

**VARIOUS LOCAL APPROVALS &  
CLEARANCES REQUIRED FOR LARGE  
SCALE PROJECT IN METRO CITIES**



**CENTRAL PUBLIC WORKS DEPARTMENT**



## PREFACE

As per municipal bye-laws it is mandatory to seek prior approval from the concerned local body before the start of construction of any project within its jurisdiction. However during the process of approval various other NOC/Approvals from autonomous bodies & ministries are required without which final local body approval cannot be obtained. These NOC/approvals may vary from local body to local body.

Such mandatory NOC/Approval required for construction in Four Metros at different stages of approvals are listed in this compilation. The compilation of such list for other regions/cities may also be undertaken in due course. It would be a ready reckoner for the Architects/Planners & may help the designers to incorporate the provisions required for various local bodies approval at the design development stage and would help in the speedy approval of the project from various authorities.

Place:-New Delhi

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*Sibra libra*  
S. Mitra

ADG (Arch.)



# **CONTENTS**

1. LIST OF NOC /APPROVAL REQUIRED FOR LARGE SCALE PROJECTS IN MUMBAI	<b>2</b>
2. LIST OF NOC /APPROVAL REQUIRED FOR LARGE SCALE PROJECTS IN KOLKATA	<b>8</b>
3. LIST OF NOC /APPROVAL REQUIRED FOR LARGE SCALE PROJECTS IN CHENNAI	<b>14</b>
4. LIST OF NOC /APPROVAL REQUIRED FOR LARGE SCALE PROJECTS IN DEHI	<b>21</b>
5. CIRCULARS / NOTIFICATIONS	<b>29</b>
• E I A NOTIFICATION	
• CRZ REGULATION NOTIFICATION	
• A M A S & R (AMMENDMENTS & VALIDATION) ACT 2010 NOTIFICATION	
• A M A S & R ACT 2011 NOTIFICATION	
• PROFORMA FOR APPROVAL FROM UTTIPEC	
• PROCEDURE FOR APPROVAL OF TREE CUTTING PERMISSION IN DELHI	

# INTRODUCTION

All the proposals for public works shall be prepared as per specific requirements of Client Ministries/ Departments and the residential and office space norms prescribed by the Government. The proposals shall comply with the local master plan, zoning regulations and building byelaws and environment regulations. All the proposals shall include provisions for barrier free movement for physically challenged people i.e. providing non-handicapping built environment for differently-abled people. The proposal shall also conform to the regulations pertaining to fire-protection, fire detection and firefighting as per National Building Code and local fire office. All the public buildings shall include provisions for green building environment (complying with requirements of at least three star rating). Apart from obtaining conceptual and administrative approval from the Client, financial approval/ expenditure sanction from the competent authority in Government; the proposals should have all the requisite local approvals, clearances, NOCs etc. before start of construction.

A comprehensive checklist of several approvals/ clearances/ No objection certificates required at different stages (from concept to completion stage) from the various concerned authorities for undertaking a large scale construction project (residential / non-residential buildings) in three metros are given in Annexure-I, II & III . The Check list for Delhi given in Annexure-IV has already been uploaded in the CPWD website.

Check list of various local approvals and clearances  
required for construction in [Mumbai](#)





## ANNEXURE - I

### **Check list of various local approvals and clearances required for construction of a large scale project in Mumbai as per MCGM/MMRDA/NMMC Byelaws**

The details of the draft comprehensive checklist for approval of large scale projects in Mumbai as per MCGM/MMRDA/NMMC (henceforth to be referred as local body) bye laws are given below:

#### **(A) PROJECT FEASIBILITY / PRE-SANCTION STAGE**

##### **(A.1) APPROVALS FROM LOCAL BODY**

**(A1.1)\* Land use plan approval** for the plot is required from local body and the State Ministry of UD, when the land use is shown as Govt. land in the Master plan/Zonal plan of Mumbai. **The land use plan for land area is to be notified by the State Ministry of UD after the same is approved by local body.**

**(A1.2)\* Approval for change in land use** of the plot is required from local body and the State Ministry of UD, when the land use shown in master plan / zonal plan (where the plot is located)/ land allotment letter is to be changed (as the same is not permitted / not compatible with master plan/ zonal plan). The land use plan for land area is to be notified by the State Ministry of UD after the same is approved by local body.

**(A 1.3)\* NOC for construction / augmentation** of any departmental residential pool accommodation by a Ministry / Department is required from the Directorate of Estate, Ministry of UD. CPWD also needs to obtain in principle approval from the Ministry of UD for GPRA and later on case is sent to the Technical Committee of local body for approval.

**(A1.4)\* Relaxation in respect of density/ ground coverage/ FAR/ setbacks/ height** prescribed in byelaws is required from concerned local body and the Ministry of UD for public works/ projects of national importance .

##### **(A.2) APPROVAL FROM AIRPORT AUTHORITY OF INDIA**

**(A2.1)\* No Objection Certificate (legal document) is required for height clearance** of Buildings / Structures/ Masts from the Directorate of Air Traffic Management, Airport Authority of India (AAI), when the project lies within 20 kms. Radius of Air strips/ funnel.

**(A.3) NOC FROM COASTAL ZONE MANAGEMENT AUTHORITY.**

**(A3.1)\* No Objection Certificate is required from MCZMA,** when the land is near the coast as construction is not allowed up to 500 meters from the high tide line.

**(B) SANCTION STAGE - LAY OUT PLAN/ LOCAL AREA PLAN/ URBAN DESIGN PLAN** (for large scale/ multi- building proposals)

**(B.1) LOCAL BODY APPROVALS**

**(B1.1) Approval is required from the local authority and Local body** under the provisions of Local Building Byelaws, Master plan and Local Body Acts.

