 1987, s. 25 (w.e.f. 1-4-1988)

2 Ins. by Act 47 of 1987, s. 2 (w.e.f. 1-4-1988).

3 The words in brackets "Central Board for the Prevention and Control of Water Pollution" shall be subs. as "Central Pollution Control Board" by Act 47 of 1987, s. 2 (date to be notified).

4 Subs. by Act 47 of 1987, s. 2, for cl. (m) (w.e.t. 1-4-1988).

5 The words in brackets "State Board for the Prevention and Control of Water pollution" shall be subs. as "State Pollution Control Board" s. 2 *ibid.* (date to be notified).

6 For sections 3 and 4, the following sections shall stand subs. by s.3 *ibid.*, (date to be notified) namely :- 3. Central Pollution Control Board-The Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the Central Pollution Control Board for the prevention and control of air pollution under this Act.

7 State Pollution Control Boards constituted under section 4 of Act 6 of 1974 to be State Boards under this Act.-In any State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a State Pollution Control Board under section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under section 5 of this Act, and accordingly that State Pollution Control Board shall Without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the prevention and control of air pollution under this Act.

8 The words in brackets "State Board for the Prevention and Control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 4, (date to be notified).

9 Subs. by s. 4, *ibid.*, for cl. (f) (w.e.f. 1-4-1988).

10 The words "but not for more than two terms" omitted by Act 47 of 1987, s. 5 (w.e.f. 1.4.1988)

11 Subs. by Act 47 of 1987, s. 6, for sub-section (2) (w.e.f. 1-4-1988).

12 Ins. by Act 47 of 1987, s. 7 (w.e.f. 1-4-1988).

13 S. 18 renumbered as sub-section (1) thereof by Act 47 of 1987, s. 8 (w.e.f. 1-4-1988).

14 Ins. by s. 8, *ibid.* (w.e.f. 1-4-1988).

15 Subs. by Act 47 of 1987, s. 9, for sub-section (1) (w.e.f. 1-4-1988).

16 Certain words omitted by s. 9, *ibid.*, (w.e.f. 1-4-1988).

17 Subs. by Act 47 of 1987, s. 9, for certain words (w.e.f. 1.4.1988).

18 Ins. by s. 9, *ibid.* (w.e.f. 1-4-1988).

19 Certain words omitted by Act 47 of 1987, s. 9, (w.e.f. 1-4-1988).

20 Certain words omitted by Act 47 of 1987, s. 10 . (w.e.f. 1-4-1988).

21 Ins by s. 11, *ibid.* (w.e.f. 1-4-1988).

22 The words "air pollution control" omitted by s. 12, *ibid.*, (w.e.f. 14-1988).

23 Certain words omitted by Act 47 of 1987, s. 13 (w.e.f. 1-4-1988).

24 Ins. by Act 47 of 1987, s. 14 (w.e.f. 1-4-1988).

25 The Words in brackets "State Board for the Prevention and control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 15 (date to be notified).

26 Ins. by Act 47 of 1987, s. 16 (w.e.f. 1-4-1988).

27 Subs. by Act 47 of 1987, s. 17, for s. 35 (w.e.f. 1-4-1988).

28 Subs. by Act. 47 of 1987, s. 18, for s. 37 (w.e.f. 1-4-1988).

29 Subs. by Act 47 of,1987, s. 19, for "five hundred rupees" (w.e.f. 1-4-1988).

30 Subs. by s. 20. *ibid.*, for s. 39 (w.e.f. 1-4-1988).

31 Subs. by Act 47 of 1987, s. 21, for s. 43 (w.e.f. 1-4-1988).

32 The Words in brackets "State Board for the Prevention and control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 15 (date to be notified).

33 The Words in brackets "State Board for the Prevention and Control of Water Pollution", shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 15 (date to be notified).

34 Subs. by Act 47 of 1987, s. 23, for cl. (f) (w.e.f. 1-4-1988).

35 Ins by Act 47 of 1987, s. 24, (w.e.f. 1-4-1988).

36 Act (p) renumbered as cl. (aa) by s. 24, *ibid.* (w.e.f. 1-4-1988).

37 Subs. by Act 47 of 1987, s. 24. for cl. (w) (w.e.f. 1-4-1988).

38 Ins. by Act, 47 of 1987, s. 24 (w.e.f. 1-4-1988).

39 Subs. by s. 24, *ibid.*, for "in clause (a)" (w.e.f. 1-4-1988).

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

DEPARTMENT OF ENVIRONMENT NOTIFICATION New Delhi, the 18 November, 1982

G.S.R. 712(E):-In exercise of the powers conferred by section 53 of Air Prevention and Control of Pollution) Act, 1981 (14 of 1981) the Central Government in consultation with the Central Board for the Prevention and Control of Water Pollution hereby makes the following rules, namely .-

CHAPTER 1 PRELIMINARY

1. Short title and commencement.

- (1) These rules may be called the Air (Prevention and Control of Pollution) Rules, 1982.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

In these rules unless the context otherwise requires.-

- (a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981;
- (b) "Chairman" means the Chairman of the Central Board;
- (c) "form" means a form set out in the Schedules;
- (d) "meeting" means a meeting of the Central Board or a meeting of Committee constituted by the Central Board;
- (e) "member Secretary" means the member secretary of the Central Board;
- (f) "Schedule" means a Schedule appended to these rules;
- (g) "section" means a section of the Act;
- (h) "year" means the financial year commencing on the 1st day of April;
- (i) words and expressions not defined in these rules but defined in the Act shall have the meaning assigned to them in the Act.

CHAPTER 2 PROCEDURE FOR TRANSACTION OF BUSINESS OF THE BOARD AND ITS COMMITTEES

3. Notice of meetings.

- (1) Meeting of the Central Board shall be held on such dates as may be fixed by the Chairman.
- (2) The Chairman shall, upon a written request of not less than five members of the Central Board or upon a direction of the Central Government, call a special meeting of the Central Board.
- (3) Fifteen clear days' notice of an ordinary meeting and three days' notice of a special meeting specifying the time and the place at which such meeting is to be held and an agenda of business to be transacted thereat, shall be given by the member-secretary or Chairman to the members or any other officers of the Board.
- (4) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of S residence or business or in such other manner as-the Chairman may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten clear-day's notice to the member Secretary unless the Chairman, in his discretion, permits him to do so.

(6) If the Chairman or presiding officer adjourns a meeting from day to day or any particular day he shall give reason thereof and no fresh notice shall be required for such an adjourned meeting;

4. Presiding Officer.

Every meeting shall be presided over by the Chairman and in his absence, by a presiding officer to be elected by the members present from amongst themselves.

5. All questions to be decided by majority.

(1) All questions at a meeting shall be decided by a majority of votes of members present and voting shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the Chairman or presiding officer shall have a second or casting vote.

6. Quorum.

(1) Five members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the Chairman or presiding member shall adjourn the meeting and if a quorum is not present after the expiration of fifteen minutes from such adjournment, the presiding officer shall adjourn the meeting to such time on the following or on such other future date as he may fix.

(3) If the meeting is adjourned to some future date due to lack of quorum, fresh notice will be given to the absentee members as to the date and time on which the next meeting will be held.

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting.

7. Minutes.

(1) Record of the proceedings of every meeting along with the names of members who attended the meeting shall be kept by the member-secretary in a book maintained by him exclusively for the purpose.

(2) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting and shall be confirmed and signed by the Chairman or presiding officer at such meeting,

(3) The proceedings shall be open to inspection by any member at the once of the Central Board during office hours.

8. Maintaining order at meetings.

The Chairman or presiding officer shall preserve order at a meeting.

9. Business to be transacted at a meeting.

(1) No business shall be transacted in the meeting without quorum.

(2) Except with the permission of the chairman or presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of the rule 3, shall be transacted at any meeting.

10. Order of business.

(1) At any meeting business shall be transacted in the order in which it is entered in the agenda circulated to the members under sub-rule (3) of rule 3.

(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the Chairman or presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the majority of the members present agree, the Chairman or presiding officer shall agree to such a change.

11. Procedure for transaction of business of committees constituted by the Board under sub-section (1) of Section 11.

(1) The time and place of the meeting of a committee constituted by the Central Board under sub-section (I) of section 11 shall be as specified by the Chairman of the committee.

(2) Provision of Chapter-2 of these rules shall as far as practicable, apply to the meeting of the committee constituted under section 11.

CHAPTER 3

12. A member of a committee other than a member of the Board shall be paid an allowance of rupees fifty if he is a resident of Delhi and rupees seventy-five (inclusive of daily allowance³ and also travelling allowance at such rate as is admissible to a grade I officer of the Central Government in the case of non resident, for each day of the actual meeting of the committee which he attends.

Provided that in case of a member of Parliament who is also a member of the Central Board, the said daily and travelling allowances will be admissible when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

CHAPTER 4

TEMPORARY ASSOCIATION OF PERSONS WITH THE CENTRAL BOARD

13. Manner and purpose of Association of persons with the Central Board under sub-section (1) of section 12.

The Central Board may invite any person whose assistance or advice is considered useful in performing any of its functions, to participate in the deliberations of any of its meetings or the meetings of a committee formed by it

14. Fees and allowances to be paid to such temporary association of persons under sub-section (3) of section 12.

(1) If the person associated with the Board under rule 13 happens to be a non-official resident in Delhi, he shall be entitled to get an allowance of rupees fifty per day for each day of actual meeting of the Central Board in which he is so associated.

(2) If such person is non-resident of Delhi, he shall be entitled to get an allowance of rupees seventy five per day (inclusive of daily allowance) for each day of actual meeting of the Central Board when he is so associated and also to travelling allowance at such rates as is admissible to a grade I officer of the Central Government.

(3) Notwithstanding anything in sub-rules (1) and (2) if such person is a

Government servant or an employee in a Government undertaking, he shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him:

Provided that in case of a member of Parliament who is also a member of the Central Board, the said daily and travelling allowances will be admissible when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

CHAPTER 5

BUDGET OF THE CENTRAL BOARD

15. Form of budget estimates under section 34.

(1) The form in which and time within which the budget may be prepared and provided and forwarded to the government shall be as provided in forms I, II, III and IV of Schedule 1.

(2) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the current year.

(3) The budget shall, as far as may be, based on the account heads specified in Schedule 11.

CHAPTER 6

ANNUAL REPORT OF THE CENTRAL BOARD

16. Form of Annual Report under section 35.

The annual report in respect of the year last ended giving a true and full account of the activities of the Central Board during the previous financial year shall contain the particulars specified in Schedule 11 and shall be submitted to the Central Government by 15th of May each year.

FORM II
CENTRAL POLLUTION CONTROL BOARD
ESTABLISHMENT

FORM III
CENTRAL POLLUTION CONTROL BOARD
NOMINAL ROLLS
(See rule 15)

Name and designation	Pay	Dearness allowance	City compensatory allowance	House rent allowance	Over-time allowance	Children educational allowance	Leave travel concession	Other allowances	Total
1	2	3	4	5	6	7	8	9	10
Total									

FORM IV
CENTRAL POLLUTION CONTROL BOARD
(Abstract of Nominal Rolls)
(See rule 15)

Actual sanctioned strength as on 1st March, 19◆	Particulars of posts	Sanctioned budget grant 19... - 19...		Revised Estimates 19... - 19...		Budget estimates 19◆ - 19◆		Explanation for the difference between sanctioned budget grant revised estimates and budget estimates.
		No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	
1	2	3	4	5	6	7	8	9
	I. Officers							
	(a) Posts filled							
	(b) Posts vacant							
	Total I Officers							
	II. Establishment							
	(a) Posts filled							
	(b) Posts vacant							
	Total II Establishment							
	III. Class IX							
	(a) Posts filled							
	(b) Posts vacant							
	Total III-Class IV							
	GRAND TOTAL - I, II and III							

SCHEDULE II
BUDGET AND ACCOUNT HEADS

[See rule 15(3)]
ADMINISTRATION

Heads of Accounts (Expenditure)

1. Salaries.
2. Wages.
3. Travel expenses.

4. Office expenses.

- (a) Furniture.
- (b) Postage.
- (c) Office machines/equipment
- (d) Liveries.
- (e) Hot and cold weather charges.
- (f) Telephones.
- (g) Electricity and water charges
- (h) Stationery.
- (i) Printing.
- (j) Staff car and other vehicles.
- (k) Other items.

5. Fee and honoraria.

6. Payment for professional and special services.

7. Rents, rates and taxes/royalty.

8. Publications.

9. Advertising sales and publicity expenses.

10. Grants in aid/contributions/subsidies.

11. Hospitality expenses sumptuary allowances etc.

12. Pensions/gratuities.

13. Write off/losses.

14. Suspenses.

15. Expenses in connection with the setting up and maintenance of the Board laboratory.

16. Other charges (a residuary head, this will also include rewards and prizes).

Hheads of Account (Receipts).

1. Payments by Central Government.

2. Fees.

3. Fines and other receipts.

1[SCHEDULE III]

(See Rule 16)

CENTRAL POLLUTION CONTROL BOARD

ANNUAL REPORT FOR THE FINANCIAL YEAR

APRIL 1, 19... TO MARCH 31, 19...

CHAPTER-1 : Introduction

CHAPTER-2 : Constitution of the Board including changes therein.

CHAPTER-3 : Meeting of the Board with major decisions taken therein.

CHAPTER-4 : Committees constituted by the Board and their activities.

CHAPTER-5 : Monitoring Network for air, water and soil quality.

CHAPTER-6 : Present state of environment environmental problems and counter measures.

CHAPTER-7 : Environmental Research.

CHAPTER-8 : Environmental Training.

CHAPTER-9 : Environmental Awareness and Public Participation.

CHAPTER-10 : Environmental Standards including time schedule for their enforcement

CHAPTER-11.1 : Prosecutions launched and convictions secured for environmental pollution control.

CHAPTER-11.2 : Directions given for closure of polluting industrial units.

CHAPTER-12 : Finance and accounts of the Board.

CHAPTER-13 : Annual Plan of the following year.

CHAPTER-14 : Any other important matter dealt with by the Central Board.

ANNEXURES

1. Members of the Board.

2. Organisation Chart.

3. Staff Strength including recruitment.

4. Publications.

5. Training Courses/Seminars/Workshops organised or attended.
6. Consents to establish industries, operations & processes-issued/refused.
7. Consents to operate industries operations & process-issued/refused.

[F.No. Z-20013/4/91-CPW]
MUKUL SANWAL, Jt. Secy.

FORM V
CENTRAL POLLUTION CONTROL BOARD
Receipts and payments for the year ended
(See rule 17)

Previous year	Receipts	Previous year	Payments
1	2	3	4
Opening Balance _____		1. Capital Expenditure	
I. Grants received _____		(i) Works	
(a) from Government _____		(ii) Fixed Assets	
(b) from other agencies _____		(iii) Other Assets	
II. Fees _____		(a) Laboratory Equipment	
		(b) Vehicles	
		(c) Furnitures and Fixtures	
		(d) Scientific Instruments and office appliances	
		(e) Tools and Plant	
III. Fines and Forfeitures.		2. Revenue Expenditure	
IV. Interest of investments.		(A) Administrative	
V. Miscellaneous Receipts.		(i) Pay of Officers	
VI. Miscellaneous Advances.		(ii) Pay of Establishment	
VII. Deposits		(iii) Allowances and Honoraria	
		(iv) Leave Salary and Pension Contributions	
		(v) Contingent Expenditure	
		Deduct Recoveries	
TOTAL _____			
		(B) (i) Board Laboratory.	
		(ii) Charges to be paid to the	
		Central Water Laboratory.	
		(C) Running and Maintenance of vehicles	
		(D) Maintenance and Repairs	
		(i) Building and land Drainage including rents, if any	
		(ii) Works	
		(iii) Furniture and Fixtures	
		(iv) Scientific Instruments and Office Appliances	
		(v) Tools and Plants	
		(vi) Temporary works (including maintenance and repairs)	
		(E) Fees to Consultants and Specialists	

	(F) Law charges
	(G) Miscellaneous
	(H) Fees for Audit
	3. Purchases _____
	4. Miscellaneous _____
	5. Advances _____
	6. Deposits _____
	Closing Balance _____
	Total _____
Accounts Officer	Member Secretary
	Chairman

FORM VI
CENTRAL POLLUTION CONTROL BOARD
ANNUAL STATEMENT OF ACCOUNTS
Income and Expenditure Account for the year ended 31st March, 19__
(See rule 17)

Expenditure					Income		
Previous year	Details	Total of sub-head	Total of major head	Previous year	Details	Total of sub-head	Total of major head
1	2	3	4	5	6	7	8
To					By		
REVENUE EXPENDITURE					(I) GRANTS RECEIVED		
(A) Administrative:					(a) From Government		
(i) Pay of Officers					(b) From other agencies.		
(ii) Pay of establishment					Total :		
(iii) Allowances & Honoraria					Less:		
(iv) Leave salary and Pension Contributions					Amount utilised for capital expenditure net grant available for Revenue expenditure		
(v) Board's Contributions to the staff Provident Fund					(II) Fees:-		
(vi) Contigent expenditure Deduct Recoveries					(III) Service Rental Charges.		
(B) Running Expenses of Laboratories:					(IV) Fines and Forfeitures.		
(i) Main Laboratory					(V) Interest on investments.		
(ii) Payments to be made to Central Water Laboratory					(VI) Miscellaneous Receipts.		
(C) Running Water and Maintenance of Vehicles					(VII) Excess of expenditure over income.		
(D) Maintenance and Repairs:					Total :		
(i) Building and Land Drainage							
(ii) Works							
(iii) Furnitures & Fixtures							
(iv) Scientific instruments and office appliances.							
(v) Tools and Plants							

FORM VII
CENTRAL POLLUTION CONTROL BOARD
ANNUAL STATEMENT OF ACCOUNTS
Balance Sheet as at 31st March, 19__.
(See rule 17)

Capital and Liabilities				Property and Assets			
Previous year	Details	Total of sub-head	Total of major head	Previous year	Details	Total of sub-head	Total of major head
1	2	3	4	5	6	7	8
A. Capital Fund (i) Grants received from Govt. for Capital expenditure. (a) Amount utilised upto 31st March 19__ (b) Unutilised balance on 31st March 19__ (ii) Grant from other agencies for Capital expenditure (a) Amount utilised upto 31st March 19__ (b) Unutilised balance on 31st March 19__ (iii) Value of land provided by Govt. (per contra) B. Capital Receipts- C. (i) Deposits received for works from Outside bodies- (ii) Deposits- Less Expenditure- (iii) Other deposits- D. Amounts due- (i) Purchases (ii) Others _ E. Excess of income over expenditure- (i) upto 31st March 19.. . (ii) Add for the year				1. Works- (As per Form VIII) 2. Fixed Assets (As per Form IX) (a) Value of land provided by Govt. (at cost). (b) Buildings- Balance as per last Balance sheet Additions during the year Total Less : Depreciation during the year Total: 3. Other Assets (As per Form IX) (a) Laboratory equipment as per last balance sheet-additions during the year Total: Less: Depreciation during the year Total: (b) Vehicles as per last balance sheet. Additions during the year. Total :			
(iii) Deduct-Excess of Expenditure over income				Less : Depreciation during the year Total: (c) Furniture and Fixtures. As per last Balance Sheet. Additions during the year. Total: (d) Scientific Instruments and Office. Appliances- As per last Balance Sheet.			

	Additions during the year	
	Total:	
	(e) Tools and Plants	
	As per last Balance Sheet	
	Additions during the year	
	Total:	
	Less:	
	Depreciation during the year.	
	Total:	
	(i) Amounts due from outside bodies	
for expenditure incurred-		
Expenditure		
4. Sundry Debtors-	Less amount received	
	(ii) Other Sundry Debtors	
	5. Advances	
	(a) Miscellaneous Advances.	
	(b) Cash at Bank	
	(c) Cash in hand	
	(d) Cash in transit	
Total:-	Total	
Accounts Officer	Member-Secretary	Chairman

FORM VIII
CENTRAL POLLUTION CONTROL BOARD)
ANNUAL STATEMENT OF ACCOUNT
Expenditure on works as on 31st March, 19
(Item I-Asset of the Balance Sheet)
(See Rule 17)

Sl. No.	Name of work	Upto 31st March 19			During the year 19			Upto 31st March 19		
		Direct Expenditure	Overhead Charges	Total Expenditure	Direct Expenditure	Overhead Charges	Total Expenditure	Direct Expenditure	Overhead Charges	Total Expenditure
TOTAL										
Accounts Officer				Member-Secretary				Chairman		

FORM IX
CENTRAL POLLUTION CONTROL BOARD
ANNUAL STATEMENT OF ACCOUNTS

Fixed Assets as on 31st March, 19 (Item 2 Assets to the Balance Sheet).
Other Assets as on 31st March, 19 (Item 3 Assets to the Balance Sheet).

(See Rule 17)

Sl. No.	Particulars of Assets.	Balance as on 31stMarch 19	Additions during the years	Total	Depreciation during the year	Sales of write off during the year	Balance as on 31st March 19	Cumulative Depreciation as on 31st March 19
Accounts Officer				Member-Secretary				Chairman

THE ENVIRONMENT (PROTECTION) ACT, 1986



**MINISTRY OF ENVIRONMENT & FORESTS
DEPARTMENT OF ENVIRONMENT, FORESTS & WILDLIFE
GOVERNMENT OF INDIA
NEW DELHI**

The Environment (Protection) Act, 1986

No. 29 OF 1986

[23rd May, 1986]

An Act to Provide for the Protection and Improvement of Environment and for Matters Connected therewith.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Environment (Protection) Act, 86.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas.

Short
title, ex-
tent and
com-
mence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires: —
- (a) "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property;
 - (b) "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
 - (c) "environmental pollution" means the presence in the environment of any environmental pollutant;
 - (d) "handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;
 - (e) "hazardous substance" means any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organism, property or the environment;
 - (f) "occupier", in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises and includes, in relation to any substance, the person in possession of the substance;
 - (g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

GENERAL POWERS OF THE CENTRAL GOVERNMENT

Power
of Cen-
tral Go-
vern-
ment to
take mea-
sures to —

3. (1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (i), such measures may include measures with respect to all or any of the following matters, namely: —

protect
and im-
prove en-
viron-
ment.

- (i) co-ordination of actions by the State Governments, officers and other authorities: —
 - (a) under this Act, or the rules made thereunder; or
 - (b) under any other law for the time being in force which is relatable to the objects of this Act;
- (ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;
- (iii) laying down standards for the quality of environment in its various aspects;
- (iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever;

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

- (v) restriction of areas in which any industries, operations, or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;
- (vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
- (vii) laying down procedures and safeguards for the handling of hazardous substances;

- (viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;
- (ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;
- (x) inspection of any premises, plant, equipment, machinery manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;
- (xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;
- (xii) collection and dissemination of information in respect of matters relating to environmental pollution;
- (xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;
- (xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

4. (1) Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may appoint officers with such designations as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

Appointment of officers and their powers and functions.

(2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

5. Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Power to give directions

Explanation:—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct:—

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) stoppage or regulation of the supply of electricity or water or any other service.

6. (1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.

Rules to regulate environmental pollution.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the standards of quality of air, water or soil for various areas and purposes;
- (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;
- (c) the procedures and safeguards for the handling of hazardous substances;

- (d) the prohibition and restrictions on the handling of hazardous substances in different areas;
- (e) the prohibition and restrictions on the location of industries and the carrying on of processes and operations in different areas;
- (f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.

CHAPTER III

PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION

Persons carrying on industry operation, etc., not to allow emission or discharge of environmental pollutants in excess of the standards.

7. No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

Persons handling hazardous substances to comply with procedural safeguards.

8. No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.

9. (1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith:—

- (a) intimate the fact of such occurrence or apprehension of such occurrence; and
- (b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

(3) The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.

10. (1) Subject to the provisions of this section, any person empowered by the Central Government in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place:—

- (a) for the purpose of performing any of the functions of the Central Government entrusted to him;
- (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

Furnish-
ing of
informa-
tion to
authori-
ties and
agencies
in certain
cases.

Powers
of entry
and ins-
pection.

(c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.

(2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act.

2 of 1974.

(4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provision of the said law.

Power to take sample and procedure to be followed in connection therewith

11. (1) The Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory, premises or other place in such manner as may be prescribed.

(2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of the sub-sections (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall:—

THE ENVIRONMENT (PROTECTION) ACT, 1986

- (a) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;
 - (b) in the presence of the occupier or his agent or person, collect a sample for analysis.
 - (c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;
 - (d) send without delay, the container or the containers to the laboratory established or recognised by the Central Government under section 12.
- (4) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section (3), then:—
- (a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and
 - (b) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples,
- and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

12. (1) The Central Government may, by notification in the Official Gazette:—

- (a) establish one or more environmental laboratories;

Environ-
mental
labora-
tories.

- (b) recognise one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act.

(2) The Central Government may, by notification in the Official Gazette, make rules specifying:—

- (a) the functions of the environmental laboratory;
- (b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;
- (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

Government
Analysts.

13. The Central Government may by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications to be Government Analysts for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.

Reports of
Government
Analysts.

14. Any document purporting to be a report signed by a Government analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

Penalty for
contraven-
tion of the
provisions
of the Act
and the
rules,
orders
and
directions.

15. (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

Offences by
companies.

16. (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed,

was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section:—

- (a) "company" means any body corporate and includes a firm or other association of individuals;
- (b) "director", in relation to a firm, means a partner in the firm.

17. (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
Government
Depart-
ments.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER IV

MISCELLANEOUS

- Protection of action taken in good faith. **18.** No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.
- Cognizance of offences. **19.** No court shall take cognizance of any offence under this Act except on a complaint made by:—
- (a) the Central Government or any authority or officer authorised in this behalf by that Government; or
 - (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.
- Information, reports or returns **20.** The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.
- Members, officers and employees of the authority constituted under section 3 to be public servants. **21.** All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
- Bar of jurisdiction. **22.** No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or

officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

23. Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act, [except the power to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officer, State Government or other authority.

Power to
delegate.

24. (1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made there in shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

Effect of
other laws

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

25. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

- (a) the standards in excess of which environmental pollutants shall not be discharged or emitted under section 7;
- (b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or cause to be handled under section 8;
- (c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section (1) of section 9;

- (d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;
- (e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub-section (3) of section 11;
- (f) the functions of the environmental laboratories, the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test; the form of laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12;
- (g) the qualifications of Government Analyst appointed or recognised for the purpose of analysis of samples of air, water, soil or other substances under section 13;
- (h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;
- (i) the authority or officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20;
- (j) any other matter which is required to be, or may be, prescribed.

Rules
made
under
this Act
to be laid
before
Parliament.

26. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

This Act of Parliament received the assent of the President of India on the 23rd May, 1986: —



THE ENVIRONMENT (PROTECTION) RULES, 1986

(As amended to date)



THE ENVIRONMENT (PROTECTION) RULES, 1986

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forest and Wildlife)

NOTIFICATION

New Delhi, the 19th November, 1986

¹**S.O. 844(E)** - In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules, namely:-

1. SHORT TITLE AND COMMENCEMENT

- (i) These rules may be called the Environment (Protection) Rules, 1986.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. DEFINITIONS

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- ² [(aa) "areas" means all areas where the hazardous substances are handled;]
- (b) "Central Board" means the Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (c) "Form" means a form set forth in Appendix A to these rules;
- (d) "Government Analyst" means a person appointed or recognized as such under section 13;
- (e) "person" in relation to any factory or premises means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance.

¹ As published in Gazette of India, Extraordinary, Part II 3(ii), dt.19.11.1986.

² Clauses (aa), (ee) and (ff) inserted by Notification NO. G.S.R. 931(E) dated 27.10.89 published in the Gazette No. 564 dated 27.10.89. These rules are referred to as Principal Rules in all Notifications beginning with S.O. 32(E) published in the Gazette No. 66 dated 16.2.87.



¹[(ee) "prohibited substance" means the substance prohibited for handling;]

(f) "recipient system" means the part of the environment such as soil, water, air or other which receives the pollutants;

¹[(ff) "restricted substance" means the substance restricted for handling;]

(g) "section" means a section of the Act;

(h) "Schedule" means a Schedule appended to these rules;

(i) "Standards" means standards prescribed under these rules;

(j) "State Board" means a State Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or a State Pollution Control Board constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

3. STANDARDS FOR EMISSION OR DISCHARGE OF ENVIRONMENTAL POLLUTANTS

(1) For the purpose of protecting and improving the quality of the environment and preventing and abating environmental pollution, the standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in ²[Schedule I to IV].

(2) Notwithstanding anything contained in sub-rule (1), the Central Board or a State Board may specify more stringent standards from those provided in ³[Schedule I to IV] in respect of any specific industry, operation or process depending upon the quality of the recipient system and after recording reasons therefore in writing.

⁴[(3) The standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified.]

¹ Clauses (aa), (ee) and (ff) inserted by Notification NO. G.S.R. 931(E) dated 27.10.89 published in the Gazette No. 564 dated 27.10.89. These rules are referred to as Principal Rules in all Notifications beginning with S.O. 32(E) published in the Gazette No. 66 dated 16.2.87.

² Substituted by notification G.S.R 422(E) dated 19.5.1993, published in the Gazette No. 174 dated 19.5.1993.

³ Substituted *ibid*

⁴ The sub-rule (3) of rule 3 inserted vide S.O.23(E), dt.16.01.1991.



¹[(3A) (i) Notwithstanding anything contained in sub-rules (1) and (2), on and from the 1st day of January, 1994, emission or discharge of environmental pollutants from the ²[industries, operations or processes other than those industries, operations or processes for which standards have been specified in Schedule-I] shall not exceed the relevant parameters and standards specified in schedule VI.

Provided that the State Boards may specify more stringent standards for the relevant parameters with respect to specific industry or locations after recording reasons therefore in writing.

(ii) The State Board shall while enforcing the standards specified in Schedule VI follow the guidelines specified in Annexure I and II in that Schedule.]

³[(3B)] The combined effect of emission or discharge of environmental pollutants in an area, from industries, operations, processes, automobiles and domestic sources, shall not be permitted to exceed the relevant concentration in ambient air as specified against each pollutant ⁴[in columns (4) and (5) of Schedule VII.]

(4) Notwithstanding anything contained in sub-rule (3)-

(a) the Central Board or a State Board, depending on the local conditions or nature of discharge of environmental pollutants, may, by order, specify a lesser period than a period specified under sub-rule (3) within which the compliance of standards shall be made by an industry, operation or process.

(b) the Central Government in respect of any specific industry, operation or process, by order, may specify any period other than a period specified under sub-rule (3) within which the compliance of standards shall be made by such industry, operation or process.

(5) Notwithstanding anything contained in sub-rule (3) the standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) in respect of an industry, operation or process before the commencement of the Environment (Protection) Amendment Rules, 1991, shall be complied by such industry, operation or process by the 31st day of December 1991.

¹ The sub-rule (3A) of rule 3 inserted by rule 2(a)(iii) of the Environment (Protection) Second Amendment Rules, 1993 notified vide GSR 422(E) dt.19.05.1993, published in the Gazette No.174 dated 19.05.1993.

² Substituted by rule 2(a) of the Environment (Protection) Third Amendment Rules, 1993 notified vide Notification G.S.R 801(E), dt.31.12.1993, published in Gazette No.463 dt.31.12.1993.

³ Substituted by Rule 2(a) of the Environment (Protection) Second (Amendment) Rules, 1998 notified by notification GSR 7, dated 22.12.1998.

⁴ Substituted by Rule 2 of the Environment (Protection) Seventh Amendment Rules, 2009 notified by GSR 826(E), dated 16.11.2009.



¹[(6) Notwithstanding anything contained in sub-rule (3), an industry, operation or process which has commenced production on or before 16th May, 1981 and has shown adequate proof of atleast commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1993.

(7) Notwithstanding anything contained in sub-rule (3) or sub-rule (6) an industry, operation or process which has commenced production after the 16th day of May, 1981 but before the 31st day of December 1991 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1992.]

²[(8) On and from the 1st day of ³[June, 2002], the following coal based thermal power plants shall use ⁴[raw or blended or beneficiated coal with an ash content not exceeding thirty four per cent on an annual average basis.], namely:-

- (a) any thermal power plant located beyond one thousand kilometers from the pit-head; and
- (b) any thermal power plant located in urban area or sensitive area or critically polluted area irrespective of their distance from pit-head except any pit-head power plant.

⁵[Provided that any thermal power plant using Circulating Fluidised Bed Combustion or Atmosphere Fluidised Bed Combustion or Pressurized Fluidised Bed Combustion or integrated Gasification Combined Cycle technologies or any other clean technologies as may be notified by the Central Government in the Official Gazette shall be exempted from Clauses (a) and (b)]

Explanation: For the purpose of this Rule :-

- (a) 'beneficiated coal' means coal containing higher calorific value but lower ash than the original ash content in the raw coal obtained through physical separation or washing process.

¹ Sub-rule (6) and (7) of rule 3 were added by the Environment (Protection) Amendment Rule, 1992 vide G.S.R. 95(E) dated 12.02.1992.

² Inserted by Rule 2 of the Environment (Protection) Amendment Rules, 1997 vide G.S.R.560(E), dated 19.9.1997.

³ Substituted vide G.S.R.407(E), dated 31.5.2001.

⁴ Substituted vide G.S.R.378 (E), dated 30.6.1998.

⁵ Inserted vide G.S.R. 378 (E), dated 30.6.1998.



- (b) 'pit-head power plant' means power stations having captive transportation system for its exclusive use for transportation of coal from the loading point at the mining end upto the uploading point at the power station without using the normal public transportation system.;
- (c) 'sensitive area' means an area whose ecological balance is prone to be easily disturbed.
- (d) 'critically polluted area' means the area where pollution level has reached or likely to reach to the critical level and which has been identified as such by the Central Government or Central Pollution Control Board or a State Pollution Control Board.

¹[(e) 'urban area' means an area limit of a city having a population of more than 1 million according to 1991 census.]

4. DIRECTIONS

(1) Any direction issued under section 5 shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

²[(3) (a) The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

(b) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on any industry, operation or process and is sought to be issued to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be and objections, if any, filed by the occupier with an officer designated in this behalf shall be dealt with in accordance with the procedures under sub-rules (3a) and (4) of this rule:

Provided that no opportunity of being heard shall be given to the occupier if he had already been heard earlier and the proposed direction referred to in sub-rule (3b) above for the stoppage or regulation of electricity or

¹ Inserted vide G.S.R.378(E), dated 30.6.1998.

² Sub-rule (3) of rule 4 of the Principal Rules was re-numbered as sub-rule 3(a) and sub-rule 3(b) inserted vide Notification No. S.O. 64(E) published in the Gazette No. 42 dated 18.1.88.



water or any other service was the resultant decision of the Central Government after such earlier hearing]

(4) The Central Government shall within a period of 45 days from the date of receipt of the objections, if any or from the date up to which an opportunity is given to the person, officer or authority to file objections whichever is earlier, after considering the objections, if any, received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(5) In case where the Central Government is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.

(6) Every notice or direction required to be issued under this rule shall be deemed to be duly served

(a) where the person to be served is a company, if the document is addressed in the name of the company at its registered office or at its principal office or place of business and is either-

(i) sent by registered post, or

(ii) delivered at its registered office or at the principal office or place of business;

(b) where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to this Head of the Department and also to the Secretary to the Government, as the case may be, in-charge of the Department in which for the time being the business relating to the Department in which the officer is employed is transacted and is either-

(i) sent by registered post, or

(ii) is given or tendered to him;

(c) in any other case, if the document is addressed to the person to be served and-

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or



(iii) is sent by registered post to that person;

Explanation.-For the purpose of this sub-rule:-

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "a servant" is not a member of the family.

5. PROHIBITION AND RESTRICTION ON THE LOCATION OF INDUSTRIES AND THE CARRYING ON PROCESSES AND OPERATIONS IN DIFFERENT AREAS

(1) The Central government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas-

(i) Standards for quality of environment in its various aspects laid down for an area.

(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.

(iv) The topographic and climatic features of an area.

(v) The biological diversity of the area which, in the opinion of the Central Government needs to be preserved.

(vi) Environmentally compatible land use.

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.

(viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

(ix) Proximity to human settlements.



(x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.

(2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central Government shall follow the procedure hereinafter laid down.

(3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the locations of an industry or the carrying on of processes and operations in an area, it may by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the locations of the industries and carrying on of process or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication of the notification in the Official Gazette.

(d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may within ¹[three hundred and sixty five days] from such day of publication] impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area.

²[(4) Notwithstanding anything contained in sub-rule (3), 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).]

³**6. PROCEDURE FOR TAKING SAMPLES**

The Central Government or the officer empowered to take samples under section 11 shall collect the sample in sufficient quantity to be divided into two uniform parts and effectively seal and suitably mark the same and permit to the person from whom the sample is taken to add his own seal or mark to all or any of the portions so sealed and marked. In case where the sample is made up in containers or small volumes and is likely to deteriorate or be otherwise damaged if exposed, the Central Government or the officer

¹ Substituted for the words "one hundred and eight days" the words "three hundred and sixty five days" by Rule 2 of the Environment (Protection) Eighth Amendment Rules, 1992

² Inserted by Rule 2 of the Environment (Protection) Amendment Rules, 1994 notified by G.S.R.320(E), dated 16.3.1994.

³ For rule 6 of the principal rules this rule was substitute vide S.O. 64(E) published in the Gazette No. 42 dated 18.1.88.



empowered shall take two of the said samples without opening the containers and suitably seal and mark the same. The Central Government or the officer empowered shall dispose of the samples so collected as follows:-

(i) One portion shall be handed over to the person from whom the sample is taken under acknowledgement; and

(ii) The other portion shall be sent forthwith to the environmental laboratory or analysts.]

7. SERVICE OF NOTICE

The Central Government or the officer empowered shall serve on the occupier or his agent or person in charge of the place a notice then and there in Form I of his intention to have the sample analysed.

8. PROCEDURE FOR SUBMISSION OF SAMPLES FOR ANALYSIS, AND THE FORM OF LABORATORY REPORT THEREON

(1) Sample taken for analysis shall be sent by the Central Government or the officer empowered to the environmental laboratory by registered post or through special messenger along with Form II.

(2) Another copy of Form II together with specimen impression of seals of the officer empowered to take samples along with the seals/marks, if any, of the person from whom the sample is taken shall be sent separately in a sealed cover by registered post or through a special messenger to the environmental laboratory.

(3) The findings shall be recorded in Form III in triplicate and signed by the Government Analyst and sent to the officer from whom the sample is received for analysis.

(4) On receipt of the report of the findings of the Government Analyst, the officer shall send one copy of the report to the person from whom the sample was taken for analysis, the second copy shall be retained by him for his record and the third copy shall be kept by him to be produced in the Court before which proceedings, if any, are instituted.

9. FUNCTIONS OF ENVIRONMENTAL LABORATORIES

The following shall be the functions of environmental laboratories:-

(i) to evolve standardized methods for sampling and analysis of various types of environmental pollutants;



(ii) to analyze samples sent by the Central Government or the officers empowered under sub-section (1) of section 11.

(iii) to carry out such investigations as may be directed by the Central Government to lay down standards for the quality of environment and discharge of environmental pollutants, to monitor and to enforce the standards laid down;

(iv) to send periodical reports regarding its activities to the Central Government;

(v) to carry out such other functions as may be entrusted to it by the Central Government from time to time.

10. QUALIFICATIONS OF GOVERNMENT ANALYST

A person shall not be qualified for appointment or recognized as a Government Analyst unless he is a:-

(a) graduate in science from a recognized university with five years experience in laboratory engaged in environmental investigation, testing or analysis; or

(b) post-graduate in science or a graduate in engineering or a graduate in medicine or equivalent with two years experience in a laboratory engaged in environmental investigations testing or analysis; or

(c) post-graduate in environmental science from a recognized university with two years experience in a laboratory engaged in environmental investigations, testing or analysis.

11. MANNER OF GIVING NOTICE

The manner of giving notice under clause (b) of section 19 shall be as follows, namely:-

(1) The notice shall be in writing in Form IV.

(2) The person giving notice may send notice to-

(a) if the alleged offence has taken place in a Union territory

(A) the Central Board and

(B) Ministry of Environment and Forests (represented by the Secretary to Government of India);



(b) if the alleged offence has taken place in a State:

(A) the State Board; and

(B) the Government of the State (represented by the Secretary to the State Government in-charge of environment); and

(C) the Ministry of Environment and Forests (represented by the Secretary to the Government of India);

(3) The notice shall be sent by registered post acknowledgement due; and

(4) The period of sixty days mentioned in clause (b) of section 19 of the Environment (Protection) Act, 1986 shall be reckoned from the date it is first received by one of the authorities mentioned above.

¹[12. FURNISHING OF INFORMATION TO AUTHORITIES AND AGENCIES IN CERTAIN CASES

Where the discharge of environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person in charge of the place at which such discharge occurs or is apprehended to occur shall forth with intimate the fact of such occurrence or apprehension of such occurrence to all the following authorities or agencies, namely:-

(i) The officer-in-charge of emergency or disaster relief operation in a district or other region of a state or Union territory specified by whatever designation by the Government of the said State or Union territory, and in whose jurisdiction the industry, process or operation is located.

(ii) Central Board or a State Board as the case may be and its regional officer having local jurisdiction who have been delegated powers under section 20, 21, 23 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

(iii) The statutory authorities or agencies specified in column 3 in relation to places mentioned in column 2 against thereof of the Schedule II.]

¹ Rule 12 inserted vide Notification No. S.O. 32(E) dated 16.2.87 published in the Gazette No. 66 dated 16.2.87.



¹[13. PROHIBITION AND RESTRICTION ON THE HANDLING OF HAZARDOUS SUBSTANCES IN DIFFERENT AREAS

(1) The Central Government may take into consideration the following factors while prohibiting or restricting the handling of hazardous substances in different areas-

(i) The hazardous nature of the substance (either in qualitative or quantitative terms as far as may be) in terms of its damage causing potential to the environment, human beings, other living creatures, plants and property;

(ii) the substances that may be or likely to be readily available as substitutes for the substances proposed to be prohibited or restricted;

(iii) the indigenous availability of the substitute, or the state of technology available in the country for developing a safe substitute;

(iv) the gestation period that may be necessary for gradual introduction of a new substitute with a view to bringing about a total prohibition of the hazardous substance in question; and

(v) any other factor as may be considered by the Central Government to be relevant to the protection of environment.

(2) While prohibiting or restricting the handling of hazardous substances in an area including their imports and exports the Central Government shall follow the procedure hereinafter laid down-

(i) Whenever it appears to the Central Government that it is expedient to impose prohibition or restriction on the handling of hazardous substances in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(ii) Every notification under clause (i) shall give a brief description of the hazardous substances and the geographical region or the area to which such notification pertains, and also specify the reasons for the imposition of prohibition or restriction on the handling of such hazardous substances in that region or area.

(iii) Any person interested in filing an objection against the imposition of prohibition or restrictions on the handling of hazardous substances as notified under clause (i) may do so in writing to the Central Government within sixty days from the date of publication of the notification in the Official Gazette.

¹ Rule 13 inserted vide Notification No G.S.R. 931(E) dated 27.10.89 published in the Gazette No. 564 dated 27.10.89.



(iv) The Central Government shall within a period of ninety days from the date of publication of the notification in the official Gazette consider all the objections received against such notification and may impose prohibition or restrictions on the handling of hazardous substances in a region or an area.]

¹[14. SUBMISSION OF ENVIRONMENTAL ²[STATEMENT]

Every person carrying on an industry, operation or process requiring consent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) or both or authorization under the Hazardous Wastes (Management and Handling) Rules, 1989 issued under the Environment (Protection) Act, 1986 (29 of 1986) shall submit an environmental ²[statement] for the financial year ending the 31st March in Form V to the concerned State Pollution Control Board on or before the ³[thirtieth day of September] every year, beginning ²1993.]

¹ Inserted by Rule 2 of the Environment (Protection) (second amendment) Rules, 1992 vide notification G.S.R. 329(E), dated 13.3.1992.

² Substituted by Rule 2(a) (i) of the Environment (Protection) Amendment Rules, 1993 vide notification G.S.R. 386(E), dated 22.4.1993

³ Substituted by Rule 2(a) (ii), *ibid*



¹[83. **STANDARDS/GUIDELINES FOR CONTROL OF NOISE POLLUTION FROM STATIONARY DIESEL GENERATOR(DG) SETS**

* * *]

84. TEMPERATURE LIMIT FOR DISCHARGE OF CONDENSER COOLING WATER FROM THERMAL POWER PLANT

A . New thermal power plants commissioned after June 1,1999.

New thermal power plants, which will be using water from rivers/lakes./ reservoirs shall install cooling towers-irrespective location and capacity. Thermal power plants which will use sea water for cooling purposes, the condition below will apply.

B. New projects in coastal areas using sea water.

The thermal power plants using sea water should adopt suitable system to reduce water temperature at the final discharge point so that the resultant rise in the temperature of receiving water does not exceed 7°C over and above the ambient temperature of the receiving water bodies.

C. Existing thermal power plants.

Rise in temperature of condenser cooling water from inlet to the outlet of condenser shall not be more than 10°C.

D. Guidelines for discharge point :

1. The discharge point shall preferably be located at the bottom of the water body at mid-stream for proper dispersion of thermal discharge.
2. In case of discharge of cooling water into sea, proper marine outfall shall be designed to achieve the prescribed standards. The point of discharge may be selected in consultation with concerned State Authorities/NOI.
3. No cooling water discharge shall be permitted in estuaries or near ecologically sensitive areas such as mangroves, coral reefs/spawning and breeding grounds of aquatic flora and fauna.

85. ENVIRONMENTAL STANDARDS FOR COAL WASHERIES

1. Fugitive emission standards.
- The difference in the value of suspended particulate matter, delta (Δ), measured between 25 and 30 metre from the enclosure of coal crushing plant in the downward and leeward wind direction shall not exceed 150 microgram per cubic meter. Method of measurement shall be High Volume Sampling and Average flow rate, not less than 1.1 m³ per minute, using upwind downwind method of measurement :

¹ Serial No..83 and entries relating thereto omitted by Rule 2 (b) of the Environment (Protection) Second Amendment Rules, 2002 notified vide notification G.S.R. 371(E), dated 17.5.2002.



2. Effluent discharge standards

- The coal washeries shall maintain the close circuit operation with zero effluent discharge.
- If in case due to some genuine problems like periodic cleaning of the system, heavy rainfall etc. it become necessary to discharge the effluent to sewer land stream then the effluent shall conform to the following standards at the final outlet of the coal washery.

S.No.	Parameter	Limits
1.	pH	5.5—9.0
2.	Total suspended solids	100 mg/l
3.	Oil & Grease	10 mg/l
4.	B.O.D (3 days 27°C)	30 mg/l
5.	COD	250 mg/l
6.	Phenolics	1.0 mg/l

3. Noise level standards

- Operational/Working zone—not to exceed 85 dB(A) Leq for 8 hours exposure.
- The ambient air quality standards in respect of noise as notified under Environmental (Protection) Rules, 1986 shall be followed at the boundary line of the coal washery.

4. Code of practice for Coal Washery.

- Water or Water mixed chemical shall be sprayed at all strategic coal transfer points such as conveyors, loading/unloading points etc. As far as practically possible conveyors, transfer points etc. shall be provided with enclosures.
- The crushers/pulverisers of the coal washeries shall be provided with enclosures, fitted with suitable air pollution control measures and finally emitted through a stack of minimum height of 30m. conforming particulate matter emission standard of 150 mg/Nm³ or provided with adequate water sprinkling arrangement.
- Water sprinkling by using fine atomizer nozzles arrangement shall be provided on the coal heaps and on around the crushers/pulverisers.
- Area, in and around the coal washery shall be pucca either asphalted or concreted.



- Water consumption in the coal washery shall not exceed 1.5 cubic meter per tonne of coal.
- The efficiency of the settling ponds of the waste water treatment system of the coal washery shall not be less than 90%.
- Green belt shall be developed along the road side, coal handling plants, residential complex, office building and all around the boundary line of the coal washery.
- Storage bunkers, hoppers, rubber decks in chutes and centrifugal chutes shall be provided with proper rubber linings.
- Vehicles movement in the coal washery area shall be regulated effectively to avoid traffic congestion. High pressure horn shall be prohibited. Smoke emission from heavy duty vehicle operating in the coal washeries should conform the standards prescribed under Motor Vehicle Rules, 1989.

86. WATER QUALITY STANDARDS FOR COASTAL WATERS MARINE OUTFALLS

In a coastal segment marine water is subjected to several types of uses. Depending of the types of uses and activities, water quality criteria have been specified to determine its suitability for a particular purpose. Among the various types of uses there is one use that demands highest level of water quality/purity and that is termed a “designated best use” in that stretch of the coastal segment. Based on this, primary water quality criteria have been specified for following five designated best uses :-

Class	Designated best use
SW-1(See Table 1.1.)	Salt pans, Shell fishing, Mariculture and Ecologically Sensitive Zone
SW-II (See Table 1.2)	Bathing, Contact Water Sports and Commercial fishing.
SW-III (See Table 1.3)	Industrial cooling, Recreation(non-contact) and Aesthetics
SW-IV (See Table 1.4)	Harbour
SW-V (See Table 1.5)	Navigation and Controlled Waste Disposal

The Standards alongwith rationale/remarks for various parameters for different designated best uses, given in Table 1.1 to 1.5



¹[90. STANDARDS FOR COAL MINES

1. AIR QUALITY STANDARDS

The Suspended Particulate Matter (SPM), Respirable Particulate Matter (RPM), Sulphur dioxide (SO₂) and Oxides of Nitrogen (NO_x) concentration in downwind direction considering predominant wind direction, at a distance of 500 metres from the following dust generating sources shall not exceed the standards specified in the Tables I, II and III given below:

Dust Generating Sources

Loading or unloading, Haul road, coal transportation road, Coal handling plant (CHP), Railway siding, Blasting, Drilling, Overburden dumps, or any other dust generating external sources like coke ovens (hard as well as soft), briquette industry, nearby road etc.

Table-I

Category	Pollutant	Time weighted average	Concentration in Ambient Air	Method of Measurement
1	2	3	4	5
I New Coal Mines (Coal Mines commenced operation after the date of publication of this notification)	Suspended Particulate Matter (SPM)	Annual Average * 24 hours **	360 µg/m ³ 500 µg/m ³	- High Volume Sampling (Average flow rate not less than 1.1 m ³ /min)
	Respirable Particulate Matter (size less than 10 µm) (RPM)	Annual Average * 24 hours **	180 µg/m ³ 250 µg/m ³	Respirable Particulate Matter sampling and analysis
	Sulphur Dioxide (SO ₂)	Annual Average * 24 hours **	80 µg/m ³ 120 µg/m ³	- Improved west and Gaeke method - Ultraviolet fluorescence
	Oxide of Nitrogen as NO ₂	Annual Average * 24 hours **	80 µg/m ³ 120 µg/m ³	- Jacob & Hochheiser Modified (Na-Arsenic) Method - Gas phase Chemiluminescence

¹ Serial No.90 to 93 and entries relating thereto were inserted by Rule 2(1) of the Environment (Protection) Amendment Rules, 2000 notified vide notification G.S.R. 742(E), dated 25.9.2000.



Table-II

Category	Pollutant	Time weighted average	Concentration in Ambient Air	Method of Measurement
1	2	3	4	5
II Existing coal fields/mines given below: Karanpura, Ramgarh, Giridih, Rajhara, Wardha, Nagpur, Silewara, Pench Kanhan, Patharkhera, Umrer, Korba, Chirimiri, Central India Coalfields, (including Baikunthpur, Bisrampur), Singrauli, Ib Valley, Talcher, Godavary Valley and any other	Suspended Particulate Matter (SPM)	Annual Average * 24 hours **	430 $\mu\text{g}/\text{m}^3$ 600 $\mu\text{g}/\text{m}^3$	- High Volume Sampling (Average flow rate not less than 1.1 m^3/minute)
	Respirable Particulate Matter (size less than 10 μm) (RPM)	Annual Average * 24 hours **	215 $\mu\text{g}/\text{m}^3$ 300 $\mu\text{g}/\text{m}^3$	Respirable Particulate Matter sampling and analysis
	Sulphur Dioxide (SO_2)	Annual Average * 24 hours **	80 $\mu\text{g}/\text{m}^3$ 120 $\mu\text{g}/\text{m}^3$	1. Improved west and Gaeke method 2. Ultraviolet fluorescence
	Oxide of Nitrogen as NO_2	Annual Average * 24 hours **	80 $\mu\text{g}/\text{m}^3$ 120 $\mu\text{g}/\text{m}^3$	1. Jacob & Hochheiser Modified (Na-Arsenic) Method 2. Gas phase Chemiluminescence



Table-III

Category	Pollutant	Time weighted average	Concentration in Ambient Air	Method of Measurement
1	2	3	4	5
III Coal mines located in the coal fields of • Jharia • Raniganj • Bokaro	Suspended Particulate Matter (SPM)	Annual Average * 24 hours **	500 $\mu\text{g}/\text{m}^3$ 700 $\mu\text{g}/\text{m}^3$	- High Volume Sampling (Average flow rate not less than 1.1 m^3/minute)
	Respirable Particulate Matter (size less than 10 μm) (RPM)	Annual Average * 24 hours **	250 $\mu\text{g}/\text{m}^3$ 300 $\mu\text{g}/\text{m}^3$	Respirable Particulate Matter sampling and analysis
	Sulphur Dioxide (SO_2)	Annual Average * 24 hours **	80 $\mu\text{g}/\text{m}^3$ 120 $\mu\text{g}/\text{m}^3$	1.Improved west and Gaeke method 2.Ultraviolet fluorescene
	Oxide of Nitrogen as NO_2	Annual Average * 24 hours **	80 $\mu\text{g}/\text{m}^3$ 120 $\mu\text{g}/\text{m}^3$	1. Jacob & Hochheiser Modified (Na-Arsenic) Method 2. Gas phase Chemilumine-scence

Note:

* Annual Arithmetic mean for the measurements taken in a year, following the guidelines for frequency of sampling laid down in clause 2.

** 24 hourly / 8 hourly values shall be met 92% of the time in a year. However, 8% of the time it may exceed but not on two consecutive days.



Unauthorised construction shall not be taken as a reference of nearest residential or commercial place for monitoring.

In case any residential or commercial or industrial place falls within 500 metres of any dust generating sources, the National Ambient Air Quality Standards notified under schedule VII shall be applicable.

2. FREQUENCY OF SAMPLING

- Air quality monitoring at a frequency of once in a fortnight at the dust generating sources given in clause 1 shall be carried out.
- As a result of monthly monitoring, if it is found that the value of the pollutant is less than 50% of the specified standards for three consecutive months, then the sampling frequency may be shifted to two days in a quarter year (3 months).
- In case, the value has exceeded the specified standards, the air quality sampling shall be done twice a week. If the results of four consecutive weeks indicate that the concentration of pollutants is within the specified standards, then fortnight monitoring may be reverted to.

3. EFFLUENT STANDARDS

The standards for effluent discharge into sewer or stream or land, are given below:

pH	–	5.5 to 9.0
Chemical Oxygen Demand (COD)	–	250 mg/l
Total Suspended Solids (TSS)	–	100 mg/l
		200 mg/l (Land for irrigation)
Oil & Grease (O & G)	–	10 mg/l
(Monitoring frequency of these parameters shall be once in a fortnight)		

Optional parameters : All other parameters indicated in the general standards for discharge of environment pollutants under Schedule VI, shall be in addition to the effluent standards specified under clause 3. (Monitoring frequency shall be once in a year for the optional parameters)

4. NOISE LEVEL STANDARDS

	6.00 AM – 10.00 PM	10.00 PM – 6.00 AM
Noise level	Leq 75 dB(A)	Leq 70 dB(A)

(Monitoring frequency for noise level shall be once in a fortnight)

Occupational exposure limit of noise specified by Director General of Mines Safety (DGMS) shall be complied with by the local mines.

¹[SCHEDULE – VI]

(See rule 3A)

**GENERAL STANDARDS FOR DISCHARGE OF ENVIRONMENTAL
POLLUTANTS PART-A : EFFLUENTS**

S. No.	Parameter	Standards			
		Inland surface water	Public Sewers	Land for irrigation	Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
1.	Colour and odour	See 6 of Annexure-I	--	See 6 of Annexure -I	See 6 of Annexure-I
2.	Suspended solids mg/l, Max.	100	600	200	(a) For process waste water- 100 (b) For cooling water effluent 10 percent above total suspended matter of influent.
3.	Particulate size of suspended solids	Shall pass 850 micron IS Sieve	--	--	(a) Floatable solids, max. 3 mm. (b) Settleable solids, max. 850 microns.
² 4.	***	*	--	***	--
5.	pH Value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
6.	Temperature	shall not exceed 5°C above the receiving water temperature	--	--	shall not exceed 5°C above the receiving water temperature

¹ Schedule VI inserted by Rule 2(d) of the Environment (Protection) Second Amendment Rules, 1993 notified vide G.S.R. 422(E) dated 19.05.1993, published in the Gazette No. 174 dated 19.05.1993.

² Omitted by Rule 2(d)(i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No.G.S.R.801(E), dated 31.12.1993.



S. No.	Parameter	Standards			
		Inland surface water	Public Sewers	Land for irrigation	Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
7.	Oil and grease mg/l Max.	10	20	10	20
8.	Total residual chlorin mg/l Max.	1.0	--	--	1.0
9.	Ammonical nitrogen (as N), mg/l Max.	50	50	--	50
10.	Total Kjeldahl Nitrogen (as NH ₃) mg/l, Max.	100	--	--	100
11.	Free ammonia (as NH ₃) mg/l, Max.	5.0	--	--	5.0
12.	Biochemical Oxygen demand ¹ [3 days at 27°C] mg/l max.	30	350	100	100
13.	Chemical Oxygen Demand, mg/l, max.	250	--	--	250
14.	Arsenic (as As), mg/l, max.	0.2	0.2	0.2	0.2
15.	Mercury (as Hg), mg/l, Max.	0.01	0.01	--	0.01
16.	Lead (as Pb) mg/l, Max.	0.1	1.0	--	2.0
17.	Cadmium (as Cd) mg/l, Max.	2.0	1.0	--	2.0
18.	Hexavalent Chromium (as Cr+6), mg/l max.	0.1	2.0	--	1.0

¹ Substituted by Rule 2 of the Environment (Protection) Amendment Rules, 1996 notified by G.S.R.176, dated 2.4.1996 may be read as BOD (3 days at 27°C) wherever BOD 5 days 20°C occurred.



S. No.	Parameter	Standards			
		Inland surface water	Public Sewers	Land for irrigation	Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
19.	Total chromium (as Cr.) mg/l, Max.	2.0	2.0	--	2.0
20.	Copper (as Cu) mg/l, Max.	3.0	3.0	--	3.0
21.	Zinc (As Zn.) mg/l, Max.	5.0	15	--	15
22.	Selenium (as Se.) mg/l, Max.	0.05	0.05	--	0.05
23.	Nickel (as Ni) mg/l, Max.	3.0	3.0	--	5.0
¹ 24.	* * *	*	*	*	*
¹ 25.	* * *	*	*	*	*
¹ 26.	* * *	*	*	*	*
27.	Cyanide (as CN) mg/l Max.	0.2	2.0	0.2	0.2
¹ 28.	* * *	*	*	*	*
29.	Fluoride (as F) mg/l Max.	2.0	15	--	15
30.	Dissolved Phosphates (as P), mg/l Max.	5.0	--	--	--
² 31.	* * *	*	*	*	*
32.	Sulphide (as S) mg/l Max.	2.0	--	--	5.0
33.	Phenoile compounds (as C ₆ H ₅ OH) mg/l, Max.	1.0	5.0	--	5.0

¹ Omitted by Rule 2(d)(i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No.G.S.R.801(E), dated 31.12.1993.



S. No.	Parameter	Standards			
		Inland surface water	Public Sewers	Land for irrigation	Marine coastal areas
1	2	3			
		(a)	(b)	(c)	(d)
34.	Radioactive materials :				
	(a) Alpha emitter micro curie/ml.	10^{-7}	10^{-7}	10^{-8}	10^{-7}
	(b) Beta emitter micro curie/ml.	10^{-6}	10^{-6}	10^{-7}	10^{-6}
35.	Bio-assay test	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent	90% survival of fish after 96 hours in 100% effluent
36.	Manganese (as Mn)	2 mg/l	2 mg/l	--	2 mg/l
37.	Iron (as Fe)	3 mg/l	3 mg/l	--	3 mg/l
38.	Vanadium (as V)	0.2 mg/l	0.2 mg/l	--	0.2 mg/l
39.	Nitrate Nitrogen	10 mg/l	--	--	20 mg/l
¹ 40.	* * *	*	*	*	*

¹ Omitted by Rule 2(d)(i) of the Environment (Protection) Third Amendment Rules, 1993 vide Notification No. G.S.R. 801(E) dated 31.12.1993

**WASTE WATER GENERATION STANDARDS - PART-B**

S.No.	Industry	Quantum
1.	Integrated Iron & Steel	16 m ³ /tonne of finished steel
2.	Sugar	0.4 m ³ /tonne of cane crushed
3.	Pulp & Paper Industries	
	(a) Larger pulp & paper	
	(i) Pulp & Paper	175 m ³ /tonne of paper produced
	(ii) Viscose Staple Fibre	150 m ³ /tonne of product
	(iii) Viscose Filament Yarn	500 m ³ /tonne of product
	(b) Small Pulp & Paper :	
	(i) Agro residue based	150 m ³ /tonne of paper produced
	(ii) Waste paper based	50 m ³ /tonne of paper produced
4.	Fermentation Industries :	
	(a) Maltry	3.5 m ³ /tonne of grain produced
	(b) Brewery	0.25 m ³ /KL of beer produced
	(c) Distillery	12 m ³ /KL of alcohol produced
5.	Caustic Soda	
	(a) Membrane cell process	1 m ³ /tonne of caustic soda produced excluding cooling tower blowdown
	(b) Mercury cell process	4 m ³ /tonne of caustic soda produced (mercury bearing) 10% blowdown permitted for cooling tower
6.	Textile Industries : Man-made Fibre	
	(i) Nylon & Polyester	120 m ³ /tonne of fibre produced
	(ii) Viscose rayon	150 m ³ /tonne of product
7.	Tanneries	28 m ³ /tonne of raw hide
8.	Starch. Glucose and related products	8 m ³ /tonne of maize crushed
9.	Dairy	3 m ³ /KL of Milk



10. Natural rubber processing industry 4 m³/tonne of rubber
11. Fertilizer
 - (a) Straight nitrogenous fertilizer 5 m³/tonne of urea or equivalent produced
 - (b) Straight phosphatic fertilizer (SSP & TSP) excluding manufacture of any acid 0.5 m³/tonne of SSP/TSP
 - (c) Complex fertilizer Standards of nitrogenous and phosphatic fertilizers are applicable depending on the primary product

LOAD BASED STANDARDS - PART-C

¹[1. Petroleum Oil Refinery:

Parameter 1	Standard 2
	Quantum limit in Kg/l 1,000 tonne of crude processed
1. Oil & Grease	2.0
2. BOD _{3 days, 27° C}	6.0
3. COD	50
4. Suspended Solids	8.0
5. Phenols	0.14
6. Sulphides	0.2
7. CN	0.08
8. Ammonia as N	6.0
9. TKN	16
10. P	1.2
11. Cr (Hexavalent)	0.04
12. Cr(Total)	0.8
13. Pb	0.04
14. Hg	0.004
15. Zn	2.0
16. Ni	0.4
17. Cu	0.4
18. V	0.8
19. Benzene	0.04
20. Benzo (a) – Pyrene	0.08

¹ Substituted by Rule 2(ii)(a) of the Environment (Protection) Amendment Rules, 2008 notified by G.S.R.186(E), dated 18.3.2008

**Notes:**

- (i) Quantum limit shall be applicable for discharge of total effluent (process effluent, cooling water blow down including sea cooling water blow down, washings, etc.) to receiving environment (excluding direct application on land for irrigation/horticulture purposes within the premises of refinery).
- (ii) In order to measure the quantity of effluent (separately for discharge to receiving environment, application for irrigation/horticulture purposes within the premises of refinery & blow-down of cooling systems), appropriate flow measuring devices (e.g. V-notch, flow meters) shall be provided with.
- (iii) Quantum of pollutants shall be calculated on the basis of daily average of concentration values (one 24-hourly composite sample or average of three grab samples, as the case may be), average flow of effluent during the day and crude throughput capacity of the refinery.
- (iv) Limit for quantity of effluent discharged (excluding blow-down from seawater cooling) shall be 400 m³/1000 tonne of crude processed. However, for refineries located in high rain fall area, limit of quantity of effluent only during rainy days shall be 700 m³/1000 tonne of crude processed].

