

## Comparative Analysis of India's Legal Framework and ADB Safeguard Policy Statement: ENVIRONMENT

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
<p><b>Policy Principle 1:</b> Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.</p>		

<sup>1</sup> "Full Equivalence" denotes that the Indian legal requirement(s) are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element thereof. "Partial Equivalence" denotes that the PRC legal requirement is in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no PRC legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element.

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<p>Key element (1) Use a screening process to determine the appropriate extent and type of environmental assessment SO that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.</p>	<p><b>[Environmental] Notification, September 14, 2006 (as amended through January 19, 2009) (“EN” )</b></p> <p><b>Article 2. Requirements of prior Environmental Clearance (EC):</b> 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:</p> <p>(i) All new projects or activities listed in the Schedule to this notification;</p> <p>(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;</p> <p>(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range. However, modernization or expansion proposals without any increase in pollution load and, or without any additional water and or land requirement are exempted from the provisions of this notification. ;[p]rovided that, a self-certification, stating that the proposal shall not involve any additional pollution load , waste generation or water requirement, be submitted to the regulatory authority by the project proponent.”</p> <p><b>Article 4. Categorization of projects and activities:-</b></p> <p>(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.</p> <p>(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;</p> <p>(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, <i>will</i> 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</p>	<p>Full Equivalence</p>

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	<p>to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project considered at the Central Level. However, Category B projects are exempt from scoping or three years from the date of issue of this notification. [January 2009]</p> <p><b>I. Stage (1) - Screening:</b></p> <p>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 .</p> <p>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.</p> <p>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.</p> <p><b>II. Stage (2) - Scoping:</b></p> <p>(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.</p> <p>The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information ...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.</p> <p>(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...</p>	

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<p>Policy Principle 2: Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential transboundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.</p>		
<p>Key element (1)  Identify indirect as well as direct impacts</p>	<p><b>EN, Appendix II</b> <b>(See paragraph 6)</b> <b>Form-1 A (only for construction projects listed under item 8 of the Schedule)</b> <b>Check List of Environmental Impacts</b> <b>(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 &amp; monitoring programme)</b> <b>1. Land Environment</b> <b>(Attach panoramic view of the project site and the vicinity)</b> 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 land use, disturbance to the local ecology).</p>	<p>Full Equivalence</p>
<p>Key element (2)  Identify cumulative impacts</p>	<p><b>EN, Appendix I</b> <b>Interlined projects</b></p> <ul style="list-style-type: none"> <li>- Whether separate application of interlined project has been submitted</li> <li>- If yes, date of submission</li> <li>- If no, reason</li> </ul> <p><b>National Green Tribunal Act, 2010</b></p> <p><b>Chapter III. Jurisdiction, Powers and Proceedings of the Tribunal</b> <b>Article 7. Liability to pay relief or compensation...</b></p> <p>2. If the death... injury or damage caused by an accident or the adverse impact of an activity or process under any enactment specified...cannot [be attributed] to any single activity or operation or process but is the combined ...effect of several such activities, operations or processes, the Tribunal may apportion the liability for relief or compensation amongst those responsible ...on an equitable basis.</p>	<p>No Equivalence. “Cumulative impacts” is a well-defined and widely used term in EIA law and practice. Its absence from India’s EIA legal framework is conspicuous. The word “interlined” is not defined in the legal framework and most likely refers to associated projects rather than cumulative impacts.</p>

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Key element (3) Identify induced impacts	<p><b>EN, Appendix II (See paragraph 6)</b>  <b>Form-1 A (only for construction projects listed under item 8 of the Schedule)</b>  <b>Check List of Environmental Impacts</b>  <b>(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 &amp; monitoring programme)</b></p> <p><b>1. Land Environment</b>  <b>(Attach panoramic view of the project site and the vicinity)</b>  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 land use, disturbance to the local ecology).</p>	Full Equivalence
Key element (4) Identify physical impacts	<p><b>EN, Appendix II (See paragraph 6)</b>  <b>Form-1 A (only for construction projects listed under item 8 of the Schedule)</b>  <b>Check List of Environmental Impacts</b>  <b>(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 &amp; monitoring programme)</b></p> <p><b>1. Land Environment</b>  <b>(Attach panoramic view of the project site and the vicinity)</b>  1.1. Will the existing land use get significantly altered from the project that is not consistent with the surroundings? (Proposed land use must conform to the approved Master Plan / Development Plan of the area. Change of land use 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 &amp; 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....  1.4. Will there be any significant land disturbance resulting in erosion, subsidence &amp; 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.</p>	Full Equivalence

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Key element (5) Identify biological impacts	<p><b>Constitution Of India 1949</b></p> <p><b>Article 51A.</b> It is the duty of every citizen ....</p> <p>(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;</p> <p><b>EN, Appendix II</b> <b>(See paragraph 6)</b> <b>Form-1 A (only for construction projects listed under item 8 of the Schedule)</b> <b>Check List Of Environmental Impacts</b> <b>(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 &amp; monitoring programme)</b></p> <p><b>1. Land Environment</b> 1.8. Will the low lying areas &amp; wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)</p> <p><b>Biological Diversity Act , 2002</b></p> <p>The Central Government shall undertake measures,- (i) wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity, with a view to avoid or minimize such effects and where appropriate provide for public participation in such assessment;</p> <p>5) The Central Government shall endeavour to respect and protect the knowledge of local people relating to biological diversity, as recommended by the National Biodiversity Authority through such measures, which may include registration of such knowledge at the local, State or national levels, and other measures for protection, including <i>sui generis</i> system.</p> <p><i>Explanation:-</i>For the purposes of this section,- (a) "<i>ex situ</i> conservation" means the conservation of components of biological diversity outside their natural habitats; (b) "<i>in situ</i> conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties,</p>	Full Equivalence
Key element (6)	<b>EN, Appendix II</b>	Partial Equivalence.

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Identify socioeconomic impacts (including on livelihood through environmental health and safety, vulnerable groups, and gender issues).	<p><b>(See paragraph 6)</b>  <b>FORM-1 A (only for construction projects listed under item 8 of the Schedule)</b>  <b>Check List of Environmental Impacts</b>  <b>7. Socio-economic Aspects</b>            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....? What are the safeguards proposed?</p>	The requirement to consider socio-economic impacts does not refer to livelihood, environmental health and safety, vulnerable groups or gender issues.
Key element (7) Identify impacts on physical cultural resources	<p><b>EN, Appendix II</b>  <b>(See paragraph 6)</b>  <b>FORM-1 A (only for construction projects listed under item 8 of the Schedule)</b>  <b>Check List Of Environmental Impacts</b>  <b>7. Socio-economic Aspects</b>            7.3. Will the project cause..., disturbance to sacred sites or other cultural values? What are the safeguards proposed?</p>	Full Equivalence.
Key element (8) Identify impacts in the context of the project's area of influence	<p><b>EN, Appendix I</b>  <b>Basic Information</b>            - Existing Capacity/Area, etc.            - Does it attract the general condition? If yes, please specify.</p> <p><b>Appendix II</b>  <b>(See paragraph 6)</b>  <b>Form-1 A (only for construction projects listed under item 8 of the Schedule)</b>  <b>Check List Of Environmental Impacts</b>            (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 &amp; monitoring programme)  <b>1. Land Environment</b>  <b>(Attach panoramic view of the project site and the vicinity)</b>            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 land use, disturbance to the local ecology).</p>	Full Equivalence