**(B.2) APPROVAL FROM NATIONAL MONUMENT AUTHORITY**

**(B2.1)\* No Objection Certificate is required from the National Monument Authority (NMA) / Archeological Survey of India (ASI),** when the entire project site or part/s of it is within 300 meter radius from the declared boundary of any monument protected under Ancient Monument Act and is under the control of ASI.

**(B.3) APPROVAL FROM TREE AUTHORITY COMMITTEE**

**(B3.1)\* Approval is required from the Tree Authority Committee of Municipal Corporation** when there is a proposal for tree cutting/ felling and transplantation at the site & protection of the rare species of tree.

**(B.4) APPROVAL FROM MAHARASTRA HERITAGE CONSERVATION COMMITTEE**

**(B4.1)\* Approval is required from the Maharashtra Heritage Conservation Committee (MHCC) or Appropriate Authority** when the project has any link/ relation with any listed heritage building and precincts (as notified by local Body from time to time) and within their compound.

**(B.5) APPROVAL FROM RAILWAY AUTHORITY/PORT TRUST/ DEFENCE**

**(B5.1)\* NOC is required from the Railway Authority/Mumbai Port Trust / Defence** when the project site is along the railway corridor / within the jurisdiction of Mumbai Port Trust respectively.

**(B.6) APPROVAL FROM ROAD OWNING AGENCY**

**(B6.1)\* NOC is required from the Road Owning Agency (MCGM, PWD, NHAI,** when cutting of footpath or road or service lane or Right of way (ROW) is involved.

**(B.7) APPROVAL FROM TRAFFIC & COORDINATION DEPT. (MUNCIPAL)**

**(B7.1)\* NOC is required from the Traffic & Coordination Dept.(municipal)** when the proposal involves disruption of general traffic movement/ circulation pattern temporarily or permanently during and after the construction of the project.

**(B.8) APPROVAL FROM CHIEF FIRE OFFICER**

**(B8.1) Approval /Fire Safety Certificate is required from Chief Fire Officer (CFO) (municipal)** for the proposals at layout plan stage as stipulated in the local building byelaws and National Building Code (NBC).

**(B.9) APPROVAL FROM CHIEF CONTROLLER OF EXPLOSIVES**

**(B9.1)\* Approval is required from the Chief Controller of Explosives, Nagpur** in case of hazardous building or for storing of hazardous materials in the building(s).

**(B.10)\* APPROVAL IS REQUIRED FROM THE CHIEF INSPECTOR OF FACTORIES,** in case of industrial building.

**(B.11)\* ENVIRONMENT CLEARANCE IS REQUIRED FROM MINISTRY OF ENVIRONMENT AND FORESTS (MEF)/** State level expert committee for all building / construction projects having built up area more than 20000 square meters and area development projects/ townships covering an area more than 50 hectare or built up area more than 1, 50,000 square meters.

**(C) SANCTION / BUILDING PERMIT STAGE**

**(C.1) APPROVAL FROM LOCAL BODY**

**(C1.1) Approval is required from the local body / authority (MCGM/MMRDA/NMMC)** for sanction of building plans/ building permit under the provisions of Building Byelaws, Master plan and Local Body Acts. The local body forwards the proposals to the various other concerned authorities in the city as required for issue of case specific approvals/ NOC before granting building permit.

**(C.2) APPROVAL FROM DCP (Licensing)**

**(C2.1)\* Approval/ NOC is required from DCP (Licensing) or Appropriate Authority** for the proposals when the proposal includes construction of auditorium/ theater/ large hall of seating capacity of more than 50 persons to be used for public amusement.

**(C.3) APPROVAL IS REQUIRED FROM THE POWER DISTRIBUTING / SUPPLY AGENCY (BEST/TATA/MSEDCL)**

**(C3.1) Approval is required from the Power distributing / supply agency (BEST/TATA/MSEDCL)** for sanction of electrical load and requirement for the electrical substation and provision of transformers. The temporary connection for power supply needs to be obtained from the concerned authority before start of construction.

**(C.4) APPROVAL / NOC /ASSURANCE IS REQUIRED FROM THE WATER SUPPLY AGENCY**

**(C4.1) Approval / NOC /assurance is required from the water supply agency** for uninterrupted water supply. The temporary connection for water supply needs to be obtained from the concerned authority before start of construction.

**(C.5) APPROVAL / NOC IS REQUIRED FROM THE STORM WATER & DRAIN DEPARTMENT/SEWERAGE DEPARTMENT**

**C. (5.1) Approval is required from the Storm Water & Drain dept. / Sewerage Dept.**for drainage & sewerage connection before start of construction.

**(D) CONSTRUCTION STAGE**

**(D.1) PERMISSION IS REQUIRED FROM THE CENTRAL GROUND WATER AUTHORITY (CGWA)**

**(D1.1)\* Permission is required from the Central Ground Water Authority (CGWA)** to abstract ground water Permission to abstract ground water through any energized means i.e. for digging / installation of a bore well water connection in the site for drinking water in a notified / non notified area for household/ industrial / infrastructure projects as per guidelines dated 15/11/ 2012 under Environmental Protection Act (EPA) (1986).

**(D.2) INTIMATION TO THE LOCAL AUTHORITY (MCGM/MMRDA/ NMMC)**

prescribed  
needs to

**(D2.1) The owner/applicant who has been granted building permit shall intimate the local Authority (MCGM/ MMRDA/ NMMC)**

in writing before 7 days of starting of construction work at site in the form (Form III, Appendix 'B', Bye Law No.7.2.1). An acknowledgement be obtained from the Authority of this notice.

