

S. S. Hussain I.A.S. (Ex)
Chief Executive Officer

Ref. No. MCHI/CEO/16-17/007

May 25, 2016

Dear

Heartiest Congratulation! On becoming Principal Secretary for Environment Department! Warm Wishes & Greetings from MCHI-CREDAI.

Please refer our Meeting held on 05th May 2016 at Mantralaya, wherein discussions were held on various vital issues pertaining to real estate industry related to Environment Department.

In our discussions, the issue related to the Gazette Notification of MoEF about conceptual plan with full potential, was taken up which has to be considered for approval as per the Gazette Notification of MoEF dated 22nd August 2013 (Copy attached). In this notification, MoEF already directed that Government should issue the necessary orders to clarify the various proposals in accordance with the Office Memorandums dated 19th June 2013 and 10th November 2015 (Copies attached). Also as per the Gazette Notification, while submitting the proposals, no detailed plans are required to be submitted for Environmental Clearances.

I would like to request you to please consider this matter on priority and issue the necessary direction/clarification.

Yours

(Signature)
25/5/16
सचिवांचे स्वीकृत, प्रायक,
महाराष्ट्र शासन, विभाग,
मंत्रालय, मुंबई-400 030

(Signature)

(S. S. Hussain)

To,
Shri Satish Gavai (IAS)
Principal Secretary
Environment Department,
Mantralaya,
Mumbai

No.21 -270/2008-IA.III
Government of India
Ministry of Environment & Forests

Dated: June 19, 2013

OFFICE MEMORANDUM

Subject: Environment Clearance for buildings and real estate projects.

Ministry of Environment & Forests vide OM dated 11.12.2012, had constituted a Committee under the Chairmanship of Dr. K. Kasturirangan, Member, Planning Commission to review the provisions of the Environment Impact Assessment Notification (EIA), 2006, relating to granting environment clearances for roads, buildings, SEZ projects and the provisions under the OM dated 7.2.2012 related to high-rise buildings. The Committee has since submitted its report to the Ministry.

2. One of the terms of reference (ToR) of the aforesaid Committee was to review the requirement of environment clearance for buildings and real estate projects to avoid duplication considering that such projects will be covered by the local civic authorities and under the provisions of the relevant master plan, building control regulations and safety regulations. The recommendation of the Committee on this ToR has been accepted and the following has been decided:

- i. Timelines stipulated in the EIA Notification, 2006 shall be strictly adhered to by SEIAA and SEAC while processing the proposals for TOR/EC for the building and construction projects and township and area development projects. SEAC will make appropriate recommendations within sixty days of the receipt of the complete proposal from the project proponents. SEIAA shall consider the recommendations of the SEAC and convey its decision to the applicant within forty five days of the receipt of the recommendations. MoEF will regularly review the progress in disposal of cases by SEIAAs with the view to ensuring meeting of these timelines.
- ii. With the view to avoiding delay in processing of proposals, project proponents should provide complete information at the first instance only while submitting documents for TOR/EC so that the processing of proposals is not held up in the absence of requisite details. Incomplete proposals not tallying with the check -list should not be accepted by the SEIAA/SEAC.
- iii. In order to meet the stipulated timelines, to avoid duplication of work, and to speed-up the process of scrutiny, SEIAA/SEAC may only focus on the following thrust areas of environmental sustainability while appraising the 'Building and Construction' and 'Township and Area Development' projects.
 - a. **Brief Description of the Project** in terms of location and surroundings.
 - b. **Environmental Impacts on Project Land** and its surrounding developments and vice-versa.