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Key element (9) Assess potential trans-boundary impacts	<p><b>Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1975 (CITES)</b>- ratified by India in 1976</p> <p><b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, 1989 (Basel Convention)</b> – ratified by India in 1992</p> <p><b>Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade, 1998 (Rotterdam Convention)</b>- ratified by India in 1995</p> <p><b>EN, List of Projects or Activities Requiring Prior Environmental Clearance,</b></p> <p><b>Note:- General Condition (GC):</b> 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) Eco-sensitive areas as notified under section 3 of the Environmental (Protection) Act, 1986 such as.....and..(iv) inter-State boundaries and <b>international boundaries</b> (<i>emphasis added</i>)</p> <p><b>Hazardous Material (Management, Handling and Transboundary Movement) Rules, 2008</b> <b>Article 3. Definitions</b></p> <p>(c) “Basel Convention” is the United Nations Environment Programme Convention on the Control of Transboundary Movement of Hazardous Wastes and their disposal.”</p> <p>(za) “transboundary movement means any movement of hazardous wastes from an area under the jurisdiction of one country to or through an area under the jurisdiction of another country of through an area not under the jurisdiction of any country, provided at least two countries are involved in the movement.”</p> <p><b>Chapter IV. Import and Export of Hazardous Wastes</b> <b>Article 13. Import and Export of Hazardous Wastes</b></p> <p>(3) The export of hazardous wastes from India may be allowed ...with the Prior Informed Consent of the important sound to ensure environmentally sound management of the hazardous waste in question.</p> <p>(4) No import or export of the hazardous wastes specified in Schedule VI shall be permitted.</p> <p><b>Article 17. Illegal Traffic</b></p>	Full Equivalence



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	<p>(1) The export and import of hazardous wastes from and into India shall be deemed illegal if...</p> <p>(i) it is without permission from the Central Government in accordance with these rules, or.....</p> <p>(iv) it results in deliberate disposal (i.e. dumping) of hazardous wastes in contravention of the Basel Convention and of general principles of International of National Law.</p> <p><b>Schedule III.</b></p> <p><b>Part A. List of Hazardous Wastes Applicable for Import with Prior Informed Consent</b> (Annexure VIII of the Basel Convention [on the Transboundary Movement of Hazardous Wastes])*</p> <p>*This list is based on Annex VIII of the Basel Convention...and comprises wastes characterized as hazardous under Article 1, paragraph (1(a) of the Convention. Inclusion of wastes on this list does not preclude the use of hazard characteristics given in Annex VIII of the...Convention (Part C of this Schedule) to demonstrate that the wastes are not hazardous.</p> <p><b>Part B. List of Hazardous Wastes applicable for Import and Export not Requiring Prior Informed Consent*)</b></p> <p>*This list is based on Annex IX of the Basel Convention...and comprises wastes not characterized as hazardous under Article 1 of the ...Convention.</p>	
<p>Key element (10)</p> <p>Assess potential global impacts, including climate change</p>	<p><b>United Nations Framework Convention on Climate Change, 1992 (UNFCCC) and Kyoto Protocol, 1997</b>, both ratified by India in 2002</p> <p><b>EN, Appendix II</b> <b>(See paragraph 6)</b></p> <p><b>Form-1 A (only for construction projects listed under item 8 of the Schedule)</b></p> <p><b>Check List of Environmental Impacts</b></p> <p>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 &amp; inversion effects?</p>	<p>Partial Equivalence.</p> <p>EIA is required to consider impacts on micro-climates but not impacts on the global climate.</p>
<p>Key element (11)</p> <p>Use strategic environmental assessment</p>		<p>No Equivalence.</p> <p>“In India, SEA of policies, plans and programs is not a mandatory requirement and is only faintly recognised at the apex level as a decision making tool. [Accordingly], there is no regulatory framework for</p>

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		conducting SEA [in India] <sup>2</sup>
<p>Policy Principle 3: Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.</p>		
Key element (1) Examine alternatives to the project's location, design, technology.	<p><b>EN, Appendix I</b></p> <p>Details of Alternative Sites examined, if any. Location of these sites should be shown on a toposheet.</p> <p><b>Appendix III</b> <b>Generic Structure of Environmental Impact Assessment Document</b> <b>5. Analysis of Alternatives (Technology &amp; Site)</b></p> <ul style="list-style-type: none"> <li>• In case, the scoping exercise results in need for alternatives:</li> <li>• Description of each alternative</li> <li>• Summary of adverse impacts of each alternative</li> <li>• Mitigation measures proposed for each alternative and</li> <li>• Selection of alternative</li> </ul>	Full Equivalence.
Key element (2) Consider the no- project alternative		No Equivalence.
<p>Policy Principle 4: Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.</p>		
Key element (1) Avoid, and	<b>EN</b> <b>Appendix III</b>	Full Equivalence

<sup>2</sup> Ministry of Urban Development, Toolkit on Environmental analysis – Strategic environmental assessment and Environmental impact assessment (Final Draft – 15th November, 2012)

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where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management	<p><b>Generic Structure of Environmental Impact Assessment Document</b></p> <p>1. <u>Project Description</u></p> <ul style="list-style-type: none"> <li>• Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope)</li> </ul> <p>4. <u>Anticipated Environmental Impacts &amp; Mitigation Measures</u></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components</li> <li>• Assessment of significance of impacts (Criteria for determining significance, Assigning significance)</li> <li>• Mitigation measures</li> </ul>																
Key element (2) Prepare an environmental management plan (EMP) that includes proposed mitigation measures	<p><b>EN, Appendix II (Form-1 A only for construction projects listed under item 8 of the Schedule)</b></p> <p><b>Check List of Environmental Impacts</b></p> <p><b>10. Environment Management Plan</b></p> <p>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</p> <p><b>Schedule. List Of Projects or Activities Requiring Prior Environmental Clearance</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 10%;">(1)</th> <th style="width: 20%;">(2)</th> <th style="width: 20%;"><del>(3)</del></th> <th style="width: 20%;">(4)</th> <th style="width: 30%;">(5)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><b>8</b></td> <td></td> <td colspan="3" style="text-align: center;"><b>Building /Construction projects/Area Development projects and Townships</b></td> </tr> <tr> <td style="text-align: center;"><b>8(a)</b></td> <td style="text-align: center;">Building and Construction projects</td> <td></td> <td style="text-align: center;">≥20000 sq. mtrs and &lt;1,50,000 sq .mtrs. of built-up area#</td> <td style="text-align: center;">#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area )</td> </tr> </tbody> </table>	(1)	(2)	<del>(3)</del>	(4)	(5)	<b>8</b>		<b>Building /Construction projects/Area Development projects and Townships</b>			<b>8(a)</b>	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 )	<p>Partial Equivalence.</p> <p>An EMP is required for a limited category of construction projects.</p>
(1)	(2)	<del>(3)</del>	(4)	(5)													
<b>8</b>		<b>Building /Construction projects/Area Development projects and Townships</b>															
<b>8(a)</b>	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 )													