2. Large Pulp & Paper, News Print/ Rayon grade Plants of capacity above 24000 tonne/ Annum

Parameter	Quantum
Total Organic Chloride (TOCI)	2 kg/tonne of product.

GENERAL EMISSION STANDARDS - PART-D**I. Concentration Based Standards**

Sl. No.	Parameter	Standard Concentration not to exceed (in mg/Nm ³)
1.	Particulate Matter (PM)	150
2.	Total Fluoride	25
3.	Asbestos	4 Fibres/cc and dust should not be more than 2 mg/Nm ³



4.	Mercury	0.2
5.	Chlrine	15
6.	Hydrochloric acid vapour and mist	35
¹⁷ .	* * *	*
8.	Sulphuric acid mist	50
9.	Carbon monoxide	1% max. (v/v)
¹ 10.	* * *	*
11.	Lead	10 mg/Nm ³
¹ 12.	* * *	*

II. Equipment based Standards

²[For dispersal of sulphur dioxide, in minimum stack height limit is accordingly prescribed as below]

Sl. No.	Parameter	Standard
1.	Sulphur dioxide	Stack-height limit in metre
	(i) Power generation capacity :	
	- 500 MW and more	275
	- 200/210 MW and above to less than 500 MW	220
	- less than 200/210 MW	$H=14(Q)^{0.3}$
	(ii) Steam generation capacity	
	- Less than 2 tonne/h	Less than 8.5 MT 9
	- 2 to 5 tonne/h	8.5 to 21 MT 12
	- 5 to 10 tonne/h	21 to 42 MT 15
	- 10 to 15 tonne/h	42 to 64 MT 18
	- 15 to 20 tonne/h	64 to 104 MT 21
	- 20 to 25 tonne/h	104 to 105 MT 24
	- 25 to 30 tonne/h	105 to 126 MT 27
	- More than 30 tonne/h	More than 126 MT 30
		or using the formula $H=14(Q)^{0.3}$

¹ Omitted by Rule 2 (g) (iv) of the Environment (Protection) Third Amendment Rules, 1993 vide G.S.R. 801(E) dated 31.12.1993.

² Substituted by Rule 2(h)(i), *ibid.*



Note : H – Physical height of the stack in metre
Q – Emission rate of SO₂ in kg/hr.

III. Load/Mass based Standards

Sl. No.	Industry	Parameter	Standard	
1.	Fertiliser (Urea)			
	Commissioned Prior to 1.1.82	Particulate Matter (PM)	2 kg/tonne of product	
	Commissioned after 1.1.82	Particulate Matter (PM)	0.5 kg/tonne of product	
2.	Copper, Lead and Zinc Smelter/converter	Sulphur dioxide	4 kg/tonne of concentrated (100% acid produced)	
3.	Nitric Acid	Oxides of Nitrogen	3 kg/tonne of weak acid (before concentration) produced	
¹ [4.	Sulphuric Acid Plant		Quantum Limit in kg/tonne Plant capacity for 100% Existing Unit New Unit concentration of	
		Sulphuric Acid (tonne/day)		
		Sulphur dioxide (SO ₂)	Upto 300	2.5 2.0
			Above 100	2.0 1.5]
5.	Coke Oven	Carbon Monoxide	3 kg/tonne of coke produced.	
² [6.	Petroleum Oil Refinery (Sulphur Recovery)	Installed Capacity of SRU* (tonne/day)	Kg/tonne of sulphur in the feed to SRU Existing New SRU SRU	
		Sulphur Dioxide	Above 20	26 10
			5 to 20	80 40
			Upto 5	120 80

* SRU – Sulphur Recovery Unit]

¹ Substituted by Rule 2(ii) of the Environment (Protection) Third Amendment Rules, 2008 notified by G.S.R.344(E), dated 7.5.2008.

² Substituted by Rule 2 of the Environment (Protection) Fifth Amendment Rules, 2009 notified by G.S.R.595(E), dated 21.8.2009.



7. Aluminium Plants :

(i)	Anode Bake Oven Total Fluoride		0.3 Kg/MT of Aluminium
(ii)	Pot room		
(a)	VSS	-do-	4.7 Kg/MT of Aluminium
(b)	HSS	-do-	6 Kg/MT of Aluminium
(c)	PBSW	-do-	2.5 Kg/MT of Aluminium
(d)	PBCW	-do-	1.0 Kg/MT of Aluminium

Note : VSS = Vertical Stud Soderberg
 HSS = Horizontal Stud Soderberg
 PBSW = Pre Backed Side Work
 PBCW = Pre Backed Centre Work

8. Glass Industry :

(a)	Furnace Capacity		
(i)	Up in the product draw capacity of 60 MTD/Day		Particulate matter 2 Kg/hr ca
(ii)	Product draw capacity more than 60 MT/Day	-do-	0.8 Kg/MT of Product drawn

*NOISE STANDARDS - PART-E

A.	Noise Limits for Automobiles (Free Field Distance at 7.5 Metre in dB(A) at the manufacturing Stage	
(a)	Motorcycle, Scooters & Three Wheelers	80
(b)	Passenger Cars	82
(c)	Passenger or Commercial vehicles upto 4 MT	85
(d)	Passenger or Commercial vehicles above 4 MT and upto 12 MT	89
(e)	Passenger or Commercial vehicles exceeding 12MT	91

* Standards notified at S. No. 46 may also be referred.



¹[AA. Noise limits for vehicles at manufacturing stage

The test method to be followed shall be IS:3028-1998.

(1) Noise limits for vehicles applicable at manufacturing stage from the year 2003

Serial Number	Type of vehicle	Noise limits dB(A)	Date of implementation
(1)	(2)	(3)	(4)
1.	Two wheeler		1 st January, 2003
	Displacement upto 80 cm ³	75	
	Displacement more than 80 cm ³ but upto 175 cm ³	77	
	Displacement more than 175 cm ³	80	
2.	Three wheeler		1 st January, 2003
	Displacement upto 175 cm ³	77	
	Displacement more than 175 cm ³	80	
3.	Passenger Car	75	1 st January, 2003
4.	Passenger or Commercial Vehicles		1 st July, 2003
	Gross vehicle weight upto 4 tonnes	80	
	Gross vehicle weight more than 4 tonnes but upto 12 tonnes.	83	
	Gross vehicle weight more than 12 tonnes.	85	

(2) Noise limits for vehicles at manufacturing stage applicable on and from 1st April, 2005

Serial Number	Type of vehicles	Noise limits dB(A)
1.0	Two wheelers	
1.1	Displacement upto 80 cc	75
1.2	Displacement more than 80 cc but upto 175 cc	77
1.3	Displacement more than 175 cc	80
2.0	Three wheelers	
2.1	Displacement upto 175 cc	77
2.2	Displacement more than 175 cc	80
3.0	Vehicles used for the carriage of passengers and capable of having not more than nine seats, including the driver's seat	74

¹ Substituted by Rule 2 of the Environment (Protection) Fourth Amendment Rules, 2002 notified vide Notification G.S.R. 849(E), dated 30.12.2002 (Earlier 'AA – Noise limits for vehicles w.e.f. 1st January 2003' inserted by Rule 2 (2) of the Environment (Protection) Amendment Rules, 2000 notified vide Notification G.S.R. 742(E), dated 25.9.2000.)



4.0	Vehicles used for the carriage of passengers having more than nine seats, including the driver's seat, and a maximum Gross Vehicle Weight (GVW) of more than 3.5 tonnes	
4.1	With an engine power less than 150 KW	78
4.2	With an engine power of 150 KW or above.	80
5.0	Vehicles used for the carriage of passengers having more than nine seats, including the driver's seat : vehicles used for the carriage of goods.	
5.1	With a maximum GVW not exceeding 2 tonnes	76
5.2	With a maximum GVW greater than 3 tonnes but not exceeding 3.5 tonnes	77
6.0	Vehicles used for the transport of goods with a maximum GVW exceeding 3.5 tonnes.	
6.1	With an engine power less than 75 KW	77
6.2	With an engine power of 75 KW or above but less than 150 KW.	78
6.3	With an engine power of 150 KW or above.	80]

¹[Provided that for vehicles mentioned at serial numbers 3.0 to 6.3, the noise limits for the following States shall be applicable on and from the date specified against that State,-

- (i) Himachal Pradesh with effect from 1st October, 2005
- (ii) Jammu and Kashmir with effect from 1st October, 2005
- (iii) Madhya Pradesh with effect from 1st September, 2005
- (iv) Punjab with effect from 1st October, 2005
- (v) Rajasthan with effect from 1st June, 2005
- (vi) Uttar Pradesh (Mathura, Kannauj, Muzaffarnagar, Aligarh, Farukhabad, Saharanpur, Badaun, Barreilly, Moradabad, Hathras, Rampur, Bijnor, Agra, Pilibhit, J.P. Nagar, Mainpuri, Lalitpur, Hardio, Ferozabad, Jhansi, Shahjahanpur, Etawah, Jalon, Lakhimpur, Kheri, Etah, Mahoba, and Sitapur) with effect from 1st June, 2005.
- (vii) Uttranchal with effect from 1st July, 2005.]

B. Domestic appliances and construction equipments at the manufacturing stage to be achieved by 31st December, 1993.

- (a) Window Air Conditioners of 1 ton to 1.5 ton 68
- (b) Air Coolers 60
- (c) Refrigerators 46
- ²[(d) * * *]
- (e) Compactors (rollers), Front Loaders, Concrete mixers, Cranes (moveable), Vibrators and Saws 75

¹ Inserted by the Environment (Protection) Amendment Rules, 2005 notified vide Notification G.S.R.272 (E), dated 5.5.2005.

² Entry (d) relating to 'Diesel Generator of Domestic Purposes.....85 – 90' omitted by Rule 3 of the Environment (Protection) Second Amendment, Rules, 2002 notified vide Notification G.S.R. 371(E), dated 17.5.2002.

**ANNEXURE-I**

(For the purposes of Parts – A, B and C)

The State Boards shall following guide-lines in enforcing the standards specified under the schedule VI :

- (1) the waste waters and gases are to be treated with the best available technology (BAT) in order to achieve the prescribed standards.
- (2) the industries need to be encouraged for recycling and reuse, of waste materials as far as practicable in order to minimize the discharge of wastes into the environments.
- (3) the industries are to be encouraged for recovery of biogas, energy and reusable materials.
- (4) while permitting the discharge of effluent and emission into the environment, State Boards have to take into account the assimilative capacities of the receiving bodies, especially water bodies so that quality of the intended use of the receiving waters is not affected. Where such quality is likely to be effected discharges should not be allowed into water bodies.
- (5) the Central and State Boards shall put emphasis on the implementation of clean technologies by the industries in order to increase fuel efficiency and reduce the generation of environmental pollutants.
- (6) All efforts should be made to remove colour and unpleasant odour as far as practicable.
- (7) The standards mentioned in the Schedule shall also apply to all other effluents discharged such as industrial mining, and mineral processing activities and sewage.
- (8) the limit given for the total concentration of mercury in the final effluent of caustic soda industry, is for the combined effluent from (a) Cell house, (b) Brine Plant, (c) Chlorine handling, (d) hydrogen handling and (e) hydro choloric acid plant.
- (9) ¹[(a)...(f)]
- (10) All effluents discharge including from the industries such as cotton textile, composite woolen mills, synthetic rubber, small pulp & paper, natural rubber, petro-chemicals, tanneries, point dyes,

¹ Omitted by Rule 4 of the Environment (Protection) Rules, 1996 notified by notification G.S.R. 176(E), dated 2.4.1996.



slaughter houses, food & fruit processing and diary industries into surface waters shall conform to be BOD limit specified above, namely 30 mg/l. For discharge an effluent having a BOD more than 30 mg./l, the standards shall conform to those given, above for other receiving bodies, namely, sewers, coastal waters, and land for irrigation.

- (11) ¹[***.....]
- (12) In case of fertilizer industry the limits in respect of chromium and fluoride shall be complied with at the outlet of chromium and fluoride removal units respectively.
- (13) In case of pesticides :
- (a) The limits should be complied with at the end of the treatment plant before dilution.
 - (b) Bio-assay test should be carried out with the available species of fish in the receiving water, the COD limits to be specified in the consent conditions should be correlated with the BOD limits.
 - (c) In case metabolites and isomers of the Pesticides in the given list are found in significant concentration, standards should be prescribed for these also in the same concentration as the individual pesticides.
 - (d) Industries are required to analyze pesticides in waste water by advanced analytical methods such as GLC/HPLC.
- (²14) The chemical oxygen demands (COD) concentration in a treated effluent, if observed to be persistently greater than 250 mg/l before disposal to any receiving body (public sewer, land for irrigation, inland surface water and marine coastal areas), such industrial units are required to identify chemicals causing the same. In case these are found to be toxic as defined in the Schedule I of the Hazardous Rules 1989 the State Board in such cases shall direct the industries to install tertiary treatment stipulating time limit.
- (15) Standards specified in Part A of Schedule – VI for discharge of effluent into the public sewer shall be applicable only if such sewer leads to a secondary treatment including biological treatment system, otherwise the discharge into sewers shall be treated as discharge into inland surface waters].

¹ Omitted by Rule, 2(k) (vii) of the Environment (Protection) Third amendment Rules, 1993 vide G.S.R. 801 (E), dated 31.12.1993.

² Inserted by rule 2(k) (ix), *ibid*.

**ANNEXURE-II**

(For the purpose of Part-D)

The State Boards shall follow the following guidelines in enforcing the standards specified under Schedule VI:

- (a) In case of cement plants, the total dust (from all sections) shall be within 400 mg/Nm³ and 250 mg/Nm³ for the plants upto 200 t/d and more than 200 t/d capacities respectively.
- (b) In respect of calcinations process (e.g. Aluminum Plants) Kilns. and step Grate Bagasse fired-Boilers. Particulate Matter (PM) emissions shall be within 250 mg/Nm³.
- (c) In case of thermal power plants commissioned prior to 01.01.1982 and having generation capacity less than 62.5 MW, the PM emission shall be within 350 mg/Nm³.
- (d) In case of Lime Kilns of capacity more than 5 t/day and upto 40 t/day, the PM emission shall be within 500 mg/Nm³.
- (e) In case of horse shoe/pulsating Grate and Spreader Stroker Bagasse-fired-Boilers, the PM emission shall be within 500 (12% CO₂) and 800 (12% CO₂) mg/Nm³ respectively. In respect of these boilers, if more than attached to a single stack, the emission standards shall be fixed, based on added capacity of all the boilers connected with the stack.
- (f) In case of asbestos dust, the same shall not exceed 2mg/Nm³.
- (g) In case of the urea plants commissioned after 01.01.92, coke ovens and lead glass units, the PM emission shall be within 50 mg/Nm³.
- (h) In case of small boilers of capacity less than 2 tons/hour and between 2 to 5 tons/ hour, the PM emissions shall be within 1000 and 1200 mg/Nm³.
- (i) In case of integrated Iron and Steel Plants, PM emission upto 400 mg/Nm³ shall be allowed during oxygen lancing.



- (j) In case of stone crushing units, the suspended PM contribution value at a distance of 40 meters from a controlled, isolated as well as from a unit located in cluster should be less than 600 micrograms/Nm³.¹[* * *] These units must also adopt the following pollution control measures :
- (i) Dust containment cum suppression system for the equipment;
 - (ii) Construction of wind breaking walls;
 - (iii) Construction of the metalled roads within the premises;
 - (iv) Regular cleaning and wetting of the ground within the premises;
 - (v) Growing of a green belt along with periphery.
- (k) In case of Ceramic industry, from the other sources of pollution, such as basic raw materials and processing operations, heat recovery dryers, mechanical finishing operation, all possible preventive measures should be taken to control PM emission as far as practicable.
2. The total fluoride emission in respect of Glass and Phosphatic Fertilizers shall not exceed 5 mg/Nm³ and 25 mg/Nm³ respectively.
- ²3. [In case of copper, lead and zinc smelting, the off-gases may, as far as possible, be utilized for manufacturing sulphuric acid]
- ³4. [In case of cupolas (Foundries) having capacity (melting rate) less than 3 tonne/hour, the particulate matter emission shall be within 450 mg/Nm³. In these cases it is essential that stack is constructed over the cupolas beyond the charging door and the emissions are directed through the stack, which should be at least six times the diameter of cupola. In respect of Arc Furnaces and Induction Furnaces, provision has to be made for collecting the fumes before discharging the emissions through the stack].

[No. Q-15017/24/89-CPW]
MUKUL SANWAL, Jt. Secy.

¹ Omitted by Rule 2(i)(iii) of the Environment (Protection) Third Amendment Rules, 1993, vide G.S.R. 801(E) dated 31.12.1993.

² Substituted by Rule 2(1)(i); Ibid.

³ Added by Rule 2(1)(ii), Ibid.

¹[SCHEDULE VII]

[See Rule 3(3B)]

NATIONAL AMBIENT AIR QUALITY STANDARDS

S. No.	Pollutant	Time Weighted Average	Concentration in Ambient Air		
			Industrial, Residential, Rural and Other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1	Sulphur Dioxide (SO ₂), µg/m ³	Annual* 24 hours**	50 80	20 80	- Improved West and Gaeke - Ultraviolet fluorescence
2	Nitrogen Dioxide (NO ₂), µg/m ³	Annual* 24 hours**	40 80	30 80	- Modified Jacob & Hochheiser (Na-Arsenite) - Chemiluminescence
3	Particulate Matter (size less than 10µm) or PM ₁₀ µg/m ³	Annual* 24 hours**	60 100	60 100	- Gravimetric - TOEM - Beta attenuation
4	Particulate Matter (size less than 2.5µm) or PM _{2.5} µg/m ³	Annual* 24 hours**	40 60	40 60	- Gravimetric - TOEM - Beta attenuation
5	Ozone (O ₃) µg/m ³	8 hours** 1 hour**	100 180	100 180	- UV photometric - Chemiluminescence - Chemical Method
6	Lead (Pb) µg/m ³	Annual* 24 hours**	0.50 1.0	0.50 1.0	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper - ED-XRF using Teflon filter
7	Carbon Monoxide (CO) mg/m ³	8 hours** 1 hour**	02 04	02 04	- Non Dispersive Infra Red (NDIR) spectroscopy
8	Ammonia (NH ₃) µg/m ³	Annual* 24 hours**	100 400	100 400	- Chemiluminescence - Indophenol blue method

¹ Substituted by Rule 3 of the Environment (Protection) Seventh Amendment Rules, 2009 notified by G.S.R. 826 (E) dated 16.11.2009.



(1)	(2)	(3)	(4)	(5)	(6)
9	Benzene (C ₆ H ₆) µg/m ³	Annual*	05	05	- Gas chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10	Benzo(a)Pyrene (BaP) - particulate phase only, ng/m ³	Annual*	01	01	- Solvent extraction followed by HPLC/GC analysis
11	Arsenic (As), ng/m ³	Annual*	06	06	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper
12	Nickel (Ni), ng/m ³	Annual*	20	20	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper

* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

** 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

Note. — Whenever and wherever monitoring results on two consecutive days of monitoring exceed the limits specified above for the respective category, it shall be considered adequate reason to institute regular or continuous monitoring and further investigation.]

[File No. Q-15017/43/2007-CPW]
RAJNEESH DUBE, Jr. Secretary

Note : The principal rules were published in the Gazette of India vide Number S.O. 844(E), dated the 19th November, 1986 and subsequently amended vide S.O. 433 (E) dated 18th April, 1987, S.O. 64 (E) dated the 18th January, 1988, S.O. 8(E) dated the 3rd January, 1989, S.O. 190 (E) dated the 15th March, 1989, G.S.R. 913 (E) dated the 24th October, 1989, S.O. 12(E), dated the 8th January, 1990, GSR 742 (E), dated 30th August, 1990, S.O. 23(E), dated the 16th January, 1991, GSR 93(E), dated the 21st February, 1991, GSR 95(E) dated the 12th February, 1992, GSR 329 (E) dated the 13th March, 1992, GSR 475(E), dated the 5th May, 1992, GSR 797 (E) dated the 1st October, 1992, GSR 386(E), dated the 28th April, 1993, GSR 422(E), dated the 19th May, 1993, GSR 801(E) dated the 31st December, 1993, GSR 176(E), dated the 2nd April, 1996, GSR 97(E), dated the 18th February, 2009, GSR 149(E), dated the 4th March, 2009, GSR 512(E), dated the 9th July, 2009, GSR 543(E), dated the 22nd July, 2009, GSR 595(E), dated the 21st August, 2009 and GSR 794(E), dated the 4th November, 2009.

**[PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,
SECTION 3, SUB-SECTION (i)]**

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

NOTIFICATION

New Delhi, the 04th April, 2016

G.S.R No. 395 (E). - Whereas the draft rules, namely the Hazardous And Other Wastes (Management and Transboundary Movement) Rules, 2015, were published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* number G.S.R. 582(E), dated the 24th July, 2015 in the Gazette of India, Extraordinary Part II, section 3, sub-section (ii) inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS the copies of the said Gazette containing the said notification were made available to the public on the 24th day of July, 2015;

AND WHEREAS the objections and suggestions received within the specified period from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. Short title and commencement. - (1) These rules may be called the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application. - These rules shall apply to the management of hazardous and other wastes as specified in the Schedules to these rules but shall not apply to -

- (a) waste-water and exhaust gases as covered under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder and as amended from time to time;
- (b) wastes arising out of the operation from ships beyond five kilometres of the relevant baseline as covered under the provisions of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder and as amended from time to time;

- (c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and the rules made thereunder and as amended from time to time;
- (d) bio-medical wastes covered under the Bio-Medical Wastes (Management and Handling) Rules, 1998 made under the Act and as amended from time to time; and
- (e) wastes covered under the Municipal Solid Wastes (Management and Handling) Rules, 2000 made under the Act and as amended from time to time.

3. Definitions. - (1) In these rules, unless the context otherwise requires,-

- 1. “Act” means the Environment (Protection) Act, 1986 (29 of 1986);
- 2. “actual user” means an occupier who procures and processes hazardous and other waste for reuse, recycling, recovery, pre-processing, utilisation including co-processing;
- 3. “authorisation” means permission for generation, handling, collection, reception, treatment, transport, storage, reuse, recycling, recovery, pre-processing, utilisation including co-processing and disposal of hazardous wastes granted under sub-rule (2) of rule 6;
- 4. “Basel Convention” means the United Nations Environment Programme Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal;
- 5. “captive treatment, storage and disposal facility” means a facility developed within the premises of an occupier for treatment, storage and disposal of wastes generated during manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of hazardous and other wastes;
- 6. “Central Pollution Control Board” means the Central Pollution Control Board constituted under sub-section (1) of section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- 7. “common treatment, storage and disposal facility” means a common facility identified and established individually or jointly or severally by the State Government, occupier, operator of a facility or any association of occupiers that shall be used as common facility by multiple occupiers or actual users for treatment, storage and disposal of the hazardous and other wastes;
- 8. “co-processing” means the use of waste materials in manufacturing processes for the purpose of energy or resource recovery or both and resultant reduction in the use of conventional fuels or raw materials or both through substitution;
- 9. “critical care medical equipment” means life saving equipment and includes such equipment as specified by the Ministry of Health and Family Welfare from time to time;
- 10. “disposal” means any operation which does not lead to reuse, recycling, recovery, utilisation including co-processing and includes physico-chemical treatment, biological treatment, incineration and disposal in secured landfill;

11. “export”, with its grammatical variations and cognate expressions, means taking out of India to a place outside India;
12. “exporter” means any person or occupier under the jurisdiction of the exporting country who exports hazardous or other wastes, including the country which exports hazardous or other waste;
13. “environmentally sound management of hazardous and other wastes” means taking all steps required to ensure that the hazardous and other wastes are managed in a manner which shall protect health and the environment against the adverse effects which may result from such waste;
14. “environmentally sound technologies” means any technology approved by the Central Government from time to time;
15. “facility” means any establishment wherein the processes incidental to the generation, handling, collection, reception, treatment, storage, reuse, recycling, recovery, pre-processing, co-processing, utilisation and disposal of hazardous and, or, other wastes are carried out;
16. “Form” means a form appended to these rules;
17. “hazardous waste” means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive, causes danger or is likely to cause danger to health or environment, whether alone or in contact with other wastes or substances, and shall include -
 - (i) waste specified under column (3) of Schedule I;
 - (ii) waste having equal to or more than the concentration limits specified for the constituents in class A and class B of Schedule II or any of the characteristics as specified in class C of Schedule II; and
 - (iii) wastes specified in Part A of Schedule III in respect of import or export of such wastes or the wastes not specified in Part A but exhibit hazardous characteristics specified in Part C of Schedule III;
18. “import”, with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
19. “importer” mean any person or occupier who imports hazardous or other waste;
20. “manifest” means transporting document prepared and signed by the sender authorised in accordance with the provisions of these rules;
21. “occupier” in relation to any factory or premises, means a person who has, control over the affairs of the factory or the premises and includes in relation to any hazardous and other wastes, the person in possession of the hazardous or other waste;
22. “operator of disposal facility” means a person who owns or operates a facility for collection, reception, treatment, storage and disposal of hazardous and other wastes;
23. “other wastes” means wastes specified in Part B and Part D of Schedule III for import or export and includes all such waste generated indigenously within the country;

24. "pre-processing" means the treatment of waste to make it suitable for co-processing or recycling or for any further processing;
25. "recycling" means reclamation and processing of hazardous or other wastes in an environmentally sound manner for the originally intended purpose or for other purposes;
26. "reuse" means use of hazardous or other waste for the purpose of its original use or other use;
27. "recovery" means any operation or activity wherein specific materials are recovered;
28. "Schedule" means a Schedule appended to these rules;
29. "State Government" in relation to a Union territory means, the Administrator thereof appointed under article 239 of the Constitution;
30. "State Pollution Control Board" means the State Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and includes, in relation to a Union territory, the Pollution Control Committee;
31. "storage" mean storing any hazardous or other waste for a temporary period, at the end of which such waste is processed or disposed of;
32. "transboundary movement" means any movement of hazardous or other wastes from an area under the jurisdiction of one country to or through an area under the jurisdiction of another country or to or through an area not under the jurisdiction of any country, provided that at least two countries are involved in the movement;
33. "transport" means off-site movement of hazardous or other wastes by air, rail, road or water;
34. "transporter" means a person engaged in the off-site transportation of hazardous or other waste by air, rail, road or water;
35. "treatment" means a method, technique or process, designed to modify the physical, chemical or biological characteristics or composition of any hazardous or other waste so as to reduce its potential to cause harm;
36. "used oil" means any oil-
 - (i) derived from crude oil or mixtures containing synthetic oil including spent oil, used engine oil, gear oil, hydraulic oil, turbine oil, compressor oil, industrial gear oil, heat transfer oil, transformer oil and their tank bottom sludges; and
 - (ii) suitable for reprocessing, if it meets the specification laid down in Part A of Schedule V but does not include waste oil;
37. "utilisation" means use of hazardous or other waste as a resource;

38. “waste” means materials that are not products or by-products, for which the generator has no further use for the purposes of production, transformation or consumption.

Explanation.- for the purposes of this clause,

- (i) waste includes the materials that may be generated during, the extraction of raw materials, the processing of raw materials into intermediates and final products, the consumption of final products, and through other human activities and excludes residuals recycled or reused at the place of generation; and
 - (ii) by-product means a material that is not intended to be produced but gets produced in the production process of intended product and is used as such;
39. “waste oil” means any oil which includes spills of crude oil, emulsions, tank bottom sludge and slop oil generated from petroleum refineries, installations or ships and can be used as fuel in furnaces for energy recovery, if it meets the specifications laid down in Part-B of Schedule V either as such or after reprocessing.

(2) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

PROCEDURE FOR MANAGEMENT OF HAZARDOUS AND OTHER WASTES

4. Responsibilities of the occupier for management of hazardous and other wastes.-

(1) For the management of hazardous and other wastes, an occupier shall follow the following steps, namely:-

- (a) prevention;
- (b) minimization;
- (c) reuse,
- (d) recycling;
- (e) recovery, utilisation including co-processing;
- (f) safe disposal.

(2) The occupier shall be responsible for safe and environmentally sound management of hazardous and other wastes.

(3) The hazardous and other wastes generated in the establishment of an occupier shall be sent or sold to an authorised actual user or shall be disposed of in an authorised disposal facility.

(4) The hazardous and other wastes shall be transported from an occupier’s establishment to an authorised actual user or to an authorised disposal facility in accordance with the provisions of these rules.

(5) The occupier who intends to get its hazardous and other wastes treated and disposed of by the operator of a treatment, storage and disposal facility shall give to the operator of that facility, such specific information as may be needed for safe storage and disposal.

(6) The occupier shall take all the steps while managing hazardous and other wastes to-

- (a) contain contaminants and prevent accidents and limit their consequences on human beings and the environment; and
- (b) provide persons working in the site with appropriate training, equipment and the information necessary to ensure their safety.

5. Responsibilities of State Government for environmentally sound management of hazardous and other wastes. – (1) Department of Industry in the State or any other government agency authorised in this regard by the State Government, to ensure earmarking or allocation of industrial space or shed for recycling, pre-processing and other utilisation of hazardous or other waste in the existing and upcoming industrial park, estate and industrial clusters;

(2) Department of Labour in the State or any other government agency authorised in this regard by the State Government shall,-

- (a) ensure recognition and registration of workers involved in recycling, pre-processing and other utilisation activities;
- (b) assist formation of groups of such workers to facilitate setting up such facilities;
- (c) undertake industrial skill development activities for the workers involved in recycling, pre-processing and other utilisation;
- (d) undertake annual monitoring and to ensure safety and health of workers involved in recycling, pre-processing and other utilisation.

(3) Every State Government may prepare integrated plan for effective implementation of these provisions and to submit annual report to the Ministry of Environment, Forest and Climate Change, in the Central Government.

6. Grant of authorisation for managing hazardous and other wastes.- (1) Every occupier of the facility who is engaged in handling, generation, collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other wastes shall be required to make an application in **Form 1** to the State Pollution Control Board and obtain an authorisation from the State Pollution Control Board within a period of sixty days from the date of publication of these rules. Such application for authorisation shall be accompanied with a copy each of the following documents, namely:-

- (a) consent to establish granted by the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981);
- (b) Consent to operate granted by the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and/or Air (Prevention and Control of Pollution) Act, 1981, (21 of 1981);
- (c) in case of renewal of authorisation, a self-certified compliance report in respect of effluent, emission standards and the conditions specified in the authorisation for hazardous and other wastes:

Provided that an application for renewal of authorisation may be made three months before the expiry of such authorisation:

Provided further that-

- (i) any person authorised under the provisions of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, prior to the date of commencement

of these rules, shall not be required to make an application for authorisation till the period of expiry of such authorisation;

- (ii) any person engaged in recycling or reprocessing of the hazardous waste specified in Schedule IV and having registration under the provisions of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008, shall not be required to make an application for authorisation till the period of expiry of such registration.

(2) On receipt of an application complete in all respects for the authorisation, the State Pollution Control Board may, after such inquiry as it considers necessary, and on being satisfied that the applicant possesses appropriate facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other waste, as the case may be, and after ensuring technical capabilities and equipment complying with the standard operating procedure or other guidelines specified by the Central Pollution Control Board from time to time and through site inspection, grant within a period of one hundred and twenty days, an authorisation in **Form 2** to the applicant, which shall be valid for a period of five years subject to such conditions as may be laid down therein. For commonly recyclable hazardous waste as given in Schedule IV, the guidelines already prepared by the Central Pollution Control Board shall be followed:

Provided that in the case of an application for renewal of authorisation, the State Pollution Control Board may, before granting such authorisation, satisfy itself that there has been no violation of the conditions specified in the authorisation earlier granted by it and same shall be recorded in the inspection report.

(3) The authorisation granted by the State Pollution Control Board under sub-rule (2) shall be accompanied by a copy of the field inspection report signed by that Board indicating the adequacy of facilities for collection, storage, packaging, transportation, treatment, processing, use, destruction, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other wastes and compliance to the guidelines or standard operating procedures specified by the Central Pollution Control Board from time to time.

(4) The State Pollution Control Board may, for the reasons to be recorded in writing and after giving reasonable opportunity of being heard to the applicant, refuse to grant any authorisation under these rules.

(5) Every occupier authorised under these rules, shall maintain a record of hazardous and other wastes managed by him in **Form 3** and prepare and submit to the State Pollution Control Board, an annual return containing the details specified in **Form 4** on or before the 30th day of June following the financial year to which that return relates.

(6) The State Pollution Control Board shall maintain a register containing particulars of the conditions imposed under these rules for management of hazardous and other wastes and it shall be open for inspection during office hours to any interested or affected person.

(7) The authorised actual user of hazardous and other wastes shall maintain records of hazardous and other wastes purchased in a passbook issued by the State Pollution Control Board along with the authorisation.

(8) Handing over of the hazardous and other wastes to the authorised actual user shall be only after making the entry into the passbook of the actual user.

7. Power to suspend or cancel an authorisation.- (1) The State Pollution Control Board, may, if in its opinion the holder of the authorisation has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules and after giving him a reasonable opportunity of being heard and after recording reasons thereof in writing cancel or suspend the authorisation issued under rule 6 for such period as it considers necessary in the public interest.

(2) Upon suspension or cancellation of the authorisation, the State Pollution Control Board may give directions to the person whose authorisation has been suspended or cancelled for the safe storage and management of the hazardous and other wastes, and such occupier shall comply with such directions.

8. Storage of hazardous and other wastes.- (1) The occupiers of facilities may store the hazardous and other wastes for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, recycling, recovery, pre-processing, co-processing and utilisation of such wastes and make these records available for inspection:

Provided that the State Pollution Control Board may extend the said period of ninety days in following cases, namely:-

- (i) small generators (up to ten tonnes per annum) up to one hundred and eighty days of their annual capacity;
- (ii) actual users and disposal facility operators up to one hundred and eighty days of their annual capacity,
- (iii) occupiers who do not have access to any treatment, storage, disposal facility in the concerned State; or
- (iv) the waste which needs to be specifically stored for development of a process for its recycling, recovery, pre-processing, co-processing or utilisation;
- (v) in any other case, on justifiable grounds up to one hundred and eighty days.

9. Utilisation of hazardous and other wastes.- (1) The utilisation of hazardous and other wastes as a resource or after pre-processing either for co-processing or for any other use, including within the premises of the generator (if it is not part of process), shall be carried out only after obtaining authorisation from the State Pollution Control Board in respect of waste on the basis of standard operating procedures or guidelines provided by the Central Pollution Control Board.

(2) Where standard operating procedures or guidelines are not available for specific utilisation, the approval has to be sought from Central Pollution Control Board which shall be granting approval on the basis of trial runs and thereafter, standard operating procedures or guidelines shall be prepared by Central Pollution Control Board:

Provided, if trial run has been conducted for particular waste with respect to particular utilisation and compliance to the environmental standards has been demonstrated, authorisation may be granted by the State Pollution Control Board with respect to the same waste and utilisation, without need of separate trial run by Central Pollution Control Board and such cases of successful trial run, Central Pollution Control Board shall intimate all the State Pollution Control Board regarding the same.

(3) No trial runs shall be required for co-processing of waste in cement plants for which guidelines by the Central Pollution Control Board are already available; however, the actual users shall

ensure compliance to the standards notified under the Environment (Protection) Act, 1986 (29 of 1986), for cement plant with respect to co-processing of waste:

Provided that till the time the standards are notified, the procedure as applicable to other kind of utilisation of hazardous and other waste, as enumerated above shall be followed.

10. Standard Operating Procedure or guidelines for actual users.- The Ministry of Environment, Forest and Climate Change or the Central Pollution Control Board may issue guidelines or standard operating procedures for environmentally sound management of hazardous and other wastes from time to time.

CHAPTER III

IMPORT AND EXPORT OF HAZARDOUS AND OTHER WASTES

11. Import and export (transboundary movement) of hazardous and other wastes.- The Ministry of Environment, Forest and Climate Change shall be the nodal Ministry to deal with the transboundary movement of the hazardous and other wastes in accordance with the provisions of these rules.

12. Strategy for Import and export of hazardous and other wastes.- (1) No import of the hazardous and other wastes from any country to India for disposal shall be permitted.

(2) The import of hazardous and other wastes from any country shall be permitted only for recycling, recovery, reuse and utilisation including co-processing.

(3) The import of hazardous waste in Part A of Schedule III may be allowed to actual users with the prior informed consent of the exporting country and shall require the permission of the Ministry of Environment, Forest and Climate Change.

(4) The import of other wastes in Part B of Schedule III may be allowed to actual users with the permission of the Ministry of Environment, Forest and Climate Change.

(5) The import of other wastes in Part D of Schedule III will be allowed as per procedure given in rule 13 and as per the note below the said Schedule.

(6) No import of the hazardous and other wastes specified in Schedule VI shall be permitted.

(7) The export of hazardous and other wastes from India listed in Part A and Part B of Schedule III and Schedule VI shall be with the permission of Ministry of Environment, Forest and Climate Change. In case of applications for export of hazardous and other waste listed in Part A of Schedule III and Schedule VI, they shall be considered on the basis of prior informed consent of the importing country.

(8) The import and export of hazardous and other wastes not specified in Schedule III, but exhibiting the hazardous characteristics outlined in Part C of Schedule III shall require prior written permission of the Ministry of Environment, Forest and Climate Change before it is imported to or exported from India, as the case may be.

13. Procedure for import of hazardous and other wastes.- (1) Actual users intending to import or transit for transboundary movement of hazardous and other wastes specified in Part A and Part B of Schedule III shall apply in **Form 5** along with the documents listed therein, to the Ministry of Environment, Forest and Climate Change for the proposed import together with the prior informed consent of the exporting country in respect of Part A of Schedule III waste, and shall send a copy of the application, simultaneously, to the concerned State Pollution Control Board for information and the acknowledgement in this respect from the concerned State Pollution Control Board shall be submitted to the Ministry of Environment, Forest and Climate Change along with the application.

(2) For the import of other wastes listed in Part D of Schedule III, the importer shall not require the permission of the Ministry of Environment, Forest and Climate Change. However, the importer shall furnish the required information as per **Form 6** to the Customs authorities, accompanied with the following documents in addition to those listed in Schedule VIII, wherever applicable. For used electrical and electronic assemblies listed at serial numbers 4 (e) to 4(i) of Schedule VIII (Basel No. B1110), there is no specific requirement of documentation under these rules:

- (a) the import license from Directorate General of Foreign Trade, if applicable;
- (b) the valid consents under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981) and the authorisation under these rules as well as the authorisation under the E-Waste (Management and Handling) Rules, 2011, as amended from time to time, whichever applicable;
- (c) importer who is a trader, importing waste on behalf of actual users, shall obtain one time authorisation in **Form 7** and copy of this authorisation shall be appended to **Form 6**.

(3) For Part B of Schedule III, in case of import of any used electrical and electronic assemblies or spares or part or component or consumables as listed under Schedule I of the E-Waste (Management and Handling) Rules, 2011, as amended from time to time, the importer need to obtain extended producer responsibility-authorisation as producer under the said E-Waste (Management and Handling) Rules, 2011.

(4) Prior to clearing of consignment of wastes listed in Part D of Schedule III, the Custom authorities shall verify the documents as given in column (3) of Schedule VIII.

(5) On receipt of the complete application with respect to Part A and Part B of Schedule III, the Ministry of Environment, Forest and Climate Change shall examine the application considering the comments and observations, if any, received from the State Pollution Control Boards, and may grant the permission for import within a period of sixty days subject to the condition that the importer has -

- (i) the environmentally sound facilities;
- (ii) adequate arrangements for treatment and disposal of wastes generated;
- (iii) a valid authorisation and consents from the State Pollution Control Board;
- (iv) prior informed consent from the exporting country in case of Part A of Schedule III wastes.

(6) The Ministry of Environment, Forest and Climate Change shall forward a copy of the permission to the concerned Port and Customs authorities, Central Pollution Control Board and the concerned State Pollution Control Board for ensuring compliance with respect to their respective functions given in Schedule VII.

(7) The importer of the hazardous and other wastes shall maintain records of the hazardous and other waste imported by him in **Form 3** and the record so maintained shall be made available for inspection.

(8) The importer of the hazardous and other wastes shall file an annual return in **Form 4** to the State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

(9) Samples of hazardous and other wastes being imported for testing or research and development purposes up to 1000 gm or 1000 ml shall be exempted from need of taking permission for import under these rules.

(10) The Port and Customs authorities shall ensure that shipment is accompanied with the movement document as given in **Form 6** and the test report of analysis of the waste, consignment, wherever applicable, from a laboratory accredited or recognised by the exporting country. In case of any doubt, the customs may verify the analysis.

14. Procedure for Export of hazardous and other wastes from India.- (1) Any occupier intending to export waste specified in Part A of Schedule III, Part B of Schedule III and Schedule VI, shall make an application in **Form 5** along with insurance cover to the Ministry of Environment, Forest and Climate Change for the proposed transboundary movement of the hazardous and other wastes together with the prior informed consent in writing from the importing country in respect of wastes specified in Part A of Schedule III and Schedule VI.

(2) On receipt of an application under sub-rule (1), the Ministry of Environment, Forest and Climate Change may give permission for the proposed export within a period of sixty days from the date of submission of complete application and may impose such conditions as it may consider necessary.

(3) The Ministry of Environment, Forest and Climate Change shall forward a copy of the permission granted under sub-rule (2) to the State Pollution Control Board of the State where the waste is generated and the Pollution Control Board of the State where the port of export is located and the concerned Port and Customs authorities for ensuring compliance of the conditions of the export permission.

(4) The exporter shall ensure that no consignment is shipped before the prior informed consent is received from the importing country, wherever applicable.

(5) The exporter shall also ensure that the shipment is accompanied with movement document in **Form 6**.

(6) The exporter of the hazardous and other wastes shall maintain the records of the hazardous or other waste exported by him in **Form 3** and the record so maintained shall be available for inspection.

15. Illegal traffic.- (1) The export and import of hazardous or other wastes from and into India, respectively shall be deemed illegal, if,-

- (i) it is without permission of the Central Government in accordance with these rules; or
- (ii) the permission has been obtained through falsification, mis-representation or fraud; or
- (iii) it does not conform to the shipping details provided in the movement documents; or

- (iv) it results in deliberate disposal (i.e., dumping) of hazardous or other waste in contravention of the Basel Convention and of general principles of international or domestic law.

(2) In case of illegal import of the hazardous or other waste, the importer shall re-export the waste in question at his cost within a period of ninety days from the date of its arrival into India and its implementation will be ensured by the concerned Port and the Custom authority. In case of disposal of such waste by the Port and Custom authorities, they shall do so in accordance with these rules with the permission of the Pollution Control Board of the State where the Port exists.

(3) In case of illegal import of hazardous or other waste, where the importer is not traceable then the waste either can be sold by the Customs authority to any user having authorisation under these rules from the concerned State Pollution Control Board or can be sent to authorised treatment, storage and disposal facility.

CHAPTER - IV

TREATMENT, STORAGE AND DISPOSAL FACILITY FOR HAZARDOUS AND OTHER WASTES

16. Treatment, storage and disposal facility for hazardous and other wastes.- (1) The State Government, occupier, operator of a facility or any association of occupiers shall individually or jointly or severally be responsible for identification of sites for establishing the facility for treatment, storage and disposal of the hazardous and other waste in the State.

(2) The operator of common facility or occupier of a captive facility, shall design and set up the treatment, storage and disposal facility as per technical guidelines issued by the Central Pollution Control Board in this regard from time to time and shall obtain approval from the State Pollution Control Board for design and layout in this regard.

(3) The State Pollution Control Board shall monitor the setting up and operation of the common or captive treatment, storage and disposal facility, regularly.

(4) The operator of common facility or occupier of a captive facility shall be responsible for safe and environmentally sound operation of the facility and its closure and post closure phase, as per guidelines or standard operating procedures issued by the Central Pollution Control Board from time to time.

(5) The operator of common facility or occupier of a captive facility shall maintain records of hazardous and other wastes handled by him in **Form 3**.

(6) The operator of common facility or occupier of a captive facility shall file an annual return in **Form 4** to the State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

CHAPTER - V

PACKAGING, LABELLING, AND TRANSPORT OF HAZARDOUS AND OTHER WASTES.

17. Packaging and Labelling.- (1) Any occupier handling hazardous or other wastes and operator of the treatment, storage and disposal facility shall ensure that the hazardous and other wastes are packaged in a manner suitable for safe handling, storage and transport as per the guidelines issued by the Central Pollution Control Board from time to time. The labelling shall be done as per **Form 8**.

(2) The label shall be of non-washable material, weather proof and easily visible.

18. Transportation of hazardous and other wastes.- (1) The transport of the hazardous and other waste shall be in accordance with the provisions of these rules and the rules made by the Central Government under the Motor Vehicles Act, 1988 and the guidelines issued by the Central Pollution Control Board from time to time in this regard.

(2) The occupier shall provide the transporter with the relevant information in **Form 9**, regarding the hazardous nature of the wastes and measures to be taken in case of an emergency and shall label the hazardous and other wastes containers as per **Form 8**.

(3) In case of transportation of hazardous and other waste for final disposal to a facility existing in a State other than the State where the waste is generated, the sender shall obtain 'No Objection Certificate' from the State Pollution Control Board of both the States.

(4) In case of transportation of hazardous and other waste for recycling or utilisation including co-processing, the sender shall intimate both the State Pollution Control Boards before handing over the waste to the transporter.

(5) In case of transit of hazardous and other waste for recycling, utilisation including co-processing or disposal through a State other than the States of origin and destination, the sender shall give prior intimation to the concerned State Pollution Control Board of the States of transit before handing over the wastes to the transporter.

(6) In case of transportation of hazardous and other waste, the responsibility of safe transport shall be either of the sender or the receiver whosoever arranges the transport and has the necessary authorisation for transport from the concerned State Pollution Control Board. This responsibility should be clearly indicated in the manifest.

(7) The authorisation for transport shall be obtained either by the sender or the receiver on whose behalf the transport is being arranged.

19. Manifest system (Movement Document) for hazardous and other waste to be used within the country only.- (1) The sender of the waste shall prepare seven copies of the manifest in **Form 10** comprising of colour code indicated below and all seven copies shall be signed by the sender:

Copy number with colour code	Purpose
(1)	(2)
Copy 1 (White)	To be forwarded by the sender to the State Pollution Control Board after signing all the seven copies.
Copy 2 (Yellow)	To be retained by the sender after taking signature on it from the transporter and the rest of the five signed copies to be carried by the transporter.
Copy 3 (Pink)	To be retained by the receiver (actual user or treatment storage and disposal facility operator) after receiving the waste and the remaining four copies are to be duly signed by the receiver.
Copy 4 (Orange)	To be handed over to the transporter by the receiver after accepting waste.
Copy 5 (Green)	To be sent by the receiver to the State Pollution Control Board.
Copy 6 (Blue)	To be sent by the receiver to the sender.
Copy 7 (Grey)	To be sent by the receiver to the State Pollution Control Board of the sender in case the sender is in another State.

(2) The sender shall forward copy 1 (white) to the State Pollution Control Board, and in case the hazardous or other wastes is likely to be transported through any transit State, the sender shall intimate State Pollution Control Boards of transit States about the movement of the waste.

(3) No transporter shall accept waste from the sender for transport unless it is accompanied by signed copies 3 to 7 of the manifest.

(4) The transporter shall submit copies 3 to 7 of the manifest duly signed with date to the receiver along with the waste consignment.

(5) The receiver after acceptance of the waste shall hand over copy 4 (orange) to the transporter and send copy 5 (green) to his State Pollution Control Board and send copy 6 (blue) to the sender and the copy 3 (pink) shall be retained by the receiver.

(6) The copy 7 (grey) shall only be sent to the State Pollution Control Board of the sender, if the sender is in another State.

CHAPTER VI MISCELLANEOUS

20. Records and returns.- (1) The occupier handling hazardous or other wastes and operator of disposal facility shall maintain records of such operations in **Form 3**.

(2) The occupier handling hazardous and other wastes and operator of disposal facility shall send annual returns to the State Pollution Control Board in **Form 4**.

(3) The State Pollution Control Board based on the annual returns received from the occupiers and the operators of the facilities for disposal of hazardous and other wastes shall prepare an annual inventory of the waste generated; waste recycled, recovered, utilised including co-processed; waste re-exported and waste disposed and submit to the Central Pollution Control Board by the 30th day of September every year. The State Pollution Control Board shall also prepare the inventory of hazardous waste generators, actual users, and common and captive

disposal facilities and shall submit the information to Central Pollution Control Board every two years.

(4) The Central Pollution Control Board shall prepare the consolidated review report on management of hazardous and other wastes and forward it to the Ministry of Environment, Forest and Climate Change, along with its recommendations before the 30th day of December once in every year.

21. Responsibility of authorities. - The authority specified in column (2) of Schedule VII shall perform the duties as specified in column (3) of the said Schedule subject to the provisions of these rules.

22. Accident reporting. - Where an accident occurs at the facility of the occupier handling hazardous or other wastes and operator of the disposal facility or during transportation, the occupier or the operator or the transporter shall immediately intimate the State Pollution Control Board through telephone, e-mail about the accident and subsequently send a report in **Form 11**.

23. Liability of occupier, importer or exporter and operator of a disposal facility.-

(1) The occupier, importer or exporter and operator of the disposal facility shall be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other waste.

(2) The occupier and the operator of the disposal facility shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by the State Pollution Control Board with the prior approval of the Central Pollution Control Board.

24. Appeal.- (1) Any person aggrieved by an order of suspension or cancellation or refusal of authorisation or its renewal passed by the State Pollution Control Board may, within a period of thirty days from the date on which the order is communicated to him, prefer an appeal in **Form 12** to the Appellate Authority, namely, the Environment Secretary of the State.

(2) The Appellate Authority may entertain the appeal after expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Every appeal filed under this rule shall be disposed of within a period of sixty days from the date of its filing.

SCHEDULE I

[See rule 3 (1) (17) (i)]

List of processes generating hazardous wastes

S.No.	Processes	Hazardous Waste*
(1)	(2)	(3)
1.	Petrochemical processes and pyrolytic operations	1.1 Furnace or reactor residue and debris 1.2 Tarry residues and still bottoms from distillation 1.3 Oily sludge emulsion 1.4 Organic residues 1.5 Residues from alkali wash of fuels

(1)	(2)	(3)
		1.6 Spent catalyst and molecular sieves 1.7 Oil from wastewater treatment
2.	Crude oil and natural gas production	2.1 Drill cuttings excluding those from water based mud 2.2 Sludge containing oil 2.3 Drilling mud containing oil
3.	Cleaning, emptying and maintenance of petroleum oil storage tanks including ships	3.1 cargo residue, washing water and sludge containing oil 3.2 cargo residue and sludge containing chemicals 3.3 Sludge and filters contaminated with oil 3.4 Ballast water containing oil from ships
4.	Petroleum refining or re-processing of used oil or recycling of waste oil	4.1 Oil sludge or emulsion 4.2 Spent catalyst 4.3 Slop oil 4.4 Organic residue from processes 4.5 Spent clay containing oil
5.	Industrial operations using mineral or synthetic oil as lubricant in hydraulic systems or other applications	5.1 Used or spent oil 5.2 Wastes or residues containing oil 5.3 Waste cutting oils
6.	Secondary production and / or industrial use of zinc	6.1 Sludge and filter press cake arising out of production of Zinc Sulphate and other Zinc Compounds. 6.2 Zinc fines or dust or ash or skimmings in dispersible form 6.3 Other residues from processing of zinc ash or skimmings 6.4 Flue gas dust and other particulates
7.	Primary production of zinc or lead or copper and other non-ferrous metals except aluminium	7.1 Flue gas dust from roasting 7.2 Process residues 7.3 Arsenic-bearing sludge 7.4 Non-ferrous metal bearing sludge and residue. 7.5 Sludge from scrubbers
8.	Secondary production of copper	8.1 Spent electrolytic solutions 8.2 Sludge and filter cakes 8.3 Flue gas dust and other particulates
9.	Secondary production of lead	9.1 Lead bearing residues 9.2 Lead ash or particulate from flue gas 9.3 Acid from used batteries
10.	Production and/or industrial use of cadmium and arsenic and their compounds	10.1 Residues containing cadmium and arsenic
11.	Production of primary and secondary aluminum	11.1 Sludges from off-gas treatment 11.2 Cathode residues including pot lining wastes 11.3 Tar containing wastes 11.4 Flue gas dust and other particulates 11.5 Drosses and waste from treatment of salt sludge

(1)	(2)	(3)
		11.6 Used anode butts 11.7 Vanadium sludge from alumina refineries
12.	Metal surface treatment, such as etching, staining, polishing, galvanizing, cleaning, degreasing, plating, etc.	12.1 Acidic and alkaline residues 12.2 Spent acid and alkali 12.3 Spent bath and sludge containing sulphide, cyanide and toxic metals 12.4 Sludge from bath containing organic solvents 12.5 Phosphate sludge 12.6 Sludge from staining bath 12.7 Copper etching residues 12.8 Plating metal sludge
13.	Production of iron and steel including other ferrous alloys (electric furnace; steel rolling and finishing mills; Coke oven and by products plant)	13.1 Spent pickling liquor 13.2 Sludge from acid recovery unit 13.3 Benzol acid sludge 13.4 Decanter tank tar sludge 13.5 Tar storage tank residue 13.6 Residues from coke oven by product plant.
14.	Hardening of steel	14.1 Cyanide-, nitrate-, or nitrite -containing sludge 14.2 Spent hardening salt
15.	Production of asbestos or asbestos-containing materials	15.1 Asbestos-containing residues 15.2 Discarded asbestos 15.3 Dust or particulates from exhaust gas treatment.
16.	Production of caustic soda and chlorine	16.1 Mercury bearing sludge generated from mercury cell process 16.2 Residue or sludges and filter cakes 16.3 Brine sludge
17.	Production of mineral acids	17.1 Process acidic residue, filter cake, dust 17.2 Spent catalyst
18.	Production of nitrogenous and complex fertilizers	18.1 Spent catalyst 18.2 Carbon residue 18.3 Sludge or residue containing arsenic 18.4 Chromium sludge from water cooling tower
19.	Production of phenol	19.1 Residue or sludge containing phenol 19.2 Spent catalyst
20.	Production and/or industrial use of solvents	20.1 Contaminated aromatic, aliphatic or naphthenic solvents may or may not be fit for reuse. 20.2 Spent solvents 20.3 Distillation residues 20.4 Process Sludge
21.	Production and/or industrial use of paints, pigments, lacquers, varnishes and inks	21.1 Process wastes, residues and sludges 21.2 Spent solvent
22.	Production of plastics	22.1 Spent catalysts 22.2 Process residues
23.	Production and /or industrial use of glues, organic cements,	23.1 Wastes or residues (not made with vegetable or animal materials)

(1)	(2)	(3)
	adhesive and resins	23.2 Spent solvents
24.	Production of canvas and textiles	24.1 Chemical residues
25.	Industrial production and formulation of wood preservatives	25.1 Chemical residues 25.2 Residues from wood alkali bath
26.	Production or industrial use of synthetic dyes, dye-intermediates and pigments	26.1 Process waste sludge/residues containing acid, toxic metals, organic compounds 26.2 Dust from air filtration system 26.3 Spent acid 26.4 Spent solvent 26.5 Spent catalyst
27.	Production of organic-silicone compound	27.1 Process residues
28.	Production/formulation of drugs/pharmaceutical and health care product	28.1 Process Residue and wastes 28.2 Spent catalyst 28.3 Spent carbon 28.4 Off specification products 28.5 Date-expired products 28.6 Spent solvents
29.	Production, and formulation of pesticides including stock-piles	29.1 Process wastes or residues 29.2 Sludge containing residual pesticides 29.3 Date-expired and off-specification pesticides 29.4 Spent solvents 29.5 Spent catalysts 29.6 Spent acids
30.	Leather tanneries	30.1 Chromium bearing residue and sludge
31.	Electronic Industry	31.1 Process residue and wastes 31.2 Spent etching chemicals and solvents
32.	Pulp and Paper Industry	32.1 Spent chemicals 32.2 Corrosive wastes arising from use of strong acid and bases 32.3 Process sludge containing adsorbable organic halides(AO _x)
33.	Handling of hazardous chemicals and wastes	33.1 Empty barrels/containers/liners contaminated with hazardous chemicals /wastes 33.2 Contaminated cotton rags or other cleaning materials
34.	De-contamination of barrels / containers used for handling of hazardous wastes/chemicals	34.1 Chemical-containing residue arising from decontamination. 34.2 Sludge from treatment of waste water arising out of cleaning / disposal of barrels / containers
35.	Purification and treatment of exhaust air/gases, water and waste water from the processes in this schedule and common industrial effluent treatment plants (CETP's)	35.1 Exhaust Air or Gas cleaning residue 35.2 Spent ion exchange resin containing toxic metals 35.3 Chemical sludge from waste water treatment 35.4 Oil and grease skimming 35.5 Chromium sludge from cooling water
36.	Purification process for organic	36.1 Any process or distillation residue

(1)	(2)	(3)
	compounds/solvents	36.2 Spent carbon or filter medium
37.	Hazardous waste treatment processes, e.g. pre-processing, incineration and concentration	37.1 Sludge from wet scrubbers 37.2 Ash from incinerator and flue gas cleaning residue 37.3 Concentration or evaporation residues
38.	Chemical processing of Ores containing heavy metals such as Chromium, Manganese, Nickel, Cadmium etc.	38.1 Process residues 38.2 Spent acid

*** The inclusion of wastes contained in this Schedule does not preclude the use of Schedule II to demonstrate that the waste is not hazardous. In case of dispute, the matter would be referred to the Technical Review Committee constituted by Ministry of Environment, Forest and Climate Change.**

Note: The high volume low effect wastes such as fly ash, Phosphogypsum, red mud, jarosite, Slags from pyrometallurgical operations, mine tailings and ore beneficiation rejects are excluded from the category of hazardous wastes. Separate guidelines on the management of these wastes shall be issued by Central Pollution Control Board.

SCHEDULE II
[See rule 3 (1) (17) (ii)]

List of waste constituents with concentration limits

Class A: Based on leachable concentration limits [Toxicity Characteristic Leaching Procedure (TCLP) or Soluble Threshold Limit Concentration (STLC)]

Class	Constituents	Concentration in mg/l
(1)	(2)	(3)
A1	Arsenic	5.0
A2	Barium	100.0
A3	Cadmium	1.0
A4	Chromium and/or Chromium (III) compounds	5.0
A5	Lead	5.0
A6	Manganese	10.0
A7	Mercury	0.2
A8	Selenium	1.0
A9	Silver	5.0
A10	Ammonia	50*
A11	Cyanide	20*
A12	Nitrate (as nitrate-nitrogen)	1000.0
A13	Sulphide (as H ₂ S)	5.0
A14	1,1-Dichloroethylene	0.7
A15	1,2-Dichloroethane	0.5
A16	1,4-Dichlorobenzene	7.5
A17	2,4,5-Trichlorophenol	400.0
A18	2,4,6-Trichlorophenol	2.0
A19	2,4-Dinitrotoluene	0.13
A20	Benzene	0.5
A21	Benzo (a) Pyrene	0.001
A22	Bromodichloromethane	6.0
A23	Bromoform	10.0
A24	Carbon tetrachloride	0.5
A25	Chlorobenzene	100.0
A26	Chloroform	6.0
A27	Cresol (ortho+ meta+ para)	200.0
A28	Dibromochloromethane	10.0
A29	Hexachlorobenzene	0.13
A30	Hexachlorobutadiene	0.5
A31	Hexachloroethane	3.0
A32	Methyl ethyl ketone	200.0
A33	Naphthalene	5.0
A34	Nitrobenzene	2.0
A35	Pentachlorophenol	100.0
A36	Pyridine	5.0
A37	Tetrachloroethylene	0.7
A38	Trichloroethylene	0.5

(1)	(2)	(3)
A39	Vinyl chloride	0.2
A40	2,4,5-TP (Silvex)	1.0
A41	2,4-Dichlorophenoxyacetic acid	10.0
A42	Alachlor	2.0
A43	Alpha HCH	0.001
A44	Atrazine	0.2
A45	Beta HCH	0.004
A46	Butachlor	12.5
A47	Chlordane	0.03
A48	Chlorpyrifos	9.0
A49	Delta HCH	0.004
A50	Endosulfan (alpha+ beta+ sulphate)	0.04
A51	Endrin	0.02
A52	Ethion	0.3
A53	Heptachlor (& its Epoxide)	0.008
A54	Isoproturon	0.9
A55	Lindane	0.4
A56	Malathion	19
A57	Methoxychlor	10
A58	Methyl parathion	0.7
A59	Monocrotophos	0.1
A60	Phorate	0.2
A61	Toxaphene	0.5
A62	Antimony	15
A63	Beryllium	0.75
A64	Chromium (VI)	5.0
A65	Cobalt	80.0
A66	Copper	25.0
A67	Molybdenum	350
A68	Nickel	20.0
A69	Thallium	7.0
A70	Vanadium	24.0
A71	Zinc	250
A72	Fluoride	180.0
A73	Aldrin	0.14
A74	Dichlorodiphenyltrichloroethane (DDT), Dichlorodipenyldichloroethylene (DDE), Dichlorodipenyldichloroethane (DDD)	0.1
A75	Dieldrin	0.8
A76	Kepone	2.1
A77	Mirex	2.1
A78	Polychlorinated biphenyls	5.0
A79	Dioxin (2,3,7,8-TCDD)	0.001

Class B: Based on Total Threshold Limit Concentration (TTLC)

Class	Constituent	Concentration in mg/kg
(1)	(2)	(3)
B1	Asbestos	10000
B2	Total Petroleum Hydrocarbons (TPH) (C5 - C36)	5,000

Note:

- (1) The testing method for list of constituents at A1 to A61 in Class-A, shall be based on Toxicity Characteristic Leaching Procedure (TCLP) and for extraction of leachable constituents, USEPA Test Method 1311 shall be used.
- (2) The testing method for list of constituents at A62 to A79 in Class- A, shall be based on Soluble Threshold Limit Concentration (STLC) and Waste Extraction Test (WET) Procedure given in Appendix II of section 66261 of Title 22 of California Code regulation (CCR) shall be used.
- (3) In case of ammonia (A10), cyanide (A11) and chromium VI (A64), extractions shall be conducted using distilled water in place of the leaching media specified in the TCLP/STLC procedures.
- (4) A summary of above specified leaching/extraction procedures is included in manual for characterization and analysis of hazardous waste published by Central Pollution Control Board and in case the method is not covered in the said manual, suitable reference method may be adopted for the measurement.
- (5) In case of asbestos, the specified concentration limits apply only if the substances are in a friable, powdered or finely divided state.
- (6) The hazardous constituents to be analyzed in the waste shall be relevant to the nature of the industry and the materials used in the process.
- (7) Wastes which contain any of the constituents listed below shall be considered as hazardous, provided they exhibit the characteristics listed in Class-C of this Schedule :

1.	Acid Amides
2.	Acid anhydrides
3.	Amines
4.	Anthracene
5.	Aromatic compounds other than those listed in Class A
6.	Bromates, (hypo-bromites)
7.	Chlorates (hypo-chlorites)
8.	Carbonyls
9.	Ferro-silicate and alloys
10.	Halogen- containing compounds which produce acidic vapours on contact with humid air or water e.g. silicon tetrachloride, aluminum chloride, titanium tetrachloride
11.	Halogen- silanes
12.	Halogenated Aliphatic Compounds
13.	Hydrazine (s)

14.	Hydrides
15.	Inorganic Acids
16.	Inorganic Peroxides
17.	Inorganic Tin Compounds
18.	Iodates
19.	(Iso- and thio-) Cyanates
20.	Manganese-silicate
21.	Mercaptans
22.	Metal Carbonyls
23.	Metal hydrogen sulphates
24.	Nitrides
25.	Nitriles
26.	Organic azo and azoxy Compounds
27.	Organic Peroxides
28.	Organic Oxygen Compounds
29.	Organic Sulphur Compounds
30.	Organo- Tin Compounds
31.	Organo nitro- and nitroso compounds
32.	Oxides and hydroxides except those of hydrogen, carbon, silicon, iron, aluminum, titanium, manganese, magnesium, calcium
33.	Phenanthrene
34.	Phenolic Compounds
35.	Phosphate compounds except phosphates of aluminum, calcium and iron
36.	Salts of pre-acids
37.	Total Sulphur
38.	Tungsten Compounds
39.	Tellurium and tellurium compounds
40.	White and Red Phosphorus
41.	2-Acetylaminofluorene
42.	4-Aminodiphenyl
43.	Benzidine and its salts
44.	Bis (Chloromethyl) ether
45.	Methyl chloromethyl ether
46.	1,2-Dibromo-3-chloropropane
47.	3,3'-Dichlorobenzidine and its salts
48.	4-Dimethylaminoazobenzene
49.	4-Nitrobiphenyl
50.	Beta-Propiolactone

CLASS C : Based on hazardous Characteristics

Apart from the concentration limit given above, the substances or wastes shall be classified as hazardous waste if it exhibits any of the following characteristics due to the presence of any hazardous constituents:

Class C1: Flammable- A waste exhibits the characteristic of flammability or ignitability if a representative sample of the waste has any of the following properties, namely:-

- (i) flammable liquids, or mixture of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc; but not including substances or wastes otherwise classified on account of their dangerous characteristics), which give off a flammable vapour at temperature less than 60°C. This flash point shall be measured as per ASTM D 93-79 closed-cup test method or as determined by an equivalent test method published by Central Pollution Control Board;
- (ii) it is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns vigorously and persistently creating a hazard;
- (iii) it is an ignitable compressed gas;
- (iv) It is an oxidizer and for the purposes of characterisation is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

Class C2: Corrosive- A waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties, namely:-

- (i) it is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5;
- (ii) it is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm per year at a test temperature of 55 °C;
- (iii) it is not aqueous and, when mixed with an equivalent weight of water, produces a solution having a pH less than or equal to 2 or greater than or equal to 12.5;
- (iv) it is not a liquid and, when mixed with an equivalent weight of water, produces a liquid that corrodes steel (SAE1020) at a rate greater than 6.35 mm per year at a test temperature of 55 °C.