**(D.3) PLINTH LEVEL NOTICE**

**(D3.1) Plinth Level Notice** (information of completion of work up to plinth level in the prescribed Performa along with requisite documents, fee and charges mentioned therein) is required to be submitted by every owner/lessee to the local authority (MCGM/ MMRDA/ NMMC). Ministry of Urban Development and Poverty Alleviation, Govt. of India, vide notification No.SO1154 (E) dated 21.11.2001 abolished C & D Certificates and introduced intimation of completion of work up to plinth level.

**(E) COMPLETION CUM OCCUPANCY  
CERTIFICATE STAGE**

**(E.1) COMPLETION-CUM-OCCUPANCY CERTIFICATE FROM LOCAL BODY (MCGM/MMRDA/NMMC)**

**(E1.1) Completion-cum-Occupancy Certificate** is required from local body/ authority (MCGM/MMRDA/NMMC) before occupation of a building or part of a building for any purpose. The local body forwards the proposals to the various other concerned authorities (as mentioned above at S.No. 8 – 21 and 23 & 24) in the city as required for issue of case specific approvals/ NOC before granting Completion-cum-Occupancy Certificate.

**(E.2) APPROVAL FROM THE LIFT INSPECTOR**

**(E2.1) NOC is required from the Lift Inspector,** before granting Completion-cum-Occupancy Certificate when lifts are installed in a building.

**Note: (\*) these approvals are project specific.**

Check list of various local approvals and clearances  
required for construction in [Kolkata](#)



## ANNEXURE - II

### **Check list of various local approvals and clearances required for construction of a large scale project in KOLKATA as per KMC/ KMDA /New Kolkata Development Authority/Bidhan Nagar Municipality Byelaws.**

The details of the draft comprehensive checklist for approval of large scale projects in Kolkata as per KMC/KMDA/ New Kolkata Development Authority/Bidhan Nagar Municipality (henceforth to be referred as local body) bye laws are given below:-

### **(B) PROJECT FEASIBILITY/PRE-SANCTION STAGE**

#### **(A.1) APPROVALS FROM LOCAL BODY**

**(A1.1)\* Land use plan approval** for the plot is required from local body and the State Ministry of UD, when the land use is shown as Govt. land in the Master plan/Zonal plan of Kolkata. **The land use plan for land area is to be notified by the State Ministry of UD after the same is approved by local body.**

**(A1.2)\* Approval for change in land use** of the plot is required from local body and the Ministry of UD, when the land use shown in master plan / zonal plan (where the plot is located)/ land allotment letter is to be changed (as the same is not permitted / not compatible with master plan/ zonal plan). The land use plan for land area is to be notified by the State Ministry of UD after the same is approved by local body.

**(A 1.3)\* NOC for construction / augmentation** of any departmental residential pool accommodation by a Ministry / Department is required from the Directorate of Estate, Ministry of UD. CPWD also needs to obtain in principle approval from the Ministry of UD for GPRA and later on case is sent to the Technical Committee of local body for approval.

**(A1.4)\* Relaxation in respect of density/ ground coverage/ FAR/ setbacks/ height** prescribed in byelaws is required from local body and the State Ministry of UD for public works/ projects of national importance .

#### **(A.2) APPROVAL FROM AIRPORT AUTHORITY OF INDIA**

**(A2.1)\* No Objection Certificate (legal document) is required for height clearance** of Buildings / Structures/ Masts from the Directorate of Air Traffic Management, Airport Authority of India (AAI), when the project lies within 20 kms. Radius of Air strips/ funnel.



**(A.3) NOC FOR CONSTRUCTION NEAR COASTAL REGULATION ZONE**

**(A3.1)\* No Objection Certificate is required** when the land is near the coast/CRZ as construction is not allowed up to 500 meters from the High tide line of the sea or 100 m from the High Tide line of the river Hooghly.

**(B) SANCTION STAGE - LAY OUT PLAN/ LOCAL AREA PLAN/ URBAN DESIGN PLAN** (for large scale/ multi- building proposals)

**(B.1) LOCAL BODY APPROVALS**

**(B1.1) Approval is required from the local authority and Local body** under the provisions of Local Building Byelaws, Master plan and Local Body Acts.

**(B.2) APPROVAL FROM NATIONAL MONUMENT AUTHORITY**

**(B2.1)\* No Objection Certificate is required from the National Monument Authority (NMA) / Archeological Survey of India (ASI)**, when the entire project site or part/s of it is within 300 meter radius from the declared boundary of any monument protected under Ancient Monument Act and is under the control of ASI.

**(B.3) APPROVAL FROM FOREST DEPARTMENT**

**(B3.1)\* Approval is required from the state forest department / Municipal Corporation** when there is a proposal for tree cutting/ felling and transplantation at the site.

**(B.4) APPROVAL FROM HERITAGE CONSERVATION COMMITTEE OR APPROPRIATE AUTHORITY**

**(B4.1)\* Approval is required from the Heritage Conservation Committee (HCC) OR Appropriate Authority** when the project has any link/ relation with any listed heritage building and precincts (as notified by Local Body from time to time) and within their compound.

**(B.5) APPROVAL FROM RAILWAY AUTHORITY/PORT TRUST**

**(B5.1)\* NOC is required from the Railway Authority/Kolkata Port Trust** when the project site is along the railway corridor / within the jurisdiction of Kolkata Port Trust respectively.

**(B.6) APPROVAL FROM ROAD OWNING AGENCY**

**(B6.1)\* NOC is required from the Road Owning Agency (KMC,KMDA, PWD, NHAI,)** when cutting of footpath or road or service lane or Right of way (ROW) is involved.

**(B.7)APPROVAL FROM SURVEY & VALUATION DEPT. (MUNCIPAL)**

**(B7.1)\*NOC is required from the Survey & Valuation Dept.(municipal)** in order to check the alignment with road width and to fix the floor-area ratio (FAR) and the height.