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	<b>8(b)</b>	Townships and Area Development projects.		Covering an area $\geq 50$ ha and or built up area $\geq 1,50,000$ sq .mtrs ++	++ All projects under Item 8(b) shall be appraised as Category B1	
Key element (3) Prepare an environmental management plan (EMP) that includes the proposed ...environmental monitoring and reporting requirements	<p><b>EPA. Art. 11</b></p> <p>The Central Government or any officer empowered by it...shall have power to take for purposes of analysis, samples of air, water, soil or any substance from any factory, premises or other place in such manner as may be prescribed.</p> <p><b>EN</b></p> <p><b>Article 10. Post Environmental Clearance Monitoring:</b></p> <p>(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.</p> <p>(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.</p> <p><b>EN, Appendix II</b> <b>(Form-1 A (only for construction projects listed under item 8 of the Schedule))</b> <b>Check List Of Environmental Impacts</b> <b>10. Environment Management Plan</b> The Environment Management Plan would ...also delineate the environmental monitoring plan for compliance of various environmental regulations.</p>				Partial Equivalence Although all projects requiring an EIA are required to submit semi-annual compliance reports and the Central Government is authorized to conduct onsite site monitoring, the requirement to prepare an EMP that includes a monitoring plan applies only to that limited category of construction projects that require an EMP.	
Key element (4) Prepare an environmental management plan (EMP) that includes ... related institutional or organizational	<p><b>EN, Appendix II</b> <b>Form-1 A (only for construction projects listed under item 8 of the Schedule)</b> <b>Check List Of Environmental Impacts</b> 10. EMP</p> <ul style="list-style-type: none"> <li>• Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA.</li> </ul>				No Equivalence. To the extent that an EMP is mandated it is not required to address institutional or organizational arrangements, or capacity development and training measures	

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arrangements, capacity development and training measures		
Key element (5) Prepare an environmental management plan (EMP) that includes the proposed... implementation schedule	<p><b>EN, Appendix II (Form-1 A (only for construction projects listed under item 8 of the Schedule) Check List Of Environmental Impacts 10. Environment Management Plan</b></p> <p>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.</p>	<p>Partial Equivalence.</p> <p>The requirement that EMP include an implementation schedule through the life cycle of the project applies only to those construction projects that are required to prepare an EMP.</p>
Key element (6) Prepare an environmental management plan (EMP) that includes the proposed.... cost estimates		<p>No Equivalence.</p>
Key element (7) Key considerations for EMP preparation include....no significant harm to third parties, and the polluter pays principle.	<p><b>EPA Art. 9</b></p> <p>(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...shall be bound to prevent or mitigate the environmental pollution as a result of this discharge and shall also forthwith... (b) be bound, if called upon to render all assistance to such authorities or agencies as may be prescribed.</p> <p>(3) The expenses, if any, incurred by the authority or agencies with respect to the remedial measures ...may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.</p> <p><b>The Public Liability Insurance Act, 1991</b></p>	<p>Full Equivalence</p> <p>Although preparation of an EMP is a limited requirement, the principles of avoiding mitigating and compensating third parties (“the polluter pays principles” is fully embedded in the legal</p>

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	<p>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.</p> <p><b>3.</b> (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.</p> <p><b>4.</b> (1) Every owner shall take out, before he starts handling any hazardous substance, one or more insurance policies providing for contracts of insurance thereby he is insured against liability to give relief under sub-section (1) of section 3; ....</p> <p>(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.</p> <p><b>National Green Tribunal Act, 2010</b></p> <p><b>Chapter III. Jurisdiction, Powers and Proceedings of the Tribunal</b></p> <p><b>Article 7. Liability to pay relief or compensation...</b></p> <p>1. Where death or injury to any person...or damage to any property or environment has resulted from an accident or the adverse impact of an activity or operation or process, under any enactment specified in Schedule I, the person responsible shall be liable to pay such relief or compensation...</p> <p><b>Article 10. Tribunal to apply certain principles.-</b></p> <p>The Tribunal shall...apply...the polluter pays principle.</p> <p><b>Chapter IV. Penalty</b></p> <p><b>Article 27. Offenses by companies.-</b></p> <p>1. Where any offense 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...as well as the company, shall be deemed to be guilty...and be liable to be proceeded against ....[unless] he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p> <p>2. ....{w[here...it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the</p>	<p>framework through the EPA, the Public Liability Insurance Act and the National Green Tribunal Act.</p>

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	<p>part of any...officer of the company, such...officer shall also be deemed to be guilty... and be liable to be proceeded against...</p> <p><b>Article 28. Offences by Government Department.-</b></p> <ol style="list-style-type: none"> <li>1. Where any Department of the Government fails to comply with any... decision of the Tribunal... the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against....[unless] he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</li> <li>2. [W]here 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....guilty...and shall be liable to be proceeded against...</li> </ol>	
<p>Policy Principle 5. Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.</p>		

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<p>Key element (1) Carry out meaningful consultation with affected people and facilitate their informed participation</p>	<p><b>EN. III. Stage (3) - Public Consultation:</b></p> <p>(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.</p> <p>All Category ‘A’ and Category B1 projects or activities shall undertake Public Consultation, except the following:-</p> <p>(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 defense and security or involving other strategic considerations as determined by the Central Government.</p> <p>(ii) The Public Consultation shall ordinarily have two components comprising of:-</p> <p>(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;</p> <p>b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity</p> <p>(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. (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</p> <p>....</p> <p>(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.</p> <p><b>Appendix IV</b></p>	<p>Full Equivalence.</p>



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	<p><b>(See paragraph 7)</b>  <b>Procedure for Conduct of Public Hearing</b>  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).  <b>2.0 The Process:</b>  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. ...  <b>3.0 Notice of Public Hearing:</b>  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.</p> <p>A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;</p> <p>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;</p> <p>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.</p> <p><b>6.0 Proceedings</b>  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.</p> <p>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.</p> <p>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:</p>	

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	<p>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.</p> <p>Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.</p> <p>All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.</p> <p><b>7.0 Time period for completion of public hearing</b></p> <p>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</p> <p>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.</p> <p>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. However, in the case of expansion projects involving enhancement of production by more than 50% holding of public consultation shall be essential and no exemption in this regard shall be provided.</p>	
Key element (2) Ensure women’s participation in consultation	<p><b>Constitution of India, Amendment No. 73,</b> <b>Part IX</b></p> <p><b>Article 243</b> The Panchayats defined as “an institution... of self-government constituted under article 243B, for the rural areas”</p> <p><b>Article 243-D.</b> Reservation of seats –(2) Not less than one-third of the total number of seats reserved ... shall be reserved for women belonging to the Scheduled castes or, as the case may be, the Scheduled Tribes.</p> <p>(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes ) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by</p>	<p>Partial Equivalence.</p> <p>Although the consultation requirements for EIA make no reference to inclusion of women in consultation the local agency mandated to conduct consultation at the local level (the “Panchayat”) is constitutionally required</p>

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	<p>rotation to different constituencies in a Panchayat.</p> <p>(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide..</p>	<p>to include a given percentage of women (from Scheduled Tribes) among its members.</p>
<p>Key element (3) Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process.</p>	<p><b>EN. Appendix III. Stage (3) - Public Consultation:</b></p> <p>ii) The Public Consultation shall ordinarily have two components comprising of:- b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity (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 ...</p> <p>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.</p>	<p>Partial Equivalence.</p>
<p>Key element (4) Establish a grievance redress mechanism</p>	<p><b>National Green Tribunal Act, 2010</b></p> <p>An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected....or incidental there to.</p> <p><b>Chapter III. Jurisdiction, Powers and Proceedings of the Tribunal</b></p> <p><b>Article 4. Tribunal to settle disputes –</b></p> <p>1. The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to the environment (including enforcement of any legal right relating to environment,) is involved and such question arises out of the implementation of the enactments specified in Schedule 1.</p> <p><b>Schedule 1</b></p> <p>1. The Water (Prevention and Control of Pollution) Act, 1974;</p>	<p>Partial Equivalence.</p> <p>The National Green Tribunal and the Supreme Court serve as grievance redress mechanisms, but they are not linked to any project-specific consultation process.</p>