Note:

For the purpose of determining the corrosivity, the Bureau of Indian Standard 9040 C method for pH determination, NACE TM 01 69 : Laboratory Corrosion Testing of Metals and EPA 1110A method for corrosivity towards steel (SAE1020) to establish the corrosivity characteristics shall be adopted.

Class C3: Reactive or explosive- A waste exhibits the characteristic of reactivity if a representative sample of the waste it has any of the following properties, namely:-

- (i) it is normally unstable and readily undergoes violent change without detonating;
- (ii) it reacts violently with water or forms potentially explosive mixtures with water;
- (iii) when mixed with water, it generates toxic gases, vapours or fumes in a quantity sufficient to present a danger to human health or the environment;
- (iv) it is a cyanide or sulphide bearing waste which, when exposed pH conditions between 2 and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present a danger to human health or the environmental;
- (v) it is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;
- (vi) it is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure;
- (vii) it is a forbidden explosive.

Class C4: Toxic- A waste exhibits the characteristic of toxicity, if, :-

- (i) the concentration of the waste constituents listed in Class A and B (of this schedule) are equal to or more than the permissible limits prescribed therein;
- (ii) it has an acute oral LD50 less than 2,500 milligrams per kilogram;
- (iii) it has an acute dermal LD50 less than 4,300 milligrams per kilogram;
- (iv) it has an acute inhalation LC50 less than 10,000 parts per million as a gas or vapour;
- (v) it has acute aquatic toxicity with 50% mortality within 96 hours for zebra fish (*Brachidanio rerio*) at a concentration of 500 milligrams per litre in dilution water and test conditions as specified in BIS test method 6582 – 2001.
- (vi) it has been shown through experience or by any standard reference test- method to pose a hazard to human health or environment because of its carcinogenicity, mutagenecity, endocrine disruptivity, acute toxicity, chronic toxicity, bio-accumulative properties or persistence in the environment.

Class C5: Substances or Wastes liable to spontaneous combustion - Substances or Wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.

Class C6: Substances or Wastes which, in contact with water emit flammable gases- Substances or Wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

Class C5: Oxidizing - Substances or Wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.

Class C8: Organic Peroxides - Organic substances or Wastes which contain the bivalent O–O structure, which may undergo exothermic self-accelerating decomposition.

Class C9: Poisons (acute) - Substances or Wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

Class C10: Infectious substances - Substances or Wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

Class C11: Liberation of toxic gases in contact with air or water - Substances or Wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

Class C12: Eco-toxic- Substances or Wastes which if released, present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation or toxic effects upon biotic systems or both.

Class C13: Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

SCHEDULE III

[See rules 3 (1) (17) (iii), 3 (23), 12, 13 and 14]

Part A

**List of hazardous wastes applicable for import and export with Prior Informed Consent
[Annexure VIII of the Basel Convention*]**

Basel No.	Description of Hazardous Wastes
(1)	(2)
A1	Metal and Metal bearing wastes
A1010	Metal wastes and waste consisting of alloys of any of the following but excluding such wastes specifically listed in Part B and Part D
	- Antimony
	- Cadmium
	- Lead
	- Tellurium
A1020	Waste having as constituents or contaminants, excluding metal wastes in massive form, any or the following:
	- Antimony, antimony compounds
	- Cadmium, cadmium compounds
	- Lead, lead compounds
	- Tellurium, tellurium compounds
A1040	Waste having metal carbonyls as constituents
A1050	Galvanic sludges
A1070	Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
A1080	Waste zinc residues not included in Part B, containing lead and cadmium in concentrations sufficient to exhibit hazard characteristics indicated in Part C
A1090	Ashes from the incineration of insulated copper wire
A1100	Dusts and residues from gas cleaning systems of copper smelters
A1120	Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations
A1140	Waste cupric chloride and copper cyanide catalysts not in liquid form note the related entry in Schedule VI
A1150	Precious metal ash from incineration of printed circuit boards not included in Part B
A1160	Waste lead acid batteries, whole or crushed
A1170	Unsorted waste batteries excluding mixtures of only Part B batteries. Waste batteries not specified in Part B containing constituents mentioned in Schedule II to an extent to render them hazardous
A2	Wastes containing principally inorganic constituents, which may contain metals and organic materials
A2010	Glass waste from cathode-ray tubes and other activated glasses
A2030	Waste catalysts but excluding such wastes specified in Part B
A3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
A3010	Waste from the production or processing of petroleum coke and bitumen
A3020	Waste mineral oils unfit for their originally intended use
A3050	Wastes from production, formulation and use of resins, latex, plasticizers, glues or adhesives excluding such wastes specified in Part B (B4020)
A3120	Fluff-light fraction from shredding

(1)	(2)
A3130	Waste organic phosphorus compounds
A4	Wastes which may contain either inorganic or organic constituents
A4010	Wastes from the production, preparation and use of pharmaceutical products but excluding such waste specified in Part B
A4040	Wastes from the manufacture, formulation and use of wood-preserving chemicals (does not include wood treated with wood preserving chemicals)
A4070	Waste from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding those specified in Part B (B4010)
A4100	Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified in Part B
A4120	Wastes that contain, consist of or are contaminated with peroxides.
A4130	Wastes packages and containers containing Schedule II constituents in concentration sufficient to exhibit Part C of Schedule III hazard characteristics.
A4140	Waste consisting of or containing off specification or outdated chemicals (unused within the period recommended by the manufacturer) corresponding to constituents mentioned in Schedule II and exhibiting Part C of Schedule III hazard characteristics.
A4160	Spent activated carbon not included in Part B, B2060

*This List is based on Annexure VIII of the Basel Convention on Transboundary Movement of Hazardous Wastes and comprises of wastes characterized as hazardous under Article I, paragraph 1(a) of the Convention. Inclusion of wastes on this list does not preclude the use of hazard.

Characteristics given in Annexure VIII of the Basel Convention (Part C of this Schedule) to demonstrate that the wastes are not hazardous. **Hazardous wastes in Part-A are restricted and cannot be allowed to be imported without permission from the Ministry of Environment, Forest and Climate Change and the Directorate General of Foreign Trade license, if applicable.**

Part B

List of other wastes applicable for import and export and not requiring Prior Informed Consent [Annex IX of the Basel Convention*]

Basel No.	Description of wastes
(1)	(2)
B1	Metal and metal-bearing wastes
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Thorium scrap - Rare earths scrap
B1020	Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plates, beams, rods, etc.), of: - Antimony scrap - Beryllium scrap - Cadmium scrap - Lead scrap (excluding lead acid batteries) - Selenium scrap - Tellurium scrap
B1030	Refractory metals containing residues

(1)	(2)
B1031	Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder), excluding such wastes as specified in Part A under entry A1050, Galvanic sludges
B1040	Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous
B1050	Mixed non-ferrous metal, heavy fraction scrap, containing cadmium, antimony, lead & tellurium mentioned in Schedule II in concentrations sufficient to exhibit Part C characteristics
B1060	Waste selenium and tellurium in metallic elemental form including powder
B1070	Waste of copper and copper alloys in dispersible form, unless they contain any of the constituents mentioned in Schedule II to an extent that they exhibit Part C characteristics
B1080	Zinc ash and residues including zinc alloys residues in dispersible form unless they contain any of the constituents mentioned in Schedule II in concentration such as to exhibit Part C characteristics
B1090	Waste batteries conforming to a standard battery specification, excluding those made with lead, cadmium or mercury
B1100	Metal bearing wastes arising from melting, smelting and refining of metals:
	- Slags from copper processing for further processing or refining containing arsenic, lead or cadmium
	- Slags from precious metals processing for further refining
	- Wastes of refractory linings, including crucibles, originating from copper smelting
	- Tantalum-bearing tin slags with less than 0.5% tin
B1110	Used Electrical and electronic assemblies other than those listed in Part D of Schedule III
	Electronic assemblies consisting only of metals or alloys Waste electrical and electronic assemblies or scrap (including printed circuit boards) not containing components such as accumulators and other batteries included in Part A of Schedule III, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Schedule II constituents such as cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Part C of Schedule III (note the related entry in Schedule VI, A1180)
B1120	Spent catalysts excluding liquids used as catalysts, containing any of: Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) in Part A and Schedule VI: - Scandium - Titanium - Vanadium - Chromium - Manganese - Iron - Cobalt - Nickel - Copper - Zinc - Yttrium - Zirconium - Niobium - Molybdenum - Hafnium - Tantalum

(1)	(2)
	- Tungsten - Rhenium Lanthanides (rare earth metals): - Lanthanum - Cerium
	- Praseodymium - Neodymium - Samarium - Europium - Gadolinium - Terbium - Dysprosium - Holmium - Erbium - Thulium - Ytterbium - Lutetium
B1130	Cleaned spent precious metal bearing catalysts
B1140	Precious metal bearing residues in solid form which contain traces of inorganic cyanides
B1150	Precious metals and alloy wastes (gold , silver, the platinum group but not mercury) in a dispersible form, non-liquid form with appropriate packaging and labelling
B1160	Precious metal ash from the incineration of printed circuit boards (note the related entry in Part A A1150)
B1170	Precious metal ash from the incineration of photographic film
B1180	Waste photographic film containing silver halides and metallic silver
B1190	Waste photographic paper containing silver halides and metallic silver
B1200	Granulated slag arising from the manufacture of iron and steel
B1210	Slag arising from the manufacture of iron and steel including slags as a source of Titanium dioxide and Vanadium
B1220	Slag from zinc production, chemically stabilised, having a high iron content (above 20%) and processed according to industrial specifications mainly for construction
B1230	Mill scale arising from the manufacture of iron and steel
B1240	Copper Oxide mill-scale
B2	Wastes containing principally inorganic constituents, which may contain metals and organic materials
B2010	Wastes from mining operations in non-dispersible form: - Natural graphite waste - Slate wastes - Mica wastes - Leucite, nepheline and nepheline syenite waste - Feldspar waste - Fluorspar waste - Silica wastes in solid form excluding those used in foundry operations
B2020	Glass wastes in non-dispersible form: - Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
B2030	Ceramic wastes in non-dispersible form: - Cermet wastes and scrap (metal ceramic composites) - Ceramic based fibres
B2040	Other wastes containing principally inorganic constituents: - Partially refined calcium sulphate produced from flue gas desulphurization (FGD) - Waste gypsum wallboard or plasterboard arising from the demolition of buildings

(1)	(2)
	- Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications mainly for construction and abrasive applications - Sulphur in solid form - Limestone from production of calcium cyanamide (pH<9) - Sodium, potassium, calcium chlorides - Carborundum (silicon carbide) - Broken concrete - Lithium-tantalum and lithium-niobium containing glass scraps
B2060	Spent activated carbon not containing any of Schedule II constituents to the extent they exhibit Part C characteristics, for example, carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry in Part A A4160)
B2070	Calcium fluoride sludge
B2080	Waste gypsum arising from chemical industry processes not included in Schedule VI (note the related entry in A2040)
B2090	Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
B2100	Waste hydrates of aluminium and waste alumina and residues from alumina production, excluding such materials used for gas cleaning, flocculation or filtration processes
B2130	Bituminous material (asphalt waste) from road construction and maintenance, not containing tar (note the related entry in Schedule VI, A3200)
B3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
B3027	Self-adhesive label laminate waste containing raw materials used in label material production
B3030	Textile wastes The following materials, provided they are not mixed with other wastes and are prepared to a specification: - Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock) • not carded or combed • other - Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock • noils of wool or of fine animal hair • other waste of wool or of fine animal hair • waste of coarse animal hair - Cotton waste (including yarn waste and garnetted stock) • yarn waste (including thread waste) • garnetted stock • other - Flax tow and waste - Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.) - Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie) - Tow and waste (including yarn waste and garnetted stock) of sisal

(1)	(2)
	and other textile fibres of the genus Agave - Tow, noils and waste (including yarn waste and garneted stock) of coconut - Tow, noils and waste (including yarn waste and garneted stock) of abaca (Manila hemp or <i>Musa textilis</i> Nee) - Tow, noils and waste (including yarn waste and garneted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included - Waste (including noils, yarn waste and garnetted stock) of man-made fibres • of synthetic fibres • of artificial fibres - Worn clothing and other worn textile articles - Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials • sorted • other
B3035	Waste textile floor coverings, carpets
B3040	Rubber Wastes The following materials, provided they are not mixed with other wastes: - Waste and scrap of hard rubber (e.g., ebonite) - Other rubber wastes (excluding such wastes specified elsewhere)
B3050	Untreated cork and wood waste: - Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms - Cork waste: crushed, granulated or ground cork
B3060	Wastes arising from agro-food industries provided it is not infectious: - Wine lees - Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included - Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes - Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised - Fish waste - Cocoa shells, husks, skins and other cocoa waste - Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption
B3070	The following wastes: - Waste of human hair - Waste straw - Deactivated fungus mycelium from penicillin production to be used as animal feed
B3080	Waste parings and scrap of rubber
B3090	Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry in Schedule VI, A3100)

(1)	(2)
B3100	Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry in Schedule VI, A3090)
B3110	Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Schedule VI, A3110)
B3120	Wastes consisting of food dyes
B3130	Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
B3140	Waste pneumatic and other tyres, excluding those which do not lead to resource recovery, recycling, reclamation but not for direct reuse
B4	Wastes which may contain either inorganic or organic constituents
B4010	Wastes consisting mainly of water-based or latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry in Part A, A4070)
B4020	Wastes from production, formulation and use of resins, latex, plasticizers, glues or adhesives, not listed in Part A, free of solvents and other contaminants to an extent that they do not exhibit Part C characteristics (note the related entry in Part A, A3050)
B4030	Used single-use cameras, with batteries not included in Part A

* This list is based on Annexure IX of the Basel Convention on Transboundary Movement of Hazardous Wastes and comprises of wastes not characterized as hazardous under Article-I of the Basel Convention. **The wastes in Part- B are restricted and cannot be allowed to be imported without permission from the Ministry of Environment, Forest and Climate Change and the Directorate General of Foreign Trade license, if applicable.**

Note:

- (1) Copper dross containing copper greater than 65% and lead and Cadmium equal to or less than 1.25% and 0.1% respectively; spent cleaned metal catalyst containing copper; and copper reverts, cake and residues containing lead and cadmium equal to or less than 1.25% and 0.1% respectively are allowed for import without Director General of Foreign Trade license to units (actual users) authorised by State Pollution Control Board and with the Ministry of Environment, Forest and Climate Change's permission. Copper reverts, cake and residues containing lead and cadmium greater than 1.25% and 0.1% respectively are under restricted category for which import is permitted only against Director General of Foreign Trade license for the purpose of processing or reuse by units permitted with the Ministry of Environment, Forest and Climate Change (actual users).
- (2) Zinc ash or skimmings in dispersible form containing zinc more than 65% and lead and cadmium equal to or less than 1.25% and 0.1% respectively and spent cleaned metal catalyst containing zinc are allowed for import without Director General of Foreign Trade license to units authorised by State Pollution control Board, Ministry of Environment, Forest and Climate Change's permission (actual users) upto an annual quantity limit indicated in registration letter. Zinc ash and skimmings containing less than 65% zinc and lead and cadmium equal to or more than 1.25% and 0.1% respectively and hard zinc spelter and brass dross containing lead greater than 1.25% are under restricted category for which import is permitted against Director General of Foreign Trade license and only for purpose of processing or reuse by units registered with the Ministry of Environment Forest and Climate Change (actual users).

Part C
List of Hazardous Characteristics

<u>Code</u>	<u>Characteristic</u>
H 1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surrounding.
H 3	Flammable liquids The word “flammable” has the same meaning as “inflammable”. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc. but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cups tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition).
H 4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
H 4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
H 4.3	Substances or wastes which, in contact with water emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
H 5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion or other materials.
H 5.2	Organic Peroxides Organic substances or wastes which contain the bivalent-o-o-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

H 6.1 Poisons (acute)

Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

H 6.2 Infectious substances

Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

H 8 Corrosives

Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.

H 10 Liberation of toxic gases in contact with air or water

Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

H 11 Toxic (delayed or chronic)

Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity).

H 12 Eco-toxic

Substances or wastes which if released, present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation or toxic effects upon biotic systems or both.

H 13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

Part D

List of other wastes applicable for import and export without permission from Ministry of Environment, Forest and Climate Change [Annex IX of the Basel Convention*]

Basel No.	Description of wastes
(1)	(2)
B1	Metal and metal-bearing wastes
B1010	Metal and metal-alloy wastes in metallic, non-dispersible form :
	- Precious metals (gold, silver, platinum but not mercury) **
	- Iron and steel scrap **
	- Nickel scrap **
	- Aluminium scrap**
	- Zinc scrap **
	- Tin scrap **
	- Tungsten scrap **
	- Molybdenum scrap **
	- Tantalum scrap **
	- Cobalt scrap **
	- Bismuth scrap **
	- Titanium scrap **
	- Zirconium scrap **
	- Manganese scrap **
	- Germanium scrap **
	- Vanadium scrap **
	- Hafnium scrap **
	- Indium scrap **
	- Niobium scrap **
	- Rhenium scrap **
	- Gallium scrap **
	- Magnesium scrap **
	- Copper scrap **
	- Chromium scrap **
B1050	Mixed non-ferrous metal, heavy fraction scrap, containing metals other than specified in Part B1050 and not containing constituents mentioned in Schedule II in concentrations sufficient to exhibit Part C characteristics**
B1100	Metal bearing wastes arising from melting, smelting and refining of metals:
	- Hard Zinc spelter **
	- Zinc-containing drosses **: ~ Galvanizing slab zinc top dross (>90% Zn) ~ Galvanizing slab zinc bottom dross (>92% Zn) ~ Zinc die casting dross (>85% Zn) ~ Hot dip galvanizers slab zinc dross (batch) (>92% Zn) ~ Zinc skimmings
	- Aluminium skimmings (or skims) excluding salt slag

(1)	(2)
B1110	Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse and not for recycling or final disposal - Used electrical and electronic assemblies imported for repair and to be re-exported back after repair within one year of import * * * - Used electrical and electronic assemblies imported for rental purpose and re-exported back within one year of import * * * - Used electrical and electronic assemblies exported for repair and to be re-import after repair - Used electrical and electronic assemblies imported for testing, research and development, project work purposes and to be re-exported back within a period of three years from the date of import * * * - Spares imported for warranty replacements provided equal number of defective or non-functional parts are exported back within one year of the import * * * - Used electrical and electronic assemblies imported by Ministry of Defence, Department of Space and Department of Atomic Energy * * * - Used electrical and electronic assemblies (not in bulk; quantity less than or equal to three) imported by the individuals for their personal uses - Used Laptop, Personal Computers, Mobile, Tablet up to 01 number each imported by organisations in a year - Used electrical and electronic assemblies owned by individuals and imported on transfer of residence - Used multifunction print and copying machines (MFDs)* * * * - Used electrical and electronic assemblies imported by airlines for aircraft maintenance and remaining either on board or under the custodianship of the respective airlines warehouses located on the airside of the custom bonded areas.
B3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
B3020	Paper, paperboard and paper product wastes * * The following materials, provided they are not mixed with hazardous wastes: Waste and scrap of paper or paperboard of: - unbleached paper or paperboard or of corrugated paper or paperboard - other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass - paper or paperboard made mainly of mechanical pulp (for example newspapers, journals and similar printed matter) - other, including but not limited to (1) laminated paperboard (2) unsorted scrap
B3140	Aircraft Tyres exported to Original Equipment Manufacturers for re-treading and re-imported after re-treading by airlines for aircraft maintenance and remaining either on board or under the custodianship of the respective airlines warehouses located on the airside of the custom bonded areas

Note:

* This list is based on Annexure IX of the Basel Convention on Transboundary Movement of Hazardous Wastes and comprises of wastes not characterized as hazardous under Article-I of the Basel Convention.

* * Import permitted in the country to the actual user or to the trader on behalf of the actual users authorised by SPCB on one time basis and subject to verification of documents specified in Schedule VIII of these rules by the Custom Authority.

* * * Import permitted in the country only to the actual users from Original Equipment Manufacturers (OEM) and subject to verification of documents specified in Schedule VIII of these rules by the Custom Authority.

* * * * Import permitted in the country to the actual users or trader on behalf of the actual user in accordance with the documents required and verified by the Custom Authority as specified under Schedule VIII of these rules. The policy for free trade for multifunction print and copying machine to be reviewed once the MFDs are domestically manufactured.

All other wastes listed in Part D of Schedule III having no “Stars” are permitted without any documents from MoEF&CC subject to compliance of the conditions of the Customs Authority, if any.

SCHEDULE IV

[See rules 6 (1) (ii) and 6 (2)]

List of commonly recyclable hazardous wastes

S.No.	Wastes
(1)	(2)
1.	Brass Dross
2.	Copper Dross
3.	Copper Oxide mill scale
4.	Copper reverts, cake and residue
5.	Waste Copper and copper alloys in dispersible form
6.	Slags from copper processing for further processing or refining
7.	Insulated Copper Wire Scrap or copper with PVC sheathing including ISRI-code material namely “Druid”
8.	Jelly filled Copper cables
9.	Spent cleared metal catalyst containing copper
10.	Spent catalyst containing nickel, cadmium, Zinc, copper, arsenic, vanadium and cobalt
11.	Zinc Dross-Hot dip Galvanizers SLAB
12.	Zinc Dross-Bottom Dross
13.	Zinc ash/Skimmings arising from galvanizing and die casting operations
14.	Zinc ash/Skimming/other zinc bearing wastes arising from smelting and refining
15.	Zinc ash and residues including zinc alloy residues in dispersible form
16.	Spent cleared metal catalyst containing zinc
17.	Used Lead acid battery including grid plates and other lead scrap/ashes/residues not covered under Batteries (Management and Handling) Rules, 2001. [Battery scrap, namely: Lead battery plates covered by ISRI, Code word “Rails” Battery lugs covered by ISRI, Code word “Rakes”. Scrap drained/dry while intact, lead batteries covered by ISRI, Code word “rains”.

(1)	(2)
18.	Components of waste electrical and electronic assemblies comprising accumulators and other batteries included in Part A of Schedule III, mercury-switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with Schedule II constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of Schedule III.
19.	Paint and ink Sludge/residues
20.	Used oil and waste oil

SCHEDULE V

[See rules 3 (36) and 3 (39)]

PART A

Specifications of Used Oil Suitable for recycling

S.No.	Parameter	Maximum permissible Limits
(1)	(2)	(3)
1.	Polychlorinated biphenyls (PCBs)	< 2ppm *
2.	Lead	100 ppm
3.	Arsenic	5 ppm
4.	Cadmium+Chromium+Nickel	500 ppm
5.	Polyaromatic hydrocarbons (PAH)	6%

Part B

Specification of fuel derived from waste oil

S.No.	Parameter	Maximum permissible limits
(1)	(2)	(3)
1.	Sediment	0.25%
2.	Lead	100 ppm
3.	Arsenic	5 ppm
4.	Cadmium+Chromium+Nickel	500 ppm
5.	Polyaromatic hydrocarbons (PAH)	6%
6.	Total halogens	4000 ppm
7.	Polychlorinated biphenyls (PCBs)	<2 ppm *
8.	Sulfur	4.5%
9.	Water Content	1%

*The detection limit is 2 ppm by gas Liquid Chromatography (GLC) using Electron Capture detector (ECD)

SCHEDULE VI

[See rules 12 (6), 12 (7) and 14(1)]

Hazardous and Other wastes prohibited for import

Basel No	Description of hazardous and other wastes
(1)	(2)
A1	Metal and Metal bearing wastes
A1010	Metal wastes and waste consisting of alloys of any of the following but excluding such wastes specifically listed in Part B and Part D of Schedule III - Arsenic - Beryllium - Mercury - Selenium - Thallium
A1020	Wastes having as constituents or contaminants, excluding metal wastes in massive form, any of the following: - Beryllium; beryllium compounds - Selenium; selenium compounds
A1030	Wastes having as constituents or contaminants any of the following: - Arsenic; arsenic compounds - Mercury; mercury compounds - Thallium; thallium compounds
A1040	Waste having hexavalent chromium compounds as constituents
A1140	Waste cupric chloride and copper cyanide catalysts in liquid form (note the related entry in Part A of Schedule III)
A1060	Wastes liquors from the pickling of metals
A1110	Spent electrolytic solutions from copper electrorefining and electrowinning operations
A1130	Spent etching solutions containing dissolved copper
A1180	Waste electrical and electronic assemblies or scrap (does not include scrap assemblies from electric power generation) containing components such as accumulators and other batteries included in Part A of Schedule III, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Schedule II constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in Part C of Schedule III (note the related entry in Part B B1110)
A1190	Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB, lead, cadmium, other organohalogen compounds or other constituents as mentioned in Schedule II to the extent that they exhibit hazard characteristics indicated in Part C of Schedule III
A2	Wastes containing principally inorganic constituents, which may contain metals and organic materials
A2020	Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified in Part B

(1)	(2)
A2040	Waste gypsum arising from chemical industry processes, if it contains any of the constituents mentioned in Schedule 2 to the extent that they exhibit hazard characteristics indicated in Part C of Schedule III (note the related entry in Part B B2080)
A2050	Waste asbestos (dusts and fibres)
A2060	Coal-fired power plant fly-ash containing Schedule II constituents in concentrations sufficient to exhibit Part C characteristics
A3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
A3030	Wastes that contain, consist of or are contaminated with leaded anti-knock compounds sludges.
A3040	Waste thermal (heat transfer) fluids
A3060	Waste nitrocellulose
A3070	Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
A3080	Waste ethers not including those specified in Part B
A3090	Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry in Part B B3100)
A3100	Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles, containing hexavalent chromium compound and biocides (note the related entry in Part B B3090)
A3110	Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry in Part B B3110)
A3140	Waste non-halogenated organic solvents but excluding such wastes specified in Part B
A3150	Waste halogenated organic solvents
A3160	Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
A3170	Waste arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
A3180	Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB) or any other polybrominated analogues of these compounds
A3190	Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
A3200	Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry in Part B, B2130)
A4	Wastes which may contain either inorganic or organic constituents
A4020	Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects.
A4030	Waste from the production, formulation and use of biocide and phyto-pharmaceuticals, including waste pesticides and herbicides which are off-specification, out-dated (unused within the period recommended by the manufacturer), or unfit for their originally intended use,

(1)	(2)
A4050	Wastes that contain, consist of, or are contaminated with any of the following: - Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides. - Organic cyanides
A4060	Waste oils/water, hydrocarbons/water mixtures, emulsions
A4080	Wastes of an explosive nature (but excluding such wastes specified in Part B)
A4090	Waste acidic or basic solutions, other than those specified at B2120 of this Schedule
A4110	Wastes that contain, consist of or are contaminated with any of the following: - Any congener of polychlorinated dibenzo-furan. - Any congener of polychlorinated dibenzo-P-dioxin.
A4150	Waste chemical substances arising from research and development or teaching activities which are not identified and /or are new and whose effects on human health and /or the environment are not known
B1	Metal and Metal bearing wastes
B 1110	Used critical care medical equipment for re-use
B1115	Waste metal cables coated or insulated with plastics, not included in A1190 of this schedule, excluding those destined for operations which do not lead to resource recovery, recycling, reclamation, direct re-use or alternative uses or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning.
B1250	Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components
B2	Wastes containing principally inorganic constituents, which may contain metals and organic materials
B2050	Coal-fired power plant fly-ash, note the related entry at A2060 of this Schedule
B2110	Bauxite residue (red mud) (pH moderated to less than 11.5)
B2120	Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (note the related entry at A4090 of this schedule)
B3	Wastes containing principally organic constituents, which may contain metals and inorganic materials
B3010	Solid plastic waste The following plastic or mixed plastic waste, prepared to a specification: - Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following: Ethylene, Styrene, Polypropylene, polyethylene terephthalate, Acrylonitrile, Butadiene, Polyacetals, Polyamides, polybutylene terephthalate, Polycarbonates, Polyethers, polyphenylene sulphides, acrylic polymers, alkanes C10-C13 (plasticiser), polyurethane (not containing CFC's), Polysiloxanes, polymethyl methacrylate, polyvinyl alcohol, polyvinyl butyral, Polyvinyl acetate - Cured waste resins or condensation products including the following: urea formaldehyde resins, phenol formaldehyde resins, melamine formaldehyde resins, epoxy resins, alkyd resins, polyamides - The following fluorinated polymer wastes (excluding post-consumer wastes):

(1)	(2)
	perfluoroethylene/ propylene, perfluoro alkoxy alkane, tetrafluoroethylene/per fluoro vinyl ether (PFA), tetrafluoroethylene/per fluoro methylvinyl ether (MFA), polyvinylfluoride , polyvinylidene fluoride
B3026	The following waste from the pre-treatment of composite packaging for liquids, not containing constituents mentioned in Schedule II in concentrations sufficient to exhibit Part C characteristics: - Non-separable plastic fraction - Non-separable plastic-aluminium fraction -
B3065	Waste edible fats and oils of animal or vegetable origin (e.g. frying oil)
B3140	Waste pneumatic tyres for direct reuse
Y 46	Wastes collected from household/municipal waste
Y 47	Residues arising from the incineration of household wastes

SCHEDULE VII
[See rules 13 (6) and 21]

List of authorities and corresponding duties

S. No.	Authority	Corresponding Duties
(1)	(2)	(3)
1.	Ministry of Environment, Forests and Climate Change under the Environment (Protection) Act, 1986	(i) Identification of hazardous and other wastes (ii) Permission to exporters of hazardous and other wastes (iii) Permission to importer of hazardous and other wastes (iv) Permission for transit of hazardous and other wastes through India. (v) Promote environmentally sound management of hazardous and other waste. (vi) Sponsoring of training and awareness programme on Hazardous and Other Waste Management related activities.
2.	Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974	(i) Co-ordination of activities of State Pollution Control Boards (ii) Conduct training courses for authorities dealing with management of hazardous and other wastes (iii) Recommend standards and specifications for treatment and disposal of wastes and leachates, recommend procedures for characterisation of hazardous wastes.

(1)	(2)	(3)
		(iv) Inspection of facilities handling hazardous waste as and when necessary. (v) Sector specific documentation to identify waste for inclusion in these rules. (vi) Prepare and update guidelines to prevent or minimise the generation and handling of hazardous and other wastes. (vii) Prepare and update guidelines/ Standard Operating Procedures (SoPs) for recycling, utilization, pre-processing, co-processing of hazardous and other wastes. (viii) To prepare annual review report on management of hazardous waste. (ix) Any other function assigned by the Ministry of Environment, Forest and Climate Change, from time to time.
3.	State Government/Union Territory Government/Administration	(i) Identification of site (s) for common Hazardous and Other Waste Treatment Storage and Disposal Facility (TSDF) (ii) Asses Environment Impact Assessment (EIA) reports and convey the decision of approval of site or otherwise Acquire the site or inform operator of facility or occupier or association of occupiers to acquire the site (iii) Notification of sites. (iv) Publish periodically an inventory of all potential or existing disposal sites in the State or Union Territory
4.	State Pollution Control Boards or Pollution Control Committees constituted under the Water (Prevention and Control of Pollution) Act, 1974	(i) Inventorisation of hazardous and other wastes (ii) Grant and renewal of authorisation (iii) Monitoring of compliance of various provisions and conditions of permission including conditions of permission for issued by Ministry of Environment, Forest and Climate Change for exports and imports (iv) Examining the applications for imports submitted by the importers and forwarding the same to Ministry of Environment, Forest and Climate Change (v) Implementation of programmes to prevent or reduce or minimise the generation of hazardous and other wastes. (vi) Action against violations of these rules. (vii) Any other function under these Rules assigned by Ministry of Environment, Forest and Climate Change from time to time.
5.	Directorate General of Foreign	(i) Grant of licence for import of hazardous

(1)	(2)	(3)
	Trade constituted under the Foreign Trade (Development and Regulation) Act, 1992	and other wastes (ii) Refusal of licence for hazardous and other wastes prohibited for imports and export
6.	Port authority under Indian Ports Act, 1908 (15 of 1908) and Customs Authority under the Customs Act, 1962 (52 of 1962)	(i) Verify the documents (ii) Inform the Ministry of Environment, Forests and Climate Change of any illegal traffic (iii) Analyse wastes permitted for imports and exports, wherever required. (iv) Train officials on the provisions of these rules and in the analysis of hazardous and other wastes (v) Take action against exporter or importer for violations under the Indian Ports Act, 1908 or Customs Act, 1962

SCHEDULE VIII

[See rules 13(2) and 13 (4)]

List of documents for verification by Customs for import of other wastes specified in Part D of Schedule III

S. No.	Basel No.	Description of other wastes	List of Documents
(1)	(2)	(3)	(4)
1	B1010	Metal and metal-alloy wastes in metallic, non-dispersible form: - Precious metals (gold, silver, platinum) - Iron and steel scrap - Nickel scrap - Aluminium scrap - Zinc scrap - Tin scrap - Tungsten scrap - Molybdenum scrap - Tantalum scrap - Cobalt scrap - Bismuth scrap - Titanium scrap - Zirconium scrap - Manganese scrap - Germanium scrap - Vanadium scrap - Hafnium scrap - Indium scrap - Niobium scrap - Rhenium scrap - Gallium scrap - Magnesium scrap - Copper scrap - Chromium scrap	(a) Duly filled up Form 6 - Movement document; (b) The import license from Directorate General of Foreign Trade, wherever applicable; (a) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (c) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid one time authorisation from concerned SPCB is required; (d) The chemical analysis report of the waste being imported; (e) an acknowledged copy of the annual return filed with concerned State Pollution Control Board for import in the last financial year.

(1)	(2)	(3)	(4)
2	B1050	Mixed non-ferrous metal, heavy fraction scrap, containing metals other than specified in Part B1050 and not containing constituents mentioned in Schedule II in concentrations sufficient to exhibit Part C characteristics* *	(a) Duly filled up Form 6 - Movement document; (b) The import license from Directorate General of Foreign Trade, wherever applicable; (b) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (c) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid authorisation from concerned SPCB is required; (d) The chemical analysis report of the waste being imported; (e) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year.
3	B1100	Metal bearing wastes arising from melting, smelting and refining of metals: - Hard Zinc spelter - Zinc-containing drosses: ~ Galvanizing slab zinc top dross (>90% Zn) ~ Galvanizing slab zinc bottom dross (>92% Zn) ~ Zinc die casting dross (>85% Zn) ~ Hot dip galvanizers slab zinc dross (batch) (>92% Zn) ~ Zinc skimmings - Aluminium skimmings (or skims) excluding salt slag	(c) Duly filled up Form 6 - Movement document; (d) The import license from Directorate General of Foreign Trade, wherever applicable; (e) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (f) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid authorisation from concerned SPCB is required; (g) The chemical analysis report of the waste being imported; (h) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year.
4	B1110	Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct reuse and not for recycling or final disposal	
(a)		Used electrical and electronic assemblies imported for repair and	(a) Duly filled up Form 6 - Movement document;

(1)	(2)	(3)	(4)
		to be re-exported after repair within one year of import	(b) Undertaking for re-export; (c) Details of previous import, if there has been any and confirmation regarding their re-export; (d) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year (e) Certificate from exporting company for accepting the repaired and unrepairable electrical and electronic assemblies and the spares or part or component or consumables being re-exported.
(b)		Used electrical and electronic assemblies imported for rental purpose and re-exported back within one year of import	(a) Duly filled up Form 6 - Movement document; (b) Undertaking for re-export; (c) Details of previous import, if there has been any and confirmation regarding their re-export; (d) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year
(c)		Used electrical and electronic assemblies exported for repair and to be re-imported after repair	(a) Duly filled up Form 6 - Movement document; (b) Proof of export of the defective electrical and electronic assemblies i.e. shipping or airway document authenticated by Customs
(d)		Used electrical and electronic assemblies imported for testing, research and development, project work purposes and to be re-exported back within a period of three years from the date of import	(a) Duly filled up Form 6 - Movement document; (b) Undertaking for re-export; (c) Details of previous import, if there has been any and confirmation regarding their re-export; (d) Chartered Engineer Certificate or certificate from accredited agency of exporting country indicating the functionality, manufacturing date, residual life and serial number; (e) an acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year; (f) Certificate from exporting company for accepting the second hand functional or non-functional electrical and electronic assemblies and/or the spares or part or component or consumables being

(1)	(2)	(3)	(4)
			re-exported at the end of three years.
(e)		Spares imported for warranty replacements provided equal number of defective / non-functional parts are exported back within one year of the import.	(a) Duly filled up Form 6 - Movement document; (b) if refurbished components being imported as replacement to defective component then undertaking for export of equivalent numbers of defective components; (c) Details of previous import, if there has been any and confirmation regarding their re-export; (d) Certificate from exporting company for accepting the re-export of defective or non-functional spares or part or component or consumables being re-exported; (e) Documents on the declared policy regarding the use of second hand or refurbished spare parts for repair of electrical and electronic assemblies during warranty period.
(f)		Used electrical and electronic assemblies imported by Ministry of Defence, Department of Space and Department of Atomic Energy.	---
(g)		Used electrical and electronic assemblies (not in bulk; quantity less than or equal to three) imported by the individuals for their personal uses.	---
(h)		Used Laptop, Personal Computers, Mobile, Tablet up to 03 number each imported by organisations in a year.	---
(i)		Used electrical and electronic assemblies owned by individuals and imported on transfer of residence.	As per existing guidelines of Custom Authority
(j)		Used electrical and electronic assemblies, spares, imported by airlines for aircraft maintenance and remaining either on board or under the custodianship of the respective airlines warehouses located on the airside of the custom bonded areas.	----

(1)	(2)	(3)	(4)
(j)		Used multifunction print and copying machines (MFDs)*	(a) The country of Origin Certificate along with bill of lading and packaging; (b) The certificate issued by the inspection agency as certified by the exporting country or the inspection and certification agency approved by Directorate General Foreign Trade (DGFT) for functionality, having residual life of not less than five years and serial number; (c) Extended Producer Responsibility-Authorisation under e-waste (Management and Handling) Rules, 2011 as amended from time to time as Producer; (d) The MFDs shall be for printing A 3 size and above; (e) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year.
5	B3020	Paper, paperboard and paper product wastes The following materials, provided they are not mixed with hazardous wastes: Waste and scrap of paper or paperboard of: - unbleached paper or paperboard or of corrugated paper or paperboard - other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass - paper or paperboard made mainly of mechanical pulp (for example newspapers, journals and similar printed matter) - other, including but not limited to (1) laminated paperboard (2) unsorted scrap	(a) Duly filled up Form 6 – Movement document; (b) The import license from Directorate General of Foreign Trade, wherever applicable; (i) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade; (c) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid authorisation from concerned SPCB is required; (d) The chemical analysis report of the waste being imported; (e) an acknowledged copy of the annual return filed with concerned State Pollution Control Board for import in the last financial year.
6.	B3140	Aircraft Tyres exported to Original Equipment Manufacturers for re-treading and re-imported after re-treading by airlines for aircraft	As per existing guidelines of Custom Authority

(1)	(2)	(3)	(4)
		maintenance and remaining either on board or under the custodianship of the respective airlines warehouses located on the airside of the custom bonded areas	

Note: * The policy for free trade for multifunction print and copying machine to be reviewed once the MFDs are domestically manufactured.

FORM 1
[See rule 6 (1)]

Application required for grant/renewal of authorisation for generation or collection or storage or transport or reception or recycling or reuse or recovery or pre-processing or co-processing or utilisation or treatment or disposal of hazardous and other waste

Part A: General (to be filled by all)

1. (a) Name and address of the unit and location of facility :
(b) Name of the occupier of the facility or operator of disposal facility with designation, Tel, Fax and e-mail:
(c) Authorisation required for (Please tick mark appropriate activity or activities:

(i) Generation	☐
(ii) Collection	☐
(iii) Storage	☐
(iv) Transportation	☐
(v) Reception	☐
(vi) Reuse	☐
(vii) Recycling	☐
(viii) Recovery	☐
(ix) Pre-processing	☐
(x) Co-processing	☐
(xi) Utilisation	☐
(xii) Treatment	☐
(xiii) Disposal	☐
(xiv) Incineration	☐
- (d) In case of renewal of authorisation previous authorisation numbers and dates and provide copies of annual returns of last three years including the compliance reports with respect to the conditions of Prior Environmental Clearance, wherever applicable:
2. (a) Nature and quantity of waste handled per annum (in metric tonne or kilo litre)
(b) Nature and quantity of waste stored at any time (in metric tonne or kilo litre)
3. (a) Year of commissioning and commencement of production:
(b) Whether the industry works:

(i) 01 Shift	☐
(ii) 02 Shifts	☐
(iii) Round the clock	☐
4. Provide copy of the Emergency Response Plan (ERP) which should address procedures for dealing with emergency situations (viz. Spillage or release or fire) as specified in the guidelines of Central Pollution Control Board. Such ERP shall comprise the following, but not limited to:
 - Containing and controlling incidents so as to minimise the effects and to limit danger to the persons, environment and property;
 - Implementing the measures necessary to protect persons and the environment;
 - Description of the actions which should be taken to control the conditions at events and to limit their consequences, including a description of the safety equipment and resources available;
 - Arrangements for training staff in the duties which they are expected to perform;

- Arrangements for informing concerned authorities and emergency services; and
- Arrangements for providing assistance with off-site mitigatory action.

5. Provide undertaking or declaration to comply with all provisions including the scope of submitting bank guarantee in the event of spillage, leakage or fire while handling the hazardous and other waste.

Part B: To be filled by hazardous waste generators

1. (a) Products and by-products manufactured (names and product wise quantity per annum):
 (b) Process description including process flow sheet indicating inputs and outputs (raw materials, chemicals, products, by-products, wastes, emissions, waste water etc.) Please attach separate sheets:
 (c) Characteristics (waste-wise) and Quantity of waste generation per annum:
 (d) Mode of management of (c) above:
 - i. Capacity and mode of secured storage within the plant;
 - ii. Utilisation within the plant (provide details);
 - iii. If not utilised within the plant, please provide details of what is done with this waste;
 - iv. Arrangement for transportation to actual users/ TSDF;
 (e) Details of the environmental safeguards and environmental facilities provided for safe handling of all the wastes at point (c) above;
2. Hazardous and other wastes generated as per these rules from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989

Part C: To be filled by Treatment, storage and disposal facility operators

1. Provide details of the facility including:
 - (i) Location of site with layout map;
 - (ii) Safe storage of the waste and storage capacity;
 - (iii) The treatment processes and their capacities;
 - (iv) Secured landfills;
 - (v) Incineration, if any;
 - (vi) Leachate collection and treatment system;
 - (vii) Fire fighting systems;
 - (viii) Environmental management plan including monitoring; and
 - (ix) Arrangement for transportation of waste from generators.
2. Provide details of any other activities undertaken at the Treatment, storage and disposal facility site.
3. Attach a copy of prior Environmental Clearance.

Part D: To be filled by recyclers or pre-processors or co-processors or users of hazardous or other wastes

1. Nature and quantity of different wastes received per annum from domestic sources or imported or both:
2. Installed capacity as per registration issued by the District Industries Centre or any other authorised Government agency. Provide copy:
3. Provide details of secured storage of wastes including the storage capacity:
4. Process description including process flow sheet indicating equipment details, inputs and outputs (input wastes, chemicals, products, by-products, waste generated, emissions, waste water, etc.). Attach separate sheets:
5. Provide details of end users of products or by-products:
6. Provide details of pollution control systems such as Effluent Treatment Plant, scrubbers, etc. including mode of disposal of waste:
7. Provide details of occupational health and safety measures:
8. Has the facility been set up as per Central Pollution Control Board guidelines? If yes, provide a report on the compliance with the guidelines:
9. Arrangements for transportation of waste to the facility:

**Signature of the Applicant
Designation**

Date.....

Place.....

FORM 2
[See rule 6(2)]

FORM FOR GRANT OR RENEWAL OF AUTHORISATION BY STATE POLLUTION CONTROL BOARD TO THE OCCUPIERS, RECYCLERS, REPROCESSORS, REUSERS, USER AND OPERATORS OF DISPOSAL FACILITIES

1. Number of authorisation and date of issue :
2. Reference of application (No. and date) :
3. of is hereby granted an authorisation based on the enclosed signed inspection report for generation, collection, reception, storage, transport, reuse, recycling, recovery, pre-processing, co-processing, utilisation, treatment, disposal or any other use of hazardous or other wastes or both on the premises situated at.....

Details of Authorisation

Sl. No.	Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorised mode of disposal or recycling or utilisation or co-processing, etc.	Quantity (ton/annum)

- (1) The authorisation shall be valid for a period of
- (2) The authorisation is subject to the following general and specific conditions (Please specify any conditions that need to be imposed over and above general conditions, if any):

A. General conditions of authorisation:

1. The authorised person shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous and other wastes except what is permitted through this authorisation.
4. Any unauthorised change in personnel, equipment or working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. The person authorised shall implement Emergency Response Procedure (ERP) for which this authorisation is being granted considering all site specific possible scenarios such as spillages, leakages, fire etc. and their possible impacts and also carry out mock drill in this regard at regular interval of time;
6. The person authorised shall comply with the provisions outlined in the Central Pollution Control Board guidelines on "Implementing Liabilities for Environmental Damages due to Handling and Disposal of Hazardous Waste and Penalty"
7. It is the duty of the authorised person to take prior permission of the State Pollution Control Board to close down the facility.
8. The imported hazardous and other wastes shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.

9. The record of consumption and fate of the imported hazardous and other wastes shall be maintained.
10. The hazardous and other waste which gets generated during recycling or reuse or recovery or pre-processing or utilisation of imported hazardous or other wastes shall be treated and disposed of as per specific conditions of authorisation.
11. The importer or exporter shall bear the cost of import or export and mitigation of damages if any.
12. An application for the renewal of an authorisation shall be made as laid down under these Rules.
13. Any other conditions for compliance as per the Guidelines issued by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board from time to time.
14. Annual return shall be filed by June 30th for the period ensuring 31st March of the year.

B. Specific conditions:

Date:

**Signature of Issuing Authority
Designation and Seal**

FORM 3

[See rules 6(5), 13(7), 14(6), 16(5) and 20 (1)]

FORMAT FOR MAINTAINING RECORDS OF HAZARDOUS AND OTHER WASTES

1. Name and address of the facility :
2. Date of issuance of authorisation and its reference number :
3. Description of hazardous and other wastes handled (Generated or Received)

Date	Type of waste with category as per Schedules I, II and III of these rules	Total quantity (Metric Tonnes)	Method of Storage	Destined to or received from

* Fill up above table separately for indigenous and imported waste.

4. Date wise description of management of hazardous and other wastes including products sent and to whom in case of recyclers or pre-processor or utilisier:
5. Date of environmental monitoring (as per authorisation or guidelines of Central Pollution Control Board):

Signature of occupier

Date.....

Place.....

FORM 4

[See rules 6(5), 13(8), 16(6) and 20 (2)]

FORM FOR FILING ANNUAL RETURNS

[To be submitted to State Pollution Control Board by 30th day of June of every year for the preceding period April to March]

1. Name and address of facility:
2. Authorisation No. and Date of issue:
3. Name of the authorised person and full address with telephone, fax number and e-mail:
4. Production during the year (product wise), wherever applicable

Part A. To be filled by hazardous waste generators

1. Total quantity of waste generated category wise
2. Quantity dispatched
 - (i) to disposal facility
 - (ii) to recycler or co-processors or pre-processor
 - (iii) others
3. Quantity utilised in-house, if any -
4. Quantity in storage at the end of the year –

Part B. To be filled by Treatment, storage and disposal facility operators

1. Total quantity received -
2. Quantity in stock at the beginning of the year -
3. Quantity treated –
4. Quantity disposed in landfills as such and after treatment –
5. Quantity incinerated (if applicable) -
6. Quantity processed other than specified above -
7. Quantity in storage at the end of the year -

Part C. To be filled by recyclers or co-processors or other users

1. Quantity of waste received during the year –
 - (i) domestic sources
 - (ii) imported (if applicable)
2. Quantity in stock at the beginning of the year -

3. Quantity recycled or co-processed or used –
4. Quantity of products dispatched (wherever applicable) –
5. Quantity of waste generated -
6. Quantity of waste disposed -
7. Quantity re-exported (wherever applicable)-
8. Quantity in storage at the end of the year -

**Signature of the Occupier or
Operator of the disposal facility**

Date.....

Place.....

FORM 5*[See rules 13 (1) and 14 (1)]***APPLICATION FOR IMPORT OR EXPORT OF HAZARDOUS AND OTHER WASTE
FOR REUSE OR RECYCLING OR RECOVERY OR CO-PROCESSING OR UTILISATION****TO BE FILLED IN BY APPLICANT**

S. No.	Description	Details to be furnished by the importer or exporter
(1)	(2)	(3)
1.	Importer or Exporter (name and address) in India	
	Contact person	
	Tel, fax and e-mail	
	Facility location/address	
	Reason for import or export	
2.	Importer or exporter (name and address) outside of India	
3.	Details of waste to be imported or exported	
	(a) Quantity	
	(b) Basel No.	
	(c) Single/multiple movement	
	(d) Chemical composition of waste (attach details), where applicable	
	(e) Physical characteristics	
	(f) Special handling requirements, if applicable	
4.	For Schedule III A hazardous waste whether Prior Informed Consent has been obtained	
5.	For importer (a) Process details along with environmental safeguard measures (attach separate sheet) (b) Capacity of recycling or co-processing or recovery or utilization Enclose a copy each of valid authorisation and valid consent to operate from SPCB	
6.	Details of import against the Ministry of Environment, Forest and Climate Change permission in the previous three years	
7.	Port of entry	

9. Undertaking

:

I hereby solemnly undertake that:

- (i) The information is complete and correct to the best of my knowledge and legally-enforceable written contractual obligations have been entered into and that my applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement.
- (ii) The waste permitted shall be fully insured for transit as well as for any accidental occurrence and its clean-up operation.

- (iii) The record of consumption and fate of the imported waste shall be recorded and report sent to the SPCB every quarter.
- (iv) The hazardous or other waste which gets generated in our premises by the use of imported hazardous or other wastes in the form of raw material shall be treated and disposed of as per conditions of authorisation.
- (v) I agree to bear the cost of export and mitigation of damages if any.
- (vi) I am aware that there are significant penalties for submitting a false certificate/undertaking/ disobedience of the rules and lawful orders including the possibility of fine and imprisonment.
- (vii) The exported wastes shall be taken back, if it is not acceptable to the importer.

Signature of the Applicant
Designation

Date.....

Place.....

FORM – 6

[See rules 13(2), 13 (10) and 14 (5)]

TRANSBOUNDARY MOVEMENT- MOVEMENT DOCUMENT

S.No	Description	Details to be furnished by the exporter or importer
(1)	(2)	(3)
1.	Exporter (Name and Address) Contact Person Tele, Fax and email	:
2.	Generator(s) of the waste (Name and Address)¹ Contact Person Tele, Fax and email Site of generation	:
3.	Importer or Actual user (Name and Address) Contact person Tele, Fax and email	:
4.	Trader (Name and Address) Contact person Tele, Fax and email Details of actual user (Name, Address, Telephone and email)	:
5.	Corresponding to applicant Ref. No., If any	:
6.	Bill of lading (attach copy)	:
7.	Country of import/export	:
8.	General description of waste (a) Quantity (b) Physical characteristics (c) Chemical composition of waste (attach details), where applicable (d) Basel No. (e) UN Shipping name (f) UN Class (g) UN No (h) H Number (i) Y Number (j) ITC (HS) (k) Customs Code (H.S.) (l) Other (specify)	:
9.	Type of packages Number	:
10.	Special handling requirements including emergency provision in case of accidents	:
11.	Movement subject to single/multiple consignment In case of multiple movement- (a) Expected dates of each shipment or expected frequency of the shipments (b) Estimated total quantity and quantities for each individual shipment	:

(1)	(2)	(3)
12.	Transporter of waste (Name and Address)¹ Contact Person Tele, Fax and email Registration number Means of transport (road, rail, inland waterway, sea, air)² Date of Transfer Signature of Carrier's representative	:
13.	Exporter's declaration for hazardous and other waste:	
	I certify that the information in Sl. Nos. 1 to 12 above are complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and are in force covering the transboundary movement regulations/rules. Date:..... Signature:..... Name:.....	
TO BE COMPLETED BY IMPORTER (ACTUAL USER OR TRADER)		
14.	Shipment received by importer/ actual user/trader^{2/3} Quantity received.....Kg/litres Date: Name: Signature:	
15.	Methods of recovery R code* Technology employed (Attached details if necessary)	
16.	I certify that nothing other than declared goods covered as per these rules is intended to be imported in the above referred consignment and will be recycled /utilized. Signature: Date:	
17.	SPECIFIC CONDITIONS ON CONSENTING TO THE MOVEMENT if applicable.	(attach details)
Notes:- (1) Attach list, if more than one; (2) Select appropriate option; (3) Immediately contact competent authority in case of any emergency; (4) If more than one transporter carriers, attach information as required in SL. No. 12.		

List of abbreviations used in the Movement Document

Recovery Operations (*)

- R1** Use as a fuel (other than in direct incineration) or other means to generate energy.
- R2** Solvent reclamation/regeneration.

- R3** Recycling/reclamation of organic substances which are not used as solvents.
- R4** Recycling/reclamation of metals and metal compounds.
- R5** Recycling/reclamation of other inorganic materials.
- R6** Regeneration of acids or bases.
- R7** Recovery of components used for pollution abatement.
- R8** Recovery of components from catalysts.
- R9** Used oil re-refining or other reuses of previously used oil.
- R10** Land treatment resulting in benefit to agriculture or ecological improvement
- R11** Uses of residual materials obtained from any of the operations numbered R 1 to R 10

Date:

Signature:

Place:

Designation:

FORM 7
[See rule 13 (2) (c)]

**APPLICATION FORM FOR ONE TIME AUTHORISATION OF TRADERS FOR PART- D OF
SCHEDULE III, WASTE**

[To be submitted by trader to the State Pollution Control Board]

1.	Name and address of trader with Telephone, Fax Number and e-mail	:	
2.	TIN/VAT Number/Import/ Export Code	:	
3.	Description and quantity of other waste to be imported	:	
4.	Details of storage, if any	:	
5.	Names and address of authorised actual user (s)	:	

Signature of the authorised person

Date:

Place:

FORM 8*[See rules 17 (1) and 18 (2)]***LABELLING OF CONTAINERS OF HAZARDOUS AND OTHER WASTE**

Handle with care

Waste category and characteristics as per Part C of Schedules II and III of these rules	Incompatible wastes and substances
Total quantity	Date of storage
Physical State of the waste (Solid/Semi-solid/liquid):	
Sender's name and address	Receiver's name and address
Phone.....	Phone.....
E-mail.....	E-mail.....
Tel. and Fax No.....	Tel. and Fax No.....
Contact person.....	Contact person.....
In case of emergency please Contact	

Note:

1. *Background colour of label - fluorescent yellow.*
2. *The word, 'HAZARDOUS WASTES' and 'HANDLE WITH CARE' to be prominent and written in red, in Hindi, English and in vernacular language.*
3. *The word 'OTHER WASTES' to be written prominently in orange, in Hindi, English and in vernacular language.*
4. *Label should be of non-washable material and weather proof.*

FORM 9
[See rule 18 (2)]

TRANSPORT EMERGENCY (TREM) CARD

[To be carried by the transporter during transportation of hazardous and other wastes, provided by the sender of waste]

1. Characteristics of hazardous and other wastes:

S. No.	Type of waste	Physical properties/	Chemical constituents	Exposure hazards	First Aid requirements

2. Procedure to be followed in case of fire :
3. Procedure to be followed in case of spillage/accident/explosion :
4. For expert services, please contact :
(i) Name and Address :
(ii) Telephone No. :

(Name, contact number and signature of sender)

Date.....

Place.....

FORM 10
[See rule 19 (1)]

MANIFEST FOR HAZARDOUS AND OTHER WASTE

1.	Sender's name and mailing address (including Phone No. and e-mail) :	
2.	Sender's authorisation No. :	
3.	Manifest Document No. :	
4.	Transporter's name and address: (including Phone No. and e-mail)	
5.	Type of vehicle :	(Truck/Tanker/Special Vehicle)
6.	Transporter's registration No. :	
7.	Vehicle registration No. :	
8.	Receiver's name and mailing address (including Phone No. and e-mail) :	
9.	Receiver's authorisation No. :	
10.	Waste description :	
11.	Total quantity : No. of Containers :	m ³ or MT Nos.
12.	Physical form : :	(Solid/Semi-Solid/Sludge/Oily/Tarry/Slurry/Liquid)
13.	Special handling instructions and additional information : :	
14.	Sender's Certificate	I hereby declare that the contents of the consignment are fully and accurately described above by proper shipping name and are categorised, packed, marked, and labelled, and are in all respects in proper conditions for transport by road according to applicable national government regulations.
	Name and stamp: Signature: Month Day Year	
15.	Transporter acknowledgement of receipt of Wastes	
	Name and stamp: Signature: Month Day Year	
16.	Receiver's certification for receipt of hazardous and other waste	
	Name and stamp: Signature: Month Day Year	

FORM 11
[See rule 22]

FORMAT FOR REPORTING ACCIDENT

[To be submitted by the facility or sender or receiver or transporter to the State Pollution Control Board]

1.	The date and time of the accident	:
2.	Sequence of events leading to accident	:
3.	Details of hazardous and other wastes involved in accident	:
4.	The date for assessing the effects of the accident on health or the environment	:
5.	The emergency measures taken	:
6.	The steps taken to alleviate the effects of accidents	:
7.	The steps take to prevent the recurrence of such an accident	:

Date:

Signature:

Place:

Designation:

FORM 12
[See rule 24 (1)]

**APPLICATION FOR FILING APPEAL
AGAINST THE ORDER PASSED BY STATE POLLUTION CONTROL BOARD**

1.	Name and address of the person making the appeal	:	
2.	Number, date of order and address of the authority which passed the order, against which appeal is being made	:	(certified copy of the order be attached)
3.	Ground on which the appeal is being made	:	
4.	Relief sought for	:	
5.	List of enclosures other than the order referred in point 2 against which the appeal is being filed.	:	

Signature.....

Name and address.....

Date:

-----X-----X-----

[23-16/2009- HSMD]

(Bishwanath Sinha)
Joint Secretary to Government of India

[PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY PART-II, SECTION-3, SUB-SECTION (i)]

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

NOTIFICATION

New Delhi, the 23rd March , 2016

G.S.R 338(E). - Whereas the draft rules, namely the e-waste (Management) Rules, 2015, were published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* number G.S.R. 472(E), dated the 10th June, 2015 in the Gazette of India, Extraordinary Part II, section 3, sub-section (ii) inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS the copies of the Gazette containing the said notification were made available to the public on the 10th day of June, 2015;

AND WHEREAS the objections and suggestions received within the specified period from the public in respect of the said draft rules have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the e-waste (Management and Handling) Rules, 2011, published in the Gazette of India, section 3, sub-section (ii), *vide* number S.O. 1035(E), dated the 12th May, 2011, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. Short title and commencement. - (1) These rules may be called the E-Waste (Management) Rules, 2016.

(2) They shall come into force from the 1st day of October, 2016.

2. Application. - These rules shall apply to every manufacturer, producer, consumer, bulk consumer, collection centres, dealers, e-retailer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, collection, storage and processing of e-waste or electrical and electronic equipment listed in Schedule I, including their components, consumables, parts and spares which make the product operational but shall not apply to -

(a) used lead acid batteries as covered under the Batteries (Management and Handling) Rules, 2001 made under the Act;

(b) micro enterprises as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and

- (c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made there under.