**(B.8) APPROVAL FROM CHIEF FIRE OFFICER**

**(B8.1) Approval /Fire Safety Certificate is required from Chief Fire Officer (CFO) (WEST BENGAL FIRE SERVICES)** for the proposals at layout plan stage as stipulated in the local building byelaws and National Building Code (NBC).

**(B.9) APPROVAL FROM CHIEF CONTROLLER OF EXPLOSIVES**

**(B9.1)\* Approval is required from the Chief Controller of Explosives, Nagpur** in case of hazardous building or for storing of hazardous materials in the building(s).

**(B.10)\* APPROVAL IS REQUIRED FROM THE CHIEF INSPECTOR OF FACTORIES,** in case of industrial building.

**(B.11)\* APPROVAL IS REQUIRED FROM THE KOLKATA IMPROVEMENT TRUST**

**(B.11.1)** The NOC is required in order to check the compliance with Kolkata

Improvement Trust.

**(B.12)\* ENVIRONMENT CLEARANCE IS REQUIRED FROM MINISTRY OF ENVIRONMENT AND FORESTS (MEF)/** State level expert committee for all building / construction projects having built up area more than 20000 square meters and area development projects/ townships covering an area more than 50 hectare or built up area more than 1, 50,000 square meters.

**(C) SANCTION / BUILDING PERMIT STAGE**

**(C.1) APPROVAL FROM LOCAL BODY**

**(C1.1) Approval is required from the local body / authority (KMC/KMDA/NKDA/Bidhan Nagar Municipality)** for sanction of building plans/ building permit under the provisions of Building Byelaws, Master plan and Local Body Acts. The local body forwards the proposals to the various other concerned authorities in the city as required for issue of case specific approvals/ NOC before granting building permit.

**(C.2) APPROVAL FROM DCP (Licensing)**

**(C2.1)\* Approval/ NOC is required from DCP (Licensing) or from appropriate authority** for the proposals when the proposal includes construction of auditorium/ theater/ large hall of seating capacity of more than 50 persons to be used for public amusement.

**(C.3) APPROVAL IS REQUIRED FROM THE POWER DISTRIBUTING / SUPPLY AGENCY (CESCO)**

**(C3.1) Approval is required from the Power distributing / supply agency (CESCO/WBSEB Etc.)** for sanction of electrical load and requirement for the electrical substation and provision of transformers. The temporary connection for power supply needs to be obtained from the concerned authority before start of construction.

**(C.4) APPROVAL / NOC /ASSURANCE IS REQUIRED FROM THE WATER SUPPLY AGENCY**

**(C4.1) Approval / NOC /assurance is required from the water supply agency** for uninterrupted water supply. The temporary connection for water supply needs to be obtained from the concerned authority before start of construction.

**(C.5) APPROVAL / NOC IS REQUIRED FROM THE & SEWERAGE & DRAIN DEPARTMENT**

**C. (5.1) Approval is required from the Sewerage & Drain dept.** for drainage & sewerage connection before start of construction.

**(D) CONSTRUCTION STAGE**

**(D.1) PERMISSION IS REQUIRED FROM THE CENTRAL GROUND WATER AUTHORITY (CGWA)**

(D1.1)\* **Permission is required from the Central Ground Water Authority (CGWA)** to abstract ground water Permission to abstract ground water through any energized means i.e. for digging / installation of a bore well water connection in the site for drinking water in a notified / non notified area for household/ industrial / infrastructure projects as per guidelines dated 15/11/ 2012 under Environmental Protection Act (EPA) (1986).

**(D.2) INTIMATION TO THE LOCAL AUTHORITY (KMC/ KMDA/)**

**(D2.1) The owner/applicant who has been granted building permit shall intimate the local Authority (KMC/ KMDA/NKDA/BNM)** in writing before 7 days of starting of construction work at site in the prescribed form (Form III, Appendix 'B', Bye Law No.7.2.1). An acknowledgement needs to be obtained from the Authority of this notice.

**(D.3) PLINTH LEVEL NOTICE**

**(D3.1) Plinth Level Notice** (information of completion of work up to plinth level in the prescribed Performa along with requisite documents, fee and charges mentioned therein) is required to be submitted by every owner/lessee to the local authority (KMC/ KMDA/NKDA/BNM). Ministry of Urban Development and Poverty Alleviation, Govt. of India, vide notification No.S-O1154 (E) dated 21.11.2001 abolished C & D Certificates and introduced intimation of completion of work up to plinth level.

**(D. 4) PERMISSION FOR DEVIATION OF INTERNAL WORK**

**(D4.1)** If there is any deviation from the sanctioned plan during execution regarding any internal changes, then the same has to be informed to the Municipal Commissioner by notice in writing together with the drawings incorporating deviations stating the nature & the purpose of such deviations at

**(E) COMPLETION CUM OCCUPANCY  
CERTIFICATE STAGE**

**(E.1) COMPLETION-CUM-OCCUPANCY CERTIFICATE FROM LOCAL BODY (KMC/KMDA/NKDA/BNM)**

**(E1.1) Completion-cum-Occupancy Certificate** is required from local body/ authority (KMC/KMDA/NKDA/BNM) before occupation of a building or part of a building for any purpose. The local body forwards the proposals to the various other concerned authorities (as mentioned above at S.No. 8 – 21 and 23 & 24) in the city as required for issue of case specific approvals/ NOC before granting Completion-cum-Occupancy Certificate.

**(E.2) APPROVAL FROM THE LIFT INSPECTOR**

**(E2.1) NOC is required from the Lift Inspector**, before granting Completion-cum-Occupancy Certificate when lifts are installed in a building.

Note: (\*) these approvals are project specific.