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	<p>2. The Water (Prevention and Control of Pollution) Cess Act, 1977;  3. The Forest (Conservation) Act, 1980;  4. The Air (Prevention and Control of Pollution) Act, 1981;  5. The Environment (Protection) Act, 1986;  6. The Public Liability Insurance Act, 1991;  7. The Biological Diversity Act, 2002.</p> <p>2. The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.</p> <p><b>Article 5. Relief, compensation and restitution –</b></p> <p>1. The Tribunal may, by order, provide-</p> <ol style="list-style-type: none"> <li>a. relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in Schedule 1(including accident occurring while handling any hazardous substances).</li> <li>b. for restitution of property damage...</li> <li>c. for restitution of the environment for such area or areas...</li> </ol> <p>The relief and compensation....shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991</p> <p><b>Article 22. Appeal to the Supreme Court.-</b></p> <p>Any person aggrieved by any award, decision or order of the Tribunal may file an appeal to the Supreme Court...</p>	
<p><b>Policy Principle 6: Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.</b></p>		
<p>Key element (1) Disclose a draft environmental assessment (including the EMP) in a</p>	<p><b>EN, Article 4. Categorization of projects and activities:-</b></p> <p><b>Stage II- Scoping</b> (ii) ... 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.</p> <p><b>EN, 2006</b></p>	<p>Full Equivalence</p>

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timely manner, before project appraisal, in an accessible place.	<p><b>Appendix IV</b> <b>Procedure for Conduct of Public Hearing</b></p> <p>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:</p> <p>(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</p> <p>2.3 On receiving the draft Environmental Impact Assessment report, the abovementioned 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>3.0 Notice of Public Hearing: 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.</p>	
Key element (2) Disclose the	<p><b>EN 10. [Post Environmental Clearance Monitoring]</b></p> <p>(i) It shall be mandatory for the project proponent to make public the environmental clearance granted for their project along with the</p>	Partial Equivalence. Although environmental

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final environmental assessment, and its updates if any, to affected people and other stakeholders	<p>environmental conditions and safeguards for their cost by advertising it in a least two local newspapers of the district or State where the project is located. The Ministry of Environment and Forests and the State or UT [Union Territory] Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Government portal. Further, copies of the environmental clearance shall be endorsed to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of Government.</p> <p><b>The Right to Information Act, 2005 (RTI Act)</b></p> <p><b>Chapter I. Preliminary</b></p> <p><b>Article 2. In this Act</b></p> <p>(f) “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices...circulars, orders, logbooks, contracts, reports papers, sample[s], models, data held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in form</p> <p><b>Chapter II. Right to information and obligation of public authorities</b></p> <p><b>Article 4.</b></p> <p>(1) Every public authority shall-</p> <ol style="list-style-type: none"> <li>a) maintain all its records duly catalogued and indexed in a manner and form which facilitate the right to information ...</li> <li>b) publish with one [120] days from the enactment of this Act,-... <ol style="list-style-type: none"> <li>(vi) a statement of the categories of documents...held by it or under its control;...</li> <li>(xiv) details in respect of the information, available to or held by it...</li> <li>(xv) the particulars of facilities available to citizens for obtaining information...</li> </ol> </li> </ol> <p>(2) It shall be a constant endeavor of every public authority to take steps...to provide as much information <i>suo motu</i> the public at regular intervals through various means of communication, including internet, so that the public have minimum resort to the use of this Act to obtain information. {Note: “suo motu” means “proactively” in Indian legal parlance.</p> <p>(3) ...[E]very action shall be disseminated...taking into consideration local language and the most effective method of communication in the local area...</p> <p><i>Explanation:-</i> “[D]isseminated means making known or communicated...to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.</p> <p><b>Government of India Ministry of Personnel, Public Grievances &amp; Pensions Department of Personnel &amp; Training</b></p>	<p>clearances and related conditions are publicly disclosed, there is no legal mechanism for proactive disclosure of final EIAs. The RTI Act mandates the disclosure of EIAs but only on request. Provisions for proactive disclosure of documents subject to the RTI appear to have the status of guidance rather than a legally binding mandate.</p>


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	<p><b>Office Memorandum No. 1/6/2011-IR April, 15 2013</b>  <b>Guidelines for Suo Moto Disclosure under Section 4 of the RTI Act</b>  <b>4.0 Compliance with Provisions of suo motu (proactive) disclosure under the RTI Act</b></p> <p>4.1 Each Ministry/Public Authority shall ensure that these guidelines are fully operationalized within a period of 6 months from the date of their issue.</p> <p>4.2 Proactive disclosure as per these guidelines would require collating a large quantum of information and digitizing it. For this purpose, Ministries/Public Authorities may engage consultants or outsource such work to expeditiously comply with these guidelines. For this purpose, the plan/non-plan funds of that department may be utilized.</p> <p>4.3 The Action Taken Report on the compliance of these guidelines should be sent, along with the URL link, to the DoPT and Central Information Commission soon after the expiry of the initial period of 6 months.</p>	
<p><b>Policy Principle 7. Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</b></p>		
<p>Key element (1) Implement the EMP and monitor its effectiveness.</p>	<p><b>EPA, Article 3 (1)</b> ....the Central Government shall have the power...[of]</p> <p><b>(2) (x)</b> 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. <b>EN</b></p> <p><b>EN</b>  <b>Article 10. Post Environmental Clearance Monitoring:</b></p> <p>(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.</p>	<p>Full Equivalence.</p>
<p>Key element (2) Document monitoring results, including</p>	<p><b>EN 10. Post Environmental Clearance Monitoring:</b></p> <p>(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.</p>	<p>Full Equivalence</p>

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the development and implementation of corrective actions, and disclose monitoring reports.	<p>(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</p> <p><b>Hazardous Material (Management, Handling and Transboundary Movement) Rules, 2008</b>  <b>Chapter II, Procedure for Handling Hazardous Wastes</b>  <b>Article 5. Grant of Authorization for handling hazardous wastes</b></p> <p>(9) The State Pollution Control Board shall maintain a register containing particulars of the conditions imposed under these rules for management of hazardous waste, and it shall be open for inspection during office hours to any person interested or affected or a person authorized by him on his behalf</p>	




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<p><b>Policy Principle 8:</b> Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.</p>		