3. Definitions. - (1) In these rules, unless the context otherwise requires, -

- (a) 'Act' means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) 'authorisation' means permission for generation, handling, collection, reception, storage, transportation, refurbishing, dismantling, recycling, treatment and disposal of e-waste, granted to manufacturer, dismantler, refurbisher and recycler;
- (c) 'bulk consumer' means bulk users of electrical and electronic equipment such as Central Government or State Government Departments, public sector undertakings, banks, educational institutions, multinational organisations, international agencies, partnership and public or private companies that are registered under the Factories Act, 1948 (63 of 1948) and the Companies Act, 2013 (18 of 2013) and health care facilities which have turnover of more than one crore or have more than twenty employees;
- (d) 'Central Pollution Control Board' means the Central Pollution Control Board constituted under sub-section (1) of section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (e) 'collection centre' means a centre or a collection point or both established by producer individually or as association jointly to collect e-waste for channelising the e-waste to recycler and play such role as indicated in the authorisation for Extended Producer Responsibility granted to the producer and having facilities as per the guidelines of Central Pollution Control Board, including the collection centre established by the dismantler or refurbisher or recycler which should be a part of their authorisation issued by the State Pollution Control Board where the facility exists;
- (f) 'component' means one of the parts of a sub-assembly or assembly of which a manufactured product is made up and into which it may be resolved and includes an accessory or attachment to another component;
- (g) 'consumables' means an item, which participates in or is required for a manufacturing process or for functioning of the electrical and electronic equipment and may or may not form part of end-product. Items, which are substantially or totally consumed during a manufacturing process, shall be deemed to be consumables;
- (h) 'consumer' means any person using electrical and electronic equipment excluding the bulk consumers;
- (i) 'channelisation' means to direct the path for movement of e-wastes from collection onwards to authorised dismantler or recycler. In case of fluorescent and other mercury containing lamps, where recyclers are not available, this means path for movement from collection centre to Treatment, Storage and Disposal Facility;
- (j) 'dealer' means any individual or firm that buys or receives electrical and electronic equipment as listed in Schedule I of these rules and their components or consumables or parts or spares from producers for sale;
- (k) 'deposit refund scheme' means a scheme whereby the producer charges an additional amount as a deposit at the time of sale of the electrical and electronic equipment and returns it to the consumer along with interest when the end-of-life electrical and electronic equipment is returned;
- (l) 'dismantler' means any person or organisation engaged in dismantling of used electrical and electronic equipment into their components and having facilities

- as per the guidelines of Central Pollution Control Board and having authorisation from concerned State Pollution Control Board;
- (m) 'disposal' means any operation which does not lead to recycling, recovery or reuse and includes physico-chemical or biological treatment, incineration and deposition in secured landfill;
 - (n) 'end-of-life' of the product means the time when the product is intended to be discarded by the user;
 - (o) 'environmentally sound management of e-waste' means taking all steps required to ensure that e-waste is managed in a manner which shall protect health and environment against any adverse effects, which may result from such e-waste;
 - (p) 'electrical and electronic equipment' means equipment which are dependent on electric current or electro-magnetic field in order to become functional;
 - (q) 'e-retailer' means an individual or company or business entity that uses an electronic network such as internet, telephone, to sell its goods;
 - (r) 'e-waste' means electrical and electronic equipment, whole or in part discarded as waste by the consumer or bulk consumer as well as rejects from manufacturing, refurbishment and repair processes;
 - (s) 'e-waste exchange' means an independent market instrument offering assistance or independent electronic systems offering services for sale and purchase of e-waste generated from end-of-life electrical and electronic equipment between agencies or organisations authorised under these rules;
 - (t) 'Extended Producer Responsibility' means responsibility of any producer of electrical or electronic equipment, for channelisation of e-waste to ensure environmentally sound management of such waste. Extended Producer Responsibility may comprise of implementing take back system or setting up of collection centres or both and having agreed arrangements with authorised dismantler or recycler either individually or collectively through a Producer Responsibility Organisation recognised by producer or producers in their Extended Producer Responsibility - Authorisation;
 - (u) 'Extended Producer Responsibility - Authorisation' means a permission given by Central Pollution Control Board to a producer, for managing Extended Producer Responsibility with implementation plans and targets outlined in such authorisation including detail of Producer Responsibility Organisation and e-waste exchange, if applicable;
 - (v) 'Extended Producer Responsibility Plan' means a plan submitted by a producer to Central Pollution Control Board, at the time of applying for Extended Producer Responsibility - Authorisation in which a producer shall provide details of e-waste channelisation system for targeted collection including detail of Producer Responsibility Organisation and e-waste exchange, if applicable;
 - (w) 'facility' means any location wherein the process incidental to the collection, reception, storage, segregation, refurbishing, dismantling, recycling, treatment and disposal of e-waste are carried out;
 - (x) 'Form' means a form appended to these rules;
 - (y) 'historical e-waste' means e-waste generated from electrical and electronic equipment as specified in Schedule I, which was available on the date from which these rules come into force;
 - (z) 'manufacturer' means a person or an entity or a company as defined in the Companies Act, 2013 (18 of 2013) or a factory as defined in the Factories Act, 1948 (63 of 1948) or Small and Medium Enterprises as defined in Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), which has facilities for manufacture of electrical and electronic equipment;

- (aa) 'orphaned products' means non-branded or assembled electrical and electronic equipment as specified in Schedule I or those produced by a company, which has closed its operations;
 - (bb) 'part' means an element of a sub-assembly or assembly not normally useful by itself, and not amenable to further disassembly for maintenance purposes. A part may be a component, spare or an accessory;
 - (cc) 'producer' means any person who, irrespective of the selling technique used such as dealer, retailer, e-retailer, etc.;
 - (i) manufactures and offers to sell electrical and electronic equipment and their components or consumables or parts or spares under its own brand; or
 - (ii) offers to sell under its own brand, assembled electrical and electronic equipment and their components or consumables or parts or spares produced by other manufacturers or suppliers; or
 - (iii) offers to sell imported electrical and electronic equipment and their components or consumables or parts or spares;
 - (dd) 'Producer Responsibility Organisation' means a professional organisation authorised or financed collectively or individually by producers, which can take the responsibility for collection and channelisation of e-waste generated from the 'end-of-life' of their products to ensure environmentally sound management of such e-waste;
 - (ee) 'recycler' - means any person who is engaged in recycling and reprocessing of waste electrical and electronic equipment or assemblies or their components and having facilities as elaborated in the guidelines of Central Pollution Control Board;
 - (ff) 'refurbishment' means repairing of used electrical and electronic equipment as listed in Schedule I for extending its working life for its originally intended use and selling the same in the market or returning to owner;
 - (gg) 'refurbisher' for the purpose of these rules, means any company or undertaking registered under the Factories Act, 1948 or the Companies Act, 1956 or both or district industries centre engaged in refurbishment of used electrical and electronic equipment;
 - (hh) 'Schedule' means the Schedule appended to these rules;
 - (ii) "spares" means a part or a sub-assembly or assembly for substitution which is ready to replace an identical or similar part or sub-assembly or assembly including a component or an accessory;
 - (jj) 'State Government in relation to an Union territory means, the Administrator thereof appointed under article 239 of the Constitution;
 - (kk) 'State Pollution Control Board' means the concerned State Pollution Control Board or the Pollution Control Committee of the Union Territories constituted under sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
 - (ll) 'target' means the quantity of e-waste to be collected by the producer in fulfilment of Extended Producer Responsibility;
 - (mm) 'transporter' means a person or company or entity engaged in the off-site transportation of e-waste by air, rail, road or water carrying a manifest system issued by the person or company or entity who has handed over the e-waste to the transporter, giving the origin, destination and quantity of the e-waste being transported;
- (2) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

RESPONSIBILITIES

- 4. Responsibilities of the manufacturer.** - (1) collect e-waste generated during the manufacture of any electrical and electronic equipment and channelise it for recycling or disposal;
- (2) apply for an authorisation in Form 1 (a) in accordance with the procedure prescribed under sub-rule (2) of rule 13 from the concerned State Pollution Control Board, which shall give the authorisation in accordance with Form 1 (bb);
- (3) ensure that no damage is caused to the environment during storage and transportation of e-waste;
- (4) maintain records of the e-waste generated, handled and disposed in Form-2 and make such records available for scrutiny by the concerned State Pollution Control Board;
- (5) file annual returns in Form-3, to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

5. Responsibilities of the producer. - The producer of electrical and electronic equipment listed in Schedule I shall be responsible for -

- (1) implementing the Extended Producers Responsibility with the following frameworks, namely:-
- (a) collection and channelisation of e-waste generated from the 'end-of-life' of their products or 'end-of-life' products with same electrical and electronic equipment code and historical waste available on the date from which these rules come into force as per Schedule I in line with the targets prescribed in Schedule III in Extended Producer Responsibility - Authorisation;
- (b) the mechanism used for channelisation of e-waste from 'end-of-life' products including those from their service centres to authorised dismantler or recycler shall be in accordance with the Extended Producer Responsibility - Authorisation. In cases of fluorescent and other mercury containing lamps, where recyclers are not available, channelisation may be from collection centre to Treatment, Storage and Disposal Facility;
- (c) for disposal in Treatment, Storage and Disposal Facility, a pre-treatment is necessary to immobilise the mercury and reduce the volume of waste to be disposed off;
- (d) Extended Producer Responsibility - Authorisation should comprise of general scheme for collection of waste Electrical and Electronic Equipment from the Electrical and Electronic Equipment placed on the market earlier, such as through dealer, collection centres, Producer Responsibility Organisation, through buy-back arrangement, exchange scheme, Deposit Refund System, etc. whether directly or through any authorised agency and channelising the items so collected to authorised recyclers;
- (e) providing contact details such as address, e-mail address, toll-free telephone numbers or helpline numbers to consumer(s) or bulk consumer(s) through their website and product user documentation so as to facilitate return of end-of-life electrical and electronic equipment;
- (f) creating awareness through media, publications, advertisements, posters, or by any other means of communication and product user documentation accompanying the equipment, with regard to -

- (i) information on address, e-mail address, toll-free telephone numbers or helpline numbers and web site;
- (ii) information on hazardous constituents as specified in sub-rule 1 of rule 16 in electrical and electronic equipment;
- (iii) information on hazards of improper handling, disposal, accidental breakage, damage or improper recycling of e-waste;
- (iv) instructions for handling and disposal of the equipment after its use, along with the Do's and Don'ts;
- (v) affixing a visible, legible and indelible symbol given below on the products or product user documentation to prevent e-waste from being dropped in garbage bins containing waste destined for disposal;



- (vi) means and mechanism available for their consumers to return e-waste for recycling including the details of Deposit Refund Scheme, if applicable;
- (g) the producer shall opt to implement Extended Producer Responsibility individually or collectively. In individual producer responsibility, producer may set up his own collection centre or implement take back system or both to meet Extended Producer Responsibility. In collective system, producers may tie-up as a member with a Producer Responsibility Organisation or with e-waste exchange or both. It shall be mandatory upon on the individual producer in every case to seek Extended Producer Responsibility - Authorisation from Central Pollution Control Board in accordance with the Form-1 and the procedure laid down in sub-rule (1) of rule 13;
- (2) to provide information on the implementation of Deposit Refund Scheme to ensure collection of end-of-life products and their channelisation to authorised dismantlers or recyclers, if such scheme is included in the Extended Producer Responsibility Plan.
 Provided that the producer shall refund the deposit amount that has been taken from the consumer or bulk consumer at the time of sale, along with interest at the prevalent rate for the period of the deposit at the time of take back of the end-of-life product;
- (3) the import of electrical and electronic equipment shall be allowed only to producers having Extended Producer Responsibility authorisation;
- (4) maintaining records in Form-2 of the e-waste handled and make such records available for scrutiny by the Central Pollution Control Board or the concerned State Pollution Control Board;
- (5) filing annual returns in Form-3, to the Central Pollution Control Board on or before the 30th day of June following the financial year to which that return relates. In case of the Producer with multiple offices in a State, one annual return combining information from all the offices shall be filed;

- (6) the Producer shall apply to the Central Pollution Control Board for authorisation in Form 1, which shall thereafter grant the Extended Producer Responsibility - Authorisation in Form 1(aa).
- (7) Operation without Extended Producer Responsibility-Authorisation by any producer, as defined in this rule, shall be considered as causing damage to the environment.

6. Responsibilities of collection centres. - (1) collect e-waste on behalf of producer or dismantler or recycler or refurbisher including those arising from orphaned products;

Provided the collection centres established by producer can also collect e-waste on behalf of dismantler, refurbisher and recycler including those arising from orphaned products

- (2) ensure that the facilities are in accordance with the standards or guidelines issued by Central Pollution Control Board from time to time;
- (3) ensure that the e-waste collected by them is stored in a secured manner till it is sent to authorised dismantler or recycler as the case may be;
- (4) ensure that no damage is caused to the environment during storage and transportation of e-waste;
- (5) maintain records in Form-2 of the e-waste handled as per the guidelines of Central Pollution Control Board and make such records available for scrutiny by the Central Pollution Control Board or the concerned State Pollution Control Board as and when asked for.

7. Responsibilities of dealers. – (1) in the case the dealer has been given the responsibility of collection on behalf of the producer, the dealer shall collect the e-waste by providing the consumer a box, bin or a demarcated area to deposit e-waste, or through take back system and send the e-waste so collected to collection centre or dismantler or recycler as designated by producer;

- (2) the dealer or retailer or e-retailer shall refund the amount as per take back system or Deposit Refund Scheme of the producer to the depositor of e-waste;
- (3) every dealer shall ensure that the e-waste thus generated is safely transported to authorised dismantlers or recyclers;
- (4) ensure that no damage is caused to the environment during storage and transportation of e-waste.

8. Responsibilities of the refurbisher. – (1) collect e-waste generated during the process of refurbishing and channelise the waste to authorised dismantler or recycler through its collection centre;

- (2) make an application in Form 1(a) in accordance with the procedure laid down in sub-rule (4) of rule 13 to the concerned State Pollution Control Board for grant of one time authorisation;
 - (a) the concerned State Pollution Control Board shall authorise the Refurbisher on one time basis as per Form 1 (bb) and authorisation would be deemed as considered if not objected to within a period of thirty days;
 - (b) the authorised Refurbisher shall be required to submit details of e-waste generated to the concerned State Pollution Control Board on yearly basis;
- (3) ensure that no damage is caused to the environment during storage and transportation of e-waste;
- (4) ensure that the refurbishing process do not have any adverse effect on the health and the environment;

- (5) ensure that the e-waste thus generated is safely transported to authorised collection centres or dismantlers or recyclers;
- (6) file annual returns in Form-3 to the concerned State Pollution Control Board, on or before the 30th day of June following the financial year to which that return relates;
- (7) maintain records of the e-waste handled in Form-2 and such records should be available for scrutiny by the appropriate authority.

- 9. Responsibilities of consumer or bulk consumer.** – (1) consumers or bulk consumers of electrical and electronic equipment listed in Schedule I shall ensure that e-waste generated by them is channelised through collection centre or dealer of authorised producer or dismantler or recycler or through the designated take back service provider of the producer to authorised dismantler or recycler;
- (2) bulk consumers of electrical and electronic equipment listed in Schedule I shall maintain records of e-waste generated by them in Form-2 and make such records available for scrutiny by the concerned State Pollution Control Board;
 - (3) consumers or bulk consumers of electrical and electronic equipment listed in Schedule I shall ensure that such end-of-life electrical and electronic equipment are not admixed with e-waste containing radioactive material as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made there under;
 - (4) bulk consumers of electrical and electronic equipment listed in Schedule I shall file annual returns in Form-3, to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates. In case of the bulk consumer with multiple offices in a State, one annual return combining information from all the offices shall be filed to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates

- 10. Responsibilities of the dismantler.** - (1) ensure that the facility and dismantling processes are in accordance with the standards or guidelines prescribed by Central Pollution Control Board from time to time;
- (2) obtain authorisation from the concerned State Pollution Control Board in accordance with the procedure under sub-rule (3) of rule 13;
 - (3) ensure that no damage is caused to the environment during storage and transportation of e-waste;
 - (4) ensure that the dismantling processes do not have any adverse effect on the health and the environment;
 - (5) ensure that dismantled e-waste are segregated and sent to the authorised recycling facilities for recovery of materials;
 - (6) ensure that non-recyclable or non-recoverable components are sent to authorised treatment storage and disposal facilities;
 - (7) maintain record of e-waste collected, dismantled and sent to authorised recycler in Form-2 and make such record available for scrutiny by the Central Pollution Control Board or the concerned State Pollution Control Board;
 - (8) file a return in Form-3, to the concerned State Pollution Control Board as the case may be, on or before 30th day of June following the financial year to which that return relates;
 - (9) not process any e-waste for recovery or refining of materials, unless he is authorised with concerned State Pollution Control Board as a recycler for refining and recovery of materials;
 - (10) operation without Authorisation by any dismantler, as defined in this rule, shall be considered as causing damage to the environment.

- 11. Responsibilities of the recycler.** – (1) shall ensure that the facility and recycling processes are in accordance with the standards or guidelines prescribed by the Central Pollution Control Board from time to time;
- (2) obtain authorisation from concerned State Pollution Control Board in accordance with the procedure under the sub-rule (3) of rule 13;
 - (3) ensure that no damage is caused to the environment during storage and transportation of e-waste;
 - (4) ensure that the recycling processes do not have any adverse effect on the health and the environment;
 - (5) make available all records to the Central Pollution Control Board or the concerned State Pollution Control Board for inspection;
 - (6) ensure that the fractions or material not recycled in its facility is sent to the respective authorised recyclers;
 - (7) ensure that residue generated during recycling process is disposed of in an authorised treatment storage disposal facility;
 - (8) maintain record of e-waste collected, dismantled, recycled and sent to authorised recycler in Form-2 and make such record available for scrutiny by the Central Pollution Control Board or the concerned State Pollution Control Board;
 - (9) file annual returns in Form-3, to the concerned State Pollution Control Board as the case may be, on or before 30th day of June following the financial year to which that return relates;
 - (10) may accept waste electrical and electronic equipment or components not listed in Schedule I for recycling provided that they do not contain any radioactive material and same shall be indicated while taking the authorisation from concerned State Pollution Control Board;
 - (11) operation without Authorisation by any recycler, as defined in this rule, shall be considered as causing damage to the environment.

12. Responsibilities of State Government for environmentally sound management of E-waste. – (1) Department of Industry in State or any other government agency authorised in this regard by the State Government, to ensure earmarking or allocation of industrial space or shed for e-waste dismantling and recycling in the existing and upcoming industrial park, estate and industrial clusters;

(2) Department of Labour in the State or any other government agency authorised in this regard by the State Government shall:

- a. ensure recognition and registration of workers involved in dismantling and recycling;
- b. assist formation of groups of such workers to facilitate setting up dismantling facilities;
- c. undertake industrial skill development activities for the workers involved in dismantling and recycling;
- d. undertake annual monitoring and to ensure safety & health of workers involved in dismantling and recycling;

(3) State Government to prepare integrated plan for effective implementation of these provisions, and to submit annual report to Ministry of Environment, Forest and Climate Change.

CHAPTER III

PROCEDURE FOR SEEKING AND GRANT OF AUTHORISATION FOR MANAGEMENT OF E-WASTE

13. Procedure for Seeking and Grant of Authorisation. -

- (1) **Extended Producer Responsibility - Authorisation of Producers.** – (i) every producer of electrical and electronic equipment listed in Schedule I, shall make an application for Extended Producer Responsibility - Authorisation within a period of ninety days starting from the date of these rules coming into force in Form-1 to Central Pollution Control Board;
- (ii) on receipt of the application complete in all respects, the Central Pollution Control Board will carry out evaluation of the Extended Producer Responsibility Plan and on being satisfied that the producer has detailed out an effective system to manage Extended Producer Responsibility in the country, shall grant Extended Producer Responsibility - Authorisation, in Form 1(aa) within a period of one hundred and twenty days. The Extended Producer Responsibility - Authorisation shall be valid for a period of five years;

This authorisation shall include among others the targeted quantity of e-waste, product code wise, to be collected during the year. The actual target for collection of e-waste for dismantling or recycling will be fixed on the basis of quantity of electrical and electronic equipment, product code wise, placed in the market in the previous years and taking into consideration the average life of the equipment. The estimated quantity of e-waste generated during the current year will be indicated by the producer and the quantity expected to be collected with the collection scheme proposed to be implemented by the producer will be indicated in the Extended Producer Responsibility plan. The Central Pollution Control Board shall fix the targets in accordance with Schedule III.

- (iii) the Central Pollution Control Board, after giving reasonable opportunity of being heard to the applicant shall refuse to grant Extended Producer Responsibility – Authorisation;
- (iv) in the event of refusal of Extended Producer Responsibility - Authorisation by the Central Pollution Control Board, the producer will forfeit his right to put any Electrical and Electronic Equipment in the market till such time the Extended Producer Responsibility - Authorisation is granted;
- (v) the Central Pollution Control Board after grant of Extended Producer Responsibility - Authorisation shall forward the Extended Producer Responsibility Plan to respective State Pollution Control Board for monitoring;
- (vi) an application for the renewal of Extended Producer Responsibility-Authorisation shall be made in Form-1 before one hundred and twenty days of its expiry to Central Pollution Control Board. The Central Pollution Control Board may renew the authorisation for a period of five years after receipt of compliance report from the concerned State Pollution Control Board which shall submit the compliance report to Central Pollution Control Board within sixty days from the date of the receipt of the application. In case of non receipt of the compliance report from the State Pollution Control Board within stipulated time period of sixty days, Central Pollution Control Board may renew the Extended Producer Responsibility-Authorisation after examining such case on merit basis, subject to no report of violation of the provisions of the Act or the rules made there under or the conditions specified in the Extended Producer Responsibility - Authorisation;

- (vii) every producer of Electrical and Electronic Equipment listed in Schedule I, shall take all steps, wherever required, to comply with the conditions specified in the Extended Producer Responsibility – Authorisation;
 - (viii) the concerned State Pollution Control Board shall monitor the compliance of Extended Producer Responsibility - Authorisation, take cognizance of any non-compliance and inform Central Pollution Control Board for taking action, as necessary;
 - (ix) Central Pollution Control Board shall conduct random check and if in its opinion, the holders of the Extended Producer Responsibility - Authorisation has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules and after giving a reasonable opportunity of being heard and after recording reasons thereof in writing cancel or suspend the Extended Producer Responsibility - Authorisation issued under these rules for such period as it considers necessary in the public interest and inform the concerned State Pollution Control Board within ten days of cancellation.
 - (x) the Central Pollution Control Board shall maintain an online register of Extended Producer Responsibility - Authorisation granted with conditions imposed under these rules for environmentally sound management of e-waste, and which shall be accessible to any citizen of the country.
 - (xi) The producer authorised under the provision of this rule shall maintain records in Form-2 and shall file annual returns of its activities of previous year in Form-3 to the Central Pollution Control Board on or before 30th day of June of every year;
- (2) **Authorisation of Manufacturer.** –
- (i) the manufacturer generating e-waste shall obtain an authorisation from the concerned State Pollution Control Board;
 - (ii) the manufacturer shall make an application for authorisation, within a period of ninety days from the date of these rules coming into force in Form 1(a) to the concerned State Pollution Control Board for grant of authorisation;
 - (iii) on receipt of the application complete in all respects for the authorisation, the concerned State Pollution Control Board may, after such enquiry as it considers necessary and on being satisfied that the applicant possesses appropriate facilities, technical capabilities and equipment to handle e-waste safely, grant within a period of one hundred and twenty days an authorisation in Form 1(bb) to the applicant to carry out safe operations in the authorised place only, which shall be valid for a period of five years;
 - (iv) the concerned State Pollution Control Board after giving reasonable opportunity of being heard to the applicant may refuse to grant any authorisation;
 - (v) every person authorised under these rules shall maintain the record of e-waste handled by them in Form-2 and prepare and submit to the concerned State Pollution Control Board, an annual return containing the details specified in Form-3 on or before the 30th day of June following the financial year to which that return relates;
 - (vi) an application for the renewal of an authorisation shall be made in Form-1(a) before one hundred and twenty days of its expiry and the concerned State Pollution Control Board may renew the authorisation for a period of five years after examining each case on merit and subject to the condition that there is no report of violation of the provisions of the Act or the rules made thereunder or the conditions specified in the authorisation;
 - (vii) manufacturer shall take all steps to comply with the conditions specified in the authorisation;
 - (viii) the concerned State Pollution Control Board shall maintain an online register of authorisations granted with conditions imposed under these rules for

environmentally sound management of e-waste, and which shall be accessible to any citizen of the country.

(3) Procedure for grant of authorisation to dismantler or recycler. - (i) every Dismantler or Recycler of e-waste shall make an application, within a period of one hundred and twenty days starting from the date of coming into force of these rules, in Form-4 in triplicate to the concerned State Pollution Control Board accompanied with a copy of the following documents for the grant or renewal of authorisation, namely:-

- (a) consent to establish granted by the concerned State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974, (25 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981(21 of 1981);
- (b) certificate of registration issued by the District Industries Centre or any other government agency authorised in this regard;
- (c) proof of installed capacity of plant and machinery issued by the District Industries Centre or any other government agency authorised in this behalf;
- (d) in case of renewal, a certificate of compliance of effluent and emission standards, treatment and disposal of hazardous wastes as applicable from the concerned State Pollution Control Board or any other agency designated for this purpose:

Provided that any person authorised or registered under the provisions of the Hazardous Wastes (Management, Handling and Transboundary Movements) Rules, 2008, and the E-waste (Management & Handling) Rules, 2011 prior to the date of coming into force of these rules shall not be required to make an application for authorisation till the period of expiry of such authorisation or registration:

- (ii) the concerned State Pollution Control Board, on being satisfied that the application is complete in all respects and that the applicant is utilising environmentally sound technologies and possess adequate technical capabilities, requisite facilities and equipment to dismantle or recycle and process e-waste in compliance to the guidelines specified by Central Pollution Control Board from time to time and through site inspection, may grant authorisation to such applicants stipulating therein necessary conditions as deemed necessary for carrying out safe operations in the authorised place only;
- (iii) the concerned State Pollution Control Board shall dispose of the application for authorisation within a period of one hundred and twenty days from the date of the receipt of such application complete in all respects;
- (iv) the authorisation granted under these rules shall be valid for a period of five years from the date of its issue and shall be accompanied with a copy of the field inspection report signed by that Board indicating the adequacy of facilities for dismantling or recycling of e-waste and compliance to the guidelines specified by Central Pollution Control Board from time to time;
- (v) the concerned State Pollution Control Board may refuse, cancel or suspend an authorisation granted under these rules, if it has reasons to believe that the authorised dismantler or recycler has failed to comply with any of the conditions of authorisation, or with any provisions of the Act or rules made thereunder, after giving an opportunity to the dismantler or recycler to be heard and after recording the reasons thereof;
- (vi) an application for the renewal of authorisation shall be made in Form - 4 before one hundred and twenty days of its expiry and the concerned State Pollution Control Board may renew the authorisation for a period of five years after

- examining each case on merit and subject to the condition that there is no report of violation of the provisions of the Act or the rules made there under or the conditions specified in the authorisation;
- (vii) the Dismantler and Recycler shall maintain records of the e-waste purchased, processed in Form-2 and shall file annual returns of its activities of previous year in Form-3 to the concerned State Pollution Control Board on or before 30th day of June of every year;
 - (viii) the Central Government and the Central Pollution Control Board may issue guidelines for standards of performance for dismantling and recycling processes from time to time.
- (4) **Procedure for grant of authorisation to refurbisher.** – (i) every refurbisher of e-waste shall make an application, with in a period of one hundred and twenty days starting from the date of coming into force of these rules, in Form 1 (a) in triplicate to the concerned State Pollution Control Board accompanied with a copy of the following documents for the grant or renewal of authorisation, namely:-
- (a) consent to establish granted by the concerned State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974, (25 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981);
 - (b) certificate of registration issued by the District Industries Centre or any other government agency authorised in this regard;
 - (c) proof of installed capacity of plant and machinery issued by the District Industries Centre or any other government agency authorised in this behalf.
- (ii) the concerned State Pollution Control Board, on being satisfied that the application is complete in all respects and complies with the guidelines prescribed by Central Pollution Control Board from time to time, may grant one time authorisation in Form 1 (bb) to such applicants stipulating therein necessary conditions as deemed necessary for carrying out refurbishing activities in the authorised place only;
 - (iii) the concerned State Pollution Control Board shall dispose of the application for authorisation within a period of one hundred and twenty days from the date of the receipt of such application complete in all respects;
 - (iv) the concerned State Pollution Control Board may refuse, cancel or suspend a authorisation granted under these rules, if it has reasons to believe that the authorised refurbisher has failed to comply with any of the conditions of authorisation, or with any provisions of the Act or rules made thereunder, after giving an opportunity to the refurbisher to be heard and after recording the reasons thereof;
 - (v) the Refurbisher shall maintain records of the e-waste purchased and refurbished in Form-2 and shall file annual returns of its activities of previous year in Form-3 to the concerned State Pollution Control Board on or before 30th day of June of every year.

14. Power to suspend or cancel an authorisation.– (1) The State Pollution Control Board may, if in its opinion, the holder of Manufacturer or Dismantler or Recycler or Refurbisher Authorisation has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules and after giving a reasonable opportunity of being heard and after recording reasons thereof in writing

cancel or suspend the authorisation issued under these rules for such period as it considers necessary in the public interest and inform Central Pollution Control Board within ten days of cancellation;

(2) The Central Pollution Control Board, if in its opinion, the holders of the Extended Producer Responsibility- Authorisation has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules and after giving a reasonable opportunity of being heard and after recording reasons thereof in writing cancel or suspend the Extended Producer Responsibility- Authorisation issued under these rules for such period as it considers necessary in the public interest and inform State Pollution Control Boards or Pollution Control Committees within ten days of cancellation;

(3) Upon suspension or cancellation of the authorisation, the Central Pollution Control Board or State Pollution Control Board may give directions to the persons whose authorisation has been suspended or cancelled for the safe storage and management of the e-waste and such persons shall comply with such directions.

CHAPTER IV

15. Procedure for storage of e-waste. - Every manufacturer, producer, bulk consumer, collection centre, dealer, refurbisher, dismantler and recycler may store the e-waste for a period not exceeding one hundred and eighty days and shall maintain a record of collection, sale, transfer and storage of wastes and make these records available for inspection:

Provided that the concerned State Pollution Control Board may extend the said period up to three hundred and sixty five days in case the waste needs to be specifically stored for development of a process for its recycling or reuse.

CHAPTER V

REDUCTION IN THE USE OF HAZARDOUS SUBSTANCES IN THE MANUFACTURE OF ELECTRICAL AND ELECTRONIC EQUIPMENT AND THEIR COMPONENTS OR CONSUMABLES OR PARTS OR SPARES

16. Reduction in the use of hazardous substances in the manufacture of electrical and electronic equipment and their components or consumables or parts or spares. – (1) Every producer of electrical and electronic equipment and their components or consumables or parts or spares listed in Schedule I shall ensure that, new Electrical and Electronic Equipment and their components or consumables or parts or spares do not contain Lead, Mercury, Cadmium, Hexavalent Chromium, polybrominated biphenyls and polybrominated diphenyl ethers beyond a maximum concentration value of 0.1% by weight in homogenous materials for lead, mercury, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers and of 0.01% by weight in homogenous materials for cadmium.

(2) Components or consumables or parts or spares required for the electrical and electronic equipment placed in the market prior to 1st May, 2014 may be exempted from the provisions of sub-rule (1) of rule 16 provided Reduction of Hazardous Substances compliant parts and spares are not available.

(3) The applications listed in Schedule II shall be exempted from provisions of sub-rule (1) of rule 16.

- (4) Every producer of applications listed in Schedule II shall ensure that the limits of hazardous substances as given in Schedule II are to be complied.
- (5) Every producer shall provide the detailed information on the constituents of the equipment and their components or consumables or parts or spares alongwith a declaration of conformance to the Reduction of Hazardous Substances provisions in the product user documentation.
- (6) Imports or placement in the market for new electrical and electronic equipment shall be permitted only for those which are compliant to provisions of sub-rule (1) and sub rule (4) of rule 16.
- (7) Manufacture and supply of electrical and electronic equipment used for defence and other similar strategic applications shall be excluded from provisions of sub-rule (1) of rule 16.
- (8) Every producer while seeking Extended Producer Responsibility - Authorisation will provide information on the compliance of the provisions of sub-rule (1) of rule 16. This information shall be in terms of self-declaration.
- (9) Central Pollution Control Board shall conduct random sampling of electrical and electronic equipment placed on the market to monitor and verify the compliance of Reduction of Hazardous Substances provisions and the cost for sample and testing shall be borne by the Producer. The random sampling shall be as per the guidelines of Central Pollution Control Board.
- (10) If the product does not comply with Reduction of Hazardous Substances provisions, the Producers shall take corrective measures to bring the product into compliance and withdraw or recall the product from the market, within a reasonable period as per the guidelines of the Central Pollution Control Board.
- (11) Central Pollution Control Board shall publish the methods for sampling and analysis of Hazardous Substances as listed in sub-rule(1) of rule 16 with respect to the items listed in Schedule I and II and also enlist the labs for this purpose.

CHAPTER VI

MISCELLANEOUS

17. Duties of authorities. - Subject to other provisions of these rules, the authorities shall perform duties as specified in Schedule IV.

18. Annual Report. – (1) The concerned State Pollution Control Board shall prepare and submit to the Central Pollution Control Board an annual report with regard to the implementation of these rules by the 30th day of September every year in Form-5.

(2) The Central Pollution Control Board shall prepare the consolidated annual review report on management of e-waste and forward it to the Central Government along with its recommendations before the 30th day of December every year.

19. Transportation of e-waste. –The transportation of e-waste shall be carried out as per the manifest system whereby the transporter shall be required to carry a document (three copies) prepared by the sender, giving the details as per Form-6:

Provided that the transportation of waste generated from manufacturing or recycling destined for final disposal to a treatment, storage and disposal facility shall follow the provisions under Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008.

20. Accident reporting.- Where an accident occurs at the facility processing e-waste or during transportation of e-waste, the producer, refurbisher, transporter, dismantler, or recycler, as the case may be, shall report immediately to the concerned State Pollution Control Board about the accident through telephone and e-mail.

21. Liability of manufacturer, producer, importer, transporter, refurbisher, dismantler and recycler.- (1) The manufacturer, producer, importer, transporter, refurbisher, dismantler and recycler shall be liable for all damages caused to the environment or third party due to improper handling and management of the e-waste;

(2) The manufacturer, producer, importer, transporter, refurbisher, dismantler and recycler shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by the State Pollution Control Board with the prior approval of the Central Pollution Control Board.

22. Appeal.- (1) Any person aggrieved by an order of suspension or cancellation or refusal of authorisation or its renewal passed by the Central Pollution Control Board or State Pollution Control Board may, within a period of thirty days from the date on which the order is communicated to him, prefer an appeal in Form 7 to the Appellate Authority comprising of the Environment Secretary of the State.

(2) The Appellate Authority may entertain the appeal after expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) Every appeal filed under this rule shall be disposed of within a period of sixty days from the date of its filing.

23. The collection, storage, transportation, segregation, refurbishment, dismantling, recycling and disposal of e-waste shall be in accordance with the procedures prescribed in the guidelines published by the Central Pollution Control Board from time to time. Implementation of e-waste (Management and Handling) Amendment Rules, 2011 shall be in accordance with the guidelines prescribed by the Central Pollution Control Board from time to time.

24. Urban Local Bodies (Municipal Committee or Council or Corporation) shall ensure that e-waste pertaining to orphan products is collected and channelised to authorised dismantler or recycler.

SCHEDULE I

[See rules 2, 3(j), 3(y), 3(aa) and 3(ff); 5; 9; 11(10); 13 (1) (i), 13 (1) (vii) and 16(1), 16(11)]

Categories of electrical and electronic equipment including their components, consumables, parts and spares covered under the rules

Sr. No.	Categories of electrical and electronic equipment	Electrical and electronic equipment code
i.	Information technology and telecommunication equipment :	
	Centralised data processing: Mainframes, Minicomputers	ITEW1
	Personal Computing: Personal Computers (Central Processing Unit with input and output devices)	ITEW2
	Personal Computing: Laptop Computers(Central Processing Unit with input and output devices)	ITEW3
	Personal Computing: Notebook Computers	ITEW4
	Personal Computing: Notepad Computers	ITEW5
	Printers including cartridges	ITEW6
	Copying equipment	ITEW7
	Electrical and electronic typewriters	ITEW8
	User terminals and systems	ITEW9
	Facsimile	ITEW10
	Telex	ITEW11
	Telephones	ITEW12
	Pay telephones	ITEW13
	Cordless telephones	ITEW14
	Cellular telephones	ITEW15
	Answering systems	ITEW16
ii.	Consumer electrical and electronics:	
	Television sets (including sets based on (Liquid Crystal Display and Light Emitting Diode technology)	CEEW1
	Refrigerator	CEEW2
	Washing Machine	CEEW3
	Air-conditioners excluding centralised air conditioning plants	CEEW4
	Fluorescent and other Mercury containing lamps	CEEW5

SCHEDULE II

[See rules 16 (3), 16 (4) and 16 (11)]

Applications, which are exempted from the requirements of sub-rule (1) of rule 16	
	Substance
1	Mercury in single capped (compact) fluorescent lamps not exceeding (per burner):
1(a)	For general lighting purposes <30 W : 2.5 mg
1(b)	For general lighting purposes ≥ 30 W and <50 W : 3.5mg
1(c)	For general lighting purposes ≥ 50 W and <150 W : 5mg
1(d)	For general lighting purposes ≥ 150 W : 15 mg
1(e)	For general lighting purposes with circular or square structural shape and tube diameter ≤ 17 mm : 7mg
1(f)	For special purposes:5 mg
2(a)	Mercury in double-capped linear fluorescent lamps for general lighting purposes not exceeding (per lamp):
2(a)(1)	Tri-band phosphor with normal life time and a tube diameter < 9mm (e.g. T2): 4mg
2(a)(2)	Tri-band phosphor with normal life time and a tube diameter ≥ 9 mm and ≤ 17 mm (e.g. T5): 3 mg
2(a)(3)	Tri- band phosphor with normal life time and a tube diameter >17 mm and ≤ 28 mm(e.g. T8): 3.5 mg
2(a)(4)	Tri-band phosphor with normal life time and a tube diameter >28 mm (e.g. T12):3.5 mg
2(a)(5)	Tri-band phosphor with long life time (≥ 25000 h):5mg
2(b)	Mercury in other fluorescent lamps not exceeding(per lamp):
2(b)(1)	Linear halophosphate lamps with tube >28 mm (e.g. T10 and T12):10 mg
2(b)(2)	Non-linear halophosphate lamps(all diameters):15mg
2(b)(3)	Non-linear tri-band phosphor lamps with tube diameter >17 mm(e.g.T9): 15 mg
2(b)(4)	Lamps for other general lighting and special purposes (e.g. induction lamps):15mg
3	Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL)for special purposes not exceeding (per lamp):
3(a)	Short length(≤ 500 mm):3.5mg
3(b)	Medium length(>500 mm and ≤ 1500 mm): 5mg
3(c)	Long length(>1500 mm): 13mg
4(a)	Mercury in other low pressure discharge lamps (per lamp): 15mg
4(b)	Mercury in High Pressure Sodium(vapour) lamps for general lighting purposes not exceeding (per burner)in lamps with improved colour rendering index $R_a > 60$:

4(b)-I	P ≤155 W : 30 mg
4(b)-II	155 W < P ≤405 W : 40 mg
4(b)-III	P >405 W: 40 mg
4(c)	Mercury in other High Pressure Sodium(vapour)lamps for general lighting purposes not exceeding (per burner):
4(c)-I	P≤155 W:25mg
4(c)-II	155 W < P ≤ 405 W:30 mg
4(c)-III	P >405 W:40 mg
4(d)	Mercury in High Pressure Mercury (vapour) lamps (HPMV)
4(e)	Mercury in metal halide lamps (MH)
4(f)	Mercury in other discharge lamps for special purposes not specifically mentioned in this Schedule
5(a)	Lead in glass of cathode ray tubes
5(b)	Lead in glass of fluorescent tubes not exceeding 0.2% by weight
6(a)	Lead as an alloying element in steel for machining purposes and in galvanized steel containing up to 0.35% lead by weight
6(b)	Lead as an alloying element in aluminium containing up to 0.4% lead by weight
6(c)	Copper alloy containing up to 4% lead by weight
7(a)	Lead in high melting temperature type solders (i.e. lead-based alloys containing 85% by weight or more lead)
7(b)	Lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission, and network management for telecommunications
7(c)-I	Electrical and electronic components containing lead in a glass or ceramic other than dielectric ceramic in capacitors, e.g. piezoelectric devices, or in a glass or ceramic matrix compound.
7(c)-II	Lead in dielectric ceramic in capacitors for a rated voltage of 125 V AC or 250 V DC or higher
7(c)-III	Lead in dielectric ceramic in capacitors for a rated voltage of less than 125 V AC or 250 V DC
8(a)	Cadmium and its compounds in one shot pellet type thermal cut-offs
8(b)	Cadmium and its compounds in electrical contracts
9	Hexavalent chromium as an anticorrosion agent of the carbon steel cooling system in absorption refrigerators up to 0.75% by weight in the cooling solution
9(b)	Lead in bearing shells and bushes for refrigerant-containing compressors for heating, ventilation, air conditioning and refrigeration (HVACR) application.

11(a)	Lead used in C-press compliant pin connector systems
11(b)	Lead used in other than C-press compliant pin connector systems
12	Lead as a coating material for the thermal conduction module C- ring
13(a)	Lead in white glasses used for optical applications
13(b)	Cadmium and lead in filter glasses and glasses used for reflectance standards.
14	Lead in solders consisting of more than two elements for the connection between the pins and the package of microprocessors with a lead content of more than 80% and less than 85% by weight
15	Lead in solders to complete a viable electrical connection between semiconductor die and carrier within integrated circuit flip chip packages.
16	Lead in linear incandescent lamps with silicate coated tubes
17	Lead halide as radiant agent in high intensity discharge (HID) lamps used for professional reprography applications.
18(a)	Lead as activator in the fluorescent powder (1% lead by weight or less) of discharge lamps when used as specialty lamps for diazoprinting reprography, lithography, insect traps, photochemical and curing processes containing phosphors such as SMS ((Sr, Ba) ₂ Mg Si ₂ O ₇ :Pb)
18(b)	Lead as activator in the fluorescent powder (1% lead by weight or less) of discharge lamps when used as sun tanning lamps containing phosphors such as BSP (Ba Si ₂ O ₅ :Pb)
19	Lead with PbBiSn-Hg and PbInSn-Hg in specific compositions as main amalgam and with PbSn-Hg as auxiliary amalgam in very compact energy saving lamps (ESL)
20	Lead oxide in glass used for bonding front and rear substrates of flat fluorescent lamps used for Liquid Crystal Displays (LCDs)
21	Lead and cadmium in printing inks for the application of enamels on glasses, such as borosilicate and soda lime glasses
23	Lead in finishes of fine pitch components other than connectors with a pitch of 0.65 mm and less
24	Lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors
25	Lead oxide in surface conduction electron emitter displays (SED) used in structural elements, notably in the seal frit and frit ring.
26	Lead oxide in the glass envelope of black light blue lamps
27	Lead alloys as solder for transducers used in high-powered (designated to operate for several hours at acoustic power levels of 125 dB SPL and above) loudspeakers
29	Lead bound in crystal glass

30	Cadmium alloys as electrical/mechanical solder joints to electrical conductors located directly on the voice coil in transducers used in high-powered loudspeakers with sound pressure levels of 100 dB(A) and more
31	Lead in soldering materials in mercury free flat fluorescent lamps (which e.g. are used for liquid crystal displays, design or industrial lighting)
32	Lead oxide in seal frit used for making window assemblies for Argon and Krypton laser tubes
33	Lead in solders for the soldering of thin copper wires of 100 µm diameter and less in power transformers
34	Lead in cermet-based trimmer potentiometer elements
36	Mercury used as a cathode sputtering inhibitor in DC plasma displays with a content up to 30 mg per display
37	Lead in the plating layer of high voltage diodes on the basis of a zinc borate glass body
38	Cadmium and cadmium oxide in thick film pastes used on aluminium bonded beryllium oxide
39	Cadmium in colour converting II-VI LEDs (<10 µg Cd per mm ² of light-emitting area) for use in solid state illumination or display systems.

SCHEDULE III

[See rules 5 (1) (a) and 13 (1) (ii)]

Targets for Extended Producer Responsibility - Authorisation

No.	Year	E-Waste Collection Target (Number/Weight)
(i)	During first two year of implementation of rules	30% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan.
(ii)	During third and fourth years of implementation of rules	40% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan.
(iii)	During Fifth and Sixth years of implementation of rules	50% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan.
(iv)	Seventh year onward of implementation of rules	70% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan.

SCHEDULE IV

[See rule (17)]

LIST OF AUTHORITIES AND CORRESPONDING DUTIES

Sr. No	AUTHORITY	CORRESPONDING DUTIES
1.	Central Pollution Control Board, Delhi	(i) Grant and Renewal of Extended Producer Responsibility - Authorisation and monitoring of its compliance. (ii) Maintain information on Extended Producer Responsibility - Authorisation on its web site. (iii) Set and revise targets for collection of e-waste from time to time. (iv) Coordination with State Pollution Control Boards (v) Preparation of Guidelines for Environmentally Sound Management of e-waste. (vi) Conduct random check for ascertaining compliance of the e-waste rules and identification of such importers or producers who have not applied for Extended Producer Responsibility authorisation or are not complying with RoHS provision. Wherever necessary, Central Pollution Control Board will seek the help of customs department or any other agency of the Government of India. (vii) Conduct random inspection of dismantler or recycler or refurbisher. (viii) Documentation, compilation of data on e-waste and uploading on websites of Central Pollution Control Board (ix) Actions against violation of these rules. (x) Conducting training programmes. (xi) Submit Annual Report to the Ministry. (xii) Enforcement of provisions regarding reduction in use of hazardous substances in manufacture of electrical and electronic equipment. (xiii) Interaction with IT industry for reducing hazardous substances. (xiv) Set and revise targets for compliance to the reduction in use of hazardous substance in manufacture of electrical and electronic equipment from time to time. (xv) Any other function delegated by the Ministry under these rules from time to time.
2.	State Pollution Control Boards or Committees of Union territories	(i) Inventorisation of e-waste. (ii) Grant and renewal of authorisation to manufacturers, dismantlers, recyclers and refurbishers. (iii) Monitoring and compliance of Extended Producer Responsibility - Authorisation as directed by Central Pollution Control Board and that of dismantlers, recyclers and refurbishers authorisation. (iv) Conduct random inspection of dismantler or recycler or refurbisher. (v) Maintain online information regarding authorisation granted to manufacturers, dismantlers, recyclers and refurbishers.

Sr. No	AUTHORITY	CORRESPONDING DUTIES
		(vi) Implementation of programmes to encourage environmentally sound recycling. (vii) Action against violations of these rules. (viii) Any other function delegated by the Ministry under these rules.
3.	Urban Local Bodies (Municipal Committee or Council or Corporation)	(i) To ensure that e-waste if found to be mixed with Municipal Solid Waste is properly segregated, collected and is channelised to authorised dismantler or recycler. (ii) To ensure that e-waste pertaining to orphan products is collected and channelised to authorised dismantler or recycler.
4.	Port authority under Indian Ports Act, 1908 (15 of 1908) and Customs Authority under the Customs Act, 1962 (52 of 1962)	(i) Verify the Extended Producer Responsibility - Authorisation. (ii) Inform Central Pollution Control Board of any illegal traffic for necessary action. (iii) Take action against importer for violations under the Indian Ports Act, 1908/Customs Act, 1962.

FORM-1

[See Rules 5(1) (g), 13(1) (i), 13(1) (vi)]

**Applicable to producers seeking Extended Producer Responsibility -
Authorisation**

The application form should contain the following information:

1.	Name and full address along with telephone numbers, e-mail and other contact details of Producer (It should be the place from where sale in entire country is being managed)	:	
2.	Name of the Authorised Person and full address with e-mail, telephone and fax number	:	
3.	Name, address and contact details of Producer Responsibility Organisation, if any with full address, e-mail, telephone and fax number, if engaged for implementing the Extended Producer Responsibility	:	
4.	Details of electrical and electronic equipment placed on market year-wise during previous 10 years in the form of Table 1 as given below:	:	

Table 1: Details of Electrical and Electronic Equipment placed on the market in previous years - Code wise

Sr. No.	Electrical and Electronic Equipment Item	Electrical and Electronic Equipment Code	Quantity, number and weight placed on market (year-wise)									
A	Information technology and telecommunication equipment:											
1	Centralised data processing: Mainframes, Minicomputers	ITEW1										
2	Personal Computing: Personal Computers (Central Processing Unit with input and output devices)	ITEW2										
3	Personal Computing: Laptop Computers(Central Processing Unit with input and	ITEW3										

	output devices)											
4	Personal Computing: Notebook Computers	ITEW4										
5	Personal Computing: Notepad Computers	ITEW5										
6	Printers including cartridges	ITEW6										
7	Copying equipment	ITEW7										
8	Electrical and electronic typewriters	ITEW8										
9	User terminals and systems	ITEW9										
10	Facsimile	ITEW10										
11	Telex	ITEW11										
12	Telephones	ITEW12										
13	Pay telephones	ITEW13										
14	Cordless telephones	ITEW14										
15	Cellular telephones	ITEW15										
16	Answering systems	ITEW16										
B	Consumer electrical and electronics:											
17	Television sets (including sets based on (Liquid Crystal Display and Light Emitting Diode technology)	CEEW1										
18	Refrigerator	CEEW2										
19	Washing Machine	CEEW3										
20	Air-conditioners excluding centralised air conditioning plants	CEEW4										
21	Fluorescent and other Mercury containing lamps	CEEW5										

5. Estimated generation of Electrical and Electronic Equipment waste item-wise and estimated collection target for the forthcoming year in the form of Table 2 including those being generated from their service centres, as given below:

Table 2: Estimated generation of Electrical and Electronic Equipment waste item-wise and estimated collection target for the forthcoming year

Sr. No.	Item	Estimated waste and electronic equipment generation Number and weight	Targeted collection Number and weight

6. Extended Producer Responsibility Plans:

(a) Please provide details of your overall scheme to fulfil Extended Producer Responsibility obligations including targets. This should comprise of general scheme of collection of used/waste Electrical and Electronic Equipment from the Electrical and Electronic Equipment placed on the market earlier such as through dealers and collection centres, Producer Responsibility Organisation, through buy-back arrangement, exchange scheme, Deposit Refund Scheme, etc. whether directly or through any authorised agency and channelising the items so collected to authorised recyclers.

(b) Provide the list with addresses along with agreement copies with dealers, collection centres, recyclers, Treatment, Storage and Disposal Facility, etc. under your scheme.

7. Estimated budget for Extended Producer Responsibility and allied initiatives to create consumer awareness.

8. Details of proposed awareness programmes.

9. Details for Reduction of Hazardous Substances compliance (to be filled if applicable):

(a) Whether the Electrical and Electronic Equipment placed on market complies with the rule 16 (1) limits with respect to lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers;

(b) Provide the technical documents (Supplier declarations, Materials declarations/Analytical reports) as evidence that the Reduction of Hazardous Substances (RoHS) provisions are complied by the product based on standard EN 50581 of EU;

- (c) Documents required:

- Extended Producer Responsibility plan;
- Copy of the permission from the relevant Ministry/Department for selling their product;

- iii. Copies of agreement with dealers, collection centre, recyclers, Treatment, Storage and Disposal Facility, etc.;
- iv. Copy of Directorate General of Foreign Trade license/permission as applicable;
- v. Self-declaration regarding Reduction of Hazardous Substances provision;
- vi. Any other document as required.

(Authorised signature)

Place: _____

Date: _____

FORM 1(a)

[See rules 4(2), 8 (2), 13(2) (ii), 13(2) (vi) and 13(4) (i)]

**APPLICATION FOR OBTAINING AUTHORISATION FOR GENERATION OR
STORAGE OR TREATMENT OR DISPOSAL OF E-WASTE BY MANUFACTURER
OR REFURBISHER***

From:

To

The Member Secretary,
..... Pollution Control Board or..... Pollution Control Committee

Sir,

I / We hereby apply for authorisation/renewal of authorisation under rule 13(2) (i) to 13(2) (viii) and/or 13 (4) (i) of the E-Waste (Management) Rules, 2016 for collection/storage/ transportation/ treatment/ refurbishing/disposal of e-wastes.

For Office Use Only

Code No. :

Whether the unit is situated in a critically polluted area as identified by Ministry of Environment and Forests (yes/no);

To be filled in by Applicant

1. Name and full address:
2. Contact Person with designation and contact details such as telephone Nos, Fax. No. and E-mail:
3. Authorisation required for (Please tick mark appropriate activity/ies*)
 - (i) Generation during manufacturing or refurbishing* ☐
 - (ii) Treatment, if any ☐
 - (iii) Collection, Transportation, Storage ☐
 - (iv) Refurbishing ☐
4. E-waste details:
 - (a) Total quantity e-waste generated in MT/A
 - (b) Quantity refurbished (applicable to refurbisher)
 - (c) Quantity sent for recycling
 - (d) Quantity sent for disposal
5. Details of Facilities for storage/handling/treatment/refurbishing:
6. In case of renewal of authorisation previous authorisation no. and date and details of annual returns:

Place : _____

Signature _____

Date : _____

(Name _____)

Designation: _____

Note:-

(1) * The authorisation for e-waste may be obtained along with authorisation for hazardous waste under the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, if applicable.

(2) Wherever necessary, use additional sheets to give requisite and necessary details.

FORM 1 (aa)
[See rules 5 (6) and 13(1)(ii)]

FORMAT OF EXTENDED PRODUCER RESPONSIBILITY - AUTHORISATION

[Extended Producer Responsibility Authorisation for Producer of the Electrical & Electronic Equipment]

Ref: Your application for Grant of Extended Producer Responsibility - Authorisation for following Electrical & Electronic Equipment under E-Waste (Management) Rules, 2016

1. Number of Authorisation:

Date:

2. **M/s. -----** is hereby granted Extended Producer Responsibility - Authorisation based on:

- (a) overall Extended Producer Responsibility plan
- (b) proposed target for collection of e-waste

3. The Authorisation shall be valid for a period of ____ years from date of issue with following conditions:

(i) you shall strictly follow the approved Extended Producer Responsibility plan, a copy of which is enclosed herewith;

(ii) you shall ensure that collection mechanism or centre are set up or designated as per the details given in the Extended Producer Responsibility plan. Information on collection mechanism/centre including the state-wise setup should be provided;

(iii) you shall ensure that all the collected e-waste is channelised to authorised dismantler or recycler designated as per the details. Information on authorised dismantler or recycler designated state-wise should be provided;

(iv) you shall maintain records, in Form-2 of these Rules, of e-waste and make such records available for scrutiny by Central Pollution Control Board;

(v) you shall file annual returns in Form-3 to the Central Pollution Control Board on or before 30th day of June following the financial year to which that returns relates;

(vi) General Terms & Conditions of the Authorisation:

- a. The authorisation shall comply with provisions of the Environment (Protection) Act, 1986 and the Rules made there under;
- b. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the Central Pollution Control Board;
- c. Any change in the approved Extended Producer Responsibility plan should be informed to Central Pollution Control Board on which decision

shall be communicated by Central Pollution Control Board within sixty days;

- d. It is the duty of the authorised person to take prior permission of the concerned State Pollution Control Boards and Central Pollution Control Board to close down the facility;
- e. An application for the renewal of authorisation shall be made as laid down in sub-rule (vi) of rule of 13(1) the E-Waste (Management) Rules, 2016;
- f. The Board reserves right to cancel/amend/revoke the authorisation at any time as per the Policy of the Board or Government.

**Authorized signatory
(with designation)**

**To,
Concerned Producer**

Copy to:

- 1. Member Secretary, Concerned State.
- 2. In-charge, concerned Zonal Office, Central Pollution Control Board.

FORM 1(bb)

[See rules 4(2), 8(2)(a), 13(2) (iii) and 13(4)(ii)]

**FORMAT FOR GRANTING AUTHORISATION FOR GENERATION OR STORAGE
OR TREATMENT OR REFURBISHING OR DISPOSAL OF E-WASTE BY
MANUFACTURER OR REFURBISHER**

Ref: Your application for Grant of Authorisation

1. (a) Authorisation no. and (b) date of issue
2. of.....is hereby granted an authorisation for generation, storage, treatment, disposal of e-waste on the premises situated at..... for the following:
 - a. quantity of e-waste;
 - b. nature of e-waste.
3. The authorisation shall be valid for a period from to
4. The e-waste mentioned above shall be treated/ disposed off in a manner at
5. The authorisation is subject to the conditions stated below and such conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act, 1986.

Signature -----

Designation -----

Date: -----

Terms and conditions of authorisation

1. The authorisation shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made thereunder.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorized by the concerned State Pollution Control Board.
3. Any unauthorised change in personnel, equipment as working conditions as mentioned in the application by the person authorized shall constitute a breach of his authorisation.
4. It is the duty of the authorised person to take prior permission of the concerned State Pollution Control Board to close down the operations.
5. An application for the renewal of an authorisation shall be made as laid down in sub-rule (vi) of rule 13(2).

FORM-2

[See rules 4(4), 5(4), 6(5), 8(7), 9(2), 10(7), 11(8), 13 (1) (xi), 13(2)(v), 13(3)(vii) and 13 (4)(v)]

FORM FOR MAINTAINING RECORDS OF E-WASTE HANDLED OR GENERATED**Generated Quantity in Metric Tonnes (MT) per year**

1.	Name & Address: Producer or Manufacturer or Refurbisher or Dismantler or Recycler or Bulk Consumer*		
2.	Date of Issue of Extended Producer Responsibility Authorisation*/ Authorisation*		
3.	Validity of Extended Producer Responsibility Authorisation*/ Authorisation*		
4.	Types & Quantity of e- waste handled or generated**	Category	Quantity
		Item Description	
5.	Types & Quantity of e-waste stored	Category	Quantity
		Item Description	
6.	Types & Quantity of e-waste sent to collection centre authorised by producer/ dismantler/recycler / refurbisher or authorised dismantler/recycler or refurbisher**	Category	Quantity
		Item Description	
7.	Types & Quantity of e-waste transported*	Category	Quantity
		Quantity	
	Name, address and contact details of the destination		
8.	Types & Quantity of e-waste refurbished*	Category	Quantity
		Item Description	
	Name, address and contact details of the destination of refurbished materials		
9.	Types & Quantity of e-waste dismantled*	Category	Quantity
		Item Description	
	Name, address and contact details of the destination		

10.	Types & Quantity of e-waste recycled*	Category	Quantity
	Types & Quantity of materials recovered	Item Description	
		Quantity	
	Name, address and contact details of the destination		
11.	Types & Quantity of e-waste sent to recyclers by dismantlers	Category	Quantity
		Item Description	
	Name, address and contact details of the destination		
12.	Types & Quantity of other waste sent to respective recyclers by dismantlers/recyclers of e-waste	Category	Quantity
		Item Description	
	Name, address and contact details of the destination		
13.	Types & Quantity of e-waste treated & disposed	Category	Quantity
		Item Description	
	Name, address and contact details of the destination		

Note:-

- (1) * Strike off whichever is not applicable
- (2) Provide any other information as stipulated in the conditions to the authoriser
- (3) ** For producers this information has to be provided state-wise

FORM-3

[See rules 4(5), 5(5), 8(6), 9(4), 10(8), 11(9), 13 (1) (xi), 13(2)(v), 13(3)(vii) and 13(4)(v)]

FORM FOR FILING ANNUAL RETURNS

[To be submitted by producer or manufacturer or refurbisher or dismantler or recycler by 30th day of June following the financial year to which that return relates].

Quantity in Metric Tonnes (MT) and numbers

1	Name and address of the producer or manufacturer or refurbisher or dismantler or recycler			
2	Name of the authorised person and complete address with telephone and fax numbers and e-mail address			
3	Total quantity of e-waste collected or channelised to recyclers or dismantlers for processing during the year for each category of electrical and electronic equipment listed in the Schedule I (Attach list) by PRODUCERS			
	Details of the above	TYPE	QUANTITY	No.
3(A)*	BULK CONSUMERS: Quantity of e-waste			
3(B)*	REFURBISHERS: Quantity of e-waste:			
3(C)*	DISMANTLERS: i. Quantity of e-waste processed (Code wise); ii. Details of materials or components recovered and sold; iii. Quantity of e-waste sent to recycler; iv. Residual quantity of e-waste sent to Treatment, Storage and Disposal Facility.			
3(D)*	RECYCLERS: i. Quantity of e-waste processed (Code wise); ii. Details of materials recovered and sold in the market; iii. Details of residue sent to Treatment, Storage and Disposal Facility.			
4	Name and full address of the destination with respect to 3(A)-3(D) above			
5	Type and quantity of materials segregated or recovered from e-waste of different codes as applicable to 3(A)-3(D)	Type	Quantity	

✓ Enclose the list of recyclers to whom e-waste have been sent for recycling.

Place _____

Date_____

Signature of the authorised person

Note:-

- (1) * Strike off whichever is not applicable
- (2) Provide any other information as stipulated in the conditions to the authoriser
- (3) In case filing on behalf of multiple regional offices, Bulk Consumers and Producers need to add extra rows to 1 & 3(A) with respect to each office.

FORM-4*[See rules 13(3)(i) and 13(3)(vi)]***APPLICATION FORM FOR AUTHORISATION OF FACILITIES POSSESSING ENVIRONMENTALLY SOUND MANAGEMENT PRACTICE FOR DISMANTLING OR RECYCLING OF E-WASTE***(To be submitted in triplicate)*

1.	Name and Address of the unit			
2.	Contact person with designation, Tel./Fax			
3.	Date of Commissioning			
4.	No.of workers (including contract labour)			
5.	Consents Validity	a. Water (Prevention and Control of Pollution) Act, 1974; Valid up to _____ b. Air (Prevention and Control of Pollution) Act, 1981; Valid up to _____		
6.	Validity of current authorisation if any	e-waste (Management & Handling) Rules, 2011; Valid up to _____		
7.	Dismantling or Recycling Process	Please attach complete details		
8.	Installed capacity in MT/year	Products	Installed capacity (MTA)	
9.	E-waste processed during last three years	Year	Product	Quantity
10.	Waste Management:			
	a. Waste generation in processing e-waste	Please provide details material wise		
	b. Provide details of disposal of residue.	Please provide details		
	c. Name of Treatment Storage and Disposal Facility utilized for			
11.	Details of e-waste proposed to be procured from re-processing	Please provide details		
12.	Occupational safety and health aspects	Please provide details		
13.	Details of Facilities for dismantling both manual as well as mechanised:			

14.	Copy of agreement with Collection Centre	
15.	Copy agreement with Producer	
16.	Details of storage for dismantled e-waste	
17.	Copy of agreement with Recycler	
18.	Details of Facilities for Recycling	
19.	Copy of agreement with Collection Centre	
20.	Copy agreement with Producer	
21.	Details of storage for raw materials and recovered materials	

II. In case of renewal of **authorisation, previous registration or authorisation no. and date**

I hereby declare that the above statements or information are true and correct to the best of my knowledge and belief.

Signature

Place:_____

Name:_____

Date:_____

Designation:_____

Form-5
[See rule 18 (1)]

**FORM FOR ANNUAL REPORT TO BE SUBMITTED BY THE STATE POLLUTION
CONTROL BOARD TO THE CENTRAL POLLUTION CONTROL BOARD**

To,

The Chairman,
Central Pollution Control Board,
(Ministry of Environment And Forests)
Government Of India, 'Parivesh Bhawan', East Arjun Nagar,
Delhi- 110 0032

1.	Number of authorised manufacturer, refurbisher, collection centre, dismantler and recycler for management of e-waste in the State or Union territory under these rules	:	
2.	Categories of waste collected along with their quantities on a monthly average basis:	:	Please attach as Annexure-I
3.	A Summary Statement code-wise of e-waste collected	:	Please attach as Annexure-II
4.	Details of material recovered from recycling of e-waste	:	
5.	Quantity of CFL received at Treatment, Storage and Disposal Facility	:	
6.	The above report is for the period from to		

Place: _____

Date: _____

Chairman or the Member Secretary
State Pollution Control Board

Form-6
[See rule 19]

E-WASTE MANIFEST

1.	Sender's name and mailing address (including Phone No.) :	
2.	Sender's authorisation No, if applicable. :	
3.	Manifest Document No. :	
4.	Transporter's name and address : (including Phone No.)	
5.	Type of vehicle :	(Truck or Tanker or Special Vehicle)
6.	Transporter/s registration No. :	
7.	Vehicle registration No. :	
8.	Receiver's name & address :	
9.	Receiver's authorisation No, if applicable. :	
10.	Description of E-Waste (Item, Weight/Numbers) :	
11.	Name and stamp of Sender* (Manufacturer or Producer or Bulk Consumer or Collection Centre or Refurbisher or Dismantler): Signature: Month Day Year 	
12.	Transporter acknowledgement of receipt of E-Wastes Name and stamp: Signature: Month Day Year 	
13.	Receiver* (Collection Centre or Refurbisher or Dismantler or Recycler) certification of receipt of E-waste Name and stamp: Signature: Month Day Year 	

* As applicable

Note:-

Copy number with colour code (1)	Purpose (2)
Copy 1 (Yellow)	To be retained by the sender after taking signature on it from the transporter and other three copies will be carried by transporter.
Copy 2 (Pink)	To be retained by the receiver after signature of the transporter.
Copy 3 (Orange)	To be retained by the transporter after taking signature of the receiver.
Copy 4 (Green)	To be returned by the receiver with his/her signature to the sender

FORM 7
[See rule 22]

**APPLICATION FOR FILING APPEAL
AGAINST THE ORDER PASSED BY CENTRAL POLLUTION CONTROL
BOARD/STATE POLLUTION CONTROL BOARD**

1. Name and address of the person making the appeal :
2. Number, date of order and address of the authority : (certified copy of the
to which passed the order, against which appeal is order be attached)
3. Ground on which the appeal is being made :
4. Relief sought for :
5. List of enclosures other than the order referred
in point 2 against which the appeal is being filed. :

Signature.....

