## MINISTRY OF ENVIRONMENT AND FORESTS

## NOTIFICATION

New Delhi, the 11th October, 2007

**S.O. 1737(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 or from the dates 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 and or technology 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 it has been decided to exempt the mineral prospecting and seismic surveys which are part of exploratory surveys from seeking environmental clearance as had been done in the past; to bring in more clarity to the eligibility criteria in the disciplines given for selection of Members of the State Environment Impact Assessment Authority and State Level Expert Appraisal Committee and for that purpose to issue suitable amendments in the said notification;

And whereas clause clause (a) of sub-rule (3) of rule 5 of the said Environment (Protection) Rules provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas sub-rule (4) of rule 5 of the said Environment (Protection) Rules provides that, 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);

Now therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the said Environment (Protection) Act, read with clause (d) of sub-rule (3) of rule 5 of the said Environment Protection Rules, the Central Government hereby makes the following amendments in the said notification, namely:-

In the said Notification, –

(I) in para 3, for sub-paras (3) and (4), the following paras shall respectively be substituted, namely:-

"(3) The Chairman shall be an expert in terms of the 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.";

(II) in para 12, for the words "one year", the words "twenty four months" shall be substituted;

(III) in the SCHEDULE,-

(i) against item 1(a), for the entries in column 5, the following entries shall be substituted, namely:-

"General Condition shall apply.
Note: Mineral prospecting is exempted provided the concession areas have got previous clearance for physical survey.";

(ii) against item 1(b), for the entries in column 5, the following entries shall be substituted, namely:-

"Note: Seismic surveys which are part of Exploration Surveys are exempted provided the concession areas have got previous clearance for physical survey.";

(iii) against item 7(f),-

(a) in column (3), for the entries, the following entries shall be substituted, namely:-

"i) New National Highways; and

ii) Expansion of National Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.";

(b) in column (4), for the entries, the following entries shall be substituted, namely:-

"i) New State Highways; and
ii) Expansion of State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.";

(IV) in APPENDIX VI,-
(i) for para 2, the following para shall be substituted, namely:-

"2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields or 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**
- **Environmental Economics with experience in project appraisal**
- **Public Administration or Management**";

(ii) para 4 shall be omitted.

[F. No. J-11013/69/2006-IA. II(I)]

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**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.

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