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<p>Key element (1) Do not implement project activities in areas of critical habitats, unless:</p> <p>(i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function,</p> <p>(ii) there is no reduction in the population of any recognized endangered or critically endangered species, and</p> <p>(iii) any lesser impacts are mitigated.</p>	<p><b>Biological Diversity Act, 2002</b></p> <p><b>CHAPTER - IX</b> <b>Duties of the Central and the State Governments</b></p> <p>Article 36. (2) Where the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened by overuse, abuse or neglect, it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible to be provided or needed.</p> <p><b>Chapter IV.-... Protected Forests.</b> <b>Article 9. Protected forests.-</b> (1) The [State Government] may, by notification in the [Official Gazette], declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, ...to the whole or any part of the forest produce of which the Government is entitled. (2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest."</p> <p><b>Biological Diversity Rules 2003</b></p> <p><b>Section 6. Restriction on activities related to access to biological resources. -</b> (1) The Authority if it deems necessary and appropriate shall take the steps to restrict or prohibit the request for access to biological resources for the following reasons ; namely :- (i) the request for access is for any endangered taxa ; (ii) the request for access is for any endemic and rare species; (iii) the request for access may likely to result in adverse effect on the livelihoods of the local people; (iv) the request to access may result in adverse environmental impact which may be difficult to control and mitigate; (v) the request for access may cause genetic erosion or affecting the ecosystem function; (vi) use of resources for purposes contrary to national interest and other related international agreements entered into by India.</p>	<p>Partial Equivalence.</p> <p>Although the Central Government is authorized to restrict access to areas "rich in biodiversity," there are no specific criteria applied to determine the circumstances where such activities might be permitted.</p>


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<p>Key element (2)</p> <p>If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area</p>	<p><b>Ramsar Convention on Wetlands of International Importance, 1971, (Ramsar Convention)</b>- ratified by India in 1982</p> <p><b>EPA, Article 3 (1)</b> ...the Central Government shall have the power....(2)...(v ) restriction of areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards.'</p> <p><b>Section 6</b> (1) The Central Government may....make rules in respect of</p> <p style="padding-left: 40px;">(4) the prohibition and restrictions on the location of industries and the carrying of processes and operations in different areas;</p> <p><b>Biological Diversity Act, 2002</b></p> <p><b>CHAPTER - IX</b> <b>Duties of the Central and the State Governments</b></p> <p><b>Biodiversity heritage sites</b> Article 37.(1) Without prejudice to any other law for the time being in force, the State Government may, from time to time in consultation with the local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites under this Act. (2) The State Government, in consultation with the Central Government, may frame rules for the management and conservation of all the heritage sites.</p> <p><b>The Indian Wildlife (Protection) Act, (1972) as amended 1993</b></p> <p><b>Chapter IV, Sanctuaries, National Park and Closed Areas</b></p> <p><b>Sanctuary.</b></p> <p><b>Section 18. Declaration of Sanctuary.</b></p> <p>(1) The State Government may, by notification, declare its intention to constitute any area other than area comprised with any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural. or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment.]</p> <p>2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.</p> <p><i>Explanation.</i> - For the purposes of the this section, it shall be sufficient to describe the area by roads, rivers, ridges, or other well-known or readily intelligible boundaries</p> <p><b>Section 26. Declaration of area as Sanctuary.</b></p> <p>(1) When</p> <p style="padding-left: 40px;">(a) a notification has been issued under sec.18 and the period for preferring claim has elapsed, and all claims, if any, made in relation to</p>	<p>Full Equivalence</p> <p>As of October 2014</p>
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(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
<p>Key element (3) In an area of natural habitats, there must be no significant conversion or degradation, unless</p> <p>(i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated</p>	<p><b>Constitution Of India 1949</b></p> <p><b>Article 51A.</b> It is the duty of every citizen ....</p> <p>(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;</p> <p><b>United Nations Convention on Biological Diversity, 1992 (Biodiversity Convention)-</b> ratified by India in 1994</p> <p><b>The Indian Wildlife (Protection) Act, (1972) as amended 1993</b></p> <p><b>Section 2. Definitions.-</b></p> <p>(15) “habitat” includes land, water, or vegetation which is the natural home of any wild animal</p> <p><b>Indian Forest Act</b> <b>Chapter V.-. Control Over Forests And Lands Not Being The Property Of Government.</b> Article 35. Protection of forest for special purposes.- (1) The [State Government] may, by notification in the 3 [Official Gazette], regulate or prohibit in any forest or waste-land- (a) the breaking up or clearing of land for cultivation; (b) the pasturing of cattle; or (c) the firing or clearing of the vegetation;</p> <p>when such regulation or prohibition appears necessary for any of the following purposes :- (i) for protection against storms, winds, rolling stones, floods and avalanches; (ii) for the preservation of the soil on the ridges and slope and in the valleys or hilly tracts, the prevention of landslips or of the formation of ravines and torrents, or the protection of land against erosion or the deposit thereon of sand, stones or gravel; (iii) for the maintenance of a water-supply in springs, rivers and tanks;</p> <p><b>EN, List of Projects or Activities Requiring Prior Environmental Clearance,</b></p> <p><b>Note:- General Condition (GC):</b></p> <p>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: ...Eco-sensitive areas as notified under section 3 of the Environmental (Protection) Act, 1986 ...</p>	<p>Full Equivalence</p> <p>As of October 2014</p>

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
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(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
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(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
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(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
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(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
<p>Key Element (4) Use a precautionary approach to the use, development, and management of renewable natural resources.</p>	<p><b>National Green Tribunal Act, 2010</b> <b>Chapter III. Jurisdiction, Powers and Proceedings of the Tribunal</b> <b>Article 10. Tribunal to apply certain principles.-</b></p> <p>The Tribunal shall....apply....the precautionary principle</p>	<p>Partial Equivalence. Application of the precautionary principle is limited to the decision of the National Green Tribunal and is not applied proactively in the legal framework applicable to project proponents or governmental authorities.</p>

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
<p><b>Policy Principle 9.</b> Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group’s Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p>		
<p>Key element (1) Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group’s Environmental, Health and Safety Guidelines.</p>	<p><b>EPA, Article 3 (1)</b> ...the Central Government shall have the power...[of]</p> <p><b>(2) (iv)</b> laying down standards for emission or discharge of environmental pollutants from various sources whatsoever; [p]rovided that different standards...may be laid down...from different sources having regards to the quality or composition of the emission or discharge...</p> <p><b>(vii)</b> laying down procedures and safeguards for the handling of hazardous substances.</p> <p><b>(viii)</b> examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution.</p> <p><b>(xiii)</b> preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution.</p> <p><b>Article 6 (1)</b> The Central Government may....make rules in respect of</p> <ul style="list-style-type: none"> <li>• the standards of quality of air, water or soil...;</li> <li>• the maximum allowable limits of concentration of various environmental pollutants (including noise)...;</li> </ul> <p><b>Article 7.</b> No person carrying on any industry, operation or process shall discharge or omit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.</p> <p><b>Ministry of Environment &amp; Forests</b></p> <p><b>Environmental Standards, updated as of September 12, 2014 (selected examples):</b></p>	<p>Partial Equivalence.</p> <p>The pollution prevention and control technologies and practices required under the EPA and the Environmental Standards issued by the Ministry of Environment and Forests are generally consistent with internationally recognized standards. However, the absence of any emission standards for thermal power plants, one the major sources of air pollution in India, is a significant omission that falls short of satisfying the criteria for a finding of full equivalence.</p>