Name and address.....

Place:

Date:

Bishwanath Sinha
Joint Secretary to Government of India
(F No. 12-6/2013-HSMD)

THE PUBLIC LIABILITY INSURANCE ACT, 1991

No. 6 of 1991

[22nd January, 1991]

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd January, 1991 Magha, 3, 1912 (Saka)

The following Act of Parliament received the assent of the President on the 22nd January, 1991, and is hereby published for general information:-

An Act to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the forty-first Year of The Republic of India as follows:-

1. SHORT TITLE AND COMMENCEMENT

(1) This Act may be called the Public Liability Insurance Act, 1991.

(2) It shall come into force on such date as the Central Government may, by notification, appoint.

2. DEFINITIONS

In this Act, unless the context otherwise requires,-

¹[(a) "accident" means an accident involving a fortuitous, sudden or unintentional occurrence while handling any hazardous substance resulting in continuous, intermittent or repeated exposure to death, of or injury to, any person or damage to any property but does not include an accident by reason only of war or radio-activity;]

(b) "Collector" means the Collector having jurisdiction over the area in which the accident occurs;

¹ Substituted by the Public Liability Insurance (Amendment) Act. 1992 dt. 31.1.92.

(c) "handling", in relation to any hazardous substance, means the manufacture, processing, treatment, package, storage, transportation by vehicle, use, collection, destruction, conversion, offering for sale, transfer or the like of such hazardous substance;

(d) "hazardous substance" means any substance or preparation which is defined as hazardous substance under the Environment (Protection) Act, 1986 (29 of 1986), and exceeding such quantity as may be specified, by notification, by the Central Government;

(e) "insurance" means insurance against liability under sub-section (1) of section 3;

(f) "notification" means a notification published in the official Gazette;

¹[(g) "owner" means a person who owns, or has control over handling any hazardous substance at the time of accident and includes,-

(i) in the case of firm, any of its partners;

(ii) in the case of an association, any of its members; and

(iii) in the case of a company, any of its directors, managers, secretaries or other officers who is directly in charge of, and is responsible to the company for the conduct of the business of the company;]

(h) "prescribed" means prescribed by rules made under this Act;

²[(ha) "Relief Fund" means the Environmental Relief Fund establishment under section 7A]

(i) "rules" means rules made under this Act;

(ii) "vehicle" means any mode of surface transport other than railways.

¹ Substituted by the Public Liability Insurance (Amendment) Act, 1992, dated 31.1.1992.

² Substituted, Ibid.

3. LIABILITY TO GIVE RELIEF IN CERTAIN CASES ON PRINCIPLE OF NO FAULT

(1) Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to give such relief as is specified in Schedule for such death, injury or damage.

(2) In any claim for relief under sub-section (1) (hereinafter referred to in this Act as claim for relief), the claimant shall not be required to plead and establish that the death, injury or damage in respect of which the claim has been made was due to any wrongful act, neglect or default of any person.

Explanation.-For the purpose of this section,-

(i) "workman" has the meaning assigned to it in the Workmen's Compensation Act, 1923 (8 of 1923);

(ii) "injury" includes permanent total or permanent partial disability or sickness resulting out of an accident.

4. LIABILITY OF OWNER TO TAKE OUT INSURANCE POLICIES

(1) Every owner shall take out, before he starts handling any hazardous substance, one or more insurance policies providing for contracts of insurance whereby he is insured against liability to give relief under sub-section (1) of section 3;

Provided that any owner handling any hazardous substance immediately before the commencement of this Act shall take out such insurance policy or policies as soon as may be and in any case within a period of one year from such commencement.

(2) Every owner shall get the insurance policy, referred to in subsection (1), renewed from time to time before the expiry of the period of validity thereof so that the insurance policies may remain in force throughout the period during which such handling is continued.

¹[(2A) No insurance policy taken out by an owner shall be for a amount less than the amount of the paid-up capital of the under taking handling any hazardous substance and owned or controlled by that owner and more than the amount, not exceeding fifty crore rupees, as may be prescribed.

Explanation.- "Paid-up capital" in this sub-section means, in the case of an owner not being a company, the market value of all assets and stocks of the undertaking on the date of contracts of insurance.

¹ Inserted by the Public Liability Insurance (Amendment) Act, 1992 dt. 31.1.1992.

(2B) The liability of the insurer under one insurance policy shall not exceed the amount specified in the terms of the contract of insurance in that insurance policy.

(2C) Every owner shall also, together with the amount of premium, pay to the insurer, for being credited to the Relief Fund established under section 7A, such further amount, not exceeding the amount of premium, as may be prescribed.

(2D) The insurer shall remit the further amount received from the owner under sub-section (2C) to the Relief Fund in such manner and within such period as may be prescribed and where the insurer fails to so remit the further amount, such amount shall be recoverable from insurer as arrears of land revenue or of public demand.]

(3) The Central Government may, by notification, exempt from the operation of sub-section (1) any owner, namely:-

- (a) the Central Government;
- (b) any State Government,
- (c) any corporation owned or controlled by the Central Government or a State Government; or
- (d) any local authority:

Provided that no such order shall be made in relation to such owner unless a fund has been established and is maintained by that owner in accordance with the rules made in this behalf for meeting any liability under sub-section (1) of section 3.

5. VERIFICATION AND PUBLICATION OF ACCIDENT BY COLLECTOR

Whenever it comes to the notice of the Collector that an accident has occurred at any place within his jurisdiction, he shall verify the occurrence of such accident and cause publicity to be given in such manner as he deems fit for inviting applications under sub-section (1) of section 6

6. APPLICATION FOR CLAIM FOR RELIEF

(1) An application for claim for relief may be made-

- (a) by the person who has sustained the injury;
- (b) by the owner of the property to which the damage has been caused;
- (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or

(d) by any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for relief, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application.

(2) Every application under sub-section (1) shall be made to the Collector and shall be in such form, contain such particulars and shall be accompanied by such documents as may be prescribed.

(3) No application for relief shall be entertained unless it is made within five years of the occurrence of the accident.

7. AWARD OF RELIEF

(1) On receipt of an application under sub-section (1) of section 6, the Collector shall after giving notice of the application to the owner and after giving the parties an opportunity of being heard, hold an inquiry into the claim or, each of the claims, and may make an award determining the amount of relief which appears to him to be just and specifying the person or persons to whom such amount of relief shall be paid.

(2) The Collector shall arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award.

¹[(3) When an award is made under this section,-

(a) the insurer, who is required to pay any amount in terms of such award and to the extent specified in sub-section (2B) of section 4, shall, within a period of thirty days of the date of announcement of the award, deposit that amount in such manner as the Collector may direct;

(b) the Collector shall arrange to pay from the Relief Fund, in terms of such award and in accordance with the scheme made under section 7A, to the person or persons referred to in sub-section (1) such amount in such manner as may be specified in that scheme;

(c) the owner shall, within such period, deposit such amount in such manner as the Collector may direct.]

¹ Substituted by the Public Liability Insurance (Amendment) Act, 1992 dt. 31.1.1992.

(4) In holding any inquiry under sub-section (1), the Collector may, subject to any rules made in this behalf, follow such summary procedure as he thinks fit.

(5) The Collector shall have all the powers of Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Collector shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(6) Where the insurer or the owner against whom the award is made under sub-section (1) fails to deposit the amount of such award within the period specified under sub-section (3), such amount shall be recoverable from the owner, or as the case may be, the insurer as arrears of land revenue or of public demand.

(7) A claim for relief in respect of death of, or injury to, any person or damage to any property shall be disposed of as expeditiously as possible and every endeavour shall be made to dispose of such claim within three months of the receipt of the application for relief under sub-section (1) of section 6.

¹[(8) Where an owner is likely to remove or dispose of his property with a view to evading payment by him of the amount of award, the Collector may, in accordance with the provisions contained in rules 1 to 4 of Order XXXIX of the First Schedule to the Code of Civil Procedure, 1908, (5 of 1908), grant a temporary injunction to restrain such act.]

²[7A. ESTABLISHMENT OF ENVIRONMENTAL RELIEF FUND

(1) the Central Government may, by notification in the official Gazette, establish a fund to be known as the Environment Relief Fund.

(2) The Relief Fund shall be utilised for paying, in accordance with the provisions of this Act and the scheme, relief under the award made by the Collector under section 7.

(3) The Central Government may, by notification in the Official Gazette, make a scheme specifying the authority in which the relief fund shall vest, the manner in which the Fund shall be administered the form and the manner in which money shall be drawn from the Relief Fund and for all other matters connected with or incidental to the administration of the Relief Fund and the payment of relief therefrom.]

¹ Substituted by the Public Liability Insurance (Amendment) Act, 1992 dt. 31.1.1992.

² Inserted by the Public Liability Insurance (Amendment) Act, 1992 dl. 31.1.92.

8. PROVISIONS AS TO OTHER RIGHT TO CLAIM COMPENSATION FOR DEATH, ETC

(1) the right to claim relief under sub-section (1) of section 3 in respect of death of, or injury to, any person or damage to any property shall be in addition to any other right to claim compensation in respect thereof under any other law for the time being in force.

(2) Notwithstanding anything contained in sub-section (1), where in respect of death of, or injury to, any person or damage to any property, the owner, liable to give claim for relief, is also liable to pay compensation under any other law, the amount of such compensation shall be reduced by the amount of relief paid under this Act.

9. POWER TO CALL FOR INFORMATION

Any person authorised by the Central Government may, for the purposes of ascertaining whether any requirements of this Act or of any rule or of any direction given under this Act have been complied with, require any owner to submit to that person such information as that person may reasonably think necessary.

10. POWER OF ENTRY AND INSPECTION

Any person, authorised by the Central Government in this behalf, shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place, premises or vehicle, where hazardous substance is handled for the purpose of determining whether any provisions of this Act or of any rule or of any direction given under this Act is being or has been complied with and such owner is bound to render all assistance to such person.

11. POWER OF SEARCH AND SEIZURE

(1) If a person, authorised by the Central Government in this behalf, has reason to believe that handling of any hazardous substance is taking place in any place premises or vehicle, in contravention of sub-section (1) of section 4, he may enter into and search such place, premises or vehicle for such handling of hazardous substance.

(2) Where, as a result of any search under sub-section (1) any handling of hazardous substance has been found in relation to which contravention of sub-section (1) of section 4 has taken place, he may seize such hazardous substance and other things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:

Provided that where it is not practicable to seize any such substance or thing he may serve on the owner an order that the owner shall not remove, part with, or otherwise deal with, the hazardous substance and such other things except with the previous permission of that person.

(3) He may, if he has reason to believe that it is expedient so to do to prevent an accident dispose of the hazardous substance seized under sub-section (2) immediately in such manner as he may deem fit.

(4) All expenses incurred by him in the disposal of hazardous substances under sub-section (3) shall be recoverable from the owner as arrears of land revenue or of public demand.

12. POWER TO GIVE DIRECTIONS

Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in exercise of its powers and performance of its functions under this Act, issue such directions in writing as it may deem fit for the purposes of this Act to any owner or any person, officer, authority or agency and such owner, person, officer, authority or agency shall be bound to comply with such directions.

Explanation.-For the removal of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-

- (a) prohibition or regulation of the handling of any hazardous substance; or
- (b) stoppage or regulation of the supply of electricity, water or any other service.

13. POWER TO MAKE APPLICATION TO COURTS FOR RESTRAINING OWNER FROM HANDLING HAZARDOUS SUBSTANCES

(1) If the Central Government or any person authorised by that Government in this behalf has reason to believe that any owner has been handling any hazardous substance in contravention of any of the provisions of this Act, that Government or, as the case may be, that person may make an application to a Court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate first class for restraining such owner from such handling.

(2) On receipt of the application under sub-section (1), the Court may make such order as it deems fit.

(3) Where under sub-section (2), the Court makes an order restraining any owner from handling hazardous substance. it may. in that order-

- (a) direct such owner to desist from such handling;
- (b) authorise the Central Government or, as the case may be, the person referred to in sub-section (1), if the direction under clause (a) is not complied

with by the owner to whom such direction is issued, to implement the direction in such manner as may be specified by the Court.

(4) All expenses incurred by the Central Government, or as the case may be, the person in implementing the directions of Court under clause (b) of sub-section (3), shall be recoverable from the owner as arrears of land revenue or of public demand

14. PENALTY FOR CONTRAVENTION OF SUB-SECTION (1) OR SUB-SECTION(2) OF SECTION 4 OR FAILURE TO COMPLY WITH DIRECTIONS UNDER SECTION 12

(1) Whoever contravenes any of the provisions of ¹[sub-section (1), sub-section (2), sub-section (2A) or sub-section (2C)] of section 4 or fails to comply with any directions issued under section 12, he shall be punishable imprisonment for a term which shall not be less than one year and six months but which may extend to six years, or with fine which shall not be less than one lakh rupees, or with both.

(2) Whoever, having already been convicted of an offence under sub-section (1), is convicted for the second offence or any offence subsequent to the second offence, he shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine which shall not be less than one lakh rupees.

(3) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974), or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence under this Act unless such person is under eighteen years of age.

15. PENALTY FOR FAILURE TO COMPLY WITH DIRECTION UNDER SECTION 9 OR ORDER UNDER SECTION 11 OR OBSTRUCTING ANY PERSON IN DISCHARGE OF HIS FUNCTIONS UNDER SECTION 10 OR 11

If any owner fails to comply with direction issued under section 9 or fails to comply with order issued under sub-section (2) of section 11, or obstructs any person in discharge of his functions under section 10 or sub-section (1) or sub-section (3) of section 11, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

16. OFFENCES BY COMPANIES

(1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as

¹ Substituted by the Public Liability Insurance (Amendment) Act, 1992 dt. 31.1.92.

the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation--For the purposes of this section,--

- (a) "company" means any body corporate and includes a firm or other association of individual;
- (b) "director", in relation to a firm, means a partner in the firm.

17. OFFENCES BY GOVERNMENT DEPARTMENTS

Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

18. COGNIZANCE OF OFFENCES

No court shall take cognizance of any offence under this Act except on a complaint made by-

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

19. POWER TO DELEGATE

The Central Government may, by notification delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act (except the power under section 23) as it may deem necessary or expedient to any person (including any officer, authority or other agency).

20. PROTECTION OF ACTION TAKEN IN GOOD FAITH

No suit, prosecution or other legal proceeding shall lie against the Government or the person, officer, authority or other agency in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

21. ADVISORY COMMITTEE

(1) The Central Government may, from time to time, constitute an Advisory Committee on the matters relating to the insurance policy under this Act.

(2) The Advisory Committee shall consist of--

- (a) Three officers representing the Central Government;
- (b) two persons representing the insurers;
- (c) two persons representing the owners; and
- (d) two persons from amongst the experts of insurance or hazardous substances, to be appointed by the Central Government.

(3) The Chairman of the Advisory Committee shall be one of the members representing the Central Government. nominated in this behalf by that Government.

22. EFFECT OF OTHER

The provisions of this Act and any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law

23. POWER TO MAKE RULES

(1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-

¹[(a) the maximum amount for which an insurance policy may be taken out by an owner under sub-section (2A) of section 4;

(aa) the amount required to be paid by every owner for being credited to the Relief Fund under sub-section (2C) of section 4;

(ab) the manner in which and the period within the amount received from the owner is required to be remitted by the insurer under sub-section (2D) of section 4];

²[(ac) establishment and maintenance of fund under sub-section (3) of section 4];

(b) the form of application and the particulars to be given therein and the documents to accompany such application under sub-section (2) of section 6;

(c) the procedure for holding an inquiry under sub-section (4) of section 7;

(d) the purposes for which the Collector shall have powers of a Civil Court under sub-section (5) of section 7;

(e) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 18;

(f) any other matter which is required to be, or may be, prescribed.

³[(3) Every rule or scheme made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session or a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or scheme or both Houses agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme.]

¹ Inserted by the Public Liability Insurance (Amendment) Act, 1992 dt. 31.1.92.

² Re-lettered, Ibid,

³ Substituted by the Public Liability Insurance (Amendment) Act, 1992 dt. 31.1.1992.

THE SCHEDULE.

[See Section 3(1)]

(i) Reimbursement of medical expenses incurred up to a maximum of Rs. 12,500 in each case.

(ii) For fatal accidents the relief will be Rs. 25,000 per person in addition to reimbursement of medical expenses if any, incurred on the victim up to a maximum of Rs. 12,500.

(iii) For permanent total or permanent partial disability or other injury or sickness, the relief will be (a) reimbursement of medical expenses incurred, if any, up to a maximum of Rs. 12,500 in each case and (b) cash relief on the basis of percentage of disablement as certified by an authorised physician. The relief for total permanent disability will be Rs. 25,000.

(iv) For loss of wages due to temporary partial disability which reduces the earning capacity of the victim, there will be a fixed monthly relief not exceeding Rs. 1,000 per month up to a maximum of 3 months: provided the victim has been hospitalised for a period of exceeding 3 days and is above 16 years of age.

(v) Up to Rs. 6,000 depending on the actual damage, for any damage to private property.

K.L. MOHANPURIA
Addl Secy. to Govt. of India

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

New Delhi 14th 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 India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th 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 15th 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 15th 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 27th 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.

¹Includes the territorial waters

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

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

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

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

4. Categorization of projects and activities:-

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

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

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

5. Screening, Scoping and Appraisal Committees:-

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

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

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, 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 1 and Form 1A as applicable, any other relevant

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

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

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

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

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

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

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

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

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

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

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

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

9. Validity of Environmental Clearance (EC):

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

10. Post Environmental Clearance Monitoring:

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st 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 27th 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		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	≥ 50 ha. of mining lease area Asbestos mining irrespective of mining area	<50 ha ≥ 5 ha .of mining lease area.	General Condition shall apply <u>Note</u> 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	All projects		<u>Note</u> 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)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2		Primary Processing		
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 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)

3		Materials Production		
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a)Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200TPD c)Secondary metallurgical processing industry All toxic and heavy metal producing units ≥ 20,000 tonnes /annum -	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.)All toxic and heavy metal producing units <20,000 tonnes /annum ii.)All other non –toxic secondary metallurgical processing industries >5000 tonnes/annum	General Condition shall apply for Sponge iron manufacturing
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

4		Materials Processing		
(1)	(2)	(3)	(4)	(5)
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	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
5		Manufacturing/Fabrication		
5(a)	Chemical fertilizers	All projects	-	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

(1)	(2)	(3)	(4)	(5)
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 ≥ 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

(1)	(2)	(3)	(4)	(5)
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	- -	≥ 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
6		Service Sectors		
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 -		-

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		
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 with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	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.
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

(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

(1)	(2)	(3)	(4)	(5)
8		Building /Construction projects/Area Development projects and Townships		
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 projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

Note:-

General Condition (GC):

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

Specific Condition (SC):

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

APPENDIX I

(See paragraph – 6)

FORM 1

(I) Basic Information

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: *

Expected cost of the project:

Contact Information:

Screening Category:

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

(II) Activity

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

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

1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water form 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, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

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

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

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

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

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

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

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

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

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

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data 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. lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other		
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, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources (<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>)		

(IV). Proposed Terms of Reference for EIA studies

APPENDIX II

(See paragraph 6)

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

CHECK LIST OF ENVIRONMENTAL IMPACTS

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

1. LAND ENVIRONMENT

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

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse 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 landuse, disturbance to the local ecology).

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

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

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

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

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

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

2. WATER ENVIRONMENT

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

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

3. VEGETATION

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

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

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

4. FAUNA

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

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

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

5. AIR ENVIRONMENT

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

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

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

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

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

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

6. AESTHETICS

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

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

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

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

7. SOCIO-ECONOMIC ASPECTS

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

- 7.2. Give details of the existing social infrastructure around the proposed project.
- 7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

- 8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)
- 8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?
- 8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?
- 8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

- 9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?
- 9.2. What type of, and capacity of, power back-up to you plan to provide?
- 9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?
- 9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.
- 9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.
- 9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?
- 9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.
- 9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

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

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

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

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

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

10. Environment Management Plan

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

APPENDIX III

(See paragraph 7

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	• Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	• 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: • Type of project • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout) • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure

3.	Description of the Environment	• Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	• 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 • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance) • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	• In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative
6.	Environmental Monitoring Program	• Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	• Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	• Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits

9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	• Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11	Summary & Conclusion (This will constitute the summary of the EIA Report)	• Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A
(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

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

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

APPENDIX IV

(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

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

2.0 The Process:

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

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

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

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

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

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

3.0 Notice of Public Hearing:

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

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

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

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

4.0 The Panel

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

5.0 Videography

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

6.0 Proceedings

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

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

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

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

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

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

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

7.0 Time period for completion of public hearing

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

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

APPENDIX –V
(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

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

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

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

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

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

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

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

APPENDIX VI

(See paragraph 5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

New Delhi August, 2015

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 India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th 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 15th 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 15th 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 27th 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.

¹Includes the territorial waters

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

- (i) All new projects or activities listed in the Schedule to this notification;
 - (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
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(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 Chairman shall be an expert in terms of eligibility criteria given in APPENDIX VI in one of the specified fields, with sufficient experience in environmental policy or management.

(4) The other member shall be an expert fulfilling the eligibility criteria given in APPENDIX VI in one of the specified fields.

(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 taken in a meeting and shall ordinarily be unanimous;

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

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 considered at the Central Level as a Category 'B' 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 by the project proponent 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 to 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. Standard TOR developed by the Ministry in consultation with the sector specific Expert Appraisal Committees shall be the deemed approved TOR for the projects or activities. The standard Terms of Reference are displayed on the website of the Ministry of Environment, Forest and Climate Change:

Provided that the Expert Appraisal Committee (EAC) or State Expert Appraisal Committee (SEAC) may finalise amendment, if found necessary for a project within thirty days of the acceptance of application in specified application Form I or Form IA. These standard TOR shall enable the Project Proponent to commence preparation of an Environment Impact Assessment Report after successful online submission and registration of the application:

Provided further that, the Expert Appraisal Committee (EAC) or State Expert Appraisal Committee (SEAC) may stipulate additional Terms of Reference, if found necessary, within thirty days of the acceptance of the application in the specified application Form I or Form IA

and the Project Proponent shall carry out the EIA study based on the standard TORs as well as the additional TOR, if any, stipulated by EAC/SEAC:

Provided also that the following shall not require Scoping–

- (i) all projects and activities listed under Category ‘B’, against Item 8(a) of the Schedule;
- (ii) all Highway projects in border States covered under entry (i) of column (3) and entry (i) of column (4) against item 7(f) of the Schedule;
- (iii) all Highway expansion projects covered under entry (ii) of column (3) and entry (ii) of column (4) against item 7(f) of the Schedule;

Provided also that –

- (A) the project 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 standard TOR specified by the Ministry of Environment, Forest and Climate Change;

(ii) 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.
- (cc) maintenance dredging provided the dredged material shall be disposed within port limits.
- (d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8 (a) and 8(b) in the Schedule to the notification).
- (e) all Category ‘B2’ projects and activities.

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- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
 - (g) all linear projects such as Highways, pipelines, etc., in border States.
 - (h) all standalone pelletization plants, which were in existence and in operation on or before the 27th day of May, 2014 and have valid consent to establish and consent to operate from the concerned State Pollution Control Board or the Union Territory Pollution Control Committee.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;
 - (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
 - (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.
 - (iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.
 - (v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.
 - (vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use

other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

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

IV. Stage (4) - Appraisal:

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

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

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

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

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

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

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

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

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

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

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

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

9. Validity of Environmental Clearance (EC):

(i) 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 seven years in the case of all other projects and activities.

(ii) 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:

Provided that this period of validity may be extended by the regulatory authority concerned by a maximum period of three years if an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form IA, for Construction projects or activities (item 8 of the Schedule):

Provided further that the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(iii) Where the application for extension under sub-paragraph (ii) has been filed-

(a) within one month after the validity period of EC, such cases shall be referred to concerned Expert Appraisal Committee (EAC) or State Level Expert Appraisal Committee (SEAC) and based on their recommendations, the delay shall be condoned at the level of the Joint

Secretary in the Ministry of Environment, Forest and Climate Change or Member Secretary, SEIAA, as the case may be;

- (b) more than one month after the validity period of EC but less than three months after such validity period, then, based on the recommendations of the EAC or the SEAC, the delay shall be condoned with the approval of the Minister in charge of Environment, Forest and Climate Change or Chairman, as the case may be :

Provided that no condonation for delay shall be granted for any application for extension filed 90 days after the validity period of EC.

10. Post Environmental Clearance Monitoring:

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

(ii) 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 1st June and 1st December of each calendar year.

(iii) 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.

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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 27th 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 twenty four months from the date of issue of this notification.

[No. J-11013/---/2015-IA-II (I)]

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 amended vide S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O.695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012, S.O.674(E) dated the 13th March, 2013, S.O.2204(E) dated the 19th July, 2013, S.O.2555(E) dated the 21st August, 2013, S.O.2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014, S.O.637(E) dated the 28th February, 2014, S.O.1599(E) dated the 25th June, 2014, S.O. 2601 (E) dated 7th October, 2014, S.O. 2600 (E) dated 9th October, 2014, S.O. 3252(E) dated 22nd December, 2014, S.O. 382 (E) dated 3rd February, 2015, S.O. 811(E) dated 23rd March, 2015, S.O. 996 (E) dated 10th April, 2015, S.O. 1142 (E) dated 17th April, 2015, S.O. 1141 (E) dated 29th April, 2015 and S.O.1834 (E) dated the 6th July, 2015.

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		Mining, extraction of natural resources and power generation (for a specified production capacity)			
(1)	(2)	(3)	(4)	(5)	

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1(a)	(i)Mining minerals of (ii)Slurry pipelines (coal, lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	≥ 50 ha. of mining lease area in respect of non-coal mine lease. >150 ha of mining lease area in respect of coal mine lease Asbestos mining irrespective of mining area All projects.	<50 ha of mining lease area in respect of non-coal mine lease. ≤ 150 ha of mining lease area in respect of coal mine lease.	General Condition shall apply except for project or activity of less than 5 ha of mining lease area: Provided that the above exception shall not apply for project or activity if the sum total of the mining lease area of the said project or activity and that of existing operating mines and mining projects which were accorded environment clearance and are located within 500 meters from the periphery of such project or activity equals or exceeds 5 ha. <u>Note</u> (i)Prior environmental clearance is required at the stage of renewal of mine lease for which an application shall be made up to two years prior to the date due for renewal. Provided that no fresh environmental clearance shall be required for a mining project or activity at the time of renewal of mining lease, which has already obtained environmental clearance, under this Notification. (ii) Mineral prospecting is exempted.

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1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<u>Note</u> Seismic surveys which are part of Exploration surveys are exempted provided the concession areas have got previous clearance for physical survey
1(c)	(i) River Valley projects (ii) Irrigation projects	(i) ≥ 50 MW hydroelectric power generation; (ii) $\geq 10,000$ ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) $< 10,000$ ha. > 2000 ha. of culturable command area	General Condition shall apply Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category 'B' Projects. Category 'B' river valley projects falling in more than one state shall be appraised at the central Government Level.
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphtha & gas based); ≥ 50 MW (all other fuels except biomass). > 20 MW (using municipal solid non-hazardous waste, as fuel).	> 50 MW < 500 MW (coal/lignite/ naphtha & gas based); < 50 MW ≥ 5 MW (all other fuels except biomass and municipal solid non-hazardous waste); < 20 MW > 15 MW (using municipal solid non-hazardous waste, as fuel). > 15 MW plants based on biomass fuel.	General Condition shall apply. Note: (i) Thermal Power Plants up to 15 MW based on biomass or non-hazardous municipal solid waste using auxiliary fuel such as coal, lignite / petroleum products up to 15% are exempt. (ii) Thermal Power plants using waste heat boilers without any auxiliary fuel are exempt.
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2		Primary Processing		

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2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	< 1 million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.5 million TPA throughput	< 0.5 million TPA throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance).

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3		Materials Production		
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a)Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200TPD c)Secondary metallurgical processing industry All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum -	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.)All toxic and heavy metal producing units <20,000 tonnes /annum ii.)All other non –toxic secondary metallurgical processing industries >5000 tonnes/annum	General Condition shall apply. Note: (i)The recycling industrial units registered under the HSM Rules are exempt. (ii)In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electric arc furnace, and cupola with capacity more than 30000 tonnes per annum (TPA) would require environmental clearance. (iii)Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.
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
4		Materials Processing		
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-

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4(b)	(i)Coke oven plants (ii) Coaltar processing units	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum All projects	General conditions shall apply
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity if a unit located out side the notified industrial area/ estate	(i)All projects irrespective of the size, if it is located in a Notified Industrial Area / Estate. <300 tonnes per day (TPD) and located outside a Notified Industrial Area / Estate.	General as well as specific conditions shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from the Notification.
4(e)	Soda ash Industry	All projects	-	-
4(f)	Skin/hide processing including tanning 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	General as well as specific conditions shall apply
5		Manufacturing/Fabrication		
5(a)	Chemical fertilizers	All projects including all Single Super Phosphate with H ₂ SO ₄ production except granulation of chemical fertilizers.	All Single Super Phosphate without H ₂ SO ₄ production and granulation of chemical fertilizers	General condition shall apply. Granulation of single super phosphate powder is exempt.
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based	All projects -	-	-

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	on processing of petroleum fractions & natural gas and/or reforming to aromatics)			
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical products and petrochemical based processing such as production of carbon black and electrode grade graphite (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	General as well as specific conditions shall apply. Note: Manufacturing of products from polymer granules is exempt.
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 except small units as defined in column (5)	(i) Located in a notified industrial area/ estate. (ii) Small units as defined in column (5)	General as well as specific conditions shall apply. Small units: with water consumption <25 cu mt per day, fuel consumption <25 TPD and not covered in the category of MAH units as per the Management, Storage and Import of Hazardous Chemical Rules, 1989.
5(g)	Distilleries	(i) All Molasses based distilleries (ii) Non-molasses based distilleries ≥60 KLD	Non-molasses based distilleries – <60 KLD	General Condition shall apply

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5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry	Pulp manufacturing and Pulp & Paper manufacturing industry except from waste paper	Pulp manufacturing from waste paper and paper manufacturing from waste paper pulp and other ready pulp	General Condition shall apply. Note: Paper manufacturing from waste paper pulp and ready pulp without deinking, bleaching and colouring is exempt.
5(j)	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply
6		Service Sectors		
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 hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		

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7(a)	Air ports	All projects including airstrips, which are for commercial use	-	Air strips which do not involve bunkering / refueling facility and or Air Traffic Control, are exempted.
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 with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	General as well as specific conditions shall apply Note: 1. Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance. 2. If the area is less than 500 ha. But contains building and construction projects > 20000 sq. mtr. and or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be.
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(da)	Bio-Medical Waste Treatment Facilities	-	All projects	-
7(e)	Ports, harbors, break waters, dredging	≥ 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 Note: 1. Capital dredging inside and outside the ports or harbors and channels are included; 2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment

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				Management Plan (EMP) was prepared and environmental clearance obtained.
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignment and 60 m on re-alignment or by-passes	i) All New State Highway Projects; ii) State Highway expansion projects in hilly terrain (above 1000 m AMSL) and or ecologically sensitive areas.	General Condition shall apply Note: Highways include expressways.
7(g)	Aerial ropeways	(i) All projects located at altitude of 1000 mtr. and above; (ii) All projects located in notified ecologically sensitive areas.	All projects except those covered in column (3).	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
8		Building or Construction projects or Area Development projects and Townships		
8(a)	Building and Construction projects		≥ 20000 sq.mtrs and $< 1,50,000$ sq.mtrs. of built up area	The term “built up area” for the purpose of this Notification the built up or covered area on all the floors put together including its basement and other service areas, which

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				are proposed in the building or construction projects. Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks. Note-2.- “General Conditions” shall not apply.
8(b)	Townships and Area Development projects.		Covering an area of > 50 ha and or built up area > 1,50,000 sq .mtrs	A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project. Note.- “General Conditions” shall not apply.

Note:-

General Condition (GC):

Any project or activity specified in Category ‘B’ will be appraised at the Central Level as Category ‘A’, if located in whole or in part within 5 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972 (53 of 1972); (ii) Critically Polluted areas as notified by the Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from time to time; (iii) Eco-sensitive areas as notified under sub-section (2) of section 3 of the Environment (Protection) Act, 1986, and (iv) inter-State boundaries and international boundaries; provided that for River Valley Projects specified in item 1(c), Thermal Power Plants specified in item 1(d), Industrial Estates/ parks/complexes/areas, Export Processing Zones (EPZ), Special Economic Zones (SEZs),

biotech parks, leather complexes specified in item 7 (c) and common hazardous waste treatment, storage and disposal facilities (TSDFs) specified in item 7 (d), the appraisal shall be made at Central level even if located within 10 km.

Provided further that the requirement regarding distance of 5 km or 10 km, as the case may be, of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or the Union Territories sharing the common boundary in case the activity does not fall within 5 km or 10 km, as the case may be of the areas mentioned at item (i), (ii), and (iii) above.

Specific Condition (SC):

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

APPENDIX I

(See paragraph – 6)

FORM 1

(I) Basic Information

Serial Number	Item	Details
1	Name of the Project/s	
2	S. No. in the Schedule	
3	Proposed capacity/ area / length/ tonnage to be handled/ command area/ lease area/ number of wells to be drilled	
4	New/ Expansion/ Modernization	
5	Existing Capacity/ Area etc.	
6	Category of Project i.e. 'A' or 'B'	
7	Does it attract the general condition? If yes, please specify.	
8	Does it attract the specific condition? If yes, please specify.	
9	Location Plot / Survey / Khasra No. Village Tehsil District State	
10	Nearest railway station / airport along with distance in kms.	
11	Nearest Town, city, District Headquarters along with distance in kms.	
12	Village Panchayats, Zila Parishad, Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given)	
13	Name of the applicant	
14	Registered Address	
15	Address for correspondence:	
	Name	
	Designation (Owner/ Partner/ CEO)	
	Address	
	Pin code	
	E-mail	
	Telephone No.	
	Fax No.	

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16	Details of alternative sites examined, if any. Location of these sites should be shown on a topo sheet	Village-District-State 1. 2. 3.
17	Interlinked Projects	
18	Whether separate application of interlinked projects has been submitted?	
19	If Yes, date of submission	
20	If No, reason	
21	Whether the proposal involves approval/ clearance under: if yes, details of the same and their status to be given. (a)The Forest (Conservation) Act, 1980? (b)The Wildlife (Protection)Act, 1972? (c)The C.R.Z. Notification 1991?	
22	Whether there is any Government Order / Policy relevant / relating to the site?	
23	Forest land involved (hectares)	
24	Whether there is any litigation pending against the Project and / or land in which the project is proposed to be set up? (a)Name of the Court (b) Case No. (c) Orders / directions of the Court, if any and its relevance with the proposed project.	

(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		

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	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?		

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1.22	Stream crossings?		
1.23	Abstraction or transfers of water form 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, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels		

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	(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

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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

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			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 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:

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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?		

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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.: • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other		
9.2	Lead to after-use of the site, which could have an		

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	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, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources		

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	<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>		

(IV). Proposed Terms of Reference for EIA studies

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

Date:

Place:

Signature of the applicant
With name and full address
(Project Proponent / Authorized Signatory)

NOTE:

1. The project involving clearances under Coastal Regulation Zone Notification, 1991 shall submit with the application a CRZ map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z (at the stage of ToR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z. Notification, 1991 for the activities to be located in the CRZ.
2. The project to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendation or comments of the Chief Wildlife Warden thereon (at the stage of EC).
3. All correspondence with the Ministry of Environment & Forests including submission of application for TOR / Environmental Clearance, subsequent clarification, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being an authorized signatory for the specific project.

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 landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse 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 landuse, 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

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- 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.

APPENDIX III

(See paragraph 7)

GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	• Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	• 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: • Type of project

		• Need for the project • Location (maps showing general location, specific location, project boundary & project site layout) • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure
3.	Description of the Environment	• Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	• 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 • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance)

		• Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	• In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative
6.	Environmental Monitoring Program	• Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	• Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	• Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits
9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	• Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11	Summary & Conclusion (This will constitute the summary of the EIA Report)	• Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

**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 covering more than one District, State or Union Territory in which the project is located and the applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

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

- (a) District Magistrate / **District Collector / Deputy Commissioner / s**
- (b) Zila Parishad or Municipal Corporation **or Panchayats Union**
- (c) District Industries Office
- (d) Urban Local Bodies (ULBs) / PRIs concerned / **Development Authorities**
- (e) Concerned Regional Office of the Ministry of Environment and Forests

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

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

3.0 Notice of Public Hearing:

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

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

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

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

4.0 Supervision and Presiding over the Hearing:

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

5.0 Videography

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

6.0 Proceedings

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

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

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

6.4 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 **local** / vernacular language and the agreed minutes shall be signed by the District Magistrate / **District Collector** / **Deputy Commissioner** or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

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

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate / **District Collector** / **Deputy Commissioner**, and the SPCB or UTPCC . The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings 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. ***Simultaneously, a copy will also be provided to the project proponent.*** The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item wise, to address these concerns.

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

**APPENDIX –V
(See paragraph 7)**

PROCEDURE PRESCRIBED FOR APPRAISAL

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

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

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

3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA report, in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual

FOR INTERNAL USE

plan and make recommendations on the project regarding grant of Environmental Clearance or otherwise and also stipulate the conditions for environmental clearance.

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.

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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 (EACs) 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 in measurement, monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Project Management:** Experts in Project Management or Management of Process or Operations or Facilities in the relevant sectors.
- **Environmental Impact Assessment Process:** 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**

- **Life Science (Floral and Faunal management)**
- **Forestry and Wildlife Expert**
- **Environmental Economics with experience in project appraisal**
- **Public Administration or Management covering various developmental sectors and environmental issues.**

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 eminent person having experience in environmental policy related issues, in management or in public administration dealing with various developmental sectors.

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.

ENVIRONMENTAL STANDARDS

STANDARDS APPLICABLE TO THE COAL MINES

- 1) Air Quality – (i) Work zone –Standards for Coal Mines issued by MoEF, GSR-742 E dt. 25.09.2000
(ii) Residential category – National Ambient Air Quality standards issued by CPCB, GSR 176 dt. 02.04.1996.
- 2) Water Quality – (i) Mine discharge / Workshop / Colony effluents – Standards for Coal Mines issued by MoEF, GSR-742 E dt. 25.09.2000 and GSR-801 (E), EPA, 1986, dt.31.12.1993.
(ii) Ground Water – BIS 105000 : 1991
(iii) Surface Water – BIS 2296 : 1982

A. STANDARDS FOR COAL MINES (Stipulated by Ministry of Environment and Forests (MoEF), Vide Notification No. GSR 742(E), Dt: 25.09.2000)

I. AIR QUALITY STANDARDS:

(a) Standards

Pollutant	Time weighted Average	Concentration in Ambient Air	
		New Coal Mines (commenced after 25.09.2000)	Existing Coal Mines (commenced prior to 25.09.2000)
Suspended Particulates Matter (SPM)	Annual Average	360 $\mu\text{g}/\text{m}^3$	430 $\mu\text{g}/\text{m}^3$
	24 hours	500 $\mu\text{g}/\text{m}^3$	600 $\mu\text{g}/\text{m}^3$
Respirable Particulate Matter (size less than 10 μm) (RPM)	Annual Average	180 $\mu\text{g}/\text{m}^3$	215 $\mu\text{g}/\text{m}^3$
	24 hours	250 $\mu\text{g}/\text{m}^3$	300 $\mu\text{g}/\text{m}^3$
Sulphur Dioxide (SO_2)	Annual Average	80 $\mu\text{g}/\text{m}^3$	80 $\mu\text{g}/\text{m}^3$
	24 hours	120 $\mu\text{g}/\text{m}^3$	120 $\mu\text{g}/\text{m}^3$
Oxides of Nitrogen as NO_2	Annual Average	80 $\mu\text{g}/\text{m}^3$	80 $\mu\text{g}/\text{m}^3$
	24 hours	120 $\mu\text{g}/\text{m}^3$	120 $\mu\text{g}/\text{m}^3$

Micro Gram / Cubic meter ($\mu\text{g}/\text{m}^3$)

Note : -(i) Annual arithmetic mean of 24- hourly / 8- hourly values shall be met 92% of the time in a year. However, 8% of the time it may exceed but not on two consecutive days.

(ii) In case of residential or commercial or industrial place falls within 500 metres of any dust generating sources, the National Ambient Air Quality Standards shall be made applicable.

(b) Frequency

- (1) Air quality monitoring at a frequency of once in a fortnight (24 hourly sampling) at the identified locations near the dust generating sources.
- (2) As a result of monthly monitoring, if it is found that the concentration of the pollutants is less than the 50% of the specified standards for three consecutive months, then the sampling frequency may be shifted to two days in a quarter year.
- (3) In case the value has exceeded the specified standards, the air quality sampling shall be done twice in a week. If the results of four consecutive weeks indicate that the concentration of pollutants is within the specified standards, then fortnightly monitoring may be reverted to.

II. EFFLUENT WATER QUALITY STANDARDS :

(a) Standards

pH	-- 5.5 to 9.0
Chemical Oxygen Demand (COD)	-- 250 mg/l
Total Suspended Solids (TSS)	-- 100 mg/l
	-- 200 mg/l (Land for irrigation)
Oil & Grease (O & G)	-- 10 mg/l

Note: Milligrams / litre (mg/l)

(b) Frequency

Monitoring of these parameters shall be done at a frequency of once in a fortnight.

All the 33 Parameters as given in Part-A of General Standards for discharge of Environmental Pollutants, GSR 801 (E) EPA 1993, prescribed by CPCB shall be monitored once in a year.

III. NOISE LEVEL STANDARDS:

(a) Standards

Time duration:	6.00 A.M.- 10.00 P.M.	10.00 P.M. - 6.00 A.M
Noise Level:	Leq 75 dB(A)	Leq 70 dB(A)

Note : decibel (dB)

(b) Frequency

Monitoring frequency for noise levels shall be once in a fortnight.

Occupational exposure limit of noise specified by Director General of Mines Safety (DGMS) shall be complied with by the coalmines.

B. NATIONAL AMBIENT AIR QUALITY STANDARDS

Pollutants	Time-weighted average	Concentration in ambient air			Method of measurement
		Industrial Areas	Residential, Rural & other Areas	Sensitive Areas	
Sulphur Dioxide (SO ₂)	Annual Average*	80 µg/m ³	60 µg/m ³	15 µg/m ³	-Improved West and Geake Method - Ultraviolet Fluorescence
	24 hours**	120 µg/m ³	80 µg/m ³	30 µg/m ³	
Oxides of Nitrogen as (NO ₂)	Annual Average*	80 µg/m ³	60 µg/m ³	15 µg/m ³	-Jacob & Hochheiser Modified (Na-Arsenite) Method -Gas Phase Chemiluminescence
	24 hours**	120 µg/m ³	80 µg/m ³	30 µg/m ³	
Suspended Particulate Matter (SPM)	Annual Average*	360 µg/m ³	140 µg/m ³	70 µg/m ³	- High Volume Sampling, (Average flow rate not less than 1.1 m ³ /minute).
	24 hours**	500 µg/m ³	200 µg/m ³	100 µg/m ³	
Respirable Particulate Matter (RPM) (size less than 10 microns)	Annual Average*	120 µg/m ³	60 µg/m ³	50 µg/m ³	-Respirable particulate matter sampler
	24 hours**	150 µg/m ³	100 µg/m ³	75 µg/m ³	
Lead (Pb)	Annual Average*	1.0 µg/m ³	0.75 µg/m ³	0.50 µg/m ³	-ASS Method after Sampling using EPM 2000 or equivalent Filter paper
	24 hours**	1.5 µg/m ³	1.00 µg/m ³	0.75 µg/m ³	
Ammonia ¹	Annual Average*	0.1 mg/ m ³	0.1 mg/ m ³	0.1 mg/m ³	
	24 hours**	0.4 mg/ m ³	0.4 mg/m ³	0.4 mg/m ³	
CarbonMonoxide (CO)	8 hours**	5.0 mg/m ³	2.0 mg/m ³	1.0 mg/ m ³	- Non Dispersive Infra Red (NDIR) Spectroscopy
	1 hour	10.0 mg/m ³	4.0 mg/m ³	2.0 mg/m ³	

Note:

* Annual Arithmetic mean of minimum 104 measurements in a year taken twice a week 24 hourly at uniform interval.

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24 hourly/8 hourly values should be met 98% of the time in a year. However, 2% of the time, it may exceed but not on two consecutive days.

NOTE:

1. National Ambient Air Quality Standard: The levels of air quality with an adequate margin of safety, to protect the public health,, vegetation and property.
2. Whenever and wherever two consecutive values exceeds the limit specified above for the respective category, it would be considered adequate reason to institute regular/continuous monitoring and further investigations.
[EPA Notification: GSR 176 (E), April 02, 1996]

(C) GENERAL STANDARDS* FOR DISCHARGE OF ENVIRONMENTAL POLLUTANTS

Part - A :

Effluents

S. No.	Parameter	Inland surface water	Public sewers	Land for irrigation	Marine/coastal areas
	2		3		
	.	(a)	(b)	(c)	(d)
1	Colour and odour	See 6 of Annexure-1I		See 6 of Annexure-1I	See 6 of Annexure-1I
2	Suspended solids mg/l, max.	100	600	200	(a) For process waste water (b) For cooling water effluent 10 per cent above total suspended matter of influent.
3	Particle size of suspended solids	shall pass 850 micron IS Sieve	-	-	(a) Floatable solids, solidsmax. 3 mm (b) Settleable solids, max 856 microns
4	pH value	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0	5.5 to 9.0
5	Temperature	shall not exceed 5°C above the receiving water temperature			shall not exceed 5°C above the receiving water temperature
6	Oil and grease, mg/l max,	10	20	10	20
7	Total residual chlorine, mg/l max	1.0	-	-	1.0
8	Ammonical nitrogen (as N),mg/l, max.	50	50	-	50
9	Total kjeldahl nitrogen (as N);mg/l, max. mg/l, max.	100	-	-	100
10	Free ammonia (as NH ₃), mg/l,max.	5.0	-	-	5.0
11	Biochemical oxygen demand (3 days at 27°C), mg/l, max.	30	350	100	100

12	Chemical oxygen demand, mg/l, max.	250	-	-	250
13	Arsenic(as As).	0.2	0.2	0.2	0.2
14	Mercury (As Hg), mg/l, max.	0.01	0.01	-	0.01
15	Lead (as Pb) mg/l, max	0.1	1.0	-	2.0
16	Cadmium (as Cd) mg/l, max	2.0	1.0	-	2.0
17	Hexavalent chromium (as Cr + 6),mg/l, max.	0.1	2.0	-	1.0
18	Total chromium (as Cr) mg/l, max.	2.0	2.0	-	2.0
19	Copper (as Cu)mg/l, max.	3.0	3.0	-	3.0
20	Zinc (as Zn) mg/l, max.	5.0	15	-	15
21	Selenium (as Se)	0.05	0.05	-	0.05
22	Nickel (as Ni) mg/l, max.	3.0	3.0	-	5.0
23	Cyanide (as CN) mg/l, max.	0.2	2.0	0.2	0.2
24	Fluoride (as F) mg/l, max.	2.0	15	-	15
25	Dissolved phosphates (as P),mg/l, max.	5.0	-	-	-
26	Sulphide (as S) mg/l, max.	2.0	-	-	5.0
27	Phenolic compounds (as C ₆ H ₅ OH)mg/l, max.	1.0	5.0	-	5.0
28	Radioactive materials: (a) Alpha emitters micro curie mg/l, max. (b)Beta emittersmicro curie mg/l	10^{-7}	10^{-7}	10^{-8}	10^{-7}
		10^{-6}	10^{-6}	10^{-7}	10^{-6}
29	Bio-assay test	90% suivival of fish after 96 hours in	90% suivival of fish after 96 hours in	90% suivival of fish after 96 hours in 100%	90% suivival of fish after 96 hours in 100% effluen

		100% effluent	100% effluent	effluent	
30	Manganese	2 mg/l	2 mg/l	-	2 mg/l
31	Iron (as Fe)	3mg/l	3mg/l	-	3mg/l
32	Vanadium (as V)	0.2mg/l	0.2mg/l	-	0.2mg/l
33	Nitrate Nitrogen	10 mg/l	-	-	20 mg/l

These standards shall be applicable for industries, operations or processes other than those industries, operations or process for which standards have been specified in Schedule of the Environment Protection Rules, 1989.

ANNEXURE-I

The state boards shall follow the following guidelines in enforcing the standards specified under Schedule IV.

1. The wastewater and gases are to be treated with the best available technology (BAT) in order to achieve the prescribed standards.
2. The industries need to be encouraged for recycling and reuse of waste materials as far as practicable in order to minimize the discharge of wastes into the environment.
3. The industries are to be encouraged for recovery of biogas, energy and reusable materials.
4. While permitting the discharge of effluents and emissions into the environment, State Boards have to taken into account the assimilative capacities of the receiving bodies, especially water bodies so that quality of the intended use of the receiving waters is not affected. Where such quality is likely to be affected, discharges should not be allowed into water bodies.
5. The central and state boards shall put emphasis on the implementation of clean technologies by the industries in order to increase fuel efficiency and reduce the generation of environmental pollutants.
6. All efforts should be made to remove color and unpleasant odour as far as practicable.
7. The standards mentioned in this Schedule shall also apply to all other effluents discharged such as mining, and mineral processing activities and sewage.
8. The limit given for the total concentration of mercury in the final effluent of caustic soda industry, is for the combined effluent from (a) cell house; (b) brine plant; (c) chlorine handling; (d) hydrogen handling; and (e) hydrochloric acid plant.
9. All effluents discharged including from the industries such as cotton textile, composite woolen mills, synthetic rubber, small pulp & paper, natural rubber, petrochemicals, tanneries, paint, dyes, slaughter houses, food & fruit processing and dairy industries into surface waters shall conform to the BOD limit specified above, namely, 30 mg/l. For discharge of an effluent having a BOD more than 30 mg/l, the standards shall conform to those given above for other receiving bodies, namely, sewers, coastal waters and land for irrigation.
10. Bio-assay shall be made compulsory for all the industries, where toxic and nonbiodegradable chemicals are involved.

11. In case of fertilizer industry, the limits in respect of chromium and fluoride shall be complied with at the outlet of chromium and fluoride removal units respectively.
12. In case of pesticides.
 - a. The limits should be complied with at the end of the treatment plant before dilution.
 - b. Bio-assay test should be carried out with the available species of fish in the receiving water, the COD limits to be specified in the consent conditions should be correlated with the BOD limits.
 - c. In case metabolites and isomers of the pesticides in the given list are found in significant concentrations, standards should be prescribed for these also in the same concentration as the individual pesticides.
 - d. Industries are required to analyze pesticides in wastewater by advanced analytical methods such as GLC/HPLC.
13. The chemical oxygen demand (COD) concentration in a treated effluent, if observed to be persistently greater than 250 mg/l before disposal to any receiving body (public sewer, land for irrigation, inland surface water and marine coastal areas), such industrial units are required to identify chemicals causing the same. In case these are found to be toxic as defined in the Schedule-I of the Hazardous Rules, 1989, the state boards in such cases shall direct the industries to install tertiary treatment stipulating time limit.
14. Standards specified in Part A of Schedule VI for discharge of effluents into the public sewer shall be applicable only if such sewer leads to a secondary treatment including biological treatment system otherwise the discharge into sewers shall be treated as discharge into inland surface waters.

[GSR 801 (E), EPA, 1986, dated Dec. 31, 1993]

D. INDIAN STANDARDS FOR DRINKING WATER - SPECIFICATION (BIS 10500 : 1991)

Sl.No	Substance or Characteristic	Requirement (Desirable Limit)	Permissible Limit in the absence of Alternate source
<u>Essential characteristics</u>			
1.	Colour, (Hazen units, Max)	5	25
2.	Odour	Unobjectonable	Unobjectionable
3.	Taste	Agreeable	Agreeable
4.	Turbidity (NTU, Max)	5	10
5.	pH Value	6.5 to 8.5	No Relaxsation
6.	Total Hardness (as CaCo ₃) mg/lit.,Max	300	600
7.	Iron (as Fe) mg/lit,Max	0.3	1.0
8.	Chlorides (as Cl) mg/lit,Max.	250	1000
9.	Residual,free chlorine,mg/lit,Min	0.2	--

Desirable Characteristics			
10.	Dissolved solids mg/lit,Max	500	2000
11.	Calcium (as Ca) mg/lit,Max	75	200
12.	Copper (as Cu) mg/lit,Max	0.05	1.5
13.	Manganese (as Mn)mg/lit,Max	0.10	0.3
14.	Sulfate (as SO ₄) mg/lit,Max	200	400
15.	Nitrate (as NO ₃) mg/lit,Max	45	100
16.	Fluoride (as F) mg/lit,Max	1.9	1.5
17.	Phenolic Compounds (as C ₆ H ₅ OH) mg/lit, Max.	0.001	0.002
18.	Mercury (as Hg)mg/lit,Max	0.001	No relaxation
19.	Cadmium (as Cd)mg/lit,Max	0.01	No relaxation
20.	Selenium (as Se)mg/lit,Max	0.01	No relaxation
21.	Arsenic (as As) mg/lit,Max	0.05	No relaxation
22.	Cyanide (as CN) mg/lit,Max	0.05	No relaxation
23.	Lead (as Pb) mg/lit,Max	0.05	No relaxation
24.	Zinc (as Zn) mg/lit,Max	5	15
25.	Anionic detergents (as MBAS) mg/lit,Max	0.2	1.0
26.	Chromium (as Cr ⁶⁺) mg/lit,Max	0.05	No relaxation
27.	Polynuclear aromatic hydro carbons (as PAH) g/lit,Max	--	--
28.	Mineral Oil mg/lit,Max	0.01	0.03
29.	Pesticides mg/l, Max	Absent	0.001
30.	Radioactive Materials		
	i. Alpha emitters Bq/l,Max	--	0.1
	ii. Beta emitters pci/l,Max	--	1.0
31.	Alkalinity mg/lit.Max	200	600
32.	Aluminium (as Al) mg/l,Max	0.03	0.2
33.	Boron mg/lit,Max	1	5

**E.TOLERANCE LIMITS FOR INLAND SURFACE WATERS SUBJECT TO POLLUTION
(IS: 2296-1982)**

**TOLERANCE LIMITS FOR INLAND SURFACE WATERS, CLASS C
(Clause 3.3)**

SL.NO (1)	CHARACTERISTIC (2)	TOLERANCE LIMIT (3)	Method of test	
			(4) Ref to Cline in IS:3025-1964 #	(5) Other Method of Test
i)	pH value	6.5-8.5	8	--
ii)	Dissolved Oxygen, mg/l, Min	4	50	--
iii)	Biochemical oxygen demand (5 days at 20° C), mg/l, Max	3	53	--
iv)	Total Coli form Organisms, MPN/100 ml, Max	5000*	--	3.3 of IS: 1622-1981**
v)	Color, Hazen units, Max	300	5	--
vi)	Fluorides (as F), mg/l, Max	1.5	23	--
vii)	Cadmium (as Cd), mg/l, Max	0.01	--	9 of IS:2488 (Part II)-1968##
viii)	Chlorides (as Cl), mg/l, Max	600	24	--

ix)	Chromium (as Cr ⁶⁺), mg/l, Max	0.05	38	--
x)	Cyanides (as CN), mg/l, Max	0.05	27	--
xi)	Total dissolved solids, mg/l, Max	1500	12	--
xii)	Selenium (as Se), mg/l, Max	0.05	28	--
xiii)	Sulphates (as SO ₄), mg/l, Max	400	20	--
xiv)	Lead (as Pb), mg/l, Max	0.1	37	--
xv)	Copper (as Cu), mg/l, Max	1.5	36	--
xvi)	Arsenic (as As), mg/l, Max	0.2	40	--
xvii)	Iron (as Fe), mg/l, Max	50	32	--
xviii)	Phenolic Compounds (as C ₆ H ₅ OH), mg/l, Max	0.005	54	--
xix)	Zinc (as Zn), mg/l, max	15	39	--
xx)	Insecticides, mg/l, Max	Absent	--	8 of IS:2488 (Part III)-1968*@
xxi)	Anionic detergents (as MBAS), mg/l, Max	1	--	Methylene blue-extraction method
xxii)	Oils and grease, mg/l, Max	0.1	--	13 of IS:2488 (Part I 1966 \$)
xxiii)	Nitrates (a NO ₃), mg/l, Max	50	48	--
xxiv)	Alpha emitters, µc/ml, Max	10 ⁻⁹	58	--
xxv)	Beta emitters, µc/ml, Max	10 ⁻⁸	58	--

Methods of sampling and test (physical and chemical) for water used in industry.

* If MPN count is noticed to be more than 5000 MPN then regular tests shall be carried out. The criteria shall be satisfied if during a period of time not more than 5 percent of the samples show more than 20000 MPN and not more than 20 percent of the samples show more than 5000 MPN. Further the faecal coliforms should not be more than 40 percent of the total coliforms.

** Methods of sampling and microbiological examination of water (first revision)

\$ Methods of sampling and test for industrial effluents, **Part I**

##Methods of sampling and test for industrial effluents, **Part II**

@Methods of sampling and test for industrial effluents, **Part III**

F. BIO- MEDICAL WASTE (MANAGEMENT AND HANDLING) (SECOND AMENDMENT) RULES, 1998

STANDARDS FOR TREATMENT AND DISPOSAL OF BIO-MEDICAL WASTES

STANDARDS FOR INCINERATORS:

All incinerators shall meet the following operating and emission standards

A. Operating Standards

1. Combustion efficiency (CE) shall be at least 99.00%.
2. The Combustion efficiency is computed as follows:

$$\text{C.E.} = \frac{\% \text{CO}_2}{\% \text{CO}_2 + \% \text{CO}} \times 100$$

3. The temperature of the primary chamber shall be 800 ± 50 deg. C°.
4. The secondary chamber gas residence time shall be at least 1 (one) second at 1050 ± 50 C°, with minimum 3% Oxygen in the stack gas.

B. Emission Standards

Parameters correction)	Concentration mg/Nm ³ at (12% CO ₂
(1) Particulate matter	150
(2) Nitrogen Oxides	450
(3) HCl	50
(4) Minimum stack height shall be 30 metres above ground	
(5) Volatile organic compounds in ash shall not be more than 0.01%	

Note :

- Suitably designed pollution control devices should be installed/retrofitted with the incinerator to achieve the above emission limits, if necessary.
- Wastes to be incinerated shall not be chemically treated with any chlorinated disinfectants.
- Chlorinated plastics shall not be incinerated.
- Toxic metals in incineration ash shall be limited within the regulatory quantities as defined under the Hazardous Waste (Management and Handling Rules,) 1989.
- Only low sulphur fuel like L.D.0dLS.H.S.1Diesel shall be used as fuel in the incinerator.

STANDARDS FOR WASTE AUTOCLAVING:

The autoclave should be dedicated for the purposes of disinfecting and treating bio-medical waste,

- (I) When operating a gravity flow autoclave, medical waste shall be subjected to :
 - (i) a temperature of not less than 121 C° and pressure of 15 pounds per square inch (psi) for an autoclave residence time of not less than 60 minutes; or
 - (ii) a temperature of not less than 135 C° and a pressure of 31 psi for an autoclave residence time of not less than 45 minutes; or
 - (iii) a temperature of not less than 149 C° and a pressure of 52 psi for an autoclave residence time of not less than 30 minutes.

(II) When operating a vacuum autoclave, medical waste shall be subjected to a minimum of one pre-vacuum pulse to purge the autoclave of all air. The waste shall be subjected to the following:

- (i) a temperature of not less than 121 C° and pressure of 15 psi per an autoclave residence time of not less than 45 minutes; or
- (ii) a temperature of not less than 135 C° and a pressure of 31 psi for an autoclave residence time of not less than 30 minutes;

(III) Medical waste shall not be considered properly treated unless the time, temperature and pressure indicators indicate that the required time, temperature and pressure were reached during the autoclave process. If for any reasons, time temperature or pressure indicator indicates that the required temperature, pressure or residence time was not reached, the entire load of medical waste must be autoclaved again until the proper temperature, pressure and residence time were achieved.

(IV) Recording of operational parameters

Each autoclave shall have graphic or computer recording devices which will automatically and continuously monitor and record dates, time of day, load identification number and operating parameters throughout the entire length of the autoclave cycle.

(V) Validation test

Spore testing :

The autoclave should completely and consistently kill the approved biological indicator at the maximum design capacity of each autoclave unit. Biological indicator for autoclave shall be *Bacillus stearothermophilus* spores using vials or spore Strips; with at least 1×10^4 spores per millilitre. Under no circumstances will an autoclave have minimum operating parameters less than a residence time of 30 minutes, regardless of temperature and pressure, a temperature less than 121 C° or a pressure less than 15 psi.

(VI) Routine Test

A chemical indicator strip/tape that changes colour when a certain temperature is reached can be used to verify that a specific temperature has been achieved. It may be necessary to use more than one strip over the waste package at different location to ensure that the inner content of the package has been adequately autoclaved

STANDARD FOR LIQUID WASTE:

The effluent generated from the hospital should conform to the following limits

PARAMETERS

PERMISSIBLE LIMITS

PH	6.3-9.0
Suspended solids	100 mg/l
Oil and grease	10 mg/l
BOD	30 mg/l
COD	250 mg/l
Bio-assay test	90% survival of fish after 96 hours in 100% effluent.

these limits are applicable to those, hospitals which are either connected with sewers without terminal sewage treatment plant or not connected to public sewers. For discharge into public sewers with terminal facilities, the general standards as notified under the Environment (Protection) Act, 1986 shall be applicable.

STANDARDS OF MICROWAVING

1. Microwave treatment shall not be used for cytotoxic, hazardous or radioactive wastes, contaminated animal car casses, body parts and large metal items.
2. The microwave system shall comply with the efficacy test/routine tests and a performance guarantee may be provided by the supplier before operation of the limit.
3. The microwave should completely and consistently kill the bacteria and other pathogenic organisms that is ensured by approved biological indicator at the maximum design capacity of each microwave unit. Biological indicators for microwave shall be Bacillus Subtilis spores using vials or spore strips with at least 1×10^1 spores per milliliter.

STANDARDS FOR DEEP BURIAL

1. A pit or trench should he dug about 2 meters deep. It should be half filled with waste, then covered with lime within 50 cm of the surface, before filling the rest of the pit with soil.
2. It must be ensured that animals do not have any access to burial sites. Covers of galvanised iron/wire meshes may be used.
3. On each occasion, when wastes are added to the pit, a layer of 10 em of soil shall be added to cover the wastes.
4. Burial must be performed under close and dedicated supervision.
5. The deep burial site should be relatively impermeable and no shallow well should be close to the site.

6. The pits should be distant from habitation, and sited so as to ensure that no contamination occurs of any surface water or ground water. The area should not be prone to flooding or erosion.

