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AMENDMENT IN EIA NOTIFICATION 2006

Background: Till September 2006, the requirement of an Environmental Impact Assessment (EIA) Study for Environmental Clearance (EC) was governed by the *EIA Notification* of 27th January 1994, issued under the *Environment (Protection) Act 1986 (EPA 1986)*, and as amended through 4th July 2005 (hereafter referred to as the *Old EIA Notification*). The *Old EIA Notification* made EIA a mandatory requirement for 32 different identified activities¹ included in *Schedule-I (i.e. the List of Projects requiring EC from the Central Government)*. As per the *Old EIA Notification*, if a specific project was listed under the categories of projects specified in *Schedule-I* of the *EIA Notification*, EC was required from the Ministry of Environment and Forests (MOEF), Government of India (GOI)².

Subsequently, on 14th September 2006, the MOEF, in exercise of powers conferred to it by *EPA 1986*, and in supersession of the *Old EIA Notification* (as amended)³ notified **the New EIA Notification**. The *New EIA Notification* imposes certain restrictions and prohibitions on new projects or activities, OR on the expansion OR modernization of existing projects or activities based on their potential environmental impacts as indicated in the *Schedule* to the *Notification*, being undertaken in any part of India, unless **Prior Environmental Clearance (PEC)** had been accorded in accordance with the objectives of *National Environment Policy (NEP)* and the procedures specified in the *Notification*.

As per the *New EIA Notification*, the Central Government (i.e. MOEF) has directed that, on and from the date of its publication, the construction of new projects/activities OR the expansion or modernization of existing projects/activities listed in the *Schedule* to the *Notification* entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the PEC has been obtained from the Central Government OR by the State/Union Territory (UT) Level EIA Authority [SEIAA/UTEIAA respectively, duly constituted by the Central Government], in accordance with the procedures specified in this *Notification*.

The implementation of the provisions of the said *Notification* has been reviewed by the Ministry of Environment Forests and Climate Change (MOEF&CC) and it has been decided to further streamline the EC process for highway and linear projects.

A draft *Notification*# S.O. 2545 (E) dated 30th September 2014, under *Sub-rule (3) of Rule 5* of the *EPR 1986* was published in the *Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii)* to

¹ These activities were broadly categorized under the following sectors: (1) Industries; (2) Mining; (3) Thermal Power Plants; (4) River Valley Developments; (5) Ports, Harbors and Airports; (6) Communication; (7) Atomic Energy; (8) Transport (Rail, Road & Highway); and (9) Tourism (including Hotels and Beach Resorts in the Coastal Regulation Zones). Further, the MOEF, through its *Notification S.O.801 (E)* dated 7th July 2004, had amended the *Old EIA Notification* to include "New Construction Projects" and "New Industrial Estates" in *Schedule-I*. However, new projects with investments of less than Rs. 1000 million, even if falling in one of the categories of *Schedule-I* were exempted from the EIA requirement (also depending on the location of a specific project).

² As per the *Old EIA Notification*, some of the specified categories of projects were required to get EC only at the State/UT level.

³ Except in respect of things done or omitted to be done before such supersession.

amend said *Notification*, inviting objections and suggestions from all persons likely to be affected thereby. The copies of the *Gazette* were made available to the public on 30th September 2014. No objections and suggestions were received from the public to the draft 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 *EPA 1986* read with *Clause (d)* of *Sub-rule (3)* of *Rule 5* of the *EPR 1986*, the Central Government hereby publishes the **Notification# S.O. 382 (E) dated 3rd February 2015** making the following amendments in the said *Notification*.

Note: The amendment in the said *Notification* is highlighted in grey background and whatever is substituted is stroked through.

In the said *Notification*, in *Paragraph 7 (i)*-

(a) In *Sub-Paragraph II* relating to 'Stage (2)- Scoping', in *Clause (i)*, in the first proviso, for *Item (ii)*, the following *Items* shall be substituted, namely:-

~~(ii) All Highway expansion projects covered under Entry (ii) of Column (3) and Column (4) under Sub item (f) of Item 7 of the Schedule:~~

“(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*”

(b) In *Sub-paragraph III* relating to 'Stage (3) - Public Consultation', in *Clause (i)*, after *Sub-clause (f)* the following shall be inserted, namely:-

“(g) All linear projects such as Highways, pipelines, etc., in border States.”

If you are interested to know more about specific details provided in the *Original Notification*, scanned copy of the same is attached for your kind review and information.

If you have any queries or need any clarifications or more information on the above,
Please contact our *EHS Helpline* on +91-11-2627 1433
OR +91-11- 4052 5413 OR Please send query to envirotrends@indusenviro.com



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