Check list of various local approvals and clearances  
required for construction in [Chennai](#)



### ANNEXURE-III

#### **Check list of various local approvals and clearances required for construction of a large scale project in CHENNAI as per Chennai Master Plan 2026/CMDA Byelaws.**

The details of the draft comprehensive checklist for approval of large scale projects in Chennai as per CMDA (henceforth to be referred as local body) bye laws are given below:

#### **(A) PROJECT FEASIBILITY/ PRE-SANCTION STAGE**

##### **(A.1) APPROVALS FROM LOCAL BODY**

**(A1.1)\* Land use plan approval** for the plot is required from local body and H& UD Dept. Govt. of TamilNadu, when the land use is shown as Govt. land in the Master plan/Zonal plan of Chennai. **The land use plan for land area is to be notified by H & UD Dept.,Govt. of Tamil Nadu after the same is approved by local body.**

**(A1.2)\* Approval for change in land use** of the plot is required from local body, when the land use shown in master plan / zonal plan (where the plot is located)/ land allotment letter is to be changed (as the same is not permitted / not compatible with master plan/ zonal pan). Approval for change in land use is granted by CMDA only by passing a resolution in their board after hearing the public opinion.

**(A 1.3)\* NOC for construction / augmentation** of any departmental residential pool accommodation by a Ministry / Department is required from the Directorate of Estate, Ministry of UD. CPWD also needs to obtain in principle approval from the Ministry of UD for GPRA and later on case is sent to the Technical Committee of local body for approval.

**(A1.4)\* Relaxation in respect of density/ ground coverage/ FAR/ setbacks/ height etc.** prescribed in byelaws are required from the Govt. of Tamil Nadu for public works/ projects of national importance as CMDA does not possess any power of relaxation in these matters.

**(A1.5) Approval of Demolition of any Existing Structure** is required from the Corporation of Chennai.

##### **(A.2) APPROVAL FROM AIRPORT AUTHORITY OF INDIA**

**(A2.1)\* No Objection Certificate (legal document) is required for height clearance** of Buildings / Structures/ Masts from the Directorate of Air Traffic Management, Airport Authority of India



(AAI), when the project lies within 20 kms. Radius of Air strips/ funnel.

**(A.3) NOC FOR CONSTRUCTION NEAR COASTAL REGULATION ZONE**

**(A3.1)\* No Objection Certificate is required** when the land is near the coast/CRZ as construction is not allowed up to 500 meters from the high tide line of the sea or 100 m from the high tide line of river,creek etc.

**(B) SANCTION STAGE - LAY OUT PLAN/ LOCAL AREA PLAN/ URBAN DESIGN PLAN** (for large scale/ multi- building proposals)

**(B.1) LOCAL BODY APPROVALS**

**(B1.1) Approval is required from the local authority and Local body** under the provisions of Local Building Byelaws, Master plan and Local Body Acts.

**(B.2) APPROVAL FROM NATIONAL MONUMENT AUTHORITY/ ASI**

**(B2.1)\* No Objection Certificate is required from the National Monument Authority (NMA) / Archeological Survey of India (ASI)**, when the entire project site or part/s of it is within 300 meter radius from the declared boundary of any monument protected under Ancient Monument Act and is under the control of ASI.

**(B.3) APPROVAL FROM FOREST DEPARTMENT**

**(B3.1)\* Approval is required from the State Forest Department / Municipal Corporation** when there is a proposal for tree cutting/ felling and transplantation at the site.

**(B.4) APPROVAL FROM HERITAGE CONSERVATION COMMITTEE OR APPROPRIATE AUTHORITY**

**(B4.1)\* Approval is required from the Heritage Conservation Committee (HCC) or Appropriate Authority** when the project has any link/ relation with any listed heritage building and precincts (as notified by Local Body from time to time) and within their compound.

**(B.5) APPROVAL FROM RAILWAY AUTHORITY/PORT TRUST / DEFENCE**

**(B5.1)\* NOC is required from the Railway Authority/Chennai Port Trust** when the project site is along the railway corridor / within the jurisdiction of Chennai Port Trust respectively.

**(B.6) APPROVAL FROM ROAD OWNING AGENCY**

**(B6.1)\* NOC is required from the Road Owing Agency (CMDA, PWD, NHAI,)** when cutting of footpath or road or service lane or Right of way (ROW) is involved.

**(B.7) APPROVAL FROM CHIEF FIRE OFFICER**

**(B7.1) Approval /Fire Safety Certificate is required from Chief Fire Officer (CFO) Tamil Nadu Fire & Rescue Services)** for the proposals at layout plan stage as stipulated in the local building byelaws and National Building Code (NBC).

**(B.8) APPROVAL FROM TRAFFIC POLICE**

**(B8.1)\* NOC is required from the Chennai Traffic Police** when the proposal involves disruption of general traffic movement/ circulation pattern temporarily or permanently during and after the construction of the project.

**(B.9) APPROVAL FROM CHIEF CONTROLLER OF EXPLOSIVES**

**(B9.1)\* Approval is required from the Chief Controller of Explosives, Nagpur** in case of hazardous building or for storing of hazardous materials in the building(s).

**(B. 10)\* APPROVAL FROM THE CHIEF INSPECTOR OF FACTORIES,** is required in case of industrial building.

**(B.11)\*APPROVAL FROM DIRECTORATE OF THE ARMS & AMMUNITION & LOCAL DISTRICT COLLECTOR** is required for construction of any firing & shooting Range.

**(B.12)\* ENVIRONMENT CLEARANCE IS REQUIRED FROM MINISTRY OF ENVIRONMENT AND FORESTS (MEF)/** State level expert committee for all building / construction projects having built up area more than 20000 square meters and area development projects/ townships covering an area more than 50 hectare or built up area more than 1, 50,000 square meters.