7. The location of the deep burial site will be authorised by the prescribed authority.

8. The institution shall maintain a record of all pits for deep burial.



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असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

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राष्ट्रीय परिवेशी वायु गुणवत्ता मानक

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

अधिसूचना

नई दिल्ली, 18 नवम्बर, 2009

सं. बी-29016/20/90/पी.सी.आई.-I.—वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 (1981 का 14) की धारा 16 की उपधारा (2) (एच) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा अधिसूचना संख्या का.आ. 384(ई), दिनांक 11 अप्रैल, 1994 और का.आ. 935 (ई) दिनांक 14 अक्टूबर, 1998 के अधिक्रमण में केन्द्रीय प्रदूषण नियंत्रण बोर्ड इसके द्वारा तत्काल प्रभाव से राष्ट्रीय परिवेशी वायु गुणवत्ता मानक अधिसूचित करता है, जो इस प्रकार है—

राष्ट्रीय परिवेशी वायु गुणवत्ता मानक

क्र. सं.	प्रदूषक	समय आधारित औसत	परिवेशी वायु में सान्द्रण		
			औद्योगिक, रिहायशी, ग्रामीण और अन्य क्षेत्र	पारिस्थितिकीय संवेदनशील क्षेत्र (केन्द्र सरकार द्वारा अधिसूचित)	प्रबोधन की पद्धति
(1)	(2)	(3)	(4)	(5)	(6)
1	सल्फर डाई आक्साइड (SO ₂), µg/m ³	वार्षिक* 24 घंटे**	50 80	20 80	-उन्नत वेस्ट और गार्डक -परावैगनी परीक्षी
2	नाइट्रोजन डाई आक्साइड (NO ₂), µg/m ³	वार्षिक* 24 घंटे**	40 80	30 80	-उपांतरित जैकब और हॉचाइजर (सोडियम-आर्सेनाइट) -रासायनिक संदीप्ति
3	विविक्त पदार्थ (10माइक्रोन से कम आकार)या PM ₁₀ , µg/m ³	वार्षिक* 24 घंटे**	60 100	60 100	-हवात्मक विश्लेषण -टोयम -बीटा तनुकरण पद्धति

4	विविक्त पदार्थ (2.5 माइक्रान से कम आकार या $PM_{2.5}$, $\mu g/m^3$)	वार्षिक* 24 घंटे**	40 60	40 60	-हरात्मक विश्लेषण -टोयम -बीटा तनुकरण पद्धति
5	ओजोन (O_3) $\mu g/m^3$	8 घंटे** 1 घंटा**	100 180	100 180	-पराबैगनी द्विप्तिकाल -रासायनिक संदीप्ति -रासायनिक पद्धति
6	सीसा (Pb) $\mu g/m^3$	वार्षिक* 24 घंटे**	0.50 1.0	0.50 1.0	ई.पी.एम. 2000 या समरूप फिल्टर पेपर का प्रयोग करके AAS/ICP पद्धति -टेफलॉन फिल्टर पेपर का प्रयोग करते हुए ED-XRF
7	कार्बन मोनोक्साइड (CO) mg/m^3	8 घंटे** 1 घंटा**	02 04	02 04	-अविपेक्षी अवरक्त (NDIR) स्पेक्ट्रम मापन
8	अमोनिया (NH_3) $\mu g/m^3$	वार्षिक* 24 घंटे**	100 400	100 400	-रासायनिक संदीप्ति -इण्डोफिनॉल ब्ल्यू पद्धति
9	बैन्जीन (C_6H_6) $\mu g/m^3$	वार्षिक*	05	05	- गैस क्रोमेटोग्राफी आधारित सतत विश्लेषक -अधिशोषण तथा निशोषण के बाद गैस क्रोमेटोग्राफी
10	बैन्जो (ए) पाईरीन (BaP) केवल विविक्त कण, ng/m^3	वार्षिक*	01	01	-विलायक निष्कर्षण के बाद HPLC/GC द्वारा विश्लेषण
11	आर्सेनिक (As) ng/m^3	वार्षिक*	06	06	-असंवितरक अवरक्त स्पेक्ट्रोमिती ई.पी.एम. 2000 या समरूप फिल्टर पेपर का प्रयोग करके ICP/AAS पद्धति
12	निकिल (Ni) ng/m^3	वार्षिक*	20	20	ई.पी.एम. 2000 या समरूप फिल्टर पेपर का प्रयोग करके ICP/AAS पद्धति

* वर्ष में एक समान अंतरालों पर सप्ताह में दो बार प्रति 24 घंटे तक किसी एक स्थान विशेष पर लिये गये न्यूनतम 104 मापों का वार्षिक अंकगणीतीय औसत ।

** वर्ष में 98 प्रतिशत समय पर 24 घंटे या 8 घंटे या 1 घंटा के मानीटर मापमान, जो लागू हो, अनुपालन कये जाएंगे । दो प्रतिशत समय पर यह मापमान अधिक हो सकता है, किन्तु क्रमिक दो मानीटर करने के दिनों पर नहीं ।

टिप्पणी:

1. जब कभी और जहां भी किसी अपने-अपने प्रवर्ग के लिये दो क्रमिक प्रबोधन दिनों पर मापित मूल्य, ऊपर विनिर्दिष्ट सीमा से अधिक हो तो इसे नियमित या निरंतर प्रबोधन तथा अतिरिक्त अन्वेषण करवाने के लिये पर्याप्त कारण समझा जायेगा ।

संत प्रसाद गौतम, अध्यक्ष

[विज्ञापन-III/4/184/09/असा.]

टिप्पणी: राष्ट्रीय परियोजना वायु गुणवत्ता मानक संबंधी अधिसूचनाएँ, केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा भारत के राजपत्र आसाधरण में अधिसूचना संख्या का.आ. 384 (ई), दिनांक 11 अप्रैल, 1994 एवं का. आ. 935 (ई), दिनांक 14 अक्टूबर, 1998 द्वारा प्रकाशित की गयी थी ।

NATIONAL AMBIENT AIR QUALITY STANDARDS
CENTRAL POLLUTION CONTROL BOARD
NOTIFICATION

New Delhi, the 18th November, 2009

No. B-29016/20/90/PCI-I.—In exercise of the powers conferred by Sub-section (2) (h) of section 16 of the Air (Prevention and Control of Pollution) Act, 1981 (Act No.14 of 1981), and in supersession of the Notification No(s). S.O. 384(E), dated 11th April, 1994 and S.O. 935(E), dated 14th October, 1998, the Central Pollution Control Board hereby notify the National Ambient Air Quality Standards with immediate effect, namely:-

NATIONAL AMBIENT AIR QUALITY STANDARDS

S. No.	Pollutant	Time Weighted Average	Concentration in Ambient Air		
			Industrial, Residential, Rural and Other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1	Sulphur Dioxide (SO ₂), µg/m ³	Annual* 24 hours**	50 80	20 80	- Improved West and Gaeke -Ultraviolet fluorescence
2	Nitrogen Dioxide (NO ₂), µg/m ³	Annual* 24 hours**	40 80	30 80	- Modified Jacob & Hochheiser (Na-Arsenite) - Chemiluminescence
3	Particulate Matter (size less than 10µm) or PM ₁₀ µg/m ³	Annual* 24 hours**	60 100	60 100	- Gravimetric - TOEM - Beta attenuation
4	Particulate Matter (size less than 2.5µm) or PM _{2.5} µg/m ³	Annual* 24 hours**	40 60	40 60	- Gravimetric - TOEM - Beta attenuation
5	Ozone (O ₃) µg/m ³	8 hours** 1 hour**	100 180	100 180	- UV photometric - Chemiluminescence - Chemical Method
6	Lead (Pb) µg/m ³	Annual* 24 hours**	0.50 1.0	0.50 1.0	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper - ED-XRF using Teflon filter
7	Carbon Monoxide (CO) mg/m ³	8 hours** 1 hour**	02 04	02 04	- Non Dispersive Infra Red (NDIR) spectroscopy
8	Ammonia (NH ₃) µg/m ³	Annual* 24 hours**	100 400	100 400	-Chemiluminescence -Indophenol blue method

(1)	(2)	(3)	(4)	(5)	(6)
9	Benzene (C ₆ H ₆) µg/m ³	Annual*	05	05	- Gas chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10	Benzo(a)Pyrene (BaP) - particulate phase only, ng/m ³	Annual*	01	01	- Solvent extraction followed by HPLC/GC analysis
11	Arsenic (As), ng/m ³	Annual*	06	06	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper
12	Nickel (Ni), ng/m ³	Annual*	20	20	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper

* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

** 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

Note. — Whenever and wherever monitoring results on two consecutive days of monitoring exceed the limits specified above for the respective category, it shall be considered adequate reason to institute regular or continuous monitoring and further investigation.

SANT PRASAD GAUTAM, Chairman
[ADVT-III/4/184/09/Exty.]

Note: The notifications on National Ambient Air Quality Standards were published by the Central Pollution Control Board in the Gazette of India, Extraordinary vide notification No(s). S.O. 384(E), dated 11th April, 1994 and S.O. 935(E), dated 14th October, 1998.

F. No. J-11011/618/2010-IA-II (I)
Government of India
Ministry of Environment and Forests
(I.A. Division)

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

Dated: 30th May, 2012

CIRCULAR

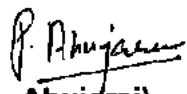
Subject: Consideration of expansion proposals for grant of Environmental Clearance under the EIA Notification, 2006.

This is in continuation to this Ministry's circular no. J-11013/41/2006-IA.II (I), dated 20.10.2009 regarding consideration of expansion proposals for grant of environmental clearance under EIA Notification, 2006.

2. It has been now decided that while submitting the application for consideration for grant of environmental clearance of all expansion projects under the EIA Notification, 2006, the project proponent shall henceforth submit a certified report of the status of compliance of the conditions stipulated in the environmental clearance for the ongoing / existing operation of the project by the Regional Offices of the Ministry of Environment and Forests.

3. The status of compliance of the conditions stipulated in the environmental clearance as highlighted in the report(s) will be subsequently discussed by the respective Expert Appraisal Committees during the appraisal of the expansion proposal and duly recorded in the minutes of the meeting. Applications for expansion project received without the compliance status as mentioned in para no.2 above shall not be accepted and placed for consideration before the Expert Appraisal Committees.

This issues with the approval of the Competent Authority.


(Dr. P.L. Ahujara)
Director

- i. All the Officers of IA Division
- ii. Chairpersons / Member Secretaries of all the SEIAAs/ SEACs
- iii. Chairman, CPCB
- iv. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

- i. PS to MEF
- ii. PPS to Secretary (E&F)
- iii. PPS to SS (JMM)
- iv. JS (RG)
- v. Website, MoEF
- vi. Guard File

F. No.J-11015/224/2015-IA.II
Government of India
Ministry of Environment, Forest and Climate Change
(IA-II Section)

Indira Paryavaran Bhawan,
Jorbagh Road, N Delhi - 3
Dated: 15th September, 2017

Office Memorandum

**Sub: Environmental Clearance for expansion of Coal Mining Projects -
Exemption from Public hearing - reg.**

In order to facilitate grant of Environmental Clearance (EC) to the expansion projects of coal mines, Office Memorandums have been issued by this Ministry from time to time providing exemption from public hearing.

2. Ministry of Coal in order to allow rapid expansion in coal production has made request for further dispensation in public hearing to expedite Environmental Clearances.

3. The request of Ministry of Coal was considered by the Expert Appraisal Committee (EAC) in the Ministry constituted for appraisal of projects relating to Thermal and Coal sectors. The Committee has recommended for exemption from public hearing while considering grant of environmental clearances to the expansion projects of coal mines, involving increase in production capacity up to 40% in 2-3 phases after the due diligence and subject to fulfilment of certain requirements as under:-

- (i) Predicted air quality parameters are within the prescribed norms.
- (ii) Coal transportation is through conveyor system up to the silo and then loading to railway wagons, involving no transportation through roads.
- (iii) Coal mining is done through deployment of surface miners, replacing three dust generating operations of the conventional mining system namely drilling, blasting and crushing in one go.
- (iv) Public hearing already conducted for the total mine lease area involved and no more area is required for the proposed expansion.
- (v) Compliance status of EC conditions monitored by the concerned Regional Office of this Ministry is found to be satisfactory.
- (vi) Other statutory requirements like Consent to Establish/Operate, Clearance from CGWA, approval of Mining Plan and the Mine Closure Plan, Mine Closure Status Report as applicable, Forest Clearance, etc are satisfactorily fulfilled.



4. In view of the aforesaid recommendations by EAC, the Ministry has decided to consider the proposals for grant of EC to the expansion of coal mining projects providing exemption from public hearing, in the manner and/or subject to the conditions as under:-

- (a) The proposed expansion can go up to a maximum of 40% of capacity, wherein the last public hearing was conducted.
- (b) There is no increase in area for the proposed expansion vis-a-vis the area in EC, wherein last public hearing was conducted.
- (c) Coal transport is through conveyor system up to the silo and loading to railway wagons, and not by road.
- (d) The EAC shall carry out the due diligence on all the parameters mentioned in para 3 above, and make its recommendations accordingly.
- (e) EAC may consider the need for a third party study through an expert agency in a time bound manner, after grant of EC.

5. This OM shall be in supersession of the earlier OMs issued by the Ministry as under:

- (i) OM No. J-11015/30/2004-IA.II (M) dated 19th December, 2012
- (ii) OM No. J-11015/30/2004-IA.II (M) dated 7th January, 2014
- (iii) OM No. J-11015/30/2004-IA.II (M) dated 30th May, 2014
- (iv) OM No. J-11015/30/2004-IA.II (M) dated 28th July, 2014
- (v) OM No. J-11015/30/2004-IA.II (M) dated 2nd September, 2014

6. This issues with approval of the competent authority.


15/9/2017
(S.K. Srivastava)
Scientist E

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

Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi - 110 003

Dated 26th April, 2011

OFFICE MEMORANDUM

Sub: Corporate Environmental Responsibility.

(A) Background

The Ministry of Environment and Forests has notified various Acts and Rules for environmental governance. The Environmental Impact Assessment (EIA) Notification, 2006 elaborates the procedure for seeking environmental clearance and preparation of Environmental Impact Assessment Reports and Environment Management Plans. However, there is a need to integrate the environmental concerns including those related to forestry, wildlife and bio-diversity, wherever applicable, into the main stream of the Corporate Policies. It would, therefore, be appropriate that the Corporate Houses, major Public Sector Undertakings (PSUs) and Companies have in place Corporate Environmental Policies for protection of environment.

2. In light of the recommendations made by the Committee on Monitoring of projects, a separate Office Memorandum was issued on 6th April, 2011 to stipulate additional conditions in respect of major projects which have already been accorded environmental clearance.

3. Now the matter has been further reviewed and deliberated to bring into focus environmental commitment in the Corporate sector, so that all the project proponents integrate environmental concerns into their day - today - functioning especially the compliance with the conditions of the clearances.

(B) Corporate Environment Policy

In view of the above, it is felt appropriate that all the major PSUs and Companies, as detailed in Section 'C' below, need to :

- (i) Adopt well laid down Corporate Environment Policy;
- (ii) Ensure, as a part of this Policy, adherence with the environmental clearances and forestry clearances wherever applicable, granted to the Company;
- (iii) Ensure that inter-alia the Company functions in conformity with the Policy;
- (iv) Ensure that deviations, if any, from this Policy and cases of violations of environmental and forestry clearances conditions that have been found by this Ministry or other public authorities should be duly reported to its Board of Directors and desirably reflected thereafter on its website and its Annual Report;
- (v) Identify and designate responsible person(s) at all levels of their hierarchy for ensuring adherence to this Policy and compliance with Environmental Laws and Regulations

These measures to promote environmental consciousness and secure compliance will surely protect the project's stakeholders just like financial systems and audit mechanisms protect the shareholders of a company.

(C) Major PSUs and Companies

The above measures may be adopted by major PSUs and Companies namely;

- (i) All Central PSUs
- (ii) All Major Projects

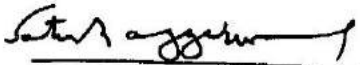
- Coal Based Thermal Power Plants with capacity of 500 MW and above
- Integrated Steel Plants with capacity of 1 MTPA and above and
- Cement Plant with capacity of 3 MTPA and above
- Petroleum Refining Industries

The respective EACs would henceforth suitably incorporate appropriate Terms of Reference (TOR) in respect of the status of Corporate Environment Policy and its implementation, as at B above, which would need to be addressed in the EIA/EMP Reports. For all projects proposals in future at the appraisal stage the EACs and FACs where appropriate, would deliberate on the aspects related to the Corporate Environment Policy, especially with regard to adequacy and comprehensiveness.

(D) Other Projects not covered in (C) above

In respect of projects proponents other than those specified in Section C above, the respective EACs and the FAC, where applicable, on a case to case basis, based on sectoral imperatives, locational aspects, size of the company, past track record etc. may stipulate, through a speaking recommendation, the course of action as in Section B at TOR or appraisal stage, as the case may be.

This issues with the approval of the Competent Authority.


(Dr. S.K. Aggarwal)
Director

To

1. All Officer of the IA Division
2. Chairperson/Member Secretaries of all the EACs/SEIAAs/SEACs

Copy to:

1. PS to MEF
2. PPS to Secretary(E&F)
3. PPS to SS(JMM)
4. Adviser(NB)
5. Website of the MoEF
6. Guard File

F.No.22-65/2017-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi – 110003

Dated: 1st May, 2018

Office Memorandum

Sub: Corporate Environment Responsibility (CER) – reg.

The Environment Impact Assessment (EIA) Notification, 2006, issued under the Environment (Protection) Act, 1986, as amended from time to time, prescribes the process for granting prior environment clearance (EC) in respect of certain development projects/activities listed out in the Schedule to the Notification.

2. Sustainable development has many important facets/components like social, economic, environmental, etc. All these components are closely inter-related and mutually re-enforcing. Therefore, the general structure of EIA document, under Appendix-III to the notification, prescribes inter-alia public consultation, social impact assessment and R&R action plan besides environment management plan (EMP).

3. Section 135 of the Companies Act, 2013 deals with Corporate Social Responsibility (CSR) and Schedule-VII of the Act lists out the activities which may be included by companies in their CSR Policies. The concept of CSR as provided for in the Companies Act, 2013 and covered under the Companies (Corporate Social Responsibility Policy) Rules, 2014 comes into effect only in case of companies having operating projects and making net profit as also subject to other stipulations contained in the aforesaid Act and Rules. The environment clearance given to a project may involve a situation where the concerned company is yet to make any net profit and/or is not covered under the purview of the aforesaid Act and Rules. In such cases, the provisions of aforesaid act and Rules will not apply.

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4. In the past, it has been observed that different Expert Appraisal Committees / State Expert Appraisal Committees (EACs/SEACs) have been prescribing different formulation of the Corporate Environment Responsibility (CER) and no common principles are followed. Several suggestions have also been received in this regard which inter-alia states that Greenfield projects and Brownfield projects should be treated differently; no CER should be prescribed whereas there is no increase in air pollution load, R&R, etc., besides streamlining percentage of CER.

5. The Ministry has carried out a detailed stakeholder consultation which inter-alia included meeting with Ministry of Petroleum & Natural Gas, Ministry of Power, Chairmen EACs, FICCI, ASSOCHAM, Gujarat Chamber of Commerce and Industry amongst others.

6. In order to have transparency and uniformity while recommending CER by Expert Appraisal Committee (EAC) / State level Expert Appraisal Committee (SEAC) / District level Expert Appraisal Committee (DEAC), the following guidelines are issued:

- (I) The cost of CER is to be in addition to the cost envisaged for the implementation of the EIA/EMP which includes the measures for the pollution control, environmental protection and conservation, R&R, wildlife and forest conservation/protection measures including the NPV and Compensatory Aforestation, required, if any, and any other activities, to be derived as part of the EIA process.
- (II) The fund allocation for the CER shall be deliberated in the EAC or SEAC or DEAC, as the case may be, with a due diligence subject to **maximum percentage** as prescribed below for different cases:

S.No	Capital Investment / Additional Capital Investment (in Rs)	Greenfield Project – % of Capital Investment	Brownfield Project – % of Additional Capital Investment
I	II	III	IV
1.	≤ 100 crores	2.0%	1.0%
2.	> 100 crores to ≤ 500 crores	1.5%	0.75%
3.	> 500 crores to ≤ 1000 crores	1.0%	0.50%
4.	> From 1000 crores to ≤10000 crores	0.5%	0.25%
5.	> 10000 crores	0.25%	0.125%

- (III) The activities proposed under CER shall be worked out based on the issues raised during the public hearing, social need assessment, R&R plan, EMP, etc.
- (IV) The proposed activities shall be restricted to the affected area around the project.
- (V) Some of the activities which can be carried out in CER, are infrastructure creation for drinking water supply, sanitation, health, education, skill development, roads, cross drains, electrification including solar power, solid waste management facilities, scientific support and awareness to local farmers to increase yield of crop and fodder, rain water harvesting, soil moisture conservation works, avenue plantation, plantation in community areas, etc.
- (VI) The entire activities proposed under the CER shall be treated as project and shall be monitored. The monitoring report shall be submitted to the regional office as a part of half-yearly compliance report, and to the District Collector. It should be posted on the website of the project proponent.
- (VII) The District Collector may add or delete the activities as per the requirement of the District.
- (VIII) The EAC can vary the above percentage of CER subject to proper diligence, quantification and justification. The EAC based on appraisal, should clearly suggest the activities to be carried out under CER.
- (IX) This CER is not applicable in name change, transfer and amendment involving no additional project investment. In case of amendment in EC involving additional expenditure, CER will be applicable only on the additional expenditure as per column-IV of the table given in para 6(II) above.

7. This issues in supersession of all earlier OMs and guidelines issued in this regard.

8. This issues with the approval of competent authority.


(Sharath Kumar Pallerla)
Director (IA-III-Policy)

1. Chairman, CPCB
2. Chairmen of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAA/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the officers of IA Division

Copy for information to:

1. PS to Minister for Environment, Forest and Climate Change
2. PS to MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to AS(AKJ) / AS(AKM)
5. PPS to JS(GB) / JS(JT)
6. Website, MoEF&CC
7. Guard File.

Supreme Court of India

Common Cause vs Union Of India . on 2 August, 2017

Author: M B Lokur

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 114 of 2014

Common Cause

.Petitioner

versus

Union of India and Ors.

Respondents

WITH

WRIT PETITION (CIVIL) NO. 194 of 2014

Prafulla Samantra and Anr.

.Petitioners

versus

Union of India and Ors.

Respondents

JUDGMENT

Madan B. Lokur, J.

1. The facts revealed during the hearing of these writ petitions filed Signature Not Verified Digitally signed by SANJAY KUMAR Date: 2017.08.02 under Article 32 of the Constitution suggest a mining scandal of enormous 10:54:24 IST Reason:

proportions and one involving megabucks. Lessees in the districts of W.P. (C) Nos. 114/2014 etc. Keonjhar, Sundergarh and Mayurbhanj in Odisha have rapaciously mined iron ore and manganese ore, apparently destroyed the environment and forests and perhaps caused untold misery to the tribals in the area. However, to be fair to the lessees, they did the detail steps taken to ameliorate the hardships of the tribals, but it appears to us that their contribution is perhaps not more than a drop in the ocean also too little, too late. Facts leading up to the report of the Central Empowered Committee

2. Rabi Das, the editor of a daily newspaper called Ama Rajdhani filed I.A. No. 2746-2748 of 2009 in a pending writ petition being T.N. Godavarman v. Union of India.¹ He prayed, inter alia, for the following directions from this Court:

a) Issue a direction to the Central Empowered Committee to conduct an exhaustive fact finding study of the illegal mining in Keonjhar, Sundargarh and other Districts of Orissa;

b) Direct appointment of a Commission to investigate and study the modalities of the illegal machinations, fix responsibility on individuals (in Government and outside it) and recommend remedial measures to be immediately implemented by the Government of India and the Government of Orissa;

c) Direct the Respondents to take effective and appropriate action to ensure closure/stoppage of all the illegal mining activities in the concerned areas and direct prosecution and punish all those found guilty of this illegal mining in violation of the Mines and Minerals (Development and Regulation) W.P. (C) Nos. 114/2014 etc. Act, 1957, Forest (Conservation) Act, 1980 and other relevant laws.

3. The applications were taken up for consideration on 6 th November, 2009 when notice was issued to the Central Empowered Committee (for short the CEC) to file its report/response within six weeks.

4. On 26th April, 2010 the CEC submitted an interim report which was noted by this Court and taken on record. The report was of a general nature but contained quite a few recommendations. Some of the recommendations presently relevant are as follows:

(b) Even otherwise the Rule 24-A(6), MCR, 1960 does not authorize the lessee to operate a mine without the statutory clearances/approvals. Therefore, in respect of a mine covered under the deemed extension clause, the mining operations should be permitted to be undertaken in the non forest area of the mining lease only if (i) it has the requisite environmental clearance; (ii) it has the consent to operate from the State Pollution Control Board under the Air and Water Acts; (iii) Mining Plan is duly approved by the competent authority; and (iv) the NPV for the entire forest falling within the mining lease is deposited in the Compensatory Afforestation Fund.

The mining in the forest land included in the mining lease should be permissible only if, in addition to the above, the approval under the FC Act/TWP has been obtained;

(c) No forest land can be leased/assigned without first obtaining the approval under the FC Act. Therefore, the forest area approved under the FC Act should not be lesser than the total forest area included in the mining leases approved under the MMDR Act, 1957. Both necessarily have to be the same. In view of the above, this Honble Court while permitting grant of Temporary Working Permission to the mines in Orissa and Goa has made it one of the pre-conditions that the NPV will be paid for the entire forest area included in the mining W.P. (C) Nos. 114/2014 etc. leases. Similarly, all the mining lease holders in Orissa should be directed to pay the NPV for the entire forest area, included in the mining lease;

(d) In Orissa, substantial areas included in the mining leases as non forest land have subsequently been identified as DLC forest (deemed forest/forest like areas) by the Expert Committee constituted by the State Government pursuant to this Honble Courts order dated 12.12.1996. While processing and/or approving the proposals under the FC Act in many cases such areas have been treated as non-forest land. It is recommended that (i) the NPV for the entire DLC area included in the mining lease, after deducting the NPV already paid, should be deposited by the concerned lease holder and

(ii) the mining operations in the unbroken DLC land (virgin land) should be permissible only if the permission under the FC Act has been obtained/is obtained for such area. Keeping in view the peculiar circumstances as was existing in Orissa and subject to the above, the mining operations in the broken DLC land may be allowed to be continued provided the other statutory requirements and Rules are otherwise being complied with. The report concluded by recording as follows:

a) an attempt has been made for the first time by the CEC to comply and analyse the status of all the mining leases in a State and to suggest effective and remedial measures -

something made possible because of the unstinted cooperation extended by the senior functionaries of the Forest and Mines Departments of the State Government; and

b) the above recommendations if accepted and implemented will, besides ensuring that mining is done in compliance with the statutory provisions, result in recovery of additional amount towards the NPV etc. running into hundreds of crores of rupees. It would be appropriate that a part of this additional amount, say 50% is used through a SPV for undertaking specific tribal welfare and area development works so as to ensure inclusive growth of the mineral bearing areas. The CEC proposes to file detailed schemes in this regard for seeking permission of this Honble Court provided the State W.P. (C) Nos. 114/2014 etc. of Orissa as well as the MoEF endorse the course of action proposed above. The significance of the second conclusion will be discussed by us a little later.

5. Notice was issued on the report returnable on 7th May, 2010. On the adjourned date, the following order was passed by this Court:

The CEC has filed its Report. The State would like to file its response. Six weeks time is granted for the same. The recommendations of the CEC which are acceptable to the State Government can be complied with. It may be mentioned that some of the recommendations made by the CEC have been accepted and implemented by the State of Odisha.

6. The issue of mining in Odisha again came up for consideration on 16 th September, 2013 and this Court passed the following order:

We call for a report from the Central Empowered Committee within a period of six weeks. We direct that the parties of the State Government of Odisha and the Central Government will cooperate with the Central Empowered Committee to enquire into

the matter and furnish a report.

The matter be listed on a Monday after six weeks.

7. With reference to the order passed on 16th September, 2013 the CEC conducted an inquiry and some information was sought from M/s Sarda Mines Private Limited (for short SMPL). This was objected to by SMPL W.P. (C) Nos. 114/2014 etc. who filed an application which was taken up for consideration on 9 th December, 2013. The following order was passed on that day:

By our order dated 16th September, 2013, we had called for a Report from the Central Empowered Committee within a period of six weeks. It is stated on behalf of the Central Empowered Committee that the Report could not be ready as part of the information called for have not been furnished by the State Government.

Mr. Venugopal, learned senior counsel for the applicant M/s. Sarda Mines Private Limited in IA No.3721 submits that since some of the matters are pending before the High Court, a prayer has been made for not furnishing the required information to the Central Empowered Committee.

List this matter in the second week of January, 2014.

In the meantime, the Central Empowered Committee may not submit its final Report.

8. The matter was again taken up on 13 th January, 2014 and this Court passed the following order:

We have heard learned counsel for the parties.

We have also perused the letter dated 17 th October, 2013 of the Member Secretary, Central Empowered Committee sent to the Chief Secretary, Government of Odisha along with its annexures and in particular, the Statement of Details of information and documents sought by Central Empowered Committee for the meeting convened on 30th October, 2013, which cover forest and environmental issues.

We, accordingly, modify the order dated 9th December, 2013 and direct the Central Empowered Committee to submit its final report on the queries made by the State Government with regard to the details of the documents sought for in the letter dated 17 th October, 2013 within a period of six weeks.

W.P. (C) Nos. 114/2014 etc. The Report will not cover cases other than forest and environmental issues.

The lessees and others from whom information is sought for will cooperate if they do not cooperate the Central Empowered Committee will give its report.

A copy of the interim report of 26th April, 2010 will be furnished to the learned counsel appearing for the State of Odisha. This matter be listed on 20th January, 2014 for consideration of the recommendations made by the Central Empowered Committee in the said Report dated 26th April, 2010. Thereafter and partly based on reports given by Justice M.B. Shah, a retired judge of this Court, holding a commission under the Commissions of Inquiry Act, 1952 a writ petition being W.P. (C) No. 114 of 2014 was filed by Common Cause. Several prayers were made in the writ petition, and some of the more significant prayers read as follows:-

(a) Issue a writ of mandamus or any other appropriate writ directing the Union of India and Government of Odisha to immediately stop forthwith all illegal mining in the State of Odisha and to terminate all leases that are found to be involved in illegal mining and mining in violation of the provisions of the Forest Conservation Act 1980, the environment laws and other laws.

(b) Issue a writ of mandamus or any other appropriate writ directing the Union of India and Government of Odisha to take action against all the violators involved either directly or indirectly in illegal mining including those named in the report of Justice Shah Commission.

(c) Issue a writ of mandamus or any other appropriate writ directing a thorough investigation by an SIT or CBI under the supervision of this Honble Court, as is recommended by the Justice W.P. (C) Nos. 114/2014 etc. Shah Commission into illegal mining in Odisha and collusion between private companies/individuals and public officials of the State/Central Governments.

xxx

xxx

xxx

(e) Issue a writ of mandamus or any other appropriate writ

directing the respondents to recover the illegally accumulated wealth through illegal mining and related activity, as per Section 21(5) of the MMDR Act, 1957 [Mines and Minerals (Development and Regulation) Act, 1957] and launch prosecutions under Section 21(1) of the MMDR Act 1957, and direct that the money recovered would be used for the welfare of local communities, tribals and villagers.

9. The writ petition was taken up for consideration on 21 st April, 2014 when the following order was passed:

We have heard the preliminary objections with regard to the writ petition and we are not convinced that the writ petition is not maintainable.

Issue notice.

As the State of Odisha, Union of India and the CEC have already been served with the notices, no further notices be issued to them.

Notice, however, be issued to respondent nos. 4 and 5 returnable within four weeks.

It appears from the averments in paragraph 14 of the writ petition that several lessees are operating without clearances under the Environment (Protection) Act, 1986 and the Forest (Conservation) Act, 1980, and without renewal by the Government. Hence, an interim order needs to be passed in respect of these lessees who are operating the leases in violation of the law.

For consideration of the interim order that should be passed, only this writ petition be listed next Monday, the 28th of April, 2014, as first item. It will be open for all parties and intervenors/proposed intervenors to file their respective affidavits.

W.P. (C) Nos. 114/2014 etc. CEC, in the meanwhile, will make out a list of such lessees who are operating the leases in violation of the law. This list be prepared by the CEC without reference to the Shah Commissions Report. Liberty is given to the parties to produce their papers before CEC. The State of Odisha and the Union of India will cooperate with CEC to prepare the list. Report of the Central Empowered Committee

10. The CEC gave its final report on 25 th April, 2014 which was considered by this Court and a detailed interim order was passed on 16 th May, 2014.² The sum and substance of the final report dated 25th April, 2014 and the interim order is that in the districts of Odisha that we are concerned with, namely, Keonjhar, Sundergarh and Mayurbhanj, the total number of leases granted for mining iron and manganese ore are 187. Of these, 102 lease holders did not have requisite environmental clearance (under the Environment (Protection) Act, 1986) or approval under the Forest (Conservation) Act, 1980 or approved mining plan and/or Consent to Operate under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 or the Water (Prevention and Control of Pollution) Act, 1981. This Court directed that mining operations in these 102 mining leases shall remain suspended but it will be open to such lease holders to move the concerned authorities for necessary clearances, approvals or consents and as and when the mining lessees are able to obtain all the 2 Common Cause v. Union of India & Ors. (2014) 14 SCC 155 W.P. (C) Nos. 114/2014 etc. clearances/approvals/consent they may move this Court for modification of this interim order in relation to their cases.

11. This Court also found that 29 out of 187 mining leases had been determined or rejected or had lapsed. It was directed that mining operations in these 29 mining leases will also remain suspended but it would be open to all these concerned lessees to move the authorities for necessary relief and as and when they get the appropriate relief, they could move this Court for modification of the interim order.

12. This Court also found that 53 iron ore/manganese ore mining leases were operational and that they had necessary approvals under the Forest (Conservation) Act, 1980, consent to operate granted by the Odisha State Pollution Control Board and also approved mining plans. (There is no specific mention about environmental clearance). In addition 3 mining leases were located in forest as well as non-forest land, but mining operations were being conducted in non-forest areas of the mining

lease as the lease holders did not have approvals under the Forest (Conservation) Act, 1980. Therefore a total of 56 iron ore/manganese ore mining leases were operating in the State of Odisha.

13. As far as the break-up of the 56 operational mining leases is concerned, it was found that 14 mining leases were operating on first renewal basis in W.P. (C) Nos. 114/2014 etc. accordance with the deeming provisions of Section 8(2) of the Mines and Minerals (Development and Regulation) Act, 1957 (for short the MMDR Act) read with Rule 24-A(6) of the Mineral Concession Rules, 1960 (for short the MCR) and 16 mining leases were operating since lease deeds for grant of renewal had been executed in their favour. The remaining 26 mining leases were operating on second and subsequent renewal basis with the renewal applications pending a final decision with the State Government.

14. In respect of the 14 first renewal mining leases, this Court permitted them to continue their operations for the time being in view of the deemed renewal provisions. This Court also permitted 16 mining leases to continue to operate since they had lease deeds executed in their favour. With regard to the remaining 26 mining leases operating on second and subsequent renewal applications, this Court drew attention to the decision rendered on 21 st April, 2014 in Goa Foundation v. Union of India³ wherein it was held that the provision for a second or subsequent deemed renewal was not available in view of Section 8(3) of the MMDR Act. Consequently, these 26 lease holders were restrained from operating until express orders were passed by the State Government under Section 8(3) of the MMDR Act. Six months time was granted to the State Government to take a final decision on the 3 (2014) 6 SCC 590 W.P. (C) Nos. 114/2014 etc. renewal applications. This Court left it open to the mining lease holders to apply for modification of the interim order dated 16 th May, 2014 on obtaining necessary clearances.

15. During the hearing of these petitions, we were informed that the balance 26 mining leases are now operational in view of the amendment to Section 8(3) of the MMDR Act with effect from 12 th January, 2015. However, we are not aware whether these 26 mining leases have the necessary statutory clearances.

16. We may also mention that pursuant to the liberty granted to move for modification of the interim order of 16 th May, 2014 we have received 17 interim applications for modification. Through a chart handed over to us in Court on 3rd May, 2017 we have been informed that in respect of two of the 17 applications, that is, Zenith Mining (I.A. No. 45) and Kavita Agrawal (I.A. No. 47), the lease has not been extended or has been determined and they do not have any Environmental Clearance or Forest Clearance. In respect of J.N. Pattnaik (I.A. No. 66), there is no Forest Clearance available. We were also informed that S.A. Karim (I.A. No.9) actually had a working lease and had wrongly been included as a non-operational lease. W.P. (C) Nos. 114/2014 etc.

17. Be that as it may, learned counsel for the lease holders drew our attention to the record of proceedings of 16th May, 2014 and particularly the following paragraph appearing therein:

We have passed interim order in a separate sheet. The Central Empowered Committee will give a final report on the Writ Petition by the end of July, 2014 and

the matter will be listed in the first week of August, 2014 before the Green Bench. We are mentioning this in the context of the order passed on 13th January, 2014 adverted to above to the effect that The Report will not cover cases other than forest and environmental issues.

18. In its final report, the CEC has dealt with the following ten topics: In this final report dated the CEC dealt with the following ten topics:-

I. Production of iron ore and manganese ore without/in excess of the environmental clearance/Mining Plan/Consent to Operate.

II. Mining leases operated in violation of the Forest (Conservation) Act, 1980.

III. Illegal mining outside the sanctioned mining lease areas.

IV. Mining leases acquired in violation of Section 6 of the MMDR Act, 1957.

V. Violation of Rule 37 of the Mineral Concession Rules, 1960 by the lessees.

VI. Illegality involved in the mining leases of Essel Mining & Industries Ltd.

W.P. (C) Nos. 114/2014 etc. VII. Illegality involved in the mining lease of Sharda Mines (P) Ltd.

VIII. Massive illegal mining in Uliburu Forest land. IX. Inordinate delays in taking decisions by the State Government regarding renewal of the mining leases.

X. Other issues.

19. By an order dated 16th January, 2015 objections to the final report were permitted and we have since received quite a few objections. When the matter was taken up for consideration by this Court on 7th October, 2015 and pursuant to the order passed on that date, the learned Amicus filed a statement dated 30th October, 2015 in a tabular form dealing with each I.A. filed in respect of the observations and recommendations made by CEC. Thereafter, when the matter was again taken up for consideration the learned Amicus filed a note dated 15th March, 2016 wherein the following four issues were flagged:-

(i) Leases lapsed under Section 4A(4) of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as MMDR Act, 1957) (11 leases);

(ii) Violation of Rule 24 of the Minerals (other than Atomic and Hydrocarbons Energy Minerals) Concession Rules, 2016 (hereinafter referred to as MCR, 2016) and Rule 37 of the Mineral Concessions Rules, 1960 (hereinafter referred to as MCR, 1960) (9 leases);

(iii) Illegal mining in forest lands (20 leases); and W.P. (C) Nos. 114/2014 etc.

(iv) Iron ore produced without/in excess of the environmental clearance (each of the operating leases involved).

20. Insofar as the first issue is concerned, it is common ground that that issue has been fully, conclusively and exhaustively dealt with by this Court by a judgment and order dated 4 th April, 2016 (Common Cause v. Union of India).⁴ Therefore, the first issue does not survive for consideration by us.

21. As far as the remaining three issues are concerned, these overlap with topics I, II and V dealt with by the CEC. Detailed submissions were made before us by learned counsel for all the appearing parties on these issues as well as by the learned Amicus and the learned Attorney General. We propose to deal with them in this judgment and order.

22. We may mention that submissions were also made on topics III and IV identified by the CEC, that is, illegal mining outside the sanctioned mining lease areas and mining leases acquired in violation of Section 6 of the MMDR Act. We will consider these issues as well.

23. As far as topics VI and VII identified by the CEC are concerned, we would like to hear the parties in detail in respect of these issues.

24. No challenges or submissions were made on topics VIII, IX and X and therefore we accept the report of the CEC on these topics. ⁴ (2016) 11 SCC 455 W.P. (C) Nos. 114/2014 etc.

25. At this stage, we may mention some rather frightening figures mentioned by the CEC in its final report. According to the CEC, excess mining without environmental clearance or beyond what was authorized by the environmental clearance is 2130.988 lakh MT of iron ore and 24.129 lakh MT of manganese ore making a total of 2155.117 lakh MT of iron and manganese ore. This does not include extraction of ore without forest clearance. These figures give an indication of the extent of excess or illegal or unlawful mining carried out.

26. In terms of rupees, according to the CEC the total notional value of minerals produced without an environmental clearance or in excess of the environmental clearance, at the weighted average price of minerals as proposed by the Indian Bureau of Mines comes to about Rs.17091.24 crores for iron ore and about Rs.484.92 crores for manganese ore making a total of Rs.17,576.16 crores. Again, this does not include mining without forest clearance. It is for this reason that we have referred to the megabucks and rapacious mining.

Justice M.B. Shah Commission of Inquiry

27. Apparently, and it appears quite independently of all these developments, the Central Government issued a notification on 22 nd November, 2010 under the Commissions of Inquiry Act, 1952 whereby it W.P. (C) Nos. 114/2014 etc. appointed Justice M.B. Shah, a retired judge of this

Court to conduct an inquiry on the following Terms of Reference:

2. (i) to inquire into and determine the nature and extent of mining and trade and transportation, done illegally or without lawful authority, of iron ore and manganese ore, and the losses therefrom; and to identify, as far as possible, the persons, firms, companies and others that are engaged in such mining, trade and transportation of iron ore and manganese ore, done illegally or without lawful authority;

(ii) to inquire into and determine the extent to which the management, regulatory and monitoring systems have failed to deter, prevent, detect and punish offences relating to mining, storage, transportation, trade and export of such ore, done illegally or without lawful authority, and the persons responsible for the same;

(iii) to inquire into the tampering of official records, including records relating to land and boundaries, to facilitate illegal mining and identify, as far as possible, the person responsible for such tampering; and

(iv) to inquire into the overall impact of such mining, trade, transportation and export, done illegally or without lawful authority, in terms of destruction of forest wealth, damage to the environment, prejudice to the livelihood and other rights of tribal people, forest dwellers and other persons in the mined areas, and the financial losses caused to the Central and State Governments.

3. The Commission shall also recommend remedial measures to prevent such mining, trade, transportation and export done illegally or without lawful authority.

28. In the preamble to the notification appointing the Commission, it was noted that there were reports that mining, raising, transportation and export of iron ore and manganese ore illegally or without lawful authority was being carried on in various States in one or more of the following forms: W.P. (C) Nos. 114/2014 etc. (a) mining without a licence;

(b) mining outside the lease area;

(c) undertaking mining in a lease area without taking approval of the concerned State Government for transfer of concession;

b raising of minerals without lawful authority;

c raising of minerals without paying royalty in accordance with the quantities and grade;

d mining in contravention of a mining plan;

e transportation of raised mineral without lawful authority;

f mining and transportation of raised mineral in contravention of applicable Central and State Acts and rules thereunder;

g conducting of multiple trade transactions to obfuscate the origin and source of minerals in order to facilitate their disposal;

h tampering with land records and obliteration of inter-state boundaries with a view to conceal mining outside lease areas;

i forging or misusing valid transportation permits and using forged transport permits and other documents to raise, transport, trade and export minerals; It is in the above context that the Terms of Reference were framed.

29 On 1st July, 2013 the Commission gave the First Report on Illegal Mining of Iron and Manganese Ores in the State of Odisha. The report contains an executive summary and very briefly the Commission stated that:

(i) All modes of illegal mining, as stated in the notification dated 22 nd November, 2010 of the Central Government are being committed in the State of Odisha; (ii) There is a complete disregard and contempt for law and W.P. (C) Nos. 114/2014 etc. lawful authorities on the part of many of the emerging breed of entrepreneurs; (iii) It appears that the law has been made helpless because of its systematic non implementation. The executive summary states that the following are discussed in the report:

(A) Information regarding mining leases should be placed on website to make mining operations more transparent and to display the information for each lease on the departmental/State website with various conditions which are required to be adhered by the lessee.

(B) Misuse of Rule 24-A(6) of MCR, 1960 [Mineral Concession Rules, 1960] which provides for deemed extension of lease. Application for renewal of mining lease is not decided for one or other pretexts, may be, there is lack of co-ordination among various departments which are required to decide renewal application. There is gross misuse of deemed refusal and deemed extension of both the provisions of renewal of leases (before 27.09.1994 and after) under Rule 24-A of MCR, 1960. This casual and negative approach has caused dearly to State exchequer in the form of hundred crores of stamp duty and others.

(C) Violation of the provisions of the Forest (Conservation) Act, 1980, Rules & guidelines and directions issued by the Honble Supreme Court of India.

(D) Violation of the provisions of the Environment (Protection) Act, 1986.

(E) Misuse of Rules: 10 & 12 of MCDR, 1988 [Mineral Conservation and Development Rules, 1988] which provides for modification and review of mining plan only for a specific purpose, namely,

(i) Safe and scientific mining;

(ii) conservation of minerals;

(iii) the protection of environment; and

(iv) in case of modification, explanation for the same.

W.P. (C) Nos. 114/2014 etc.

(F) Encroachment:-

On the basis of Google Image, the survey report prepared by the State Government by DGPS method, it was found that in 82 mining leases, there was encroachment. Out of the said leases, re-survey was ordered for 37 leases.

30. Soon thereafter, the Commission gave its Second Report on Illegal Mining of Iron and Manganese Ores in the State of Odisha, sometime in October, 2013. This report dealt with specific lease holders and violations committed by them. It is not necessary for us to delve into those specific details.

31. It was submitted before us by learned counsel for the mining lease holders that the reports given by the Commission were not acceptable on the ground that a notice had not been given to the lease holders under Section 8B or Section 8C of the Commissions of Inquiry Act, 1952. It was submitted that under these circumstances the reports given by the Commission were vitiated and therefore the foundation of the writ petition filed by Common Cause was taken away. We are not in agreement with learned counsel for the mining lease holders.

32. The first report given by the Commission was a general, overall perspective on the subject while the second report went into specific details of several mining lease holders - but we are not concerned with those W.P. (C) Nos. 114/2014 etc. specifics. Therefore, whether notices were or were not issued to the lease holders who were the subject matter of discussion in the second report is of no consequence.

33. What we are really perturbed about is the facts stated by the Commission in the first report. So far as this is concerned, we are of the view that no irregularity or illegality has been committed so as to vitiate the first report. Notwithstanding this, we are not relying upon any of the facts determined by the Commission for the purposes of our judgment and order.

34. The procedure followed by the Commission has been mentioned in Volume I Part II of the first report, but it is not necessary for us to recount each and every detail. Suffice it to say that a resume of the procedure followed will indicate that full opportunity was given to the lease holders to have their say.

Resume of the procedure followed by the Commission

35. In March 2011 the Commission sent the first questionnaire to the concerned Secretary of the Government of Odisha seeking the following information regarding each lease holder:-

- (i) the name of the lessee;
- (ii) area of the lease;
- (iii) date of the execution of the lease deed;
- (iv) present status (renewal, mining plan, mining scheme) approval date;

W.P. (C) Nos. 114/2014 etc.

- (v) production and export particulars from the year 2008-09 up to January, 2011; etc.

36. On 20th April, 2011 the Commission sent the second questionnaire to the said concerned Secretary seeking further information in a Form consisting of 14 questions and 4 tables.

37. Thereafter, between 24th and 26th August, 2011 the Commission issued the first notice to various mining lessees in Odisha seeking information on affidavit as per Proforma A and B enclosed with the notice. In Proforma A the lease holder was asked to submit details which included the details of environment clearance, forest clearance and renewal of lease and whether the leased mine was in operation or not. In Proforma B the lease holder was asked to submit details which included the details of dispatch, domestic consumption and export in million tonnes of iron ore and manganese ore from 2006-07 to 2010-11.

38. The Commission visited Odisha from 7 th December, 2011 to 14th December, 2011, from 3rd October, 2012 to 11th October, 2012 and from 31st October, 2010 to 8th November, 2012. The purpose of the visits was to collect information and seek explanations and gather facts from the concerned Departments of the Government of India and the Government of Odisha. During the visits, the Commission received as many as 140 W.P. (C) Nos. 114/2014 etc. complaints alleging illegal mining. Accordingly, a public hearing was held in Keonjhar and Bhubaneswar on 11th and 12th December, 2011.

39. On 21st December, 2012 and 12th January, 2013 several senior counsel were given a personal hearing by the Commission including a personal hearing to the Federation of Indian Mining Industries (for short FIMI). Following the submissions made, a fresh notice was issued to the lease holders from 28th January, 2013 seeking information in Proformas A to H. In terms of the fresh notice, the lease holder was required to verify the facts stated therein (which were collected by the

Commission) and if found incorrect then to state the correct facts. The fresh notice specifically mentioned that:

- (i) The lessee shall come fully prepared to answer, related to this matter and submit all related records.
- (ii) Explain the production from the leased area without having approval under F(C) Act, 1980.
- (iii) Explain the production during the deemed extension period without having approval under EIA Notification dated 27.01.1994 and amendments thereon.
- (iv) Explain the excess production in violation of EIA Notification dated 27.01.1994 and amendments thereon under the EP Act, 1986.

40. The report mentions the various dates of hearing given to learned counsel for the lease holders, the State of Odisha, FIMI, Federation of Indian W.P. (C) Nos. 114/2014 etc. Chambers of Commerce and Industry (FICCI) and the Ministry of Environment and Forest of the Government of India (for short MoEF) which are as follows:

HEARING NO.	DATE	PLACE
1.	21.12.2012	Office of the Commission, Ahmedabad.
2.	12.01.2013	-do-
3.	18.02.2013	-do-
4.	27.02.2013	Circuit House, Bhubaneshwar (Odisha).
5.	28.02.2013	-do-
6.	01.03.2013	-do-
7.	02.03.2013	-do-
8.	04.03.2013	-do-
9.	16.03.2013	Circuit House, Annexe, Ahmedabad.
10.	20.03.2013	-do-
11.	23.03.2013	Office of the Commission, Ahmedabad.
12.	02.04.2013	Circuit House, Annexe, Ahmedabad.
13.	03.04.2013	-do-
14.	04.04.2013	-do-
15.	12.04.2013	Office of the Commission, Ahmedabad.
16.	13.04.2013	-do-
17.	21.04.2013	Gujarat University Convention Centre, Nr. Helmet Cross Road, 132 ft. Ring Road, Ahmedabad.
18.	24.05.2013	Office of the Commission, Ahmedabad.
19.	25.05.2013	-do-

41. The number of learned counsel and representatives who were heard by the Commission and with whom interactions took place are mentioned in Annexure A to Volume I of the first report. The list

of learned counsel runs into 18 pages - from page 33 to page 50 of Volume I of the first report. W.P. (C) Nos. 114/2014 etc. Some individual lawyers appeared for several lease holders but the fact of the matter is that everybody who wanted to be heard was given a hearing.

42. The function of the Commission as stated in the first report, at the present stage, is best described in the words of the Commission itself. It is stated as follows:-

The function of the Commission, at this stage, is only to inquire, assess the data collected and to submit the report on the said basis. On that basis, some remedial measures are suggested by the Commission for controlling illegal mining and violation of the Acts and/or Rules. For that, there is no question of issuing notices to the lessees.

For collecting the data and assessing it, the Principles of Natural Justice are fully complied with, as stated above. On the basis of the data submitted by the lessees and the submissions made by Ld.

Counsel for them, the report is submitted. It is further clarified on page 198 of Volume I of the first report that with regard to individual mining leases in which there is a violation of the provisions of the Forest (Conservation) Act, 1980 and/or conditions of environmental clearance etc. a report would be submitted later on.

43. It is therefore abundantly clear that the first report is generally a limited fact finding enquiry on the basis of information supplied by the mining lease holders. Therefore, there is absolutely no question of any notice being issued to any mining lease holder under Section 8B or the right of cross examination being granted to any mining lease holder under Section 8C of the Commissions of Inquiry Act, 1952. We are satisfied that the W.P. (C) Nos. 114/2014 etc. Commission made adequate efforts to collect the facts and this collation in the first report was possible with the assistance of the mining lease holders and their learned counsel and representatives as well as the government authorities and FIMI and FICCI. Under these circumstances, no lease holder can seriously contend that the procedure adopted by the Commission in collecting facts was either irregular or not in accordance with law. As mentioned above, any mining lease holder who wanted to be heard was given an opportunity of being heard and was fully aware of what the Commission was attempting to achieve and if any particular mining lease holder chose not to associate with it, it was at his or her own peril. Lack of knowledge of the proceedings before the Commission cannot be appreciated and we are quite satisfied that all the mining lease holders were fully aware of what was going on, if not personally then certainly through their list of learned counsel running into 18 pages or their representatives individually or their Federation.

44. In Goa Foundation there was a challenge to the report of the Justice Shah Commission in respect of its conclusions pertaining to the State of Goa. This was dealt with by this Court in paragraphs 11 to 14 of its decision. This Court declined to quash the report in view of the statement made by the learned Advocate General of Goa. But, this Court took the W.P. (C) Nos. 114/2014 etc. view that: we will, however, examine the legal and environmental issues raised in the Report of

Justice Shah Commission and on the basis of our findings on these issues consider granting the reliefs prayed for in the writ petition filed by Goa Foundation and the reliefs prayed for in the writ petitions filed by the mining lessees, which have been transferred to this Court.

45. In the present petitions before us, there is no challenge to the reports of the Justice Shah Commission. However, we propose (as in Goa Foundation) to confine ourselves to some limited facts adverted to by the CEC in its final report. We do not propose to base any of our conclusions on the reports of the Commission.

46. Learned counsel for the petitioners insisted that the illegal or unlawful mining activity carried on in the State of Odisha as noted by the Commission deserves to be investigated by the Central Bureau of Investigation. Reference in this regard was made to the passage in Part III of Volume I of the first report of the Commission to the following effect:-

Since this is one of the biggest illegal mining ever observed by the Commission, it is strongly felt that this is a fit case to handover to Central Bureau of Investigation, for further investigation and follow up action. W.P. (C) Nos. 114/2014 etc.

47. Similarly, on page 125 of Chapter II of Volume I of the report, it is stated as follows:-

Terms of Reference No. 8 provides that The Commission may take the services of any investigating agency of the Central Government in order to effectively address its terms of reference.

The Commission, therefore, suggests that Central Bureau of Investigation (C.B.I.) may be directed to investigate into allegations of corruption made against politicians, bureaucrats and others. We will consider this at the appropriate stage. Suffice it to say for the time being that the Commission made certain significant observations in Chapter II of the report to the effect that:

a That the tribals in the area have been displaced or stay in pathetic and miserable conditions in same area. There is rampant air pollution with the trees having the colour of minerals making it clear that tribals are forced to breathe polluted air and drink polluted water.

b Streams and ground water is polluted and there is hardly any facility of drinking water. Women have been seen fetching water from dirty nalas.

c Mining companies and beneficiation plants are drawing water from rivers and nearby water resources are getting depleted at a fast rate. The river Baitrani has been seriously affected by this activity.

d Basic facilities such as medical facilities, shelter/residence, education facilities are absent. Roads have a heavy flow of traffic and on one road of the area about 7000 trucks passed during night time.

e The labour is not being paid adequate wages beyond the minimum wages even though the income of the mine owners runs into billions of rupees.

W.P. (C) Nos. 114/2014 etc.

48. Adverting to corruption in the area due to illegal mining activities, the Commission felt that the Vigilance Commission was unlikely to conduct an impartial and independent enquiry for arriving at just and proper findings because of external pressures. Accordingly, it would be more appropriate if the Central Bureau of Investigation (CBI) conducts a detailed enquiry into all cases that have been registered between 2008 and 2011. It was also noted that the railways have issued demand notices to the extent of Rs.1,874 crores. The latest position with regard to these notices is not available.

49. It was also noted that notices have been issued in 146 cases to various lease holders for recovery of mined ore as per Section 21(5) of the MMDR Act. In the Koira circle notices have been issued to 55 lessees for more than Rs. 13,000 crores; in Joda circle notices have been issued to 72 lessees for recovery of more than Rs. 44,000 crores; in Keonjhar circle notices have been issued to 4 lessees for recovery of about Rs. 1,065 crores; in Koraput circle notices have been issued to three lessees for the recovery of about Rs. 44 lakhs; and in Bolangir circle notice has been issued to 1 lessee for the recovery of about Rs.29.5 crores. In Baripada circle notices have been issued to 11 lessees for recovery of more than Rs. 467 crores. In other words notices have been issued to the lessees for recovery of more than Rs. W.P. (C) Nos. 114/2014 etc. 59,000 crores! (According to the CEC the figure exceeds Rs. 61,000 crores)!!

50. We have adverted to the reports of the Commission, without relying on them, only to highlight the gravity of the situation and nothing more. The gravity of the situation is also apparent from the report of the CEC and the Commission seems to support it.

Initial contention

51. The initial contention urged on behalf of the respondents - lease holders was that in giving the report dated 16th October, 2014 the CEC has exceeded its remit. In this context, reference was made to the order of 13 th January, 2014 in which it is stated that The Report will not cover cases other than forest and environmental issues.

52. We are of opinion that this objection deserves immediate rejection. The subsequent orders passed by this Court have been completely overlooked by learned counsel inasmuch on 21st April, 2014 it was specifically noted by this Court that CEC, in the meanwhile, will make out a list of such lessees who are operating the leases in violation of the law. Similarly, in the record of proceedings of 16th May, 2014 it was noted that The Central Empowered Committee will give a final report on the Writ Petition by the end of July, 2014 W.P. (C) Nos. 114/2014 etc.

53. From a reading of the orders and the proceedings that have been held in this regard from time to time, it is quite obvious to us that the jurisdiction of the CEC was not limited and it was expected to give a detailed report on all aspects of illegal mining or mining being carried out without any lawful

authority in whatever manner. The initial objection raised on behalf of the lease holders is therefore rejected. Central Empowered Committee

54. The Central Empowered Committee or the CEC was first constituted by this Court by an order dated 9th May, 2002 (T.N.Godavarman v. Union of India)⁵ as an interim body. Thereafter, it was constituted by a notification dated 17th September, 2002 issued under Section 3(3) of the Environment (Protection) Act, 1986 (for short the EPA). It has continued functioning and assisting this Court for more than a decade and even though it has been criticized on a couple of occasions, it is now an established body which renders extremely valuable advice to this Court and provides factual material on the basis of which this Court can make some recommendations and pass appropriate orders.⁶ 5 (2013) 8 SCC 198 6 T.N. Godavarman v. Union of India, (2013) 8 SCC 198 and (2013) 8 SCC 204 W.P. (C) Nos. 114/2014 etc.

55. The details of the functioning of the CEC have been discussed by this Court in Samaj Parivartana Samudaya v. State of Karnataka.⁷ In that decision, questions were raised about the credibility of the CEC and while rejecting the submissions, it was made clear that the recommendations made by the CEC are subject to the satisfaction of this Court. We need say nothing more except that during the course of hearing of the present petitions, some of the conclusions arrived at by the CEC were disputed by the petitioners and even by the learned Amicus and some were supported by learned counsel for the mining lease holders, the learned Attorney General and the learned counsel for the State of Odisha. It is therefore quite clear that in the present cases, the CEC as a fact finding body has functioned impartially and it is only on the conclusions arrived at by the CEC on the basis of the facts gathered that there can be some debate and discussion. Anyone may disagree with the views of the CEC and there is no need to make heavy weather about this at all.

56. In so far as the report given by the CEC on 16 th October, 2014 (the final report) is concerned, before going into the details thereof, we may mention that the CEC has stated that it held meetings with the Chief Secretary and other senior officials of the State of Odisha and others on six 7 (2013) 8 SCC 154 W.P. (C) Nos. 114/2014 etc. dates. It also heard the lease holders and others on seven dates and it held meetings with three of the lease holders that is Jindal Steel and Power Ltd. (JSPL), Sarda Mines Pvt. Limited (SMPL) and Essel Mining and Industries Ltd. (Essel) on 10th September, 2014. The CEC visited the site of the mining lease of SMPL from 4th March, 2014 to 7th March, 2014 and had site visits of a number of other lessees from 12th July, 2014 to 16th July, 2014.

57. As far as the facts collected by the CEC are concerned, there is no dispute with regard to their correctness. The CEC has recorded that there are 187 iron ore and manganese ore mining leases in the State of Odisha. On the basis of the material and information collected, a statement was prepared showing lease-wise and year-wise details of production of iron ore and manganese ore, permissible production and production without environmental clearance/beyond environmental clearance. The details in this regard have been given as Annexure R-14 to the final report.

58. Regarding the correctness of the information, the CEC has this to say:

24. A copy of the above said statement prepared by the CEC was made available, through the Director, Mines and Geology, Government of Odisha and also through the Federation of Indian Mining Industries (FIMI), to the lessees of each of the mining leases to enable them to verify the production and other details as given in the statement.

During the hearings held before the CEC between 5th August and 12th August, 2014 and also in the representations filed before the CEC a large number of lessees stated that the yearwise production details are not correctly reflected in the statement. Some of them also stated that W.P. (C) Nos. 114/2014 etc. the environment clearance details are not properly reflected in the statement. Therefore, it was decided that (a) the State Government will reconcile the annual production and other details with the respective lessees and (b) the copies of the environmental clearances may also be filed before the CEC by those lessees who are disputing the environmental clearances details provided by the State. Accordingly a meeting was convened by the Director, Mines & Geology (DMG) with the lessees on 14th August, 2014 and during which the annual production and other details were reconciled. The reconciled leasewise and yearwise production and other details provided to the CEC by the State of Odisha may be seen in the statement enclosed at Annexure - R-11 to this Report. The figures modified in the said statement, after reconciliations, are shown in bold print.

59. The CEC noted that the Director, Mines and Geology of the Government of Odisha had informed the CEC that each lease holder with the exception of SMPL and JSPL agreed with the reconciled production details. On facts, therefore, there is no dispute with regard to the contents of the report of the CEC, although the conclusions might be disputed. Separately, the CEC has dealt with the facts concerning SMPL and JSPL pursuant to a meeting held with them on 11th September, 2014.

Statutory provisions

60. The grant of a mining lease is governed by the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (or the MMDR Act), the Mineral Concession Rules, 1960 (or the MCR) and the Mineral Conservation and Development Rules, 1988 (or the MCDR). W.P. (C) Nos. 114/2014 etc.

61. Section 4(1) of the MMDR Act provides that no person shall undertake any mining operation in any area except under and in accordance with the terms and conditions of a mining lease granted under the MMDR Act and the rules made thereunder. A mining operation is defined in Section 3(d) of the MMDR Act as meaning any operation undertaken for the purpose of winning any mineral. Section 4(2) of the MMDR Act provides that no mining lease shall be granted otherwise than in accordance with the provisions of the said Act and the rules made thereunder.

62. Section 5(2) of the MMDR Act provides for certain restrictions on the grant of a mining lease. It provides that the State Government shall not grant a mining lease unless it is satisfied that the applicant has a mining plan duly approved by the Central Government or the State Government in respect of the concerned mine and for the development of mineral deposits in the area concerned.

63. Section 10 of the MMDR act provides for the procedure for obtaining a mining lease and sub-section (1) thereof provides that an application is required to be made for a mining lease in respect of any land in which the mineral vests in the government and the application shall be made to the State Government in the prescribed form and along with the prescribed fee.

64. Section 12 of the MMDR Act requires the State Government to W.P. (C) Nos. 114/2014 etc. maintain a set of registers. Among the registers that the State Government is required to maintain are a register of applications for mining leases and a register of mining leases. Every such register shall be open to inspection by any person on payment of such fee as the State Government may fix.

65. Section 13 of the MMDR Act provides for the rule making power of the Central Government in respect of minerals. The MCR are framed in exercise of power conferred by Section 13 of the MMDR Act.

66. Section 18 of the MMDR Act makes it the duty of the Central Government to take all such steps as may be necessary for the conservation and systematic development of minerals in India and for the protection of the environment by preventing or controlling any pollution which may be caused by mining operations. The MCDR are framed in exercise of power conferred by Section 18 of the MMDR Act.

67. The distinction between the MCR and the MCDR is that the MCR deal, inter alia, with the grant of a mining lease and not commencement of mining operations. However, the MCDR deal, inter alia, with the commencement of mining operations and protection of the environment by preventing and controlling pollution which might be caused by mining operations.

W.P. (C) Nos. 114/2014 etc.