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
	<p>Water (Prevention and Control of Pollution) Act, 1974, amended 1988</p> <p>Municipal Solid Wastes (Management and Handling) Rules, 2000.</p> <hr/> <p>Noise Pollution (Regulation and Control) Rules, 2000</p> <ul style="list-style-type: none"> <li>• Environment Standards for Cement Plant. (25/08/2014)</li> <li>• Environmental Standards for Petrochemical (Basic and Intermediates) (09/11/2012).</li> <li>• Environmental Standards for Integrated Iron and Steel Plant (31/03/2012).</li> <li>• Environmental Standards for Pesticide Industry (13/06/2011).</li> <li>• Environmental Standards for Copper, Lead or Zinc Smelters (revised).</li> <li>• Environmental Standards for Rubber Processing and Rubber Product Industry. (18/03/2011)</li> <li>• Certification of Noise Limit for Generator Sets. (15/03/2011)</li> <li>• Revised National Ambient Air Quality Standards (16/11/2009)</li> <li>• Effluent Standards for Hotel Industry (4/11/2009)</li> <li>• Emission Standards for Brick Kiln Sector (22/07/2009)</li> <li>• Effluent Standards for Pharmaceutical Industry (09/07/2009)</li> <li>• Emission Standards for Common Hazardous Waste Incinerator 26/06/2008</li> <li>• Emission Standards for Sulphuric Acid Plant (07/05/2008)</li> <li>• Environmental Standards for Petroleum Oil Refinery (18/03/2008)</li> <li>• Revised/New Environmental Standards for Pulp and Paper Industry. (30/08/2005)</li> </ul>	

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
Key element (2) Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges	<ul style="list-style-type: none"> <li>• Environment Standards for Cement Plant. (25/08/2014)</li> <li>• Environmental Standards for Petrochemical (Basic and Intermediates) (09/11/2012).</li> <li>• Environmental Standards for Integrated Iron and Steel Plant (31/03/2012).</li> <li>• Environmental Standards for Pesticide Industry (13/06/2011).</li> <li>• Environmental Standards for Copper, Lead or Zinc Smelters (revised).</li> <li>• Environmental Standards for Rubber Processing and Rubber Product Industry. (18/03/2011)</li> <li>• Certification of Noise Limit for Generator Sets. (15/03/2011)</li> <li>• Revised National Ambient Air Quality Standards (16/11/2009)</li> <li>• Effluent Standards for Hotel Industry (4/11/2009)</li> <li>• Emission Standards for Brick Kiln Sector (22/07/2009)</li> <li>• Effluent Standards for Pharmaceutical Industry (09/07/2009)</li> <li>• Emission Standards for Common Hazardous Waste Incinerator 26/06/2008</li> <li>• Emission Standards for Sulphuric Acid Plant (07/05/2008)</li> <li>• Environmental Standards for Petroleum Oil Refinery (18/03/2008)</li> <li>• Revised/New Environmental Standards for Pulp and Paper Industry. (30/08/2005)</li> </ul>	Partial Equivalence. The pollution prevention and control technologies and practices required under the EPA and the Environmental Standards issued by the Ministry of Environment and Forests are designed to control the intensity or load or pollution emissions and discharges. However, the absence of any emission standards for thermal power plants, one the major sources of air pollution in India, is a significant omission that falls short of satisfying the criteria for a finding of Full Equivalence
Key element (3) Adopt cleaner production processes and	<p><b>EN, Appendix II</b>  <b>(Form-1 A (only for construction projects listed under item 8 of the Schedule))</b>  <b>Check List of Environmental Impacts</b>  <b>9. Energy Conservation</b>  9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of</p>	Partial Equivalence. The requirement good energy efficiency practices is limited to

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good energy efficiency practices.	<p>built-up area? How have you tried to minimize energy consumption?</p> <p>9.2. What type of, and capacity of, power back-up to you plan to provide?</p> <p>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?</p> <p>9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.</p> <p>9.5. Does the layout of streets &amp; buildings maximize the potential for solar energy devices?</p> <p>Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.</p> <p>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?</p> <p>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.</p>	certain categories of construction projects.
Key element (4) ...[W]hen avoidance is not possible, minimize or control the intensity or load of ...direct and indirect greenhouse gases emissions		No Equivalence
Key element (5) Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load	<p><b>EPA, Article 3 (1)</b> ....the Central Government shall have the power...[of]</p> <p><b>(2) (iv)</b> laying down standards for emission or discharge of environmental pollutants from various sources whatsoever; [p]rovided that different standards....may be laid down...from different sources having regards to the quality or composition of the emission or discharge</p>	Full Equivalence

(A) ADB Safeguard Policy Statement	(B) Corresponding Legal Provisions of Indian Legal Instruments	(C) Extent of Equivalence <sup>1</sup>
of ... waste generation		
Key element (6) [M]inimize or control the ...release of hazardous materials from their production, transportation, handling, and storage	<p><b>EPA, Article 6 (1)</b> The Central Government may....make rules in respect of</p> <p>(c) the procedures and safeguards for handling of hazardous substances;</p> <p>(d) the prohibition and restrictions on the handling of hazardous substances...</p> <p><b>Article 8.</b> 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.</p> <p><b>Hazardous Material (Management, Handling and Transboundary Movement) Rules, 2008</b></p> <p><b>Article 3. Definitions</b></p> <p>(h) “environmentally sound management of hazardous wastes” means taking all steps required to ensure that the hazardous wastes are managed in a manner which shall protect health and the environment against the adverse effects which may result from such waste.”</p> <p><b>Chapter II, Procedure for Handling Hazardous Wastes</b></p> <p><b>Article 4. Responsibilities of the occupier for handling of hazardous wastes.-</b></p> <p>(1) The occupier shall be responsible for safe and environmentally sound handling of hazardous wastes generated in his establishment.</p> <p>(2) The hazardous wastes ... shall be sent or sold to a recycler or re-processor or re-user registered and authorized under these rules and shall be disposed of in an authorized disposal facility.</p> <p>(3) The hazardous wastes...shall be transported in accordance with the provisions of these rules.”</p> <p>....</p> <p>(5) The occupier shall take all adequate steps while handling hazardous wastes to:</p> <p>(i) contain contaminants and prevent accidents and limit their consequences on human beings and the environment;.....</p> <p><b>Article 5. Grant of Authorization for handling hazardous wastes</b></p> <p>(1) Every person...engaged in generation, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like the...hazardous waste shall require...authorization from the State Pollution Control Board.</p> <p>(2) The hazardous waste shall be collected, treated, re-cycled, re-processed, stored or disposed of only in such facilities as may be authorized by the State Pollution Control Board for the purpose.</p> <p>.....</p> <p>(8) The occupier or operator of the facility shall take all steps wherever required, for reduction and prevention of the waste generated or for recycling or reuse and comply [with] the conditions specified in the authorization.</p>	Full Equivalence

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	<p>(9) The State Pollution Control Board shall maintain a register containing particulars of the conditions imposed under these rules for management of hazardous waste, and it shall be open for inspection during office hours to any person interested or affected or a person authorized by him on his behalf.</p> <p><b>Article 7. Storage of Hazardous Waste.</b></p> <p>(1) The occupiers, recyclers, re-processors, re-users and operators of facilities may store the hazardous wastes for a period not exceeding ninety days and shall maintain a record of sale, transfer, storage, recycling and reprocessing of such waste and make these records available for inspection....</p> <p><b>Chapter V. Treatment, Storage and Disposal Facility for Hazardous Wastes</b>  <b>Article 18. Treatment, Storage and Disposal Facility for Hazardous Wastes</b></p> <p>(1) The State Government, occupier, operator of a facility....shall...be responsible for, and identify sites for establishing the facility for treatment, storage and disposal of ...hazardous wastes in the State.</p> <p>(2) The operator of a common...or captive facility, shall design and set up the Treatment, Storage and Disposal Facility as per technical guidelines issued by the Central Pollution Control Board [CPCB]....and shall obtain approval form the State Pollution Control Board [SPCB] for design and layout ....</p> <p>(3) The [SPCB] shall...regularly... monitor the setting up and operation of the Treatment, Storage and Disposal Facilities.</p> <p>(4) The operator of the ...Facility shall be responsible for safe and environmentally sound operation of the...Facility and its closure and post closure phase as per guidelines issued by the [CPCB].</p> <p><b>Chapter VI. Packaging, Labelling and Transports of Hazardous Waste</b>  <b>Article 19. Packaging and labelling.-</b></p> <p>(1) The occupier or operator of the...Facility or recycler shall ensure that the hazardous waste are packaged and labelled...in a manner suitable for safe handling, storage and transport as per the guidelines issued by the [CPCB]...</p> <p><b>Article 19. Transportation of Hazardous waste.-</b></p> <p>(1) The transport of hazardous wastes 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 other guidelines issued from time to time....</p> <p>The Manufacture, Storage and Import of Hazardous Chemical (Amendment) Rules, 2000.</p>	