**(C) SANCTION / BUILDING PERMIT STAGE**

**(C.1) APPROVAL FROM LOCAL BODY**

**(C1.1)Approval is required from the local body / authority (CMDA)** for sanction of building plans/ building permit under the provisions of Building Byelaws, Master plan and Local Body Acts. The local body forwards the proposals to the various other concerned

authorities in the city as required for issue of case specific approvals/ NOC before granting building permit.

**(C.2) APPROVAL FROM DCP (Licensing)**

**(C2.1)\* Approval/ NOC is required from DCP (Licensing) or Appropriate Authority** for the proposals when the proposal includes construction of auditorium/ theater/ large hall of seating capacity of more than 50 persons to be used for public amusement.

**(C.3) APPROVAL IS REQUIRED FROM THE POWER DISTRIBUTING / SUPPLY AGENCY (TNEB)**

**(C3.1) Approval is required from the Power distributing / supply agency (TNEB)** for sanction of electrical load and requirement for the electrical substation and provision of transformers. The temporary connection for power supply needs to be obtained from the concerned authority before start of construction.

**(C.4) APPROVAL / NOC /ASSURANCE IS REQUIRED FROM THE WATER SUPPLY AGENCY**

**(C4.1) Approval / NOC /assurance is required from the water supply agency (CMWSSB)** for uninterrupted water supply. The temporary connection for water supply needs to be obtained from the concerned authority before start of construction.

**(D) CONSTRUCTION STAGE**

**(D.1) PERMISSION IS REQUIRED FROM THE CENTRAL GROUND WATER AUTHORITY (CGWA)**

**(D1.1)\* Permission is required from the Central Ground Water Authority (CGWA)** to abstract ground water Permission to abstract ground water through any energized means i.e. for digging / installation of a bore well water connection in the site for drinking water in a notified / non notified area for household/ industrial / infrastructure projects as per guidelines dated 15/11/ 2012 under Environmental Protection Act (EPA) (1986).

**(D.2) INTIMATION TO THE LOCAL AUTHORITY (CMDA/)**

**(D2.1) The owner/applicant who has been granted building permit shall intimate the local Authority** in writing before 7 days of starting of construction work at site in the prescribed form (Form III,

Appendix 'B', Bye Law No.7.2.1). An acknowledgement need to be obtained from the Authority of this notice.

**(D.3) PLINTH LEVEL NOTICE**

**(D3.1) Plinth Level Notice** (information of completion of work up to plinth level in the prescribed Performa along with requisite documents, fee and charges mentioned therein) is required to be submitted by every owner/lessee to the local authority (CMDA). Ministry of Urban Development and Poverty Alleviation, Govt. of India, vide notification No.S-O1154 (E) dated 21.11.2001 abolished C & D Certificates and introduced intimation of completion of work up to plinth level.

**(E) COMPLETION CUM OCCUPANCY CERTIFICATE STAGE**

**(E.1) COMPLETION-CUM-OCCUPANCY CERTIFICATE FROM LOCAL BODY (CMDA)**

**(E1.1) Completion-cum-Occupancy Certificate** is required from local body/ authority (CMDA) before occupation of a building or part of a building for any purpose. The local body forwards the proposals to the various other concerned authorities (as mentioned above at S.No. 8 – 21 and 23 & 24) in the city as required for issue of case specific approvals/ NOC before granting Completion-cum-Occupancy Certificate.

**(E.2) APPROVAL FROM THE LIFT INSPECTOR**

**(E2.1) NOC is required from the Lift Inspector**, before granting Completion-cum-Occupancy Certificate when lifts are installed in a building.

**Note: (\*) these approvals are project specific.**

Check list of various local approvals and clearances  
required for construction in [New Delhi](#)



## ANNEXURE-IV

### **Check list of various local approvals and clearances required for construction of a large scale project in Delhi as per MPD2021/DDA /MCD Byelaws.**

#### **(A) PROJECT FEASIBILITY / PRE-SANCTION STAGE**

##### **(A.1) APPROVALS FROM DDA**

**(A1.1)\* Land use plan approval** for the plot is required from Delhi Development Authority (DDA) and the Ministry of UD, when the land use is shown as Govt. land in the Master plan of Delhi (MPD 2021). **The land use plan for land area is to be notified by the Ministry of UD after the same is approved by DDA.**

**(A1.2)\* Approval for change in land use** of the plot is required from DDA and the Ministry of UD, when the land use shown in MPD 2021 / zonal plan (where the plot is located)/ land allotment letter is to be changed (as the same is not permitted / not compatible with MPD 2021/ zonal pan). The land use plan for land area is to be notified by the Ministry of UD after the same is approved by DDA.

**(A 1.3)\* NOC for construction / augmentation** of any departmental residential pool accommodation by a Ministry / Department is required from the Directorate of Estate, Ministry of UD. CPWD also needs to obtain in principle approval from the Ministry of UD for GPRA and later on case is sent to the Technical Committee of DDA for approval.

**(A1.4)\* Relaxation in respect of density/ ground coverage/ FAR/ setbacks/ height** prescribed in MPD 2021 is required from DDA and the Ministry of UD for public works/ projects of national importance .

##### **(A.2) APPROVAL FROM AIRPORT AUTHORITY OF INDIA**

**(A2.1)\* No Objection Certificate (legal document) is required for height clearance** of Buildings / Structures/ Masts from the Directorate of Air Traffic Management, Airport Authority of India (AAI), when the project lies within 20 kms. Radius of Air strips/ funnel.

##### **(A.3) APPROVAL FROM L&DO**

**(A3.1)\* No Objection Certificate is required from L&DO,** when the land is lease-hold; owned by L&DO and no construction was undertaken within the time limit stipulated in the allotment letter.