- c. **Water** Balance Chart with a view to promote waste water treatment, recycle, reuse and water conservation.
- d. **Waste Water Treatment** and its details including target standards.
- e. Alterations in the natural slope and **drainage pattern** and their environmental impacts on the surroundings.
- f. **Ground water** potential of the site and likely impacts of the project.
- g. **Solid Waste Management** during construction and post construction phases.
- h. **Air Quality and Noise Levels;** likely impacts of the project during construction and operational phases.
- i. **Energy** requirements with a view to minimize power consumption and promote use of renewal energy sources.
- j. **Traffic Circulation System and connectivity** with a view to ensure adequate parking, conflict free movements, Energy efficient Public Transport.
- k. **Green Belt/Green cover** and the Landscape Plan.
- l. **Disaster/Risk Assessment and Management Plan.**
- m. **Socio Economic Impacts** of the project and CSR.
- n. **EMP** during construction and operational phases.
- o. **Any other** related parameter of the project which may have any other specific impact on environmental sustainability and ecology.

The SEIAA/SEAC need not focus on the other issues which are normally looked after by the concerned local bodies/ State Government Departments/SPCBs.

- iv. In case of a large pendency in a State and in case the concerned State Government feels that there is a need for another SEAC, the State Government may accordingly send the proposal to MoEF for setting up/ notifying another SEAC and MOEF may consider the same.
3. Necessary action in the matter may be taken by the State Governments, SEIAAs and SEACs.
4. This issues with the approval of the Competent Authority.


(Lalit Kapur)

Director

Telefax: 24368592

To

1. All the Officers of IA Division
2. Chairpersons/Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PStoMEF
2. PPS to Secretary (E&F)
3. PPS to JS(AT)
4. Website of the MoEF
5. Guard File

No.22-154/2015-1A.III

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

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Indira Paryavaran Bhavan
Jorbag Road, Aliganj,
New Delhi-110003

Dated: 10th November 2015

OFFICE MEMORANDUM

Subject: Environment Clearance by State Level Environmental Impact Assessment Authority/ State Level Expert Appraisal Committee with special reference to buildings and construction sector projects under Item 8 (a) and 8(b) of the Environment Impact Assessment Notification, 2006-regarding.

The EIA Notification, 2006 provides for Scoping of project as one of the stages of the prior environmental clearance process, under which the Expert Appraisal Committee(EAC) in the case of Category 'A' projects or activities, and State Level Expert Appraisal Committee(SEAC) in the case of Category 'B1' projects or activities determine detailed and comprehensive Terms of Reference (TORs) addressing all the relevant environmental concerns, for the preparation of EIA and EMP report, so as to improve the quality of EIA and EMP. Pursuant to streamlining the process of environment clearance, the Ministry of Environment, Forest and Climate Change had issued Standard Terms of Reference for different sectors including buildings and construction sector projects.

2. It has been emphasized time and again, in the past that all the relevant information relating to a particular project should be raised in one go, while consideration of the project for scoping and seeking piece meal information during appraisal of the project should be avoided. It has been clarified that in appraisal of building and construction sector projects, information relevant to environmental concern should only be raised. However, it has come to the notice of the Ministry that the practice of seeking piece meal information is still continued and every time some new issues are raised, which directly do not pertain to environmental concern, while appraising the project, which result in delay in processing of cases, particularly at the level of SEIAA and SEAC.

3. The Ministry is in receipt of information about delay in processing of cases at the level of SEIAA and SEAC on account of (i) additional information sought on issues not directly related to environment and (ii)



process adopted for listing such cases at the end of the queue after submission of information by the project proponents. In order to bring uniformity in dealing with such cases across the country and to streamline the process, it has been decided to follow the following procedure:

4. The requirement of environment clearance for buildings and construction projects should focus on environmental concerns and avoid duplication of efforts considering that such projects will be covered by the local civic authorities and under the provisions of the relevant master plan, building control regulations and safety regulations. The instructions issued vide this Ministry's earlier Office Memorandum No.21-270/2008-1A.III dated 19th June, 2013 should be followed in letter and spirit.