68. Section 21 of the MMDR Act deals with penalties and sub-section (1) thereof provides that whoever contravenes the provisions of sub-section (1) or sub-section (1A) of Section 4 shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 25,000 or with both. Sub-section (5) of Section 21 of the MMDR Act provides that whenever any person raises without any lawful authority, any mineral from any land, the State Government may recover from such person the minerals so raised or where such mineral has been disposed of the price thereof. In addition thereto the State Government may also recover from such person rent, royalty or tax, as the case may be for the period during which the land was occupied by such person without any lawful authority. Mineral Concession Rules, 1960

69. As far as the MCR are concerned, Rule 22 is of some importance and this provides for an application to be made for the grant of a mining lease in respect of land in which the mineral vests in the government. An application for the grant of a mining lease is required to be made by an applicant to the State Government in Form I to the MCR. Sub rule (5) of Rule 22 deals with a mining plan and it requires that a mining plan shall incorporate, amongst other things, a tentative scheme of mining and annual programme and plan for excavation for year to year for five years.

W.P. (C) Nos. 114/2014 etc.

70. Rule 22A of the MCR makes it clear that mining operations shall be undertaken only in accordance with the duly approved mining plan. Therefore, a mining plan is of considerable importance for a mining lease holder and is in essence sacrosanct. A mining scheme and a mining plan are a sine qua non for the grant of a mining lease.

71. Rule 27 of the MCR deals with the conditions that every mining lease is subject to. One of the conditions is that the lessee shall comply with the MCDR.

72. The format of a mining lease is given in Form K to the MCR and this is relatable to Rule 31 of the MCR which provides that on an application for the grant of a mining lease, if an order has been made for the grant of such lease, a lease deed in Form K or in a form as near thereto as circumstances of each case may require, shall be executed within six weeks of the order, or within such extended period as the State Government may allow.

73. Part VII of Form K deals with the covenants of the lessee/lessees. Clause 10 thereof requires the lessee to keep records and accounts regarding production and employees etc. The lessee is required, inter alia, to maintain a record of the quantity and quality of the mineral released from the leased land, the prices and all other particulars of all sales of the mineral and such W.P. (C) Nos. 114/2014 etc. other facts, particulars and circumstances, as the Central Government or the State Government may require.

74. Clause 11C is of some importance and it requires that the lessee shall take measures for the protection of the environment like planting of trees, reclamation of land, use of pollution control devices and such other measures as may be prescribed by the Central Government or the State Government from time to time at the expense of the lessee.

75. Rule 37 of the MCR deals with the transfer of a lease and provides, inter alia, that a mining lessee shall not without the previous consent in writing of the State Government or the Central Government, as the case may be, assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein. The lessee shall not enter into or make any bona fide arrangement, contract or understanding whereby the lessee will or may directly or indirectly be financed to a substantial extent in respect of its operations or undertakings or be substantially controlled by any person or body of persons. Sub-rule (3) of Rule 37 of the MCR enables a State Government to determine any lease if the mining lessee has committed a breach of Rule 37 of the MCR or has transferred any lease or any right, title or interest therein otherwise than in accordance with sub-rule (2) of Rule 37 of the MCR.

W.P. (C) Nos. 114/2014 etc. Mineral Conservation and Development Rules, 1988

76. The MCDR promulgated under Section 18 of the MMDR Act and referred to in Rule 27 of the MCR are also of some significance. Rule 9 of the MCDR prescribes that no person shall commence mining operations in any area except in accordance with a mining plan approved under Clause (b) of

sub-section (2) of Section 5 of the MMDR Act.

77. The mining plan may be modified in terms of Rule 10 of the MCDR in the interest of safe and scientific mining, conservation of minerals or for protection of the environment. However, the application for modifications shall set forth the intended modifications and explain the reasons for such modifications. The mining plan cannot be modified just for the asking.

78. Rule 13 of the MCDR provides that mining operations are required to be carried out by every holder of a mining lease in accordance with the approved mining plan. If the mining operations are not so carried out, the mining operations may be suspended by the Regional Controller of Mines in the Indian Bureau of Mines or another authorized officer.

79. From our point of view, Chapter V of the MCDR dealing with Environment is of significance. In this Chapter, Rule 31 of the MCDR provides that every holder of a mining lease shall take all possible W.P. (C) Nos. 114/2014 etc. precautions for the protection of the environment and control of pollution while conducting any mining operations in the area.

80. Rule 37 of the MCDR requires certain precautions to be taken against air pollution and obliges the mining lease holder to keep air pollution under control and within permissible limits specified under various environmental laws including the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

81. Rule 38 of the MCDR requires the holder of a mining lease to take all possible precautions to prevent or reduce the passage of toxic and objectionable liquid effluents from the mine into surface water bodies, ground water aquifer and usable lands to a minimum. It also mandates effluents to be suitably treated, if required, to conform to the standards laid down in this regard. In other words, the provisions of the Water (Prevention and Control of Pollution) Act, 1974 are required to be adhered to by the mining lease holder.

82. Rule 41 of the MCDR requires every holder of a mining lease to carry out mining operations in such a manner as to cause least damage to the flora of the area and the nearby areas. Every holder of a mining lease is required to take immediate measures for planting not less than twice the number of trees destroyed by reason of any mining operations and to look after them W.P. (C) Nos. 114/2014 etc. during the subsistence of the lease after which these trees shall be handed over to the State Forest Department or any other appropriate authority. The holder of a mining lease is also required to restore, to the extent possible, other flora destroyed by the mining operations.

83. Briefly therefore, the overall purpose and objective of the MMDR Act as well as the rules framed there under is to ensure that mining operations are carried out in a scientific manner with a high degree of responsibility including responsibility in protecting and preserving the environment and the flora of the area. Through this process, the holder of a mining lease is obliged to adhere to the standards laid down under the Environment (Protection) Act, 1986 or the EPA as well as the laws pertaining to air and water pollution and also by necessary implication, the provisions of the Forest (Conservation) Act, 1980 (for short the FC Act). Exploitation of the natural resources is ruled out. If

the holder of a mining lease does not adhere to the provisions of the statutes or the rules or the terms and conditions of the mining lease, that person is liable to incur penalties under Section 21 of the MMDR Act. In addition thereto, Section 4A of the MMDR Act which provides for the termination of a mining lease is applicable. This provides that where the Central Government, after consultation with the State Government is of opinion that it is expedient in W.P. (C) Nos. 114/2014 etc. the interest of regulation of mines and mineral development, preservation of natural environment, prevention of pollution, etc. then the Central Government may request the State Government to prematurely terminate a mining lease.

Environment Impact Assessment Notification of 27th January, 1994

84. As can be seen from the statutory scheme adverted to above, protection and preservation of the environment is a significant and integral component of a mining plan, a mining lease and mining operations and rightly so.

85. Keeping this in mind, an Environment Impact Assessment Notification dated 27th January, 1994 was issued by the Central Government in exercise of powers conferred by Section 3(1) and Section 3(2)(v) of the EPA read with Rule 5(3)(d) of the Environment (Protection) Rules, 1986. The Environment Impact Assessment Notification dated 27th January, 1994 (for short EIA 1994) is a prohibitory notification and directs that on and from the date of its publication in the official gazette: (i) expansion or modernization of any activity (if pollution load is to exceed the existing one) and (ii) a new project listed in Schedule I to the notification, shall not be undertaken unless it has been accorded environmental clearance (for short EC) by the Central Government in accordance with the procedure specified in the notification.

W.P. (C) Nos. 114/2014 etc.

86. The notification provides, among other things, that in case of mining operations, site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years from commencing mining operations. What this means is that on receipt of an EC a mining lease holder can extract a mineral only from a specified site, upto the sanctioned capacity and only for a period of five years from the date of the grant of an EC. This is regardless of the quantum of extraction permissible in the mining plan or the mining lease and regardless of the duration of the mining lease. Consequently, a mining lease holder would necessarily have to obtain a fresh EC every five years and can also apply for an increase in the sanctioned capacity. There is no concept of a retrospective EC and its validity effectively starts only from the day it is granted. Thus, the EC takes precedence over the mining lease or to put it conversely, the mining operations under a mining lease are dependent on and subordinate to the EC.

87. On 4th May, 1994 an Explanatory Note was added to EIA 1994. We are concerned with the 1st Note which deals with the expansion and modernization of existing projects. This reads as follows:

1. Expansion and modernization of existing projects A project proponent is required to seek environmental clearance for a proposed expansion/modernization activity if

the resultant W.P. (C) Nos. 114/2014 etc. pollution load is to exceed the existing levels. The words pollution load will in this context cover emissions, liquid effluents and solid or semi-solid wastes generated. A project proponent may approach the concerned State Pollution Control Board (SPCB) for certifying whether the proposed modernization/expansion activity as listed in Schedule-I to the notification is likely to exceed the existing pollution load or not. If it is certified that no increase is likely to occur in the existing pollution load due to the proposed expansion or modernization, the project proponent will not be required to seek environmental clearance, but a copy of such certificate issued by the SPCB will have to be submitted to the Impact Assessment Agency (IAA) for information. The IAA will however, reserve the right to review such cases in the public interest if material facts justifying the need for such review come to light.

88. The Note is significant and from its bare reading it is clear that if any proposed expansion or modernization activity results in an increase in the pollution load, then a prior EC is required. The project proponent should approach the concerned State Pollution Control Board (for short the SPCB) for certifying whether the proposed expansion or modernization is likely to exceed the existing pollution load or not. If the pollution load is not likely to be exceeded, the project proponent will not be required to seek an EC but a copy of such a certificate from the SPCB will require to be submitted to the Impact Assessment Agency which can review the certificate.

89. What is the requirement, if any, under EIA 1994 with regard to an existing mining lease where there is no proposal for expansion or modernization? Does such a mining lease holder require an EC to continue W.P. (C) Nos. 114/2014 etc. mining operations? This is answered in the 8th Note which is also of some importance and this reads as follows:

8. Exemption for projects already initiated For projects listed in Schedule-I to the notification in respect of which required land has been acquired and all relevant clearances of the State Government including NOC from the respective State Pollution Control Boards have been obtained before 27 th January, 1994, a project proponent will not be required to seek environmental clearance from the IAA. However those units who have not as yet commenced production will inform the IAA.

90. The above Note makes it clear that existing mining projects that have a no objection certificate from the SPCB before 27 th January, 1994 will not be required to obtain an EC from the Impact Assessment Agency. Of course, this is subject to the substantive portion of EIA 1994 and the 1 st Note. However, if the existing mining project does not have a no objection certificate from the SPCB, then an EC will be required under EIA 1994.

91. Two questions immediately arise from a reading of the 1 st and the 8th Note. The first question is: What is the base year for considering the pollution load while proposing any expansion activity? The second question is: What is the duration for which an EC is not necessary for an ongoing project which does not propose any expansion, or to put it differently, what is the validity period for a no objection certificate from the SPCB? W.P. (C) Nos. 114/2014 etc.

92. In our opinion, as far as the first question is concerned, a reading of EIA 1994 read with the 1st Note implies that the base year would need to be the immediately preceding year that is 1993-94. This is obvious from the opening sentence of the 1st Note, that is, A project proponent is required to seek environmental clearance for a proposed expansion/modernization activity if the resultant pollution load is to exceed the existing levels. (Emphasis supplied). In its report, the CEC has taken 1993-94 as the base year and we see no error in this. Even the MoEF in its circular dated 28 th October, 2004 stated with regard to the expansion in production: If the annual production of any year from 1994-95 onwards exceeds the annual production of 1993-94 or its preceding years (even if approved by IBM), it would constitute expansion. If that expansion results in an increase in the pollution load over the existing levels, then an EC is mandated.

93. It was contended on behalf of the mining lease holders that in terms of the circular of 28th October, 2004 the annual production even prior to 1993-94 could be considered for ascertaining if there was an expansion or not. We cannot accept this submission for a variety of reasons. For one, the existing levels mentioned in the 1st Note clearly have reference to the immediately preceding year and not to a preceding year in a comparatively remote past. Secondly, a very high annual production in any one year is not W.P. (C) Nos. 114/2014 etc. reflective of a consistent pattern of production it could very well be a freak year and that freak year certainly cannot be a basic standard or the norm to measure expansion. Then if the interpretation sought to be given is accepted, there would be an absence of consistency and a lack of uniformity with different mining lease holders having different base years. This is hardly conducive to good governance. Finally, EIA 1994 was intended to prevent the existing environmental load from increasing based on the existing data of the immediate past and not data of a few years gone by. We may add that the only exception that could be made in this regard would be if there is no production during 1993-94. In that event, the immediately preceding year would be relevant and that is the only reasonable interpretation that we see for the use of the words or its preceding years.

94. On the question of the duration or exemption period from an EC in respect of a project that has commenced prior to 27th January, 1994 the substantive portion of EIA 1994 and the 8th Note grant an exemption from the requirement of obtaining an EC if there is no expansion and the existing pollution load is not exceeded. In any event, a no objection certificate from the SPCB is necessary for continuing the mining operations. Consequently, even if any mining lease holder does not have an EC or does not require an EC for continuing mining operations (but has a no objection certificate from W.P. (C) Nos. 114/2014 etc. the SPCB), the absence of an EC would not have an adverse impact on the mining lease holder unless of course, there was an expansion in the mining operations without any certificate from the SPCB. In addition to this, the validity period (if any) of the certificate from the SPCB is important we have not been made aware whether there is such a validity period or not.

95. The contention of learned counsel for the mining lease holders that EIA 1994 was rather vague, uncertain and ambiguous cannot be accepted. In our opinion, on a composite reading of EIA 1994, it is clear that: (i) A no objection certificate from the SPCB was necessary for continuing mining operations; (ii) An expansion or modernization activity required an EC unless the pollution load was not exceeded beyond the existing levels; (iii) The base year for determining the pollution load and

therefore the proposed expansion would be with reference to 1993-94; (iv) Whether an expansion or modernization would lead to exceeding the existing pollution load or not would require a certificate from the SPCB which could be reviewed by the IAA; (v) New projects require an EC; and (vi) Existing projects do not require an EC unless there is an expansion or modernization for the duration (if any) of the validity of the certificate from the SPCB. We need not say anything more on this subject since the CEC has proceeded to discuss the issue of mining in excess of the EC or in excess of the mining plan only W.P. (C) Nos. 114/2014 etc. from the year 2000-01 onwards. The prior period may, therefore, be ignored and it is the period from 2000-01 onwards which is actually relevant for the present discussion.

96. It was submitted by learned counsel for the mining lease holders that the MoEF had caused some confusion with regard to the requirement of an EC at the time of renewal of a mining lease. In this connection, reference was made to a Press Note of July 1994 and a letter dated 19 th June, 1997 of the MoEF to the Chief Conservator of Forests in the MoEF.

97. Learned counsel for the mining lease holders sought to buttress their submission that EIA 1994 was vague and ambiguous by mentioning two circulars issued by the MoEF on 5th November, 1998 and 27th December, 2000 extending the period for obtaining an EC for new units. However, these circulars are apparently not on our record (which goes into 148 volumes) and therefore we cannot make any comment about them. These circulars were mentioned to also contend that even for new units the absence of an EC would not have an adverse impact on them, since the period for obtaining an EC was extended from time to time. A reference was also made to a circular dated 14th May, 2002 which later on became the subject of consideration by this Court in *M.C. Mehta v. Union of India*.⁸ A reading of 8 (2004) 12 SCC 118 W.P. (C) Nos. 114/2014 etc. the circular of 14th May, 2002 indicates that several units had come up in violation of EIA 1994. The MoEF had taken the view that such units may be permitted to apply for an EC by 31st March, 1999 which was then extended to 30th June, 2001 by circulars dated 5th November, 1998 and 27th December, 2000 respectively.

98. By the circular dated 14 th May, 2002 the deadline for applying for an EC was extended up to 31st March, 2003 as a last and final opportunity to obtain an ex post facto EC in respect of units which had commenced mining operations without obtaining a prior EC in violation of EIA 1994. The circular also stated that: Suitable directions shall be issued by all States/UTs under the Environment (Protection) Act to units to stop construction activities/operations of all such units that fail to apply for environmental clearance by 31st March, 2003. Units which fail to comply with these directions shall be proceeded against forthwith under the relevant provisions of the Environment (P) Act, 1986 without making reference to this Ministry.

99. It was submitted that in view of these ambiguous and unclear signals emanating from the MoEF which resulted in confusion being worse confounded, the mining lease holders were not clear whether or not they W.P. (C) Nos. 114/2014 etc. were required to obtain an EC particularly in respect of pre-EIA 1994 mining leases and operations.

100. As mentioned above, these dates and the text of the circulars were emphasized by learned counsel for the lease holders to contend that it was not obligatory for the mining lease holders, who

did not expand their mining operations, to obtain an EC and in any event the period for obtaining an EC was extended till 31st March, 2003 with ex post facto approval. In this context, reliance was placed on M.C. Mehta referred to above.

101. We are not in agreement with the contention of learned counsel for the mining lease holders on the interpretation given to the various circulars for the reasons given above and must also correctly appreciate the decision of this Court in M.C. Mehta.

102. In M.C. Mehta the issue that arose for consideration was whether mining activity in the Aravalli hills causes environmental degradation and what directions are required to be issued. While considering this issue, this Court also considered EIA 1994 and the circular dated 14 th May, 2002. In doing so, this Court categorically held in paragraph 37 of the Report that the intention of the MoEF was not to legalize the continuance of mining activity without complying with the requisite stipulations. If that were unfortunately so, then it would demonstrate a lack of sensitivity of the MoEF to the W.P. (C) Nos. 114/2014 etc. principles of sustainable development and the object behind issuing EIA 1994. This Court said:

It does not appear that MOEF intended to legalise the commencement or continuance of mining activity without compliance of stipulations of the notification. In any case, a statutory notification cannot be notified [modified] by issue of circular. Further, if MOEF intended to apply this circular also to mining activity commenced and continued in violation of this notification, it would also show total non-sensitivity of MOEF to the principles of sustainable development and the object behind the issue of notification. The circular has no applicability to the mining activity.

103. Adverting to the MMDR Act, this Court expressed the view in paragraph 52 of the Report that the approval of a mining plan does not imply that a mining lease holder can commence mining operations. The mining lease holder is nevertheless obliged to comply with statutory provisions including the EPA and other laws. It was said:

The grant of permission for mining and approving mining plans and the scheme by the Ministry of Mines, Government of India by itself does not mean that mining operation can commence. It cannot be accepted that by approving mining plan and scheme by the Ministry of Mines, the Central Government is deemed to have approved mining and it can commence forthwith on such approval. A mining leaseholder is also required to comply with other statutory provisions such as the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and the Forest (Conservation) Act, 1980. Mere approval of the mining plan by the Government of India, Ministry of Mines would not absolve the leaseholder from complying with the other provisions. W.P. (C) Nos. 114/2014 etc.

104. This Court also considered the question of the applicability of EIA 1994 to the renewal of an existing mining lease. It was held that the said notification would apply to the renewal of a mining

lease that came up for consideration post 27th January, 1994. In other words, for the renewal of a mining lease, an EC was required by the mining lease holder. It was held in paragraph 77 of the Report:

We are unable to accept the contention that the notification dated 27-1-1994 would not apply to leases which come up for consideration for renewal after issue of the notification. The notification mandates that the mining operation shall not be undertaken in any part of India unless environmental clearance by the Central Government has been accorded. The clearance under the notification is valid for a period of five years. In none of the leases the requirements of the notification were complied with either at the stage of initial grant of the mining lease or at the stage of renewal. Some of the leases were fresh leases granted after issue of the notification. Some were cases of renewal. No mining operation can commence without obtaining environmental impact assessment in terms of the notification.

105. It is clear from the decision rendered by this Court that EIA 1994 is mandatory in character; that it is applicable to all mining operations expansion of production or even increase in lease area, modernization of the extraction process, new mining projects and renewal of mining leases. A mining lease holder is obliged to adhere to the terms and conditions of a mining lease and the applicable laws and the mere fact that a mining plan has been approved does not entitle a mining lease holder to commence W.P. (C) Nos. 114/2014 etc. mining operations. In M.C. Mehta this Court concluded that EIA 1994 is clearly applicable to the renewal of a mining lease.

106. Subsequent to the decision in M.C. Mehta two clarificatory circulars were issued by MoEF on 28th October, 2004 and 25th April, 2005. These were adverted to by learned counsel for the mining lease holders but in our opinion they are not relevant except to the extent that they make it explicit that following the decision of this Court in M.C. Mehta, an EC is required to be obtained before the renewal of a mining lease and that the term expansion would include an increase in production or the lease area or both.

107. It was submitted on behalf of the mining lease holders that the possibility of getting an ex post facto EC was a signal to the mining lease holders that obtaining an EC was not mandatory or that if it was not obtained, the default was retrospectively condonable. We do not agree. We have referred to various provisions of the MMDR Act and the rules framed thereunder to indicate the statutory importance given to the protection and preservation of the environment. This was also emphasized in M.C. Mehta in which it was also stated that It does not appear that MOEF intended to legalise the commencement or continuance of mining activity without compliance of stipulations of the notification. It appears to us that the W.P. (C) Nos. 114/2014 etc. MoEF was, in a sense, cajoling the mining lease holders to comply with the law and EIA 1994 rather than use the stick. That the mining lease holders chose to misconstrue the soft implementation as a licence to not abide by the requirements of the law is unfortunate and was an act of omission or commission by them at their own peril. We cannot attribute insensitivity to the MoEF or even to the mining lease holders to environment protection and preservation, but at the same time we cannot overlook the obligation of everyone to abide by the law. That the MoEF took a soft approach cannot be an escapist excuse for

non-compliance with the law or EIA 1994. Environment Impact Assessment Notification of 14th September, 2006

108. On 14th September, 2006 another EIA Notification was issued by the MoEF. This notification (for short EIA 2006) required prior EC for projects or activities mentioned in the Schedule to it both for major as well as minor minerals if the leased area is 5 hectares or more. We were informed that several mining lease holders, in compliance with EIA 2006, applied for and were granted an EC.

109. It was submitted by learned counsel for the mining lease holders that the confusion, vagueness and uncertainty caused by EIA 1994 and subsequent circulars and other communications did not end with the issuance of EIA 2006. Reference was made to a circular dated 13 th October, W.P. (C) Nos. 114/2014 etc. 2006 which deals with interim operational guidelines till 13 th September, 2007 in respect of applications made under EIA 1994. We do not see the relevance of this circular (which really dealt with transitional issues) not only for the reason given in M.C. Mehta that circulars cannot override statutory notifications but also because it deals with the procedure for considering applications made under EIA 1994.

110. Reference was also made to a circular dated 2 nd July, 2007. The passage relied upon reads as follows:-

It is clarified that all such mining projects which did not require environmental clearance under the EIA Notification, 1994 would continue to operate without obtaining environmental clearance till the mining lease falls due for renewal, if there is no increase in lease area and/or there is no enhancement of production. In the event of any increase in lease area and or production, such projects would need to obtain prior environmental clearance. Further, all such projects which have been operating without any environmental clearance would obtain environmental clearance at the time of their lease renewal even if there is no increase either in terms of lease area or production.

111. The aforesaid circular relates to three categories that is: (i) Mining leases, where no EC was required under EIA 1994 would continue to operate without an EC; (ii) If there was an increase in the lease area or enhancement of production, an EC was required by the mining lease holder; (iii) All projects would require an EC at the time of renewal of the mining lease even if there was no increase in the lease area or enhancement of production. W.P. (C) Nos. 114/2014 etc.

112. Reference was also made to an Office Memorandum dated 19th August, 2010. However a reading of this document brings out that it basically relates to construction at site but makes it clear that no activity relating to any project covered under EIA 2006 including civil construction could be undertaken without obtaining a prior EC except fencing of the site to protect it from getting encroached and construction of temporary sheds for the guards.

113. Reference was also made to Office Memorandums dated 16th November, 2010 and 12th December, 2012 but having gone through them we find them of little relevance as they deal with

procedural issues only.

114. All that we need to say on this subject is that there is no confusion, vagueness or uncertainty in the application of EIA 1994 and EIA 2006 insofar as mining operations were commenced on mining leases before 27 th January, 1994 (or even thereafter). Post EIA 2006, every mining lease holder having a lease area of 5 hectares or more and undertaking mining operations in respect of major minerals (with which we are concerned) was obliged to get an EC in terms of EIA 2006.

115. An attempt was then made by learned counsel for the mining lease holders to get out of the rigours of EIA 1994 and EIA 2006 by contending W.P. (C) Nos. 114/2014 etc. that some of them had modified the mining plan (with approval) and that therefore they had extracted iron ore or manganese ore, as the case may be, in terms of the mining plan but not necessarily in terms of the EC that had been obtained, if at all.

116. We have already held that a mining plan is subordinate to the EC and in M.C. Mehta it was held by this Court that having an approved mining plan does not imply that a mining lease holder can commence mining operations. That being so, a modified mining plan without a revised or amended EC, is of no consequence. What the contention of learned counsel suggests to us is that under the shield of a modified mining plan, illegal or unlawful mining in the form of mining without an EC, mining by over-reaching EIA 1994 and EIA 2006 was being carried out.

117. The contention apart, the subterfuge of obtaining a modified mining plan to get over the adverse effects of excess and illegal or unlawful production of iron ore or manganese ore was deprecated by the Ministry of Mines of the Government of India. In a letter dated 29 th October, 2010 addressed to the Controller General, Indian Bureau of Mines it was pointed out that State Governments had expressed a concern that the Indian Bureau of Mines (IBM) had been modifying mining plans for allowing an increase in production of ore without adequate intimation to the State Governments. W.P. (C) Nos. 114/2014 etc. A concern was raised that such a revision was often being used to increase production of ore, which is sometimes not accounted for in mining operations in the concerned mining lease. It was made clear that all modifications of mining plans shall be effective prospectively only and earlier instances of irregular mining shall not be regularized through a modification of the mining plan.

118. In a subsequent letter dated 12 th December, 2011 addressed to the Chief Secretary in the Government of Orissa the said Ministry of Mines noted that there were violations of the actual production limit laid down in the mining plan and that the State Government had finally taken steps to curb illegal mining in respect of over-production of minerals. There was a reference to suggest (and we take it to be so) that 20% deviation from the mining plan (in terms of over-production) would be reasonable and permissible. However, it appears from a reading of the communication that illegal mining was going on beyond the 20% deviation limit and that appropriate steps were needed to curb these violations. Learned counsel for the petitioners submitted that such egregious violations must be firmly dealt with by cancellation or termination of the mining lease and a soft approach is not called for.

W.P. (C) Nos. 114/2014 etc.

119. In this context, it is worth noting that a High Level Committee (called the Hoda Committee) on the National Mineral Policy noted in its Report dated 22nd December, 2006 in paragraph 3.47 as follows :

3.47 An EMP [Environment Management Plan] has to be prepared under the MCDR and got approved by IBM. However, this EMP is not acceptable to the MoEF. The miner has to prepare two EMPs separately one for IBM and another for MoEF. The Committee suggests that IBM and MoEF should prepare guidelines for a composite EMP so that IBM can approve the same in consultation with MoEFs field offices. This will eliminate anomalous situations where increase of even a few tonnes in production requires project authorities to get a fresh EMP approved from the MoEF although the IBM allows a grace of +10% per cent, keeping in view the fluctuations in the market situation and process complexities. If a single EMP is accepted in principle such anomalies can be resolved in advance. The Committee feels the MoEF should also have a cushion of +10% per cent in production while giving EIA clearance.

120. The above passage indicates that the permissible variation in production as per the Indian Bureau of Mines is +10% but according to the letter dated 12th December, 2011 issued by the Ministry of Mines, the reasonable variation limit could be +20%. It is not clear why there was a shift in the variation, but as rightly pointed out by learned counsel for the petitioners, the fact that in some cases the variation exceeded 20% was a cause for concern which necessitated strict and punitive action.

121. A submission was made by learned counsel for the mining lease holders to the effect that since many of them had been granted the first W.P. (C) Nos. 114/2014 etc. deemed statutory renewal of the mining lease under Rule 24A of the MCR, the requirements of EIA 1994 would not be applicable. We were shown various amendments made to Rule 24A of the MCR from time to time particularly the amendments made on 10th February, 1987, 7th January 1993, 27th September, 1994, 17th January, 2000, 18th July, 2014 and 8th October, 2014. In our opinion, none of these are of any consequence, the reason being that for the purposes of renewal of the mining lease, an application is required to be made by the mining lease holders and the deemed renewal clause under Rule 24A of the MCR will come into operation only after an application for renewal is made in Form J in Schedule I of the MCR. Under Rule 26 of the MCR, the State Government may refuse to renew the mining lease. That apart, the position in environmental jurisprudence with regard to the renewal of a mining lease has been made explicit by this Court in M.C. Mehta. Even otherwise, in view of EIA 1994, it is quite clear that the renewal of a mining lease would require a prior EC.

122. We may also draw attention in this regard to a circular dated 28 th October, 2004 issued by the MoEF wherein it was stated that in view of the decision in M.C. Mehta all mining projects of major minerals of more than 5 hectares lease area that had not yet obtained an EC would have to do so at the time of renewal of the lease.

W.P. (C) Nos. 114/2014 etc.

123. Finally, it was submitted that whenever an EC is granted, it would have retrospective effect from the date of the application for grant of an EC. In this context, it was pointed out that there were enormous delays in granting an EC and that the Hoda Committee had noted with reference to EIA 2006 that if all goes well, the grant of an EC takes about 232 days whereas the international norm is that an EC is granted within six months or 180 days. According to the additional affidavit filed by some mining lease holders, the period of 232 days mentioned by the Hoda Committee was actually a conservative estimate and that in fact it takes anything upto 390 days for the grant of an EC. It was submitted that the position was even worse under EIA 1994 since the MoEF rarely showed any urgency in the grant of an EC. Examples were cited before us to show that in some instances the grant of an EC took more than two years. Taking all this into consideration it was submitted that it would be more appropriate that the EC is given retrospective effect from the date of the application.

124. We are not in agreement with learned counsel for the mining lease holders. There is no doubt that the grant of an EC cannot be taken as a mechanical exercise. It can only be granted after due diligence and reasonable care since damage to the environment can have a long term impact. EIA 1994 is therefore very clear that if expansion or modernization W.P. (C) Nos. 114/2014 etc. of any mining activity exceeds the existing pollution load, a prior EC is necessary and as already held by this Court in M. C. Mehta even for the renewal of a mining lease where there is no expansion or modernization of any activity, a prior EC is necessary. Such importance having been given to an EC, the grant of an ex post facto environmental clearance would be detrimental to the environment and could lead to irreparable degradation of the environment. The concept of an ex post facto or a retrospective EC is completely alien to environmental jurisprudence including EIA 1994 and EIA 2006. We make it clear that an EC will come into force not earlier than the date of its grant.

Illegal Mining

125. A question raised by learned counsel for the mining lease holders concerned the interpretation of the expression illegal mining. Reliance was placed on the report of the CEC which refers to Rule 2(iia) of the MCR to conclude that the violation of any rule within the mining lease area would not come within the definition of illegal mining except where there has been a violation of the rules framed under Section 23C of the MMDR Act. According to the CEC:

17. Illegal mining has been defined as mining operations undertaken by any person in any area without holding a mining lease. It does not include violation of any rules within the mining lease area except the Rules made under Section 23C of the MMDR W.P. (C) Nos. 114/2014 etc. Act, 1957. The mining lease area shall be considered as an area held with lawful authority by the lessee (refer Rule 2(iia), MCR, 1960).

126. As can be seen from the above, there is a difference of opinion between the CEC and the Commission on what is illegal mining or mining without lawful authority and we will give our views on the subject.

127. According to the lessees a mining operation only outside the mining lease area would constitute illegal mining making illegal mining lease centric. We are unable to accept this narrow interpretation given by the CEC and relied upon by learned counsel for the mining lease holders.

128. The simple reason for not accepting this interpretation is that Rule 2(ii

a) of the MCR was inserted by a notification dated 26 th July, 2012 while we are concerned with an earlier period. That apart, as mentioned above, the holder of a mining lease is required to adhere to the terms of the mining scheme, the mining plan and the mining lease as well as the statutes such as the EPA, the FCA, the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. If any mining operation is conducted in violation of any of these requirements, then that mining operation is illegal or unlawful. Any extraction of a mineral through an illegal or unlawful mining operation would become illegally or unlawfully extracted mineral.

W.P. (C) Nos. 114/2014 etc.

129. It is not, as suggested by learned counsel, that illegal mining is confined only to mining operations outside a leased area. Such an activity is obviously illegal or unlawful mining. Illegal mining takes within its fold excess extraction of a mineral over the permissible limit even within the mining lease area which is held under lawful authority, if that excess extraction is contrary to the mining scheme, the mining plan, the mining lease or a statutory requirement. Even otherwise, it is not possible for us to accept the narrow interpretation sought to be canvassed by learned counsel for the mining lease holders particularly since we are dealing with a natural resource which is intended for the benefit of everyone and not only for the benefit of the mining lease holders.

Encroachments

130. Section 4(1) of the MMDR Act makes it clear that no person can carry out any mining operations except under and in accordance with the terms and conditions of a mining lease granted under the MMDR Act and the rules made thereunder. Obviously therefore, any person carrying on mining operations without a mining lease, is indulging in illegal or unlawful mining. This would also necessarily imply that if a mining lease is granted to a person who carries out mining operations outside the boundaries of the W.P. (C) Nos. 114/2014 etc. mining lease, the mineral extracted would be the result of illegal or unlawful mining.

131. In its report, the CEC has dealt with illegal mining outside the sanctioned mining areas. It is stated that 82 mining leases for iron ore and manganese ore were identified by the Commission where there were encroachments in the form of illegal mining pits, illegal over-burden dumps etc.

132. In respect of these 82 mining leases, the State of Odisha appointed a Committee on the suggestion of the Commission, to survey and identify the exact extent and location of the sanctioned lease area, lease area under occupation of the mining lease holder and the area under encroachment/illegal mining. The Committee or the Joint Survey consisted of officers of the Revenue Department, Forest Department and Mining Department of the State of Odisha who

carried out a field survey in respect of 39 mining leases. The findings of the field survey or the Joint Survey were verified by a team comprising of the Director Mines, Chief Engineer, ORSAC and the Additional Secretary, F & E Department of the Government of Odisha.

133. It is mentioned in the report of the CEC that the Joint Survey for each of the 39 mining leases is technically sound and reliable. However, in W.P. (C) Nos. 114/2014 etc. respect of some of the leases, it would be desirable for the State Government to take another look at the results of the field survey. Unfortunately, the CEC has not identified these mining leases that require another look. Be that as it may, the fact is that a joint survey has not been conducted in respect of 43 mining leases.

134. We are of the view that for completing the record and taking the report of the CEC to its logical conclusion, it would be appropriate if a fresh Joint Survey is conducted by concerned officers of the Government of Odisha from the Revenue Department, the Forest Department, the Mining Department and any other department that may be deemed necessary. The Forest Survey of India, the MoEF, the Indian Bureau of Mines and the Geological Survey of India should also be associated in the Joint Survey. In our opinion, it would also be appropriate if the CEC is also associated in the Joint Survey and the best and latest technology should be made use of including satellite imagery and thereafter a report is submitted in this Court on or before 31st December, 2017 after hearing the 82 lessees identified by the Commission.

Adherence to the mining plan

135. A side issue raised by learned counsel for the mining lease holders in this regard was the necessity (if any) of adhering to the annual plan or W.P. (C) Nos. 114/2014 etc. calendar plan of mining. It was contended that a mining lease holder could mine in excess of the annual plan. While it is so, this submission must be tempered and appreciated in the proper context. A mining plan is valid for a period of five years but there could be a 20% variation in extraction over and above the mining plan. This is the maximum that is stated to be reasonably permissible according to the Ministry of Mines. In terms of Rule 22(5) of the MCR a mining plan shall incorporate a tentative scheme of mining and annual program and plan for excavation from year to year for five years. At best, there could be a variation in extraction of 20% in each given year but this would be subject to the overall mining plan limit of a variation of 20% over five years. What this means is that a mining lease holder cannot extract the five year quantity (with a variation of 20%) in one or two years only. The extraction has to be staggered and continued over a period of five years. If any other interpretation is given, it would lead to an absurd situation where a mining lease holder could extract the entire permissible quantity under the mining plan plus 20% in one year and extract miniscule amounts over the remaining four years, and this could be done without any reference to the EC. The submission of learned counsel in this regard simply cannot be accepted.

W.P. (C) Nos. 114/2014 etc.

136. In the letter dated 12th December, 2011 sent by the Secretary in the Ministry of Mines of the Government of India to the Chief Secretary of the Government of Odisha (adverted to above) concerning violation of annual production limit laid down in the approved mining plan, it was

stated, inter alia, that an analysis of production and violations in 104 mining leases for bulk minerals in the last ten years was undertaken by the Indian Bureau of Mines. It was noted that in 71 cases there was excess ore produced beyond the reasonable variation limit of 20%. It was noted that this was partly due to the failure of the State machinery to restrict the movement of minerals.

137. In a further letter dated 5th September, 2012 it was reiterated that any violation of the mining plan or the mining scheme noticed by the State Government should be immediately brought to the notice of the Indian Bureau of Mines to initiate suitable action. It was reiterated that transit passes to such mines should not be issued by the State Government so as to stop any additional outgo. It was added: Needless to say any revision on the limits of production is subjected to statutory clearances under Environment and Forest laws. Having said that, the State Mining and Geology officials should not also lose focus on taking stringent action against any instances of illegal mining, undertaken outside the leased area, and passed off as excess production. It is quite clear from the W.P. (C) Nos. 114/2014 etc. correspondence placed before us that as far as the Union of India is concerned, any violation of the requirements of the law has to be firmly dealt with.

138. With reference to the interpretation of Section 21(5) of the MMDR Act (which we shall soon consider) it was stated as follows:

Section 21(5) of MMDR Act is clearly applicable on such land which is occupied without lawful authority. It is clarified that in the context of MMDR Act, 1957, violations pertaining to mining operations within the mining lease area are to be dealt with only in terms of the provisions of the Mineral Conservation and Development Rules 1988. The State Governments have clear powers to tackle any offences related to mining outside the mining lease area in terms of Section 23C of the MMDR Act, 1957. However, the interpretation that a land granted under a Mining lease by the State Government can be held to be occupied without lawful authority on the grounds of violation of provisions of any other law of the land is not appropriate and such interpretation may not stand in the Court of law. Such Act or Rules, including the Environment (Protection) Act, 1986, or the Forest (Conservation) Act, 1980, etc. clearly provide penalties for violations under those laws. This aspect may be clarified to the State Accountant General also.

139. All that we need say for the present is that the interpretation given in the aforesaid letter to Section 21(5) of the MMDR Act is not fully correct. While mining in excess of permissible limits under the mining plan or the EC or FC on leased area may not amount to mining on land occupied without lawful authority, it would certainly amount to illegal or unlawful mining or mining without authority of law.

W.P. (C) Nos. 114/2014 etc. Section 21 of the MMDR Act

140. The discussion on illegal or unlawful mining takes us to the question of the consequence of illegal or unlawful mining and the interpretation of Section 21(1) and Section 21(5) of the MMDR Act.

141. Section 21(1) of the MMDR Act is clearly relatable to a penal offence and applies if any one contravenes the provisions of Section 4(1) of the MMDR Act. Section 4(1) of the MMDR Act prohibits the undertaking of any mining operation in any area except under and in accordance with the terms and conditions of a mining lease and the rules made thereunder. Therefore, when a person carries out a mining operation in any area other than a leased area or violates the terms of a mining lease, which incorporates the mining plan and which requires adherence to the law of the land, that person becomes liable for prosecution under Section 21(1) of the MMDR Act. In the event of a conviction, he or she shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to Rs.5 lakh per hectare of the area.

142. As far as Section 21(5) of the MMDR Act is concerned, according to the CEC the provision is applicable only if a person indulges in illegal mining outside the mining lease area. Consequently, Section 21(5) of the MMDR Act is not attracted even if the mineral raised within the mining W.P. (C) Nos. 114/2014 etc. lease area is without an EC or beyond the quantity prescribed by the EC or beyond the quantity permitted in the mining plan. In such a situation, the provisions of the EPA or the MCR come into play. This interpretation is supported by learned counsel for the mining lease holders who affirm that Section 21(5) of the MMDR Act is mining lease area centric. In other words, according to the CEC and the learned counsel, for the purposes of Section 21(5) of the MMDR Act illegal mining is mining outside the mining lease area and Section 21(5) of the MMDR Act has to be understood in that light.

143. Reference was also made to the Explanation to Rule 2(iia) of the MCR where it is stated that for the purposes of this clause, the violation of any rules, other than the rules made under section 23C of the MMDR Act, within the mining lease area by a holder of a mining lease shall not include illegal mining. In other words, it was submitted that Section 21(5) of the MMDR Act is required to be understood in the context of Rule 2(iia) of the MCR.

144. It was submitted by Shri Ashok Desai learned senior counsel for one of the intervenors, that the penalty postulated by Section 21(5) of the MMDR Act though an imposition of a pecuniary liability, is punishment for the commission of an offence. By referring to Khemka & Co. (Agencies) W.P. (C) Nos. 114/2014 etc. Pvt. Ltd. v. State of Maharashtra 9 it was contended that the liability sought to be imposed by Section 21(5) of the MMDR Act is not a liability that is created by a clear, unambiguous and express enactment.

145. As far as the Union of India is concerned, in its affidavit filed on 20 th January, 2017 by Shri Sudhakar Shukla, Economic Advisor in the Government of India, Ministry of Mines, it is submitted (and this submission is supported by the learned Attorney General in his oral submissions) that Section 21(5) of the MMDR Act is in two parts. The first part refers to the raising of minerals without any lawful authority from any land. The second part is in addition to what is recoverable under the first part. The addition is to the effect that when a person raises a mineral from any area not in his or her lawful authority, that person is also liable to pay the rent, royalty or tax for the period during which the land was occupied without lawful authority.

146. It is further submitted that illegal mining as defined in Rule 2(iia) of the MCR is also required to be read in the context of Rule 26(4) and Rule 27(4A) of the MCR which deal with the refusal to renew a mining lease if the mining lease holder is convicted of illegal mining and the determination of a mining lease in the event the mining lease holder is convicted of illegal mining. It is submitted that the definition of illegal mining in the MCR must 9 (1975) 2 SCC 22 W.P. (C) Nos. 114/2014 etc. be strictly construed and limited to the provisions of the MCR and cannot apply to the provisions of Section 21(5) of the MMDR Act.

147. In conclusion, it is reiterated by the Union of India on affidavit as follows:

55. That considering all the above, the Ministry would like to submit that the provisions of sub-section (5) of Section 21 would apply to all minerals raised without any lawful authority, be it forest clearances or environment clearances or any other such legal requirements.

56. That penalties would arise under section 21(5) of the MMDR Act, 1957, in respect of any form of mining activity without lawful authority. Mining outside lease area would on the face of it amount to mining without lawful authority and would attract the provisions of section 21(5); and, in addition, all forms of mining without lawful authority including that in breach of the limits imposed by the Environmental Clearance carried out within the lease area would also invite penalties under section 21 (5). (Emphasis given by us).

148. On behalf of the State of Odisha, it was submitted by Shri Rakesh Dwivedi learned senior counsel by relying upon *Karnataka Rare Earth v. Senior Geologist, Department of Mines & Geology*¹⁰ that what is sought to be achieved by Section 21(5) of the MMDR Act is to recover the price of the mineral that has been illegally or unlawfully or unauthorisedly raised with an intention to compensate the State for the loss of the mineral owned by it, the loss having been caused by a person who is not authorized by law to raise that mineral. There is no element of penalty involved in this and the 10 (2004) 2 SCC 783 W.P. (C) Nos. 114/2014 etc. recovery of the mineral or its price is not a penal action but is merely compensatory. This is what this Court had to say in *Karnataka Rare Earth*:

12. Is the sub-section (5) of Section 21 a penal enactment? Can the demand of mineral or its price thereunder be called a penal action or levy of penalty?

13. A penal statute or penal law is a law that defines an offence and prescribes its corresponding fine, penalty or punishment. (Blacks Law Dictionary, 7th Edn., p. 1421.) Penalty is a liability composed (sic imposed) as a punishment on the party committing the breach. The very use of the term penal is suggestive of punishment and may also include any extraordinary liability to which the law subjects a wrongdoer in favour of the person wronged, not limited to the damages suffered. (See Aiyar, P. Ramanatha: *The Law Lexicon*, 2nd Edn., p. 1431.)

14. In support of the submission that the demand for the price of mineral raised and exported is in the nature of penalty, the learned counsel for the appellants has relied on the marginal note of Section

21. According to Justice Singh, G.P.: Principles of Statutory Interpretation (8th Edn., 2001, at p. 147), though the opinion is not uniform but the weight of authority is in favour of the view that the marginal note appended to a section cannot be used for construing the section. There is no justification for restricting the section by the marginal note nor does the marginal note control the meaning of the body of the section if the language employed therein is clear and spells out its own meaning. In *Director of Public Prosecutions v. Schildkamp*¹¹ Lord Reid opined that a sidenote is a poor guide to the scope of a section for it can do no more than indicate the main subject with which the section deals and Lord Upjohn opined that a sidenote being a brief précis of the section forms a most unsure guide to the construction of the enacting section and very rarely it might throw some light on the intentions of Parliament just as a punctuation mark.

15. We are clearly of the opinion that the marginal note penalties cannot be pressed into service for giving such colour to the meaning 11 (1969) 3 All ER 1640 : (1970) 2 WLR 279 (HL) W.P. (C) Nos. 114/2014 etc. of sub-section (5) as it cannot have in law. The recovery of price of the mineral is intended to compensate the State for the loss of the mineral owned by it and caused by a person who has been held to be not entitled in law to raise the same. There is no element of penalty involved and the recovery of price is not a penal action. It is just compensatory.

149. We are in agreement with the view expressed by the learned Attorney General and Shri Dwivedi as also the view expressed in *Karnataka Rare Earth*. The decision in *Khemka & Co.* is not at all apposite. There is no ambiguity in Section 21(5) of the MMDR Act or in its application. We are also of opinion that though Section 21(1) of the MMDR Act might be in the realm of criminal liability, Section 21(5) of the MMDR Act is certainly not within that realm.

150. In our opinion, Section 21(5) of the MMDR Act is applicable when any person raises, without any lawful authority, any mineral from any land. In that event, the State Government is entitled to recover from such person the mineral so raised or where the mineral has already been disposed of, the price thereof as compensation. The words any land are not confined to the mining lease area. As far as the mining lease area is concerned, extraction of a mineral over and above what is permissible under the mining plan or under the EC undoubtedly attracts the provisions of Section 21(5) of the MMDR Act being extraction without lawful authority. It would also attract Section 21(1) of the MMDR Act. In any event, Section 21(5) of the Act is certainly W.P. (C) Nos. 114/2014 etc. attracted and is not limited to a violation committed by a person only outside the mining lease area it includes a violation committed even within the mining lease area. This is also because the MMDR Act is intended, among other things, to penalize illegal or unlawful mining on any land including mining lease land and also preserve and protect the environment. Action under the EPA or the MCR could be the primary action required to be taken with reference to the MCR and Rule 2(ii a) thereof read with the Explanation but that cannot preclude compensation to the State under Section 21(5) of the

MMDR Act. The MCR cannot be read to govern the MMDR Act.

151. What is the significance of this discussion? It was submitted that the CEC has taken the following view:

it may be appropriate that 30% of the notional value of the iron and manganese produced by each of the lessees without/in excess of the environmental clearances may be directed to be recovered from the concerned lessees and with the explicit understanding the concerned lessees as well as the officers will continue to be liable for action under the provisions of the respective Acts.

152. Learned counsel for the petitioners and the learned Amicus were of opinion that the provisions of Section 21(5) of the MMDR Act require that the entire price of the illegally mined ore should be recovered from each defaulting lessee. Similarly, in its affidavit, the Union of India differs with the recommendation of the CEC. According to the affidavit of the Union of W.P. (C) Nos. 114/2014 etc. India this would be contrary to the statutory scheme and in fact 100% recovery should be made under the provisions of Section 21(5) of the MMDR. We may note that only to this extent, the learned Attorney General differed with the view expressed by the Union of India and submitted that the recommendation of the CEC to recover only 30% of the value of the illegally mined ore should be accepted.

153. In our opinion, there can be no compromise on the quantum of compensation that should be recovered from any defaulting lessee it should be 100%. If there has been illegal mining, the defaulting lessee must bear the consequences of the illegality and not be benefited by pocketing 70% of the illegally mined ore. It simply does not stand to reason why the State should be compelled to forego what is its due from the exploitation of a natural resource and on the contrary be a party in filling the coffers of defaulting lessees in an ill gotten manner.

Calculations on merits

154. The issue now is with regard to the calculations made by the CEC with regard to the production of iron ore and manganese ore without or in excess of the EC and/or the mining plan. As already mentioned above, the figures were not disputed (except by JSPL and SMPL). Therefore, only the application of the figures requires consideration and so we do not need to W.P. (C) Nos. 114/2014 etc. examine each individual case. However to understand and appreciate the manner in which the CEC has arrived at its figures, we may state that this has been specifically mentioned by the CEC in its report. The basis of the calculations is as follows:

(a) the production during the year 1993-94 has been considered as the permissible production during each year till the mining lease did not have the environmental clearance;

(b) the permissible production for the year in which the environmental clearance was obtained for the first time has been considered on pro rata basis of (a) the prescribed annual production and (b)

the date of the grant of the environmental clearance. For this purpose the environmental clearance granted on or before 15th of a month has been considered valid for the entire month. Where the environmental clearance has been granted after 15th of a month it has been considered valid from the subsequent month. For example if the environmental clearance for a mining lease has been granted say on 10th October, 2008 for an annual production of say 12 lakh MT then in that case the permissible production for the mining lease for the year 2008-09 would be taken as 6 lakh MT ($12 \times 6 / 12$ lakh MT) and 12 lakh MT per annum in the subsequent year; and

(c) wherever a mining lease having environmental clearance has been granted revised environmental clearance for a higher production the permissible annual production for the year, during which the revised environmental clearance has been granted, has been considered on pro rata basis of the quantities prescribed in the earlier environmental clearance and the revised environmental clearance. For example if the mining lease was having environmental clearance for annual production of 12 lakh MT and say on 28 th September, 2009 it has been granted revised environmental clearance for annual production of say 24 lakh MT then in that case the permissible production for the year 2009-10 would be taken as 18 lakh MT ($12 \times 6 / 12 + 24 \times 6 / 12$) and 24 lakh MT per annum in subsequent years. W.P. (C) Nos. 114/2014 etc.

155. A submission made by the mining lease holders was that the maximum production in any year up to 1993-94 should be considered as the base for making the calculations. Such a contention was also urged before the CEC and was rejected. We have examined this contention independently and are of the view that the base year of 1993-94 is most appropriate - we have already given our reasons for this. Some lessees might lose in the process while some of them might benefit but that cannot be avoided. In any event, each mining lease holder is being given the benefit of calculations only from 2000-01 and is not being penalized for the period prior thereto. We think the mining lease holders should be grateful for this since it was submitted by learned counsel for the petitioners and the learned Amicus that the penalty should be levied from the date of EIA 1994. In our opinion, the cut-off from 2000-2001 (without interest) is undoubtedly reasonable and there can be hardly be any grievance in this regard. The mining lease holders cannot have their cake and eat it too, along with the icing on top.

156. Since the recommendation made by the CEC in this regard is not totally unreasonable, we accept that the compensation should be payable from 2000-2001 onwards at 100% of the price of the mineral, as rationalized by the CEC.

W.P. (C) Nos. 114/2014 etc. Violation of the Forest (Conservation) Act, 1980

157. Before dealing with the violations of Section 2 of the Forest (Conservation) Act, 1980 (for short the FCA), it is necessary to give a brief background.

158. The FCA came into operation initially through the Forest (Conservation) Ordinance, 1980 with effect from 25th October, 1980. The said Ordinance was repealed and subsequently the FCA came into effect on 25th December, 1980.

159. Section 2 of the FCA provides that no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing, inter alia, that any forest land or any portion thereof may be used for non-forest purposes.

160. The interpretation of Section 2 of the FCA first came up for consideration in *State of Bihar v. Banshi Ram Modi*.¹² In that case, Banshi Ram Modi was granted a mining lease for mining and winning mica. During the course of mining operations, feldspar and quartz were discovered. Modi then applied to the Central Government to include these minerals in the lease. The State Government agreed to do so but did not¹² (1985) 3 SCC 643 W.P. (C) Nos. 114/2014 etc. obtain the previous approval of the Central Government for the inclusion of the two minerals in the original lease.

161. The Central Government took the view that since its previous approval had not been obtained for inclusion of feldspar and quartz in the mining lease, Modi could not be permitted to mine these two minerals. This led Modi to approach the High Court with the contention that he was not breaking up or clearing any forest land other than the land on which mining operations were already being carried on. The High Court allowed the writ petition but feeling aggrieved, the State of Bihar preferred an appeal in this Court.

162. The question before this Court was a narrow one, namely, whether prior approval of the Central Government is necessary in respect of a mining lease, granted for winning a certain mineral prior to the coming into force of the FCA, if the lessee applies to the State Government after the FCA came into force for permission to win and carry any new mineral from the broken up area?

163. While answering this question in the negative, it was held that after the commencement of the FCA no fresh breaking up of forest land or no fresh clearing of the forest on any such land could be permitted by the State Government or any authority without the approval of the Central W.P. (C) Nos. 114/2014 etc. Government. However, in respect of broken up land, it was held that if the State Government permits the lessee to remove any discovered mineral, it cannot be said that there has been a violation of Section 2 of the FCA particularly since there is no breaking up of any fresh forest land.

164. Subsequently in *Ambica Quarry Works v. State of Gujarat and Ors*¹³ when the lease of the mining holder came up for renewal, the FCA had already come into force. Since the forest department of the State of Gujarat refused to give a no objection certificate, the application for renewal of the lease was rejected. The question that arose for consideration was whether, after coming into force of the FCA, the mining lease holder was entitled to renewal of the mining lease. While answering the question in the negative this Court held that the renewal of a lease cannot be claimed as a matter of right. The primary purpose of the FCA was to prevent deforestation and ecological imbalance as a result of deforestation. Therefore, the primary duty under the FCA was to the community and the obligation to society must predominate over the obligation to the individuals. While distinguishing *Banshi Ram Modi* this Court held that renewal of the lease would lead to further deforestation or at least it would not help in reclaiming the area where deforestation had already taken place. The primary purpose of the¹³ (1987) 1 SCC 213 W.P. (C) Nos. 114/2014 etc.

FCA is to prevent further deforestation and any interpretation must sub-serve that purpose and implement the FCA. Under the circumstances, it was held, considering the scheme of the FCA that refusal to renew the lease without prior approval of the Central Government was not unjustified.

165. This view was reiterated in *Rural Litigation and Entitlement Kendra v. State of U.P.*¹⁴ It was held that the FCA does not permit mining in a forest area. Reiterating the view expressed in *Ambica Quarry Works*, it was observed that compliance of Section 2 of the FCA is necessary as a condition precedent even for the renewal of a mining lease. This Court went so far as to hold that if any decree or order has already been obtained by any of the mining lease holders, from any Court relating to renewal of their lease, the same shall stand vacated and similarly, any appeal or other proceeding taken to obtain a renewal or against any order or decree granting renewal shall also become non est.

166. The definition of the word forest for the purposes of the FCA came up for consideration in *T.N. Godavarman v. Union of India*.¹⁵ In its decision of 12th December, 1996 this Court observed that during the course of hearing it appeared that there is a misconception about the true scope of 14 (1989) Supp. (1) SCC 504 15 (1997) 2 SCC 267 W.P. (C) Nos. 114/2014 etc. the FCA and the meaning of the word forest used therein. Consequently, there is also a misconception about the need for prior approval of the Central Government as mandated by Section 2 of the FCA in respect of certain activities in a forest area, which activities are more often of a commercial nature.

167. In this context, it was held that forest must be understood according to its dictionary meaning and it would cover all statutorily recognized forests, whether designated, reserved, protected or otherwise. It was further held that forest would also include any area recorded as a forest in the government records irrespective of the ownership. With this in mind, this Court directed that prior approval of the Central Government is required for any non-forest activity within the area of any forest. In accordance with Section 2 of the FCA all on-going activity within any forest in any State throughout the country, without prior approval of the Central Government must cease forthwith. This particular direction given by this Court is of immense significance.

168. This Court further directed each State Government to constitute within one month an Expert Committee, inter alia, to identify areas which are forest irrespective of whether they are so notified, recognized or classified under any law and irrespective of the ownership of the land of such forest. W.P. (C) Nos. 114/2014 etc.

169. Pursuant to the directions given by this Court, the State of Odisha constituted District Level Committees (for short DLC) for identification of forest lands. After the identification process, appropriate affidavits were filed by the State of Odisha in this Court in 1997-98, the last being dated 6 th January, 1998.

170. In the meanwhile, in *T.N. Godavarman v. Union of India*¹⁶ this Court passed certain directions on 4th March, 1997 with regard to what was categorized as mining matters. The directions given by this Court are as follows:

9. We direct that (1) where the lessee has not forwarded the particulars for seeking permission under the FCA, he may do so immediately;

(2) the State Government shall forward all complete pending applications within a period of 2 weeks from today to the Central Government for requisite decisions;

(3) applications received (or completed) hereafter would be forwarded within two weeks of their being so made.

(4) the Central Government shall dispose of all such applications within six weeks of their being received. Where the grant of final clearance is delayed, the Central Government may consider the grant of working permissions as per existing practice.

171. It was also made clear that the order passed by this Court including the earlier order dated 12th December, 1996 shall be obeyed and carried out by 16 (1997) 3 SCC 312 W.P. (C) Nos. 114/2014 etc. the Central Government and the State Governments notwithstanding any order or direction passed by a court including a High Court or Tribunal to the contrary.

172. From the above, it is explicit that in terms of the orders passed by this Court, there was a complete ban on non-forest activity on forest lands with effect from 12th December, 1996. The only issue that remained was identification of all such lands by the District Level Committees and as mentioned above this exercise was completed by the State of Odisha on or about 6th January, 1998. The lands identified by the DLC are compendiously referred to as DLC lands.

173. In this background in IA Nos. 2746-2748 of 2009 in the case of T.N. Godavarman the CEC was directed to submit a report which it did on 26th April, 2010. It was recommended by the CEC that given the peculiar circumstances prevailing in the State of Odisha, mining operations in the entire DLC lands included in the mining leases, may be allowed to continue on payment of the Net Present Value (NPV) subject to the fulfillment of other statutory requirements and rules being complied with.

174. By an order dated 7th May, 2010 this Court directed that the recommendation of the CEC acceptable to the State Government could be complied with. Consequently, the State of Odisha appears to have W.P. (C) Nos. 114/2014 etc. implemented the recommendations regarding recovery of NPV and realized an amount of about Rs. 1750 crores as additional NPV.

175. We have been informed that in addition to the above, the mining lease holders have subsequently deposited an amount under the heading of penal compensatory afforestation which was introduced through guidelines issued by the MoEF on 3rd February, 1999. The guidelines in this regard, were communicated by the Assistant Inspector General of Forest to the Chief Secretary of all the State and Union Territories and the relevant portion thereof reads as follows:

4.3.1 Cases have come to the notice of the Central Government in which permission for diversion of forest land was accorded by the concerned State Government in

anticipation of approval of the Central Government under the Act and/or where work has been carried out in forest area without proper authority. Such anticipatory action is neither proper nor permissible under the Act which clearly provides for prior approval of the Central Government in all cases. Proposals seeking ex-post-facto approval of the Central Government under the Act are normally not entertained. The Central Government will not accord approval under the Act unless exceptional circumstances justify condonation. However, penal compensatory afforestation would be insisted upon by the MoEF on all such cases of condonation.

4.3.2 The penal compensatory afforestation will be imposed over the area worked/used in violation. However, where the entire area has been deforested due to anticipatory action of the State Government, the penal compensatory afforestation will be imposed over the total lease area. W.P. (C) Nos. 114/2014 etc.

176. It was submitted by learned counsel for the lessees that since additional NPV as well as an amount towards penal compensatory afforestation has been paid by the defaulting mining lease holders, the violation of Section 2 of the FCA stands condoned or in any event the illegal or unlawful mining in forest lands stands regularized.

177. The CEC did not accept this submission made on behalf of the mining lease holders on the ground that no retrospective forest clearance has been granted and even otherwise there is no provision to condone or regularize the violation of Section 2 of the FCA.

178. We are of opinion that the view expressed by the CEC in this regard is partially correct. Given the fact that the defaulting mining lease holders have been asked to pay and have paid additional NPV as well as an amount towards penal compensatory afforestation, it must be assumed the violation of the FCA has been condoned to a limited extent, more particularly since in its order dated 7th May, 2010 this Court permitted the State of Odisha to accept such recommendations of the CEC made in the report dated 26th April, 2010 as are acceptable to it. The relevant recommendations made by the CEC read as follows:

(c) No forest land can be leased/assigned without first obtaining the approval under the FC Act. Therefore, the forest area approved under the FC Act should not be lesser than the total forest area included in the mining leases approved under the MMDR Act, 1957.

W.P. (C) Nos. 114/2014 etc. Both necessarily have to be the same. In view of the above, this Honble Court while permitting grant of Temporary Working Permission to the mines in Orissa and Goa has made it one of the pre-conditions that the NPV will be paid for the entire forest area included in the mining leases. Similarly, all the mining lease holders in Orissa should be directed to pay the NPV for the entire forest area, included in the mining leases;

(d) In Orissa, substantial areas included in the mining leases as non forest land have subsequently been identified as DLC forest (deemed forest/forest like areas) by the Expert Committee constituted

by the State Government pursuant to this Honble Courts order dated 12.12.1996. While processing and/or approving the proposals under the FC Act in many cases such areas have been treated as non-forest land. It is recommended that (i) the NPV for the entire DLC area included in the mining lease, after deducting the NPV already paid, should be deposited by the concerned lease holder and (ii) the mining operations in the unbroken DLC land (virgin land) should be permissible only if the permission under the FC Act has been obtained/is obtained for such area. Keeping in view the peculiar circumstances as was existing in Orissa and subject to the above, the mining operations in the broken DLC land may be allowed to be continued provided the other statutory requirements and Rules are otherwise being complied with.

179. This still leaves open the question of violation of the order passed by this Court on 12th December, 1996 followed by the order dated 4th March, 1997 namely that mining must cease forthwith in forest areas. In regard to this violation, the only benefit (at best) that can be granted to the mining lease holders that we are concerned with, is till 6 th January, 1998 when the affidavit was filed in this Court in I.A.Nos. 2746-2748 of 2009 in T.N. Godavarman. With effect from 7th January, 1998 any mining activity in forest and DLC lands would clearly be completely illegal and unauthorized W.P. (C) Nos. 114/2014 etc. and the benefit that the mining lease holders have derived from this illegal mining would be subject to Section 21(5) of the MMDR Act. Therefore, the price of the iron ore and manganese ore mined by the mining lease holders from 7th January, 1998 is payable until forest clearance under Section 2 of the FC Act is obtained by the mining lease holders.

180. The report of the CEC dated 16th October, 2014 deals with 51 mining leases. It has been recorded by the CEC that of them 15 mining leases have been found not involved in undertaking mining operations in violation of the FCA. There are 16 mining leases that have violated the provisions of the FCA between 25th October, 1980 and 1999-2000 and the State Government in some of the cases has already issued a show cause notice to the mining lease holders. It is further stated that most of the violations pertain to the period prior to 12th December, 1996. The CEC has not made any particular recommendation in regard to these 16 mining leases nor do we, except to direct the State Government to promptly take a decision on the show cause notice preferably within a period of four months and in any case before 31 st December, 2017.

181. The CEC has also dealt with 18 others mining lease holders (other than M/s. Essel Mining and Industries Ltd. relating to the Kasia Iron Ore Mines and Jilling-Langlotta Iron & Manganese Ore Mines). With regard to these W.P. (C) Nos. 114/2014 etc. 18 mining lease holders, the view taken by us above would hold good and clearly they are liable to compensate the State for the entire price of the iron ore and manganese ore illegally mined with effect from 7 th January, 1998 until the forest clearance was obtained by the concerned mining lease holder.