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Key element (7) Avoid the use of hazardous materials subject to international bans or phaseouts	<p><b>Vienna Convention, 1985</b> ratified by India in 1991</p> <p><b>Montreal Protocol on Ozone-Depleting Substances, 1992 (Montreal Protocol)</b>- ratified by India in 1992</p> <p><b>Stockholm Convention on Persistent Organic Pollutants, 2001 (POPs Convention)</b>- ratified by India in 2006</p> <p><b>World Trade Organization, Strategic Approach to International Chemicals Management, 2006 (SAICM)</b></p> <p><b>Hazardous Material (Management, Handling and Transboundary Movement) Rules, 2008</b> Chapter IV. Import and Export of Hazardous Wastes 13. Import and Export of Hazardous Wastes (4) No import or export of the hazardous wastes specified in Schedule –VI shall be permitted</p> <p><b>Schedule VI. Hazardous Wastes Prohibited for Import or Export</b></p> <p>Ozone Depleting Substances (Regulation and Control) Rules, 2000.</p> <p><b>3.Regulation of production and consumption of ozone depleting substances.-</b></p> <p>(1) No person shall produce or cause to produce any ozone depleting substance after the date specified... in column (5) of Schedule V unless he is registered with the authority....</p> <p>(2)No person shall produce or cause to produce ozone depleting substances specified ...as Group I and Group III in column (4) of Schedule I during the period from 1, August, 2000 to 1<sup>st</sup> January, 2010 in excess of the quantity specified....</p> <p><b>4.Prohibition on export to or import from countries not specified in Schedule VI.-</b> No person shall import or cause to import from or export or cause to export to any country not specified in Schedule VI any ozone depleting substance after the commencement of these rules....</p> <p><b>5. Ozone depleting substances are to be exported to or imported from countries specified in Schedule VI under a licence.-</b> (1) No person shall import or cause to import from or export or cause to export to, any country specified in Schedule VI, any ozone depleting substance unless he obtains a licence issued by the authority.</p> <p><b>6.Regulation of the sale of ozone depleting substances.-</b> (1)No person shall either himself or by any other person on his behalf or enterprise sell, stock or exhibit for sale or distribute any ozone depleting substance after the date specified.....</p>	Full Equivalence

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	<p><b>8. Regulation on the use of ozone depleting substance.-....</b></p> <p><b>9.Prohibition on new investments with ozone depleting substances.-</b></p> <p>(1) No person shall establish or expand or cause to establish or expand any manufacturing facility for production of any ozone depleting substance after the date specified...</p> <p>2) No person shall establish or expand or cause to establish or expand any manufacturing facility, with a view to manufacturing products which contain, or are made with, any ozone depleting substance after the date specified...</p> <p><b>10. Regulation of import, export and sale of products made with or containing ozone depleting substances.-</b> (1) No person shall import or cause to import any product specified... which are made with or contain ozone depleting substances specified ...after the date specified .... unless he obtains a license issued by the authority</p>	
<p>Key element (8) Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides</p>	<p><b>Directorate of Plant Protection, Quarantine and Storage</b></p> <p>[The Government] of India has adopted Integrated Pest Management (IPM) as [a] cardinal principle and main plank of plant protection in the overall Crop Production Programme since 1985. IPM is an eco-friendly approach which encompasses cultural, mechanical, biological and need based chemical control measures. The IPM approach is being disseminated through various schemes/projects at national and state level.</p> <p><b>Insecticide Act of 1969</b></p> <p>An Act to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings or animals, and for matters connected therewith.</p> <p>Section 9. Registration of Insecticides</p> <p>1. Any person desiring to import or manufacture any insecticide may apply to the Registration Committee for the registration of such insecticide and there shall be separate application for each such insecticide.</p>	<p>Partial Equivalence</p> <p>Although IPM is a guiding principle of Indian agricultural policy, it is not a mandatory requirement with respect to the Purchase, use, and manage pesticides</p>

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	<p>3. On receipt of any such application the registration of an insecticide, the Committee may, after such inquiry as it deems fit and after satisfying itself that the insecticide to which the application relates conforms to the claims made by the importer or by the manufacturer, as the case may be, as regards [on such conditions as may be specified by it] ...issue a certificate of registration in token thereof within a period of twelve months from the date of receipt of the application.....</p> <p>{I}f the Committee is of opinion that the precaution claimed by the application as being sufficient to ensure safety to human beings or animal are not such as can be easily observed or that notwithstanding the observance of such precautions the use of the insecticides involves serious risk to human beings or animals it may refuse to register the insecticide.</p>	
<p><b>Policy Principle 10: Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.</b></p>		
<p>Key element (1) Provide workers with safe and healthy working conditions and prevent accidents, injuries, and</p>	<p><b>The Factories Act, 1948 (as amended through 1987 )</b></p> <p><b>Section 7A. General duties of the occupier.-</b></p> <p>(1) Every occupier shall ensure, so far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory....</p>	<p>Full Equivalence.</p>

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disease	<p>(3) Except in such cases as may be prescribed, every occupier shall prepare, and, as often as may be appropriate, revise, a written statement of his general policy with respect to the health and safety of the workers at work and the organisation and arrangements for the time being in force for carrying</p> <p><b>Section 12. Disposal of wastes and effluents.-</b></p> <p>(1) Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous, and for their disposal.</p> <p><b>Section 13. Ventilation and temperature.-</b></p> <p>(1) Effect and suitable provisions shall be made in every factory for securing and maintaining in every workroom-</p> <ul style="list-style-type: none"> <li>• (a) adequate ventilation by the circulation of fresh air, and</li> <li>• (b) such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health; and in particular,</li> </ul> <p><b>Section 16. Overcrowding.-</b></p> <p>No room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein....</p> <p><b>Section 17. Lighting.-</b></p> <p>(1) In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.</p> <p><b>Section 18. Drinking water.-</b></p> <p>(1) In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water....</p> <p><b>Section 21. Fencing of machinery...</b></p> <p><b>Section 34. Excessive weights. ....</b></p>	