- (i) Timelines stipulated in the EIA Notification, 2006 shall be strictly adhered to by SEIAA and SEAC while processing the proposals for TOR/EC for the building and construction projects and township and area development projects. SEAC will make appropriate recommendations within sixty days of the receipt of the complete proposal from the project proponents. SEIAA shall consider the recommendations of the SEAC and convey its decision to the applicant within forty five days of the receipt of the recommendations. MoEF will regularly review the progress in disposal of cases by SEIAAs with the view to ensuring meeting of these timelines.
- (ii) In order to meet the stipulated timelines, to avoid duplication of work, and to speed-up the process of scrutiny, SEIAA/SEAC should only focus on the following thrust areas of environmental sustainability while appraising the 'Building and Construction' and 'Township and Area Development' projects.
 - a. Brief Description of the Project in terms of location and surroundings.
 - b. Environmental Impacts on Project Land and its surrounding developments and vice-versa.
 - c. Water Balance Chart with a view to promote waste water treatment, recycle, reuse and water conservation.
 - d. Waste Water Treatment and its details including target standards.
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- f. Ground water potential of the site and likely impacts of the project.
- g. Solid Waste Management during construction and post construction phases.
- h. Air Quality and Noise Levels; likely impacts of the project during construction and operational phases.
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- j. Traffic Circulation System and connectivity with a view to ensure adequate parking, conflict free movements, Energy efficient Public Transport.
- k. Green Belt/Green cover and the Landscape Plan.
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- m. Socio Economic Impacts of the project and CSR.
- n. EMP during construction and operational phases.
- o. Any other related parameter of the project which may have any other specific impact on environmental sustainability and ecology.

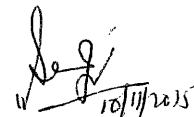
5. In case, where additional information has been sought and the project proponent is not in a position to provide the same during the appraisal by the SEAC, and he can provide it on next date or on any date during the meeting of the SEAC, he can submit the requisite information and his case be considered for appraisal accordingly.

6. In case the additional information sought cannot be presented by the project proponent during the same meeting days, and the Project Proponent can provide the requisite information before the next meeting, the case will be taken up for consideration in the next SEAC meeting for appraisal. So cases in which additional information has been sought will be taken up for appraisal in very next meeting scheduled after filing of the requisite information.

7. The Project Proponent approach the Ministry in case of Category 'B' projects by applying online for obtaining prior environment clearance in case the SEIAA / SEAC of any State or UT is not constituted. The cases are returned to the SEIAA / SEAC after its reconstitution. It is clarified that the date of online application to Ministry's portal will be taken as the date for deciding the chronology / seniority for that case by the SEIAAs / SEACs. 

8. The SEIAA/SEAC need not focus on the other issues which are normally looked after by the concerned local bodies/ State Government Departments/SPCBs.

This issues with the approval of the Competent Authority.



(Satish C. Garkoti)
Scientist 'F'

To

1. All the Officers of IA Division
2. Chairpersons/Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PS to MEFCC
2. PPS to Secretary (EFCC)
3. PPS to SS(HKP)
4. PPS to AS(SK)
5. PS to JS (MKS)
6. PS to JS (BS)
7. Website of the MoEF
5. Guard File

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 22 अगस्त 2013

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

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

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

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

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

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

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

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

2. उक्त अधिसूचना में,-

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

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

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

परंतु निम्नलिखित को विस्तारण की आवश्यकता नहीं होगी-

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

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

परंतु यह और कि -

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

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

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

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

[फा.सं.21-270/2008-आईए.।।।]

अजय त्यागी,

संयुक्त सचिव, भारत सरकार

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

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

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

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 22nd August, 2013

S.O. 2559 (E).- Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S.O.1533(E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process or technology and or product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

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

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

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

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

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

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule (5) of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendment to the notification of the Government of India, in the Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the said rule 5 in public interest, namely:-

2. In the said notification, -

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

‘(i) “Scoping” refers to the process by which the Expert Appraisal Committee in the case of Category ‘A’ projects activities, and State level Expert Appraisal Committee in the case of Category ‘B1’ projects or activities, including applications for expansion or modernization or change in product mix of existing projects or activities, determine detailed and comprehensive Terms of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought and the Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the terms of reference on the basis of the information furnished in the prescribed application Form 1 or Form 1A including terms of reference proposed by the applicant, a site visit by a sub-group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned:

Provided that the following shall not require Scoping-

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

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

Provided further that-

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

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

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

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

Ajay Tyagi
Joint Secretary to the Government of India

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

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