**(B) SANCTION STAGE - LAY OUT PLAN/ LOCAL AREA PLAN/ URBAN DESIGN PLAN** (for large scale/ multi- building proposals)

**(B.1) LOCAL BODY APPROVALS**

**(B1.1) Approval is required from the local authority (DDA and Local body (MCD/ NDMC))** under the provisions of Delhi Building Byelaws, Master plan of Delhi and Local Body Acts.

**(B.2) APPROVAL FROM NATIONAL MONUMENT AUTHORITY**

**(B2.1)\* No Objection Certificate is required from the National Monument Authority (NMA) / Archeological Survey of India (ASI),** when the entire project site or part/s of it is within 300 meter radius from the declared boundary of any monument protected under Ancient Monument Act and is under the control of ASI.

**(B.3) APPROVAL FROM FOREST DEPARTMENT**

**(B3.1)\* Approval is required from the Forest Department, GNCTD** when there is a proposal for tree cutting/ felling and transplantation at the site.

**(B.4) APPROVAL FROM HERITAGE CONSERVATION COMMITTEE**

**(B4.1)\* Approval is required from the Heritage Conservation Committee (HCC)** when the project has any link/ relation with any listed heritage building and precincts (as notified by DDA, MCD, NDMC from time to time) and within their compound.

**(B.5) APPROVAL FROM CENTRAL VISTA COMMITTEE**

**(B5.1)\* Approval is required from the Central Vista Committee (CVC)** when the project site lies within the boundary of Central Vista in NDMC area.



**(B.6) APPROVAL FROM DELHI METRO RAIL CORPORATION**

**(B6.1)\* NOC is required from the Delhi Metro Rail Corporation (DMRC)** when the project site is along or on the metro alignment or lies within 20 meters on either side of the metro alignment / MRTS corridor (outer line of a metro line/ structure).

**(B.7) APPROVAL FROM GNCTD**

**(B7.1)\* NOC is required from the Government of National Capital Territory of Delhi (GNCTD)** when the project site is within 500 meters on either sides of Major Surface Transport Corridor like BRTS.

**(B.8) APPROVAL FROM ROAD OWNING AGENCY**

**(B8.1)\* NOC is required from the Road Owning Agency (MCD, Delhi PWD, NDMC, DDA)** when cutting of footpath or road or service lane or Right of way (ROW) is involved.

**(B.9) APPROVAL FROM TRAFFIC POLICE**

**(B9.1)\* NOC is required from the Delhi Traffic Police** when the proposal involves disruption of general traffic movement/ circulation pattern temporarily or permanently during and after the construction of the project.

**(B.10) APPROVAL FROM UTTIPEC**

**(B10.1)\* Clearance is required from the Unified Traffic and Transportation Infrastructure (Planning & Engineering) Centre (UTTIPEC) of DDA** for all transportation projects/ transport engineering solutions in Delhi by any agency having road engineering/ infrastructure implication.

**(B.11) APPROVAL FROM CHIEF FIRE OFFICER**

**(B11.1) Approval /Fire Safety Certificate is required from Chief Fire Officer (CFO) / Director, Delhi Fire Service** for the proposals at layout plan stage as stipulated in the Delhi building byelaws and National Building Code (NBC).

**(B.12) APPROVAL FROM CHIEF CONTROLLER OF EXPLOSIVES**

**(B12.1)\* Approval is required from the Chief Controller of Explosives, Nagpur** in case of hazardous building or for storing of hazardous materials in the building(s).

**(B.13)\* APPROVAL IS REQUIRED FROM THE CHIEF INSPECTOR OF FACTORIES,** in case of industrial building.

**(B.14) APPROVAL IS REQUIRED FROM DELHI URBAN ART COMMISSION (DUAC)** for the proposals at layout plan stage as stipulated in the DUAC Act.

**(B.15)\* ENVIRONMENT CLEARANCE IS REQUIRED FROM MINISTRY OF ENVIRONMENT AND FORESTS (MEF)**/ State level expert committee for all building / construction projects having built up area more than 20000 square meters and area development projects/ townships covering an area more than 50 hectare or built up area more than 1, 50,000 square meters.

**(C) SANCTION / BUILDING PERMIT STAGE**

**(C.1) APPROVAL FROM LOCAL BODY**

**(C1.1) Approval is required from the local body / authority (DDA / MCD/ NDMC)** for sanction of building plans/ building permit under the provisions of Delhi Building Byelaws, Master plan of Delhi and Local Body Acts. The local body forwards the proposals to the various other concerned authorities (as mentioned above at S.No. 8 - 21) in the city as required for issue of case specific approvals/ NOC before granting building permit.

**(C.2) APPROVAL FROM DCP (Licensing)**

**(C2.1)\* Approval/ NOC is required from DCP (Licensing)** for the proposals when the proposal includes construction of auditorium/ theater/ large hall of seating capacity of more than 50 persons to be used for public amusement.

**(C.3) APPROVAL FROM NORTH BLOCK AND SOUTH BLOCK ADVISORY COMMITTEE**

**(C3.1)\* Approval/advise is required from North Block and South Block Advisory Committee** when the proposal includes any addition and alteration works required to be carried out in these buildings in NDMC area; which are important heritage structures of the country.

**(C.4) APPROVAL IS REQUIRED FROM THE POWER DISTRIBUTING / SUPPLY AGENCY (NDMC/BSES/NDPL)**

**(C4.1)** Approval is required from the Power distributing / supply agency (NDMC/ BSES/ NDPL) for sanction of electrical load and requirement for the electrical substation and provision of transformers. The temporary connection for power supply needs to be obtained from the concerned authority before start of construction.