182. We have fixed 7th January, 1998 as the cut-off date despite the orders dated 12th December, 1996 and 4th March, 1997 only for the reason that it is possible that some mining lease holders (we do not know how many) were not aware that they were inadvertently conducting mining operations on DLC lands which were identified by the State of Odisha as forest lands on the directions of this Court. For the purposes of Section 21(5) of the MMDR Act, they are entitled to the benefit of doubt and along with them, the other mining lease holders before us.

The CEC in this regard has observed as follows:

It will be seen that in the above cases the mining operations have been done in the forest land in violation of the Forest (Conservation) Act, 1980 and consequently also in violation of this Honble Court order dated 12.12.1996. The CEC recommends that 70% of the notional value of the iron ore and manganese produced by the lessees by undertaking mining operations in the forest land in violation of the Forest (Conservation) Act, 1980 may be directed to be recovered from the respective lessees. Wherever the mineral production is both from the forest land as well as non-forest land then in such cases the notional value of the production from the forest land may be calculated on pro rata basis of the extent of the forest land and non-forest land involved. The notional value of the mineral, time limit for payment of the compensation, use of the amount received as compensation and other conditions as decided by this Honble Court in respect of the production without/in excess of W.P. (C) Nos. 114/2014 etc. the environmental clearance may be directed to be followed on pari-passu basis.

183. For the reasons that we have already expressed above, we are not in agreement with the CEC that only a part of the notional value (in this case 70%) of the iron ore and manganese ore produced by the mining lease holders should be recovered. We are of the view that Section 21(5) of the MMDR Act should be given full effect and so we reiterate that the recovery should be to the extent of 100%.

184. There may be some overlap in the period when mining operations were conducted by the mining lease holders without an EC and/or an FC. We make it clear that mineral extracted either without an EC or without an FC or without both would attract the provisions of Section 21(5) of the MMDR Act and 100% of the price of the illegally or unlawfully mined mineral must be compensated by the mining lease holder. To the extent of the overlap or the common period, obviously only one set of compensation is payable by the mining lease holder to the State of Odisha. We order accordingly. However, we make it clear that whatever payment has already been made by the mining lease holders towards NPV, additional NPV or penal compensatory afforestation is neither adjustable nor refundable since that falls in a different category altogether.

W.P. (C) Nos. 114/2014 etc.

185. We may note that this Court has held in T.N. Godavarman v. Union of India¹⁷ that a violation of the FCA is condonable on payment of penal compensatory afforestation charges. This obviously would not apply to illegal or unlawful mining under Section 21(5) of the MMDR Act, but we make it clear that the mining lease holders would be entitled to the benefit of any Temporary Working Permission granted.

Conclusions on the issues of mining without an EC or FC or both

186. To avoid any misunderstanding, confusion or ambiguity, we make the following very clear:

(1) A mining project that has commenced prior to 27th January, 1994 and has obtained a No Objection Certificate from the SPCB prior to that date is permitted to continue its mining operations without obtaining an EC from the Impact Assessment Agency. However, this is subject to any expansion (including an increase in the lease area) or modernization activity after 27th January, 1994 which would result in an increase in the pollution load. In that event, a prior EC is required. However, if the pollution load is not expected to 17 (2011) 15 SCC 658 and (2011) 15 SCC 681 W.P. (C) Nos. 114/2014 etc. increase despite the proposed expansion (including an increase in the lease area) or modernization activity, a certificate to this effect is absolutely necessary from the SPCB, which would be reviewed by the Impact Assessment Agency.

(2) The renewal of a mining lease after 27th January, 1994 will require an EC even if there is no expansion or modernization activity or any increase in the pollution load.

(3) For considering the pollution load the base year would be 1993-94, which is to say that if the annual production after 27 th January, 1994 exceeds the annual production of 1993-94, it would be treated as an expansion requiring an EC.

(4) There is no doubt that a new mining project after 27 th January, 1994 would require a prior EC.

(5) Any iron ore or manganese ore extracted contrary to EIA 1994 or EIA 2006 would constitute illegal or unlawful mining (as understood and interpreted by us) and compensation at 100% of the price of the mineral should be recovered from 2000-2001 onwards in terms of Section 21(5) of the MMDR Act, if the extracted mineral has been disposed of. In addition, any rent, royalty or tax for the period that such mining activity was W.P. (C) Nos. 114/2014 etc. carried out outside the mining lease area should be recovered.

(6) With effect from 14th September, 2006 all mining projects having a lease area of 5 hectares or more are required to have an EC. The extraction of any mineral in such a case without an EC would amount to illegal or unlawful mining attracting the provisions of Section 21(5) of the MMDR Act.

(7) For a mining lease of iron ore or manganese ore of less than 5 hectares area, the provisions of EIA 1994 will continue to apply subject to EIA 2006.

(8) Any mining activity carried on after 7 th January, 1998 without an FC amounts to illegal or unlawful mining in terms of the provisions of Section 21(5) of MMDR Act attracting 100% recovery of the price of the extracted mineral that is disposed of. (9) In the event of any overlap, that is, illegal or unlawful mining without an FC or without an EC or without both would attract only 100% compensation and not 200% compensation. In other words, only one set of compensation would be payable by the mining lease holder.

(10) No mining lease holder will be entitled to the benefit of any payments made towards NPV or additional NPV or penal W.P. (C) Nos. 114/2014 etc. compensatory afforestation.

Violation of Section 6 of the MMDR Act

187. We have examined the report of the CEC with regard to the alleged violation of Section 6 of the MMDR Act and find that there have been several amendments to Section 6 relating to the maximum area for which a mining lease may be granted to a person. The following is the result of the amendments:

1. From 1.6.1958 to 11.9.1972 - maximum lease area 10 sq. miles.
2. From 12.9.1972 to 9.2.1987 - maximum lease area 10 sq. km or 1000 hectares in any one State.
3. From 10.2.1987 to 17.12.1999 maximum lease area 10 sq.km or 1000 hectares in any part of the country.
4. From 18.12.1999 till date maximum lease area 10 sq.km or 1000 hectares in one State.

188. While the word person has not been defined in the MMDR Act, a reading of Section 5 thereof indicates that the State Government shall not grant a mining lease to any person unless such person is an Indian national or a company as defined in the Companies Act, 1956 and subsequently in the Companies Act of 2013.

189. Sub-section (2) of Section 6 of the MMDR Act provides that a person acquiring by, or in the name of, another person a mining lease which is intended for him/her shall be deemed to be acquiring it himself/herself. W.P. (C) Nos. 114/2014 etc.

190. For the purposes of determining the total area that can be acquired for mining operations, Section 6(3) of the MMDR Act provides that the area held under a mining lease by a person as a member of a cooperative society, company or other corporation or a Hindu Undivided Family or a partner of a firm shall be deducted from the area referred to so that the sum total of the area held by such person under a mining lease only as such member or partner or individually may not in any case exceed the total area specified.

191. In this background, the CEC examined the case of seven mining lease holders. They are:

1. Essel Mining and Industries Limited
2. Rungta Mines Limited
3. Rungta Sons Pvt. Limited

4. Bonai Industrial Company Limited

5. Feegrade & Co. Pvt. Limited

6. M/s Mangilal Rungta

7. Jindal Steel & Power Limited

192. As far as Essel Mining and Industries Limited is concerned we propose to deal with this mining lease holder on another occasion since even the CEC has placed this mining lease holder in a special category.

193. Similarly, so far as Rungta Mines Limited, Rungta Sons Pvt. Limited and M/s Mangilal Rungta are concerned, although the CEC has come to the conclusion that these persons have not acquired mining leases in violation of Section 6 of the MMDR Act, there are some critical observations made by the Commission with regard to the Rungta Group. Learned counsel for the W.P. (C) Nos. 114/2014 etc. petitioner submitted that the view of the CEC in this regard needs reconsideration. Since the Rungta Group was not heard by us, we propose to hear the above Rungta companies to ascertain, inter alia, whether there has been any violation of the provisions of Section 6 of the MMDR Act.

194. As far as Jindal Steel & Power Limited is concerned, we propose to hear this company on another occasion since the suggestion of the CEC is that it is the benami holder of Sarda Mines Pvt. Ltd. If it is so held to be a benami holder of Sarda Mines Pvt. Ltd. then there is a violation of Section 6 of the MMDR Act. However, the CEC has refrained from making any observations or recommendation in this regard. Accordingly, we propose to hear Jindal Steel & Power Limited on a later occasion on this limited issue.

195. As far as Bonai Industrial Company Limited and Feegrade & Co. Pvt. Limited are concerned, the CEC has concluded that they have not violated Section 6 of the MMDR Act. That being the position, and nothing having been shown to the contrary, we accept the recommendation of the CEC in this regard.

Violation of Rule 37 of the Mineral Concession Rules, 1960

196. The CEC has discussed the possible violation of Rule 37 of the MCR. In this context, it was noted that there were several mining lease holders who W.P. (C) Nos. 114/2014 etc. had entered into raising contracts which were actually a transfer of the lease as postulated by Rule 37 of the MCR.

197. On this basis the State of Odisha constituted a Committee on 8 th July, 2011 to carry out a study of the financial transactions between the mining lease holders and the raising contractors to determine whether there is a prima facie violation of Rule 37 of the MCR.

198. On an examination of the material before it the Committee concluded that eight mining lease holders violated Rule 37 of the MCR. These mining lease holders are as under:

- i) R.P. Sao, Guali Iron Ore Mines, Keonjhar
- ii) Indrani Patnaik, Unchabali Iron Ore Mines, Keonjhar
- iii) M/s K.J.S. Ahluwalia, Nuagaon Iron Ore Mines, Keonjhar
- iv) M/s Aryan Mining & Trading Corporation Pvt. Ltd.,
Narayanposhi Iron Ore Mines, Sundergarh
- v) M/s Mideast Integrated Steel Ltd., Roida, Sidhamatha Iron Ore
Mines, Keonjhar
- vi) Kavita Agrawal, Kusumdihi Manganese Mines, Sundergarh
- vii) Mala Roy & Others, Jalabari Iron Ore Mines, Keonjhar

viii) M/s Sharda Mines (P) Ltd., Thakurani Iron Ores Mines, Keonjhar

199. Pursuant to the report of the Committee, a show cause notice was issued to these mining lease holders by the State of Odisha. Six of the mining lease holders (other than M/s Aryan Mining & Trading Corporation W.P. (C) Nos. 114/2014 etc. Pvt. Ltd. (for short Aryan) and Kavita Agrawal (Kusumdihi Manganese Mines) challenged the show cause notice and the decision of the Committee by filing revision petitions under Section 30 of the MMDR Act read with Rule 55 of the MCR before the Central Government. The challenge to the show cause notice was on the ground that persons who were not government servants could not have been included in the Committee and also that the Committee was not notified in the official gazette as required by Section 26(2) of the MMDR Act.

200. The Central Government set aside the order constituting the Committee and the State of Odisha has challenged the orders of the Central Government before the Orissa High Court through writ petitions. We are told that the writ petitions filed by the State of Odisha are pending in the High Court.

201. As far as Aryan is concerned, we were informed that the matter was pending with the State of Odisha and a request was made to us to permit the State of Odisha to pass a final order on the submissions made by Aryan. On 28th April, 2017 we had permitted the State of Odisha to pass final orders but we are not aware whether any orders have since been passed.

202. As far as Kavita Agrawal is concerned, her lease was terminated by the State of Odisha and the Central Government also dismissed her revision W.P. (C) Nos. 114/2014 etc. petition on 28th April, 2014. The said mining lease holder has since filed a writ petition which is pending in the Orissa High Court.

203. During the course of hearing it was proposed by learned counsel appearing for some of the mining lease holders that it might be appropriate if the raising contracts between these eight mining lease holders and the raising contractors are given a fresh look. This suggestion was not acceptable to one of the mining lease holders. However, we are of opinion that the suggestion is reasonable and it will be appropriate if in fact a fresh look is given to the raising contracts entered into by the

mining lease holders and the raising contractors. We are also of opinion that such an order ought to be passed with the consent of the mining lease holders since any delay in disposal of the issue would not really sub-serve the interests of anybody including the mining lease holders.

204. Accordingly, for considering the appointment of an appropriate Committee in respect of the eight mining lease holders mentioned above we would like to hear learned counsel for the parties. We make it clear that the proposed Committee will be entitled to lift the corporate veil, the importance of which in cases such as the present, has been emphasized in *State of Rajasthan v. Gotan Lime Stone Khanij Udyog (P). Ltd.* 18 18 (2016) 4 SCC 469 W.P. (C) Nos. 114/2014 etc. Intergenerational equity

205. Mr. Prashant Bhushan, learned counsel for the petitioner sought to impress upon us the need to consider intergenerational equity and if possible to place a limit on the extent of mining in the State of Odisha by referring to an article titled: Intergenerational equity: a legal framework for global environment change by Edith Brown Weiss. He laid emphasis on three principles that form the basis of intergenerational equity.

206. The first principle relied on is called the principle of conservation of options. This requires each generation to conserve the diversity of the natural and cultural resource base in such a manner that the options available to future generations are not restricted. It was submitted that the extent of mining activities being carried on in Odisha indicate that the entire iron ore will perhaps be fully extracted within a period of 30 years and nothing would be available for future generations. Therefore some sort of a limit would have to be placed on the mining operations.

207. The second principle relied on is the principle of conservation of quality. This was with reference to the submission that future generations should not be subjected to a quality of the planet worse than what it is today. In other words, future generations are also entitled to quality enjoyment of the diversity in the natural and cultural resource base. W.P. (C) Nos. 114/2014 etc.

208. The third principle relied upon was the principle of conservation of access which is to say that future generations have an equitable right to access the diversity of the natural and cultural resource base as is available to the present generation.

209. There is no doubt considerable substance in the submission particularly if this is considered in the light of intergenerational rights and obligations which have been dealt with in the said article. However, it is really not for this Court to lay down limits on the extent of mining activities that should be permitted by the State of Odisha or by the Union of India. Nevertheless, this is an aspect that needs serious consideration by the policy and decision makers in our country in the governance structure. At present, keeping in mind the indiscriminate mining operations in Odisha, it does appear that there is no effective check on mining operations nor is there any effective mining policy. The National Mineral Policy, 2008 (effective from March 2008) seems to be only on paper and is not being enforced perhaps due to the involvement of very powerful vested interests or a failure of nerve. We are of opinion that the National Mineral Policy, 2008 is almost a decade old and a variety of changes have taken place since then, including (unfortunately) the advent of rapacious mining in

several parts of the country. Therefore, it is high time that the Union of India revisits the W.P. (C) Nos. 114/2014 etc. National Mineral Policy, 2008 and announces a fresh and more effective, meaningful and implementable policy within the next few months and in any event before 31st December, 2017. We are constrained to pass this direction in view of the facts disclosed in these petitions and in judgments delivered by this Court with regard to mining in Goa and Karnataka. Inquiry by the Central Bureau of Investigation

210. It was emphasized by Shri Prashant Bhushan that because of the rampant illegal or unlawful mining being carried out in Odisha, there should be an enquiry by the Central Bureau of Investigation (for short the CBI) to ascertain and determine the persons involved either in turning a Nelsons eye to rampant illegal or unlawful mining or being conspirators in the activity and the extent of the illegal or unlawful mining. It was submitted that the Justice Shah Commission had very strongly recommended an inquiry conducted by the CBI and criminal elements being brought to book for the despoliation of the land.

211. For the present, we do not propose to direct an investigation or inquiry by the CBI for the reason that what is of immediate concern is to learn lessons from the past so that rapacious mining operations are not repeated in any other part of the country. This can be achieved through the identification of lapses and finding solutions to the problems that are faced. W.P. (C) Nos. 114/2014 etc. Undoubtedly, there have been very serious lapses that have enabled large scale mining activities to be carried out without forest clearance or environment clearance and eventually the persons responsible for this will need to be booked but as mentioned above, the violation of the laws and policy need to be prevented in other parts of the country. The rule of law needs to be established. We are therefore of the view that it would be appropriate if an Expert Committee is set up under the guidance of a retired judge of this Court to identify the lapses that have occurred over the years enabling rampant illegal or unlawful mining in Odisha and measures to prevent this from happening in other parts of the country.

212. There is no doubt that the recommendations of the Commission can form a platform for the study but it is also necessary to use technology for maintenance of registers, records and data through computers, satellite imagery, videography and other technology tools so that the natural wealth of our country is not rapaciously exploited for the benefit of a few to the detriment of a large number, many of whom are tribals inhabiting the land for several generations.

Utilization of funds by the Special Purpose Vehicle

213. In I.A. Nos.2746-2748 of 2009 filed by Rabi Das, an order was passed on 27th January, 2014 relating to the preparation of a scheme by the W.P. (C) Nos. 114/2014 etc. CEC for setting up a Special Purpose Vehicle (SPV) for tribal welfare and area development works. The relevant extract of the order reads thus:

"50% of the additional amounts of Net Present Value (NPV) recovered by the State of Odisha from the mining lessees will be used by the State of Odisha through a Special Purpose Vehicle (SPV) for undertaking specific tribal welfare and area development

works so as to ensure inclusive growth of the mineral bearing areas. The State of Odisha will accordingly file within four weeks from today, a comprehensive plan for the development of tribals out of the aforesaid funds, taking into consideration their requirements of health, education, communication, recreation, livelihood and cultural lifestyle as indicated in this Courts judgment in T.N. Godavaraman Thirumulpad v. Union of India & Others (2008) 2 SCC 222.

214. Subsequently on 28th April, 2014 this Court accepted the scheme prepared by the Government of Odisha in consultation with the Central Empowered Committee. The scheme was captioned Setting up of Special Purpose Vehicle (SPV) for undertaking specific tribal welfare and area development works so as to ensure inclusive growth of mineral bearing areas in the State of Odisha. This Court then passed the following order on 28 th April, 2014:

Pursuant to orders passed by this Court on 7th [27 th] January, 2014, the Government of Odisha in consultation with the Central Empowered Committee has prepared a Scheme captioned Setting up of Special Purpose Vehicle (SPV) for undertaking specific tribal welfare and area development works so as to ensure inclusive growth of mineral bearing areas in the State of Odisha.

The Central Empowered Committee has submitted a Report dated 9th April, 2014 and has recommended that the Scheme prepared by the Government of Odisha may be approved by this Court and the ad W.P. (C) Nos. 114/2014 etc. hoc CAMPA may be directed to transfer to the SPV 50 per cent of the additional amount of the NPV recovered from the mining lease holders by the State of Odisha for undertaking tribal welfare and development works.

We have perused the Scheme prepared by the State Government of Odisha and the recommendation of the Central Empowered Committee and we approve the Scheme and direct as hoc CAMPA to transfer to the SPV 50 per cent of the additional amount of the NPV within a month for undertaking tribal welfare development works. The Interlocutory applications be listed in the month of July, 2014.

215. Some of the salient features of the Scheme are as follows:

5 The SPV will undertake specific tribal welfare and area development works so as to ensure inclusive growth of the mineral bearing areas. These will include works/projects related to livelihood intervention, health, water supply and sanitation, education, special programmes for development of women and children, entrepreneurial development of local people, communication and infrastructure projects and agro silvi-horticultural based livelihood projects through identified agencies/Government Departments. While taking up such projects/works a bottom up planning and participatory approach will be followed.

9 The general superintendence of the affairs will be vested in its Board of Directors including (a) to receive grants/funds and have custody of the same, (b) to approve

Annual Budget Estimates and sanction the expenditure within the limits of the Budget, (c) to enter into any agreement for and on behalf of the SPV; (d) institute and defend legal proceedings (e) to consider and approve the Annual Report, audit report, annual accounts and the financial estimates of the SPV,

(f) to prescribe procedure to be followed for implementation of the projects/works and for maintenance of accounts and (g) to undertake any other ancillary activities/works for the furtherance of the objective of the SPV.

a The funds made available to the SPV will be utilized only for the purpose for which the SPV has been set up and will not be used for any other purpose or transferred to any other authority; and W.P. (C) Nos. 114/2014 etc. b The composition of the Board of Directors of the SPV, as provided in the present scheme, will be modified only after obtaining permission from the Honble Supreme Court.

10. The accounts of the SPV will be internally audited annually by the Chartered Accountant firms empanelled with the CAG/Principal Accountant General, Odisha. The audit of the accounts of the SPV, receipts as well as expenditure, will be done annually by the office of the Principal Accountant General, Odisha.

11. The State Government has, earlier, registered a Society, namely, Society for Inclusive Development of Mineral Bearing Areas of Odisha, which has been registered vide registration number 23354/74 of 2011-12 under the Societies Registration Act, 1860 to act as SPV for the purpose. It is now proposed to wind up the said Society and to replace it with Odisha Mineral Bearing Areas Development Corporation to be set up under section 25 of the Companies Act.

216. It appears that the scheme has been implemented with the Chief Secretary of Odisha as the ex-officio Chairman of the SPV. There are several other members and directors of the SPV. There is no further information available with this Court with regard to the implementation of the scheme.

217. During the course of hearing, some of the mining lease holders represented by Shri Gopal Subramaniam, Senior Advocate offered to deposit and in fact did deposit an amount of Rs.237.05 crores for utilization by the SPV for carrying out welfare works and activities in the districts of Keonjhar, Sundergarh and Mayurbhanj in Odisha. The deposit was made by way of a cheque on 6th April, 2017 and was without prejudice to the rights W.P. (C) Nos. 114/2014 etc. and contentions of lessees. In terms of our directions, the Registry has encashed the cheque and kept the amount in a short term fixed deposit. We have mentioned this only to point out that there are huge amounts available with the Special Purpose Vehicle for tribal welfare and area development works and we have absolutely no idea about the utilization of the funds or whether they are in fact being used for tribal welfare and area development works. We also expect that as a result of the orders that we are passing today, very large amounts will again be made available to the State of Odisha. These amounts should also be kept with the Special Purpose Vehicle.

218. To ensure that the amounts are utilized for the benefit of tribals in the affected districts and for area development works, we would like the Chief Secretary of Odisha to file an affidavit stating the work done as well as providing the audited accounts of the receipt and expenditure of the SPV from its inception.

Conclusion

219. In view of findings above, we dispose of the writ petitions to the extent of the directions that we have already given.

W.P. (C) Nos. 114/2014 etc.

220. I.A. Nos. 45 (filed by Zenith Mining) and 47 (filed by Kavita Agrawal) are dismissed since their lease has not been extended or has been determined and they do not have any environment clearance or forest clearance.

221. I.A. No. 66 (filed by J.N. Pattnaik) is also dismissed since there is no forest clearance available.

222. We have been informed that S.A. Karim (I.A. No.9) actually had a working lease and has wrongly been included as a non-operational lease. Accordingly, I.A. No. 9 (filed by S.A. Karim) is also dismissed but as being infructuous. However, it is made clear that the State Government should ensure that the lessee S.A. Karim in fact has valid statutory clearances.

223. Pending show cause notices issued by the State Government should be decided by 31st December, 2017 (if not already decided) after hearing the concerned noticees.

224. We would like to hear Jindal Steel and Power Limited, Sarda Mines Private Limited, Rungta Group of Companies and Essel Mining and Industries Limited on the applications filed by them. For this purpose list the matter again after two weeks so that a convenient date of hearing can be fixed.

225. The amounts determined as due from all the mining lease holders should be deposited by them on or before 31 st December, 2017. Subject to W.P. (C) Nos. 114/2014 etc. and only after compliance with statutory requirements and full payment of compensation and other dues, the mining lease holders can re-start their mining operations.

226. We would also like to hear the eight concerned mining lease holders on the question of appointing an appropriate Committee in respect of the applicability of Rule 37 of the Mineral Concession Rules to them.

227. We would also like to hear learned counsel for all the parties with regard to setting up of an Expert Committee presided over by a retired judge of this Court to identify the lapses that have occurred over the years that have enabled rampant illegal and unlawful mining in Odisha and to recommend preventive measures not only to the State of Odisha but generally to all other States where mining activities are proceeding on a large scale. For the present, we pass no direction with

regard to any investigation by the CBI.

228. We direct the Union of India to have a fresh look at the National Mineral Policy, 2008 which is almost a decade old, particularly with regard to conservation and mineral development. The exercise should be completed by 31st December, 2017.

229. The Chief Secretary of Odisha should file an affidavit as indicated by us within a period of six weeks and in any case on or before 30 th September, W.P. (C) Nos. 114/2014 etc. 2017. The Registry will list these petitions along with the affidavit immediately after its receipt for our consideration.

230. All other pending I.A.s are disposed of in terms of our orders.

.....J
(Madan B. Lokur)

New Delhi;
August 2, 2017

...J
(Deepak Gupta)

W.P. (C) Nos. 114/2014 etc.

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

Original Application No. 1038/2018

News item published in "The Asian Age" Authored by Sanjay Kaw
Titled "CPCB to rank industrial units on pollution levels"

Date of hearing: 10.07.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): NONE

For Respondent (s): Mr. Pradeep Misra, Advocate for UPPCB
Mr. TVS Raghavendra Sreyas, Advocate for APPCB
Mr. Dhanajay Baijal, Advocate for TSPCB
Mr. Jogy Scaria, Advocate for KSPCB
Ms. Sakshi Popli, Advocate for DPCC
Mr. Rajkumar, Advocate for CPCB

ORDER

1. The issue for consideration is the remedial action against the polluting industries in the identified polluting industrial clusters. The Tribunal, vide order dated 13.12.2018, treated the news item published in "The Asian Age" dated 06.12.2018 authored by Mr. Sanjay Kaw titled "CPCB to rank industrial units on pollution levels" as an application in view of substantial question of environment which could be dealt with by the Tribunal under Sections 14, 15 and 20 of the National Green Tribunal Act, 2010.
2. We may note the background of the issue briefly. The Central Pollution Control Board (CPCB) in exercise of its statutory functions under the Air (Prevention and Control of Pollution) Act, 1981 (the Air

Act), the Water (Prevention and Control of Pollution) Act, 1974 (the Water Act) and the Environment (Protection) Act, 1986 (the EPA Act) carried out the physical study of the industrial clusters in the country with reference to the Comprehensive Environmental Pollution Index (CEPI) which includes weightages on nature of pollutants, ambient pollutant concentrations, receptors (number of people affected) and additional high risk element. On the basis of the study jointly carried out by the CPCB and State PCBs in 2009-10, 88 industrial clusters were notified as Polluted Industrial Areas (PIAs). These PIAs were ranked as 'critically polluted area' (CPA), 'severely polluted area' (SPA) and 'other polluted areas' (OPAs), depending upon the CEPI scores of each of these industrial areas. Where the CEPI score crossed 70, the areas are designated as CPAs, where the index was between 60-70, they are designated as SPAs and those below 60 as OPAs. As per the CPCB's monitoring of industrial clusters based on CEPI-2009, 43 industrial clusters in 16 cities were identified as CPAs and 32 were identified as SPAs. The CPAs and SPAs were to bring the pollution levels within the norms by formulating and implementing an action plan with short term and long term measures within one year or more. New units in the said areas were prohibited but such ban was later on lifted.

3. In 2016, the criterion for determining CEPI was revised. CPCB revised its CEPI criteria and laid out components which included, scale of industrial activity, scale of exceedance of environmental quality (level of exposure), health related statistics and compliance status of industries.
4. On 26.04.2016, the CPCB issued directions under Section 18 of the Air Act and the Water Act to the SPCB of Andhra Pradesh, Telangana,

Uttar Pradesh, Karnataka, Punjab, Jharkhand, Haryana, Gujarat, Govt. of NCT Delhi, Tamil Nadu, Maharashtra, Madhya Pradesh, Rajasthan, Chhattisgarh, West Bengal, Kerala, requiring continuous environmental quality monitoring in all CPAs and SPAs, installation of Continuous Ambient Air Quality Monitoring Stations (CAAQMS), Continuous Water Quality Monitoring Stations (CWQMS) for CEPI score evaluation as per revised formulae and to formulate their action plans before 15.06.2016. The polluting sources were required to be notified in public domain on websites, environmental quality data was also to be placed in public domain, State Governments were to notify the scaled maps of the industrial areas. The object of placing such data in public domain was to give warning for bringing the pollution levels within the prescribed limits. The polluted clusters were to be kept in mind for permitting setting up of further industries or expanding of the existing industries.

5. Based on the CEPI-2016 criterion, CPCB carried out further monitoring in the year 2017-18 where it was found that number of identified polluted industrial clusters went up to 100. The said number includes 38 critically polluted, 31 severely polluted and remaining 31 as other polluted areas.
6. The Tribunal vide order dated 13.12.2018 directed all the State Pollution Control Boards/Committees (PCCs) to finalize time bound action plans within three months so as to bring all polluted industrial clusters within the safe parameters under the provisions of the Air Act and the Water Act. The SPCBs and CPCB were free to take coercive measures, including recovery of compensation for damages to the environment on 'Polluter Pays' principle and also to adopt precautionary measures on 'Precautionary' principle. The CPCB was

directed to serve a copy of the above mentioned order to all the SPCBs who were to furnish the same to the respective Chief Secretaries of the States for necessary action. The MoEF&CC was directed to take steps on the basis of report of the CPCB. Action taken reports were to be furnished by the CPCB and the MoEF&CC to this Tribunal before 31.05.2019. In the States, action plans were to be prepared by Committees headed by the Chief Secretaries.

7. Ill effects of industrial pollution on the environment and public health are well acknowledged. This has made it necessary to strictly apply the principles of 'Sustainable Development' and permit any activity to be carried out without degrading the environment. The statutory scheme under the Air Act, the Water Act and the EPA Act provides for standards for air and water quality which must be maintained and violation thereof is a criminal offence¹. Any violation has to be visited with stopping of polluting activity, prosecution and compensation for restoration of environment. Accordingly, in the order dated 13.12.2018 this Tribunal observed:

"5. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

6. Dust, smoke, fume and toxic gas emissions occur as a result of highly polluting industries such as thermal power plants, coal mines, cement, sponge iron, steel and ferrow alloys, petroleum and chemicals unless right technology is used and precaution taken. Industry specific clusters have not only become hazardous but

¹ Section 7 read with Section 15 of the EPA Act, Section 24 read with Section 41 and Section 45A of the Water Act, Section 21 and Section 22 read with Section 37 of the Air Act.

also cause irreparable damage to our ecology and environment, often breaching the environment's carrying capacity, adversely affecting public health.

7. *In Karnataka Industrial Areas Development Board vs. C. Kenchappa & Ors*², the Hon'ble Supreme Court observed, as guiding rules for Sustainable Development, that humanity must take no more from nature than man can replenish and that people must adopt lifestyles and development paths that work within the nature's limit. In *Vellore Citizens Welfare Forum Vs. Union of India*, the Hon'ble Supreme Court recognized the Precautionary Principle and explained that environmental measures by the State Government and the statutory authorities must anticipate, prevent and attack the causes of environmental degradation.
8. This Tribunal has applied the same principles in deciding matters before it in terms of Section 20 of the National Green Tribunal Act 2010.
13. The action plan to be prepared in the States may be done by the Committee constituted by the Chief Secretary within one month from today as several Departments may be involved in the exercise. The final preparation of the action plan including its execution may be overseen by the Chief Secretary of the concerned State, along with the other connected major environmental issues of the States, such as pollution of river stretches, non-attainment cities in terms of air quality and solid waste management, utilization of treated sewage, covered by order of this Tribunal dated 20.09.2018 in Original Application No. 673/2018, News Item Published in 'The Hindu' authored by Shri. Jacob Koshy titled "More river stretches are now critically polluted: CPCB", order dated 08.10.2018 in Original Application No. 681/2018, News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15", order dated 20.08.2018 in Original Application No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and order dated 27.11.2018 in Original Application No. 148/2016, Mahesh Chandra Saxena Vs. South Delhi Municipal Corporation & Ors. The Chief Secretary will take meetings on all these issues once in three months (quarterly) and will forward Report to NGT by e-mail."

8. We may also note that on 16.01.2019, while considering the issue of compliance of Solid Waste Management Rules, 2016 and other Waste Management Rules in O.A. No. 606/2018, Compliance of MSW Rules, 2016, the Tribunal required the presence of the Chief Secretaries in

² (2006) 6 SSC 383

person after monitoring the subjects mentioned in the said order which included polluted industrial clusters.

9. Accordingly, the Chief Secretaries appeared before this Tribunal and filed their respective versions on the subject. They have been asked to take necessary steps to enforce the environment norms and furnish periodical reports to this Tribunal. The directions include monitoring of important environmental issues including the issue of polluted industrial clusters by a Central Monitoring Committee with representatives from the Central Government and the Chief Secretaries of the States, undertaking carrying capacity study of the areas where violation of environmental norms is established, training programme of the officers concerned with the enforcement of the environmental norms, preparation of annual environmental plan for the country giving status of gaps in compliance of environmental norms.³ The Tribunal noted the private studies which may need to be verified assessing the number of deaths and diseases from pollution⁴:

“38. Death attributable to pollution to be 2.51 million in 2015, highest in the world. Air pollution, the number of deaths in India from ambient air pollution was 1.09 million, while deaths from household air pollution from solid fuels were 0.97 million. In the case of water pollution, 0.5 million deaths were caused by unsafe water source, while unsafe sanitation caused 0.32 million deaths. Deaths from air pollution were a result of diseases such as heart disease, stroke, lung cancer, and chronic obstructive pulmonary disease (COPD). Pollution has been responsible for the most non-communicable disease deaths. India ranks a dismal 110 of 149 countries on the Sustainable Development Index. With rapid urbanization, the country is facing massive waste management challenge. Over 377 million urban people live in 7,935 towns and cities and generate 62 million tonnes of municipal solid waste per annum. Only 43 million tonnes (MT) of the waste is collected, 11.9 MT is treated and 31 MT is dumped in landfill sites. An alarming 80% of India’s surface water is polluted. Indian cities generate 10 billion gallons or 38 billion litres of municipal waste water every day, out of which only 29% of it is treated.

40. In case extent of convictions for the environment related offences do not correspond to the extent of crime, paradigm shift in

³ O.A 606/2018, order dated 17.05.2019, at para 27

⁴ *Ibid*

policies and strategies for implementation of law may need to be considered. Similarly, the mechanism for recovery of compensation may need to be revised on that pattern. Such review of policy cannot be left to the Local Bodies or the Pollution Control Boards but has to be at highest level in the State and further review at the national level. As noted in some of the studies, the ranking of the country in compliance of environmental norms needs to be brought to respectable higher position which may be possible only if there is change in policies and strategies for implementation of necessary norms at every level in right direction. The scale of compensation needs to be suitably revised so that the same is deterrent and adequate to meet the cost of reversing the pollution.”

10. Some of the States have also filed their reports in the present proceedings apart from the reports of the Chief Secretaries mentioned above. Further, a report has also been filed by the CPCB. According to the CPCB report, order dated 13.12.2018 stands served to all the State PCBs and the PCCs. The CPCB with the concurrence of MoEF&CC carried out environmental quality monitoring in 21 States across the country in respect of the said 100 industrial clusters based on the revised CEPI-2016, by engaging the services of approved laboratories. The said reports have been analysed. Further information has been sought from the State PCBs/ PCCs. Comprehensive exercise and consultative process has been undertaken and CEPI scores of all the 100 Polluted Industrial Areas (PIAs) were submitted to MoEF&CC on 11.01.2019 and the MoEF&CC replied in letter dated 25.02.2019 that there are some gaps in the information. Further information relating to such gaps were sought from the States by the MoEF&CC. Thereafter, updated CEPI scores for all 100 PIAs have been submitted by CPCB to MoEF&CC on 10.04.2019. The CPCB has also prepared a protocol and submitted the same to the MoEF&CC on 17.05.2019 for consideration and appropriate action.
11. During the hearing today, a copy of the letter dated 17.05.2019 was handed over by the Learned Counsel for the CPCB, indicating the

latest CEPI scores for 100 polluted industrial areas/clusters monitored during 2018. The said scores are as follows:

The CEPI Scores in descending order for Industrial Areas/Clusters monitored during 2018

Sl. No.	Name of Polluted Industrial Areas (PIAs)	Air	Water	Land	* CEPI Score	# Status of Environment
1.	Tarapur(Maharashtra)	72.00	89.00	59.25	93.69	Ac_Wc_Ls
2.	Najafgarh-Drain basin including Anand Parbat, Naraina, Okhla, Wazirpur(Delhi)	85.25	86.00	55.75	92.65	Ac_Wc_Ls
3.	Mathura(Uttar Pradesh)	86.00	81.00	45.00	91.10	Ac_Wc_Ln
4.	Kanpur(Uttar Pradesh)	66.00	85.00	45.00	89.46	Ac_Wc_Ln
5.	Vadodara(Gujarat)	82.00	80.75	48.75	89.09	Ac_Wc_Ln
6.	Moradabad(Uttar Pradesh)	76.00	71.50	68.75	87.80	Ac_Wc_Lc
7.	Varanasi-Mirzapur(Uttar Pradesh)	67.50	80.00	39.63	85.35	Ac_Wc_Ln
8.	Bulandsahar-Khurza(Uttar Pradesh)	79.50	76.00	36.75	85.23	Ac_Wc_Ln
9.	Gurgaon(Haryana)	70.00	80.00	36.75	85.15	Ac_Wc_Ln
10.	Manali (Tamil Nadu)	59.75	72.25	71.75	84.15	As_Wc_Lc
11.	Panipat(Haryana)	66.00	72.75	60.00	83.54	Ac_Wc_Lc
12.	Firozabad(Uttar Pradesh)	76.00	72.00	32.50	81.62	Ac_Wc_Ln
13.	Udham Singh Nagar (Uttarakhand)	33.00	79.50	26.00	81.26	An_Wc_Ln
14.	Jodhpur (Rajasthan)	67.00	66.00	65.00	81.16	Ac_Wc_Lc
15.	Pali (Rajasthan)	66.00	65.00	65.50	80.48	Ac_Wc_Lc
16.	Ankleshwar (Gujarat)	72.00	57.50	51.00	80.21	Ac_Ws_Ls
17.	Gajraula Area(Uttar Pradesh)	71.00	70.00	45.00	80.14	Ac_Wc_Ln
18.	Vapi (Gujarat)	66.00	75.00	30.00	79.95	Ac_Wc_Ln
19.	Siltara Industrial Area (Chhattisgarh)	76.00	51.75	31.75	79.94	Ac_Ws_Ln
20.	Bhiwadi (Rajasthan)	66.50	71.00	44.75	79.63	Ac_Wc_Ln
21.	Vellore -North Arcot (Tamil Nadu)	49.00	75.00	35.75	79.38	An_Wc_Ln
22.	Sanganer Industrial Area (Rajasthan)	65.00	71.88	39.50	79.10	Ac_Wc_Ln
23.	Byrnihat (Assam)	67.00	70.50	39.50	78.31	Ac_Wc_Ln
24.	Peenya(Karnataka)	41.00	66.00	70.00	78.12	An_Wc_Lc
25.	Jaipur (Rajasthan)	61.88	71.88	31.75	77.40	Ac_Wc_Ln
26.	Surat (Gujarat)	46.00	68.25	56.00	76.43	An_Wc_Ls
27.	Chandrapur (Maharashtra)	75.00	23.75	23.75	76.41	Ac_Wn_Ln
28.	Agra(Uttar Pradesh)	60.00	66.88	47.00	76.22	Ac_Wc_Ln
29.	Pattancheru Bollaram	56.00	70.00	32.25	75.42	As_Wc_Ln

	(Telangana)					
30.	Jalandhar (Punjab)	53.50	66.88	44.50	74.76	As_Wc_Ln
31.	Ludhiana (Punjab)	53.50	71.00	16.00	73.48	As_Wc_Ln
32.	Tiruppur (Tamil Nadu)	33.00	65.00	64.00	72.39	An_Wc_Lc
33.	Ghaziabad(Uttar Pradesh)	57.50	66.00	32.25	72.30	As_Wc_Ln
34.	Mettur (Tamil Nadu)	41.25	19.38	69.38	71.82	An_Wn_Lc
35.	KIADB Industrial Area, Jigini, Anekal (Bengaluru)	52.00	66.00	28.25	70.99	As_Wc_Ln
36.	Vatva(Gujarat)	57.00	66.00	25.50	70.94	As_Wc_Ln
37.	Raipur (Chhattisgarh)	67.00	45.75	25.00	70.77	Ac_Wn_Ln
38.	Rajkot(Gujarat)	51.75	61.50	45.75	70.62	As_Wc_Ln
39.	Aurangabad(Maharashtra)	45.00	65.38	28.75	69.85	An_Wc_Ln
40.	Dombivali (Maharashtra)	62.00	63.50	27.25	69.67	Ac_Wc_Ln
41.	Nashik(Maharashtra)	56.50	60.00	42.00	69.49	As_Wc_Ln
42.	Batala (Punjab)	63.00	62.75	25.50	68.92	Ac_Wc_Ln
43.	Noida(Uttar Pradesh)	59.75	62.75	27.00	68.76	As_Wc_Ln
44.	Baddi(Himachal Pradesh)	63.00	63.75	19.75	68.26	Ac_Wc_Ln
45.	Vijayawada(Andhra Pradesh)	60.50	49.25	38.75	68.04	Ac_Wn_Ln
46.	Bandel (West Bengal)	59.50	47.00	42.75	67.64	As_Wn_Ln
47.	Ramgarh(Jharkhand)	56.75	50.00	46.25	66.75	As_Ws_Ln
48.	Kukatpally (Telangana)	43.75	61.00	32.00	66.46	An_Wc_Ln
49.	Ib-Valley (Orissa)	48.75	59.00	36.75	66.35	An_Ws_Ln
50.	Tuticorin (Tamil Nadu)	29.75	46.00	61.00	66.34	An_Wn_Lc
51.	Navi Mumbai(Maharashtra)	56.00	63.00	16.00	66.32	As_Wc_Ln
52.	Meerut(Uttar Pradesh)	52.00	65.00	6.00	66.09	As_Wc_Ln
53.	Parwanoo(Himachal Pradesh)	19.00	61.88	53.75	65.77	An_Wc_Ls
54.	Kala Amb(Himachal Pradesh)	17.00	64.00	27.75	65.70	An_Wc_Ln
55.	Bidar(Karnataka)	31.00	60.00	45.50	65.64	An_Wc_Ln
56.	Durgapur (West Bengal)	62.50	43.50	18.75	65.56	Ac_Wn_Ln
57.	Aligarh(Uttar Pradesh)	56.25	61.88	11.88	64.42	As_Wc_Ln
58.	Hajipur(Bihar)	57.50	41.13	39.25	64.36	As_Wn_Ln
59.	Hazaribagh(Jharkhand)	61.00	20.00	41.00	64.20	Ac_Wn_Ln
60.	Coimbatore (Tamil Nadu)	47.25	53.75	45.25	63.64	An_Ws_Ln
61.	Singrauli (UP & MP)	45.00	57.25	27.75	62.59	An_Ws_Ln
62.	Cuddalore (Tamil Nadu)	25.00	58.25	41.25	62.56	An_Ws_Ln
63.	Faridabad(Haryana)	55.25	53.75	28.75	62.17	As_Ws_Ln
64.	Bhavnagar (Gujarat)	61.00	15.50	15.50	61.94	Ac_Wn_Ln
65.	Howrah (West Bengal)	60.50	20.00	16.00	61.76	Ac_Wn_Ln
66.	Paradeep (Orissa)	43.00	57.50	17.00	60.61	An_Ws_Ln
67.	Erode (Tamil Nadu)	34.13	47.00	52.75	60.33	An_Wn_Ls
68.	Saraikela (Jharkhand)	57.75	17.50	34.00	60.26	As_Wn_Ln

69.	Kattedan(Telangana)	42.25	50.75	45.25	60.17	An_Ws_Ln
70.	Dhanbad(Jharkhand)	43.00	57.50	12.50	59.78	An_Ws_Ln
71.	Indore(Madhya Pradesh)	18.50	56.88	20.75	58.53	An_Ws_Ln
72.	Bhadravati(Karnataka)	45.00	52.00	30.00	58.48	An_Ws_Ln
73.	Mandideep (Madhya Pradesh)	56.00	55.25	10.00	58.43	As_Ws_Ln
74.	Mangalore(Karnataka)	15.00	54.50	54.25	58.20	An_Ws_Ls
75.	Barajamda(Jharkhand)	51.88	25.63	46.75	57.64	As_Wn_Ln
76.	Korba (Chhattisgarh)	43.75	17.75	54.00	57.57	An_Wn_Ls
77.	Ahmedabad(Gujarat)	53.50	48.50	16.00	57.11	As_Wn_Ln
78.	Haridwar (Uttarakhand)	50.75	52.38	13.75	55.70	As_Ws_Ln
79.	Asansol (West Bengal)	54.00	16.25	13.75	55.03	As_Wn_Ln
80.	Chembur(Maharashtra)	52.25	50.75	10.00	54.67	As_Ws_Ln
81.	Morbi (Gujarat)	51.00	47.25	14.00	54.24	As_Wn_Ln
82.	Mandi Govindgarh (Punjab)	23.75	53.75	1.50	53.91	An_Ws_Ln
83.	Raichur(Karnataka)	32.75	47.88	32.50	53.42	An_Wn_Ln
84.	West Singhbhum(Jharkhand)	51.88	25.88	11.25	53.28	As_Wn_Ln
85.	Greater Kochin (Kerala)	47.38	35.88	29.50	52.94	An_Wn_Ln
86.	Pimpri-Chinchwad(Maharashtra)	52.00	6.25	5.25	52.16	As_Wn_Ln
87.	Gwalior (Madhya Pradesh)	50.00	43.13	7.75	51.67	As_Wn_Ln
88.	Junagarh (Gujarat)	47.00	25.00	35.00	51.64	An_Wn_Ln
89.	Jajpur (Orissa)	43.50	26.25	41.25	49.62	An_Wn_Ln
90.	Nagda -Ratlam (Madhya Pradesh)	12.00	47.00	28.00	48.78	An_Wn_Ln
91.	Jamshedpur(Jharkhand)	46.00	19.25	20.25	48.10	An_Wn_Ln
92.	Mahad(Maharashtra)	41.00	35.75	29.00	47.12	An_Wn_Ln
93.	Bhillai-Durg (Chhattisgarh)	43.00	32.75	19.75	46.69	An_Wn_Ln
94.	Angul Talchar (Orissa)	44.75	13.25	23.00	46.43	An_Wn_Ln
95.	Haldia (West Bengal)	45.00	35.00	3.75	45.72	An_Wn_Ln
96.	Vishakhapatam (Andhra Pradesh)	27.25	12.75	42.75	44.74	An_Wn_Ln
97.	Dewas (Madhya Pradesh)	28.00	31.63	31.75	37.79	An_Wn_Ln
98.	Jharsuguda (Orissa)	36.00	21.50	8.75	37.20	An_Wn_Ln
99.	Digboi (Assam)	23.50	25.25	6.50	26.39	An_Wn_Ln
100.	Pithampur (Madhya Pradesh)	13.50	19.50	6.75	20.23	An_Wn_Ln

12. Question for consideration is whether mere making of action plans obviates the requirement of enforcing the law. Continued polluting activities are criminal offences under the law of the land. The rule of law requires prohibiting such activities to⁵ safeguard the environment and the innocent victims⁶.
13. The answer has to be in the negative. Once the industrial clusters have been notified as polluting, while action plans may certainly be prepared, the polluting activity, which is a criminal offence, cannot be allowed to be continued. The essence of rule of law is that no activity which is against the law is allowed to continue and the person violating the law is punished according to law.⁷ Thus merely requiring improvement does not obviate the need for punishing the law violators/polluters; stopping polluting activity and recovering compensation for the damage already caused so as to recover the cost of restoration⁸ is the mandate of law. This having not been done, the Tribunal is under a duty to direct the statutory regulators to perform their functions and take steps forthwith for stopping polluting activities, initiating prosecutions against the polluters and assessing and recovering compensation from such identified polluters at least for five years which is the period specified under Section 15(3) of the National Green Tribunal Act, 2010.

⁵ Under Section 5 of the EPA Act, Section 31A of the Air Act and Section 33A of the Water Act, the power of Board to give directions includes the power to direct the closure, prohibition or regulation of any industry, operation or process; or the stoppage or regulation of the supply of electricity or water or any other service.

⁶ [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(18\)30261-4/fulltext](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30261-4/fulltext) stating 1.24 million deaths in India in 2017, which were 12.5% of the total deaths, were attributable to air pollution, including 0.67 million from ambient particulate matter pollution and 0.48 million from household air pollution.

⁷ Goa Foundation Vs. Union of India and Ors., (2014) 6 SCC 590, at para 72-75, the Supreme Court noted the power that rests with the Pollution Control Board under Section 31 A of the Air Act and Section 33 A of the Water Act and directed that the authorities should take stringent actions in line with these power in cases of polluting industries.

⁸ Tirupur Dyeing Factory Owners Association Vs. Noyyal River Ayacutdars Protection Association & Ors., (2009) 9 SCC 737, in paras 26, 27, 33 & 34, the Supreme Court emphasis on developmental activities to be such that it does not compromises with the ability of the future generation to meet their needs and in this regard, authorities are to take into consideration the macro effect of wide-scale land and environmental degradation caused by absence of remedial measures.

14. We reiterate that economic development is not to be at the cost of health of the public and in violation of law of the land. Unless the polluting industries tackle the problem they have created, their operations have to be stopped/suspended.⁹ Reference may be made to the judgement in the case of *Indian Council for Enviro Legal Action & Ors. Vs. Union of India & Ors.*¹⁰:

“Respondents 4 to 8 have earned the dubious distinction of being categorised as “rogue industries”. They have inflicted untold misery upon the poor, unsuspecting villagers, de-spoiling their land, their water sources and their environment – all in pursuance of their private profit. They have forfeited all claims of any consideration by this Court. Accordingly, we herewith order the closure of all plants and factories of Respondents 4 to 8 located in Bichhri village. The RPCB is directed to seal all factories/units/plants of the said respondents forthwith.”

15. We may note that this Tribunal has dealt with cases of industrial pollution and exercising its jurisdiction under Sections 14, 15 and 20 of the NGT Act, 2010 directed the regulatory authorities to prohibit polluting activities, prosecute the polluters and assess and recover compensation. In the case of Morbi Industrial Cluster¹¹, which ranks at 81 based on its CEPI score, (where air pollution is critical though overall index places it in OPA), the Tribunal noted the air quality as shown in the inspection report furnished in the said case, to be as follows:

“Ambient Air Quality Status: As per National Green Tribunal committee report average ambient air quality (7 Stations) monitored PM10 = 552.66 µg/m³, PM2.5 = 289.61 µg / m³, SO₂ = 152.81 µg / m³. Compared to that, Average ambient air quality monitored (4 Stations) in last 3 months (Aug- 18 to Nov-18) is PM10 = 199.1 µg / m³,

⁹ M.C Mehta (Badkhal and Surajkund Lakes Matters) vs. Union of India & Ors., (1997) 3 SCC 715 at para 10 & 11, where the Supreme Court prohibited any construction activities around the said lakes on account of precautionary principle to protect these lakes; Vellore Citizens Welfare Forum Vs. Union of India & Ors., (1996) 5 SCC 647 at para 9, where the Supreme Court discussed the rights guaranteed under Article 21 of the Constitution of India and directed that all tanneries which have not obtained the consents will be not reopened and that no new tanneries will be permitted to be open in the prohibited area.

¹⁰ (1996) 3 SCC 212 at para 70.

¹¹ Order dated 06.03.2019 in Original Application No. 20/2017 (WZ), Babubhai Ramubhai Saini Vs. Gujarat Pollution Control Board & Ors.

PM2.5 = 60.6 µg /m3. Though not meeting with standards, this shows improvement in air quality of Morbi-Wankner Region.”

16. Since the industries in the said area were operating in violation of Air Act, having adverse consequences on health and environment, applying the Sustainable Development and Precautionary principles, the Tribunal directed the GPCB to close all the coal gasifier industries and take steps for prosecution of such industries which violated the law and recover compensation for the damage to the public health to be assessed by a Joint Committee of GPCB, CPCB and NEERI, taking into account the cost of restoration of the environment and the element of deterrence.¹²

17. The Tribunal observed:

“ 22. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

23. We may also note that as per data compiled by the CPCB Morbi Wankaner is one of the polluted industrial clusters. Vide order dated 13.12.2018 in Original Application No. 1038/2018, this Tribunal considered the subject matter of critically polluted industrial clusters and directed preparation of action plans by the respective States for remedying the situation.

24. Even though, this area is polluted but not ‘critically polluted’, the same may not be covered by the said order, but the fact remains that there is high amount of pollution as shown by the latest report of the GPCB quoted above in para no. 13. PM10 is equal to 552.66 and PM2.5 is equal to 289.61. Stringent

¹² Order dated 06.03.2019 in Original Application No. 20/2017 (WZ), Babubhai Ramubhai Saini Vs. Gujarat Pollution Control Board & Ors.

measures are, thus, required in the interest of protection of environment and public health.

25. Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency for coordination and compliance. The Committee may suggest restoration plan.”

18. The Tribunal also considered the case of pollution in the Taloja industrial area¹³ which finds mention under the title ‘Navi Mumbai’ at rank 51 based on its CEPI score. High level of pollution was found on the basis of joint inspection conducted by the CPCB and the Maharashtra PCB dated 02.01.2018, as the CETP was not functioning properly. The Maharashtra State PCB gave notice to 92 industries for closure. Apart from requiring the CETP operators to deposit a sum of Rs. 10 crores as compensation, steps were required to be taken to remedy the pollution. The Tribunal held that only option was to permit only such industries to function which had stand alone ETP and are fully compliant with the norms and to close the industries which were non-compliant.¹⁴

19. The Tribunal directed as follows:

“13. In view of above undisputed position that pollution is still continuing, the only option is to shut down the industries which are source of pollution till remedial action is taken. Learned Counsel for the MIDC as well as MPCB are unable to provide any other solution. It is made clear that mere fact that MIDC has assigned the work to a contractor does not absolve MDIC of its responsibility of operating CETP as per norms.

¹³ O.A No. 125/2018, Arvind Pundalik Mhatre v. Ministry of Environment and Forest & Climate Change & Ors.

¹⁴ O.A No. 125/2018, Arvind Pundalik Mhatre Vs. Ministry of Environment and Forest & Climate Change & Ors., order dated 09.04.2019

14. Accordingly, we direct the MPCB to forthwith suspend the Consent to Operate to the industries in the area not meeting the norms and permit them to operate only after remedial steps are taken. Steps in this direction be taken within two weeks from today. Whether a particular industry is complying or not complying with the norms is the matter to be decided by the MPCB in accordance with law. Action taken report be furnished to the Committee and the Committee may take a final call in the matter, in case of any surviving issue.”

20. Taking cognizance of the untreated effluents being discharged by textile units in Tronica city, Loni area, Ghaziabad, the Tribunal in *Rashid Ali Warsi Vs. UPSIDC & Ors.*¹⁵, directed closure of 53 units until the time CETP was made functional. Thereafter, vide order dated 13.11.2018, the Tribunal allowed operation of only those units which were later found to be achieving the norms.

21. The Tribunal in the case of *M.C Mehta vs. Union of India & Ors.*¹⁶ dealt with the issues regarding continuous illegal discharge of untreated sewer and industrial effluents in Ganga and its tributaries and the connecting drains, apart from the dumping of solid waste, hazardous waste, plastic waste, muck and other wastes. The Tribunal after noting that leather industries at Jajmau, Banthar and Unnao were discharging untreated effluents in the river Ganga, directed that activities of such industries must be straightaway closed till they comply with the norms.¹⁷

22. In view of water pollution caused by absence/dysfunctional CETPs/ETPs/STPs, the Tribunal has, in the case of *Aryavart Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors.*¹⁸, directed all defaulting industries, other than green and white category, connected

¹⁵ Order dated 25.05.2018

¹⁶ O.A 200/2014, order dated 14.05.2019

¹⁷ *Ibid* at Para 16 & 17

¹⁸ O.A 95/2018, order dated 11.01.2019

with CETP, to make deposits with the CPCB towards interim environmental compensation, pending assessment of actual compensation and further action ¹⁹, on the following scale:

- (i) Large Industries – Rs. 1 crore each
- (ii) Medium Industries – Rs. 50 Lakhs each
- (iii) Small Industries – Rs. 25 Lakhs each

23. In the present case, in view of massive exercise already done by CPCB, it is not necessary to require any further verification about the existence of pollution in the said PIAs. The Tribunal can direct that the polluting activities cannot be allowed to continue till adequate measures are taken as the Tribunal is bound to apply the ‘Sustainable Development’²⁰, ‘Precautionary’²¹ and ‘Polluter Pays’²² principle under Section 20 of the National Green Tribunal Act, 2010 to protect the environment and the victims. The statutory regulatory bodies can be required to straightaway identify the particular industrial units in the said PIAs that are causing pollution, particularly those units which fall under the red and orange category and take action against them by way of closing the polluting activity, initiating prosecution and assessing and recovering compensation. Pending such assessment, interim compensation may be recovered on the scale adopted by this Tribunal in the case of Vapi industrial area²³.

¹⁹ Para 55, of O.A 95/2018, order dated 11.01.2019

²⁰ M.C Mehta Vs. Union of India (1997) 2 SCC 353, where the Supreme Court of India held – The development of industry is essential for the economy of the country, but at the same time the environment and the ecosystems have to be protected. The pollution created as a consequence of development must be commensurate with the carrying capacity of our ecosystem.

²¹ M.C Mehta vs. Union of India & Ors., (2009) 6 SCC 142, at para 23, 30 & 46, the Supreme Court addressed the issue of wide threat to forest ecology vis-à-vis the mining activities in the Aravalli hills and explained that it is important to evoke the precautionary principle to impose complete ban on mining in the Aravalli Range in state of Haryana.

²² Indian Council for Enviro Legal Action & Ors. Vs. Union of India & Ors., (1996) 3 SCC 212 Para 16, Vellore Citizens Welfare Forum Vs. Union of India & Ors. (1996) 5 SCC 647 Para 12-18 – holding that “Polluter Pay” principle is ‘accepted principle and part of environmental law of the country, even without specific statute. M.C Mehta Vs. Union of India & Ors., W.P (C) No. 13029/2015 order dated 24.10.2017 of the Supreme Court of India., O.A 95/2018, order dated 11.01.2019 & O.A No. 593/2017, order dated 03.08.2018: The Tribunal directed CPCB to take penal action against those accountable for failure in setting up CETPs/STPs/STPs and to recover compensation for damage to the environment,

²³ *Supra* 15

24. CPCB has compiled data of industrial clusters which are polluting in terms of air, water and other norms together. Under the law, even air pollution or water pollution or other pollution, are independent offences. The sustainable development and precautionary principle require any polluting activity to be prohibited and compensation recovered for damage caused from polluters. If there is air pollution, actionable under the Air Act, even if there is no violation of Water Act or EPA Act, such pollution cannot be ignored. There has to be prosecution, stopping of polluting activity and recovery of compensation for restoration of the environment. We have seen that even when norms of air, water and other pollution are being violated, prosecution, stopping of polluting activities and recovery of compensation is not taking place for which there is no justification. Likewise action to prohibit polluting activity, initiating prosecution and recovery of compensation is required not merely for the PIAs based on violation of norms under all the heads, but also for areas where air, water or other pollution is found individually. Thus areas not covered by PIAs are also required to be governed by our directions for enforcing the law by way of stopping polluting activity and taking other steps. The fact that such pollution is taking place is evidenced by there being acknowledged pollution in the form of 351 polluted river stretches²⁴ and 102 non-attainment cities²⁵.
25. CPCB must compile data of polluted industrial areas not confined to more than one parameters as is now being done, but also with respect to polluted areas based on water, air or other pollution individually. Compiling data for categorizing areas as polluted areas based on water pollution alone, or air pollution or other pollution

²⁴ O.A. 673/2018, News Item Published in 'The Hindu' authored by Shri. Jacob Koshy titled "More river stretches are now critically polluted: CPCB", Order dated 20.09.2018

²⁵ O.A. 681/2018, News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15" order dated 08.10.2018

alone may be a step in the right direction. Let this be now done in the next three months, with the assistance of State PCBs/PCCs or other experts. In this regard we may note that dealing with the industrial water pollution, this Tribunal directed the CPCB to compile its monitoring report with reference to 97 CETPs installed in different states as this was linked to 100 PIAs also.²⁶

26. Needless to state that there is no right to carry on business in violation of pollution norms and right of statutory authorities is coupled with duty. Such right, does not carry any unlimited discretion of not taking action when pollution norms are violated.

27. In view of the material compiled by the CPCB, with the assistance of SPCBs/PCCs, in respect of polluted industrial areas, where action is not being taken by statutory authorities, the Tribunal has to exercise its jurisdiction of directing performance of statutory functions and duties by the State boards/committees, following similar direction by the Apex Court²⁷.

28. Accordingly, we direct the CPCB in coordination with all State PCBs/PCCs to take steps in exercise of statutory powers under the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974, Environment (Protection) Act, 1986 or any other law to prohibit operation of polluting activities in the said CPAs and SPAs within three months and furnish a compliance report to this Tribunal. The Central Pollution Control Board, in coordination with the State Boards/PCBs may make

²⁶ O.A No. 593/2017, order dated 19.02.2019, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.

²⁷ M.C Mehta (Calcutta Tanneries' Matter) Vs. Union of India & Ors., (1997) 2 SCC 411, at para 17, the Supreme Court directed the Board to take action against defaulting tanneries which, including those which had not complied with the conditions under Water Act as mentioned in their consents. In M.C Mehta Vs. Union of India & Ors., (2004) 6 SCC 588, paras 37,48, 517 69, the Supreme Court passed direction on closure of industrial units which were illegally operating and were in violation of the Master Plan.

assessment of compensation to be recovered from the said polluting units for the period of last 5 years, taking into account the cost of restoration and cost of damage to the public health and environment and the deterrence element. The scale of deterrence may be related to the period and the frequency of defaults. Such other factors as may be found relevant may also be taken into account. No further industrial activities or expansion be allowed with regard to 'red' and 'orange' category units till the said areas are brought within the prescribed parameters or till carrying capacity of area is assessed and new units or expansion is found viable having regard to the carrying capacity of the area and environmental norms. Pending assessment of compensation, interim compensation be recovered at the scale adopted by this Tribunal in the case of Vapi Industrial area as mentioned in para 22 above.

29. We further direct CPCB, with the assistance of SPCBs/PCCs or other experts, to compile information with regard to polluted industrial areas based on water pollution norms separately, air pollution norms separately and other pollution norm separately and notify such information on public domain within three months. On completing this exercise, action against identified individual polluters may be initiated on the same pattern on which direction have been issued in para 28 and furnish a report to this Tribunal in this regard also, before the next date.
30. We direct the MoEF&CC to take steps for enforcement of action plan for improvement of the situation.
31. We may also mention that hearing individual industrial unit is not considered necessary for passing the above order as the CPCB/State

PCBs must exercise their respective statutory powers by following the procedure prescribed under the statute even without intervention of this Tribunal. The Tribunal is only requiring such statutory bodies to perform their duties to uphold the law without going into an individual case²⁸. Direction is with reference to data compiled, or to be compiled, by the said bodies only.

32. It is made clear that white and green or non-polluting industries which are not causing any pollution will not be affected by this order except that the parameters thereof may be monitored with a view to see that under the garb of label of white/green or otherwise, the polluting activity is not continued.

33. We direct that the CPCB will be at liberty to have an appropriate panel of Experts to augment its capacity, in case the available manpower is found to be inadequate to execute the above order and for this purpose utilise the environment funds available under the environmental compensation head. In this regard, reference may also be made to order dated 22.01.2019, of this Tribunal in O.A No. 101/2019, *Central Pollution Control Board Vs. Assam State Pollution Control Board & Ors.* which enables CPCB to utilise the environment fund for the purpose.

34. Let a compliance report be filed by the CPCB after three months but before the next date by email on judicial-ngt@gov.in.

List for further consideration on 05.11.2019.

²⁸ M.C Mehta Vs. Union of India & Ors., (2001) 3 SCC 756, at para 8, the Supreme Court repeated the stand that in re M.C Mehta Vs. Union of India (1998) 6 SCC 63, the Court had passed directions to all bus operators in Delhi to make a shift from diesel and other fuels to CNG, the Supreme Court's directions are all *in rem* and not *in personam*.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 10, 2019
Original Application No. 1038/2018
AK