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	<p><b>Hazardous Material (Management, Handling and Transboundary Movement) Rules, 2008</b> <b>Article 3. Definitions</b></p> <p><b>Chapter II, Procedure for Handling Hazardous Wastes</b> <b>Article 4. Responsibilities of the occupier for handling of hazardous wastes.-</b></p> <p>(5) The occupier shall take all adequate steps while handling hazardous wastes to:...(ii) provide persons working on the site with the training, equipment, and the information necessary to ensure their safety.</p>	
<p>Key element (2) Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.</p>	<p>EPA, Article 3 (1) ...the Central Government shall have the power...[of] (2)(vi) laying down procedures for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents.</p> <p>Section 6 (1) The Central Government may....make rules in respect of</p> <p>(a) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.</p> <p>Section 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.</p> <p><b>EN, Appendix II</b> (Form-1 A (Only for Construction Projects Listed under Item 8 Of The Schedule) Check List of Environmental Impacts 9. Energy Conservation .10. What Precautions &amp; Safety Measures are Proposed Against Fire Hazards? Furnish Details Of Emergency Plans</p> <p><b>Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996</b></p> <p><b>3. Constitution of Central Crisis Group.-</b> (1) The Central Government shall constitute a Central Crisis Group for management of chemical accidents and set up a Crisis Alert System in accordance with the provisions of Rule-4 within thirty days from the date of the commencement of these rules</p> <p><b>4. Constitution of Crisis Alert System:-</b> The Central Government shall,- (a) set up a functional control room at such place as it deems fit; (b) set up an information networking system with the State and district control rooms; (c) appoint adequate staff and experts to man the functional control room; (d) publish a list of Major Accident Hazard installations;</p>	<p>Full Equivalence.</p>

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	<p>(e) publish a list of major chemical accidents in chronological order; (f) publish a list of members of the Central, State and District Crisis Groups; (g) take measures to create awareness amongst the public with a view to preventing chemical accidents.</p> <p><b>5. Functions of the Central Crisis Group:</b> (1) The Central Crisis Group shall be [the] .apex body to deal with major chemical accidents and to provide expert guidance for handling major chemical accidents.</p> <p>(2) Without prejudice to the functions specified under sub-rule (1), the Central Crisis Group shall,- (a) continuously monitor the post- accident situation arising out of a major chemical accident and suggest measures for prevention and to check recurrence of such accidents; [b] conduct post-accident analysis of such major chemical accidents and evaluate responses; [c]d review district off-site emergency plans with a view to examine its adequacy in accordance with the Manufacture, Storage and Import of Hazardous Chemicals, Rules, and suggest measures to reduce risks in the Industrial pockets;</p> <p>(d) review the progress reports submitted by the State Crisis Groups; (e) respond to queries addressed to it by the State Crisis Groups and the District Crisis Groups; (f) publish a State-wise list of experts and officials who are concerned with the handling of chemical accidents; (g) render, in the event of a chemical accident in a State, all financial and infrastructural help as may be necessary.</p> <p><b>13. Information to the Public.-</b> (1) the Central {State/District/Local} Crisis Groups shall provide information on request regarding chemical accident prevention, preparedness and mitigation in the country;</p>	
<p>Policy Principle 11: Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.</p>		
<p>Key Element (1) Conserve physical cultural resources and avoid destroying or damaging them by using</p>	<p><b>Convention for the Protection of World Cultural and Natural Heritage, 1975 (World Heritage Act)</b> – ratified by India in 1982</p> <p><b>Ancient Monuments and Archaeological Sites and Remains Act, 1958</b> An Act to provide for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects</p> <p>3. All ancient and historical monuments and all archaeological sites and remains which have been declared by the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, or by section 126 of the States</p>	<p>Full Equivalence.</p>

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field-based surveys that employ qualified and experienced experts during environmental assessment	<p>Reorganisation Act, 1956, to be of national importance shall be deemed to be ancient and historical monument or archaeological sites and remains declared to be of national importance for the purposes of this Act.</p> <p><b>19. Protected Areas</b></p> <p>(1) No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilise such area or any part thereof in any other manner without the permission of the Central Government: Provided that nothing in this sub-section shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.</p> <p>(2) The Central Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order, the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.</p> <p>25. If the Central Government considers that any antiquities or class of antiquities ought not to be moved from the place where they are without the sanction of the Central Government, the Central Government may, by notification in the Official Gazette, direct that any such antiquity or any class of such antiquities shall not be moved except with the written permission of the Director General</p> <p>26. If the Central Government apprehends that any antiquity mentioned in a notification issued under sub-section (1) of section 25 is in danger of being destroyed, removed, injured, misused or allowed to fall into decay or is of opinion that, by reason of its historical or archaeological importance, it is desirable to preserve such antiquity in a public place, the Central Government may make an order for the 1[compulsory acquisition of such antiquity] and the Collector shall thereupon give notice to the owner of the antiquity [to be acquired].</p> <p><b>Ancient Monuments and Archaeological Sites And Remains Rules 1959</b>  <b>Chapter III</b>  <b>Construction and Other Operations in Protected Areas</b></p> <p><b>10. Permission required for construction, etc.</b>—(1) No person shall undertake any construction or mining operation within a protected area except under and in accordance with a permission granted in this behalf by the Central Government.</p> <p><b>Chapter IV. Excavation in Unprotected Areas</b></p> <p><b>24. Intimation to the Central Government.</b>—Every State Government intending to undertake or authorize any person to undertake any archaeological excavation or other like operation in any area which is not a protected area shall intimate its intention to the Central Government at least three months prior to the proposed date of the commencement of the excavation or operation specifying the following details,,</p> <p><b>26. Deputation of an archaeological officer.</b>—The Central Government may depute an archaeological officer to inspect the excavation or operation while it is in progress and render such advise as he deems necessary.</p>	

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	<p><b>33. Effect of declaration of prohibited or regulated area.</b>—No person other than an archaeological officer shall undertake any mining operation or any construction— (a) in a prohibited area, or (b) in a regulated area, except under and in accordance with the terms and conditions of a licence granted by the Director-General.</p> <p><b>34. Application for licence.</b>—Every person intending to undertake any mining operation or any construction in a regulated area shall apply to the Director-General in Form VII at least three months before the date of commencement of such operation or construction</p> <p><b>Third Schedule</b></p> <p><b>Form I</b> Application for permission for construction/mining Operation within a protected area</p> <p>3. Nature and details of the proposed construction/mining operation in respect of which permission is sought. (In the case of construction, a site-plan.... showing in red outline the location of the building in relation to the protected area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and the depth down to which the soil will be excavated for the appurtenances of the building should be specified.</p> <p>In the case of mining operation, a site-plan in triplicate showing in red outline the extent of the operation in relation to the protected area should be attached; and details, regarding the depth down to which the operation is to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified.</p> <p><b>Form IV Report on antiquities in a protected area</b> <b>Form V Report on antiquities by an archaeological officer</b> <b>Form VII Application for licence for mining operation/construction within a regulated area</b></p> <p>3. Nature and details of the proposed mining operation/construction in respect of which permission is sought...(In the case of mining operation, a site-plan in triplicate showing in red outline, the extent of the operation in relation to the monument and the regulated area should be attached; and the details regarding the depth down to which the operation is to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified. In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the monument and the regulated area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and the depth down to which the soil will be excavated for the appurtenances of the building should be specified</p>	
Key Element (2) Provide for the use of “chance	<p><b>V. On Excavated Antiquities by an Archaeological Officer</b></p> <p><b>27. Form of report by an archaeological officer.</b>—Where, as a result of an excavation made by an archaeological officer in any area .... any antiquities are ...discovered, the archaeological officer shall, as soon as practicable, submit a report...to the Central Government through the</p>	Partial Equivalence. The provisions for “chance finds” appear to



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find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation	Director-General on the antiquities recovered during the excavation.	be applicable only to archeological investigations but and not to project development.