**(C.5) APPROVAL / NOC /ASSURANCE IS REQUIRED FROM THE WATER SUPPLY AGENCY (NDMC for NDMC area/ DJB for rest of Delhi)**

**(C5.1)** Approval / NOC /assurance is required from the water supply agency (NDMC for NDMC area/ DJB for rest of Delhi) for uninterrupted water supply, drainage and sewerage connections. The temporary connection for water supply needs to be obtained from the concerned authority before start of construction.

**(D) CONSTRUCTION STAGE**

**(D.1) PERMISSION IS REQUIRED FROM THE CENTRAL GROUND WATER AUTHORITY (CGWA)**

**(D1.1)\* Permission is required from the Central Ground Water Authority (CGWA)** to abstract ground water Permission to abstract ground water through any energized means i.e. for digging / installation of a bore well water connection in the site for drinking water in a notified / non notified area for household/ industrial / infrastructure projects as per guidelines dated 15/11/ 2012 under Environmental Protection Act (EPA) (1986).

**(D.2) INTIMATION TO THE LOCAL AUTHORITY (DDA/ NDMC/ MCD)**

**(D2.1) The owner/applicant who has been granted building permit shall intimate the local Authority (DDA/ NDMC/ MCD)** in writing before 7 days of starting of construction work at site in the

prescribed form (Form III, Appendix 'B', Bye Law No.7.2.1). An acknowledgement needs to be obtained from the Authority of this notice.

**(D.3) PLINTH LEVEL NOTICE**

**(D3.1) Plinth Level Notice** (information of completion of work up to plinth level in the prescribed Performa along with requisite documents, fee and charges mentioned therein) is required to be submitted by every owner/lessee to the local authority (DDA/ NDMC/ MCD). Ministry of Urban Development and Poverty Alleviation, Govt. of India, vide notification No.S-O1154 (E) dated 21.11.2001 abolished C & D Certificates and introduced intimation of completion of work up to plinth level.

**(F) COMPLETION CUM OCCUPANCY  
CERTIFICATE STAGE**

**(E.1) COMPLETION-CUM-OCCUPANCY CERTIFICATE FROM  
LOCAL BODY (DDA/ NDMC/ MCD)**

**(E1.1) Completion-cum-Occupancy Certificate** is required from local body/ authority (DDA/ NDMC/ MCD) before occupation of a building or part of a building for any purpose. The local body forwards the proposals to the various other concerned authorities (as mentioned above at S.No. 8 – 21 and 23 & 24) in the city as required for issue of case specific approvals/ NOC before granting Completion-cum-Occupancy Certificate.

**(E.2) APPROVAL FROM THE LIFT INSPECTOR**

**(E2.1) NOC is required from the Lift Inspector, GNCTD** before granting Completion-cum-Occupancy Certificate when lifts are installed in a building.

**Note: (\*) these approvals are project specific.**

## CIRCULARS / NOTIFICATION

**(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)  
MINISTRY OF ENVIRONMENT AND FORESTS**

**New Delhi 14<sup>th</sup> September, 2006**

**Notification**

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India<sup>1</sup>, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18<sup>th</sup> May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15<sup>th</sup> September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15<sup>th</sup> September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27<sup>th</sup> January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.

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<sup>1</sup>Includes the territorial waters

**2. Requirements of prior Environmental Clearance (EC):-** The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

**3. State Level Environment Impact Assessment Authority:- (1)** A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

**4. Categorization of projects and activities:-**

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, *will* require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project;

#### **5. Screening, Scoping and Appraisal Committees:-**

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitute one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

#### **6. Application for Prior Environmental Clearance (EC):-**

An application seeking prior environmental clearance in all cases shall be made in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.



## **7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-**

**7(i)** The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category 'B' projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

### **I. Stage (1) - Screening:**

In case of Category 'B' projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category 'B1' and remaining projects shall be termed Category 'B2' and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

### **II. Stage (2) - Scoping:**

(i) "Scoping": refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

(ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of

Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.

(iii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

### **III. Stage (3) - Public Consultation:**

(i) "Public Consultation" refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category 'A' and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (d) all Building /Construction projects/Area Development projects and Townships (item 8).
- (e) all Category 'B2' projects and activities.
- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.

(ii) The Public Consultation shall ordinarily have two components comprising of:-

(a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons;

(b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

(iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five ) of a request to the effect from the applicant.

(iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period

directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.

(v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.

(vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

#### **IV. Stage (4) - Appraisal:**

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant

validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

**7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:**

All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

**8. Grant or Rejection of Prior Environmental Clearance (EC):**

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the

applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

#### **9. Validity of Environmental Clearance (EC):**

The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

#### **10. Post Environmental Clearance Monitoring:**

(i) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1<sup>st</sup> June and 1<sup>st</sup> December of each calendar year.

(ii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

**11. Transferability of Environmental Clearance (EC):**

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written “no objection” by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period. No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

**12. Operation of EIA Notification, 1994, till disposal of pending cases:**

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27<sup>th</sup> January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I , or continue operation of some or all provisions of the said notification, for a period not exceeding one year from the date of issue of this notification.

[No. J-11013/56/2004-IA-II (I)]

(R.CHANDRAMOHAN)  
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

**SCHEDULE**

(See paragraph 2 and 7)

**LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE**

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
(1)	(2)	(3)	(4)	(5)
<b>1(a)</b>	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p>&lt;50 ha</p> <p>≥ 5 ha .of mining lease area.</p>	<p>General Condition shall apply</p> <p><u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
<b>1(b)</b>	Offshore and onshore oil and gas exploration, development & production	All projects		<p><u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>
<b>1(c)</b>	River Valley projects	<p>(i) ≥ 50 MW hydroelectric power generation;</p> <p>(ii) ≥ 10,000 ha. of culturable command area</p>	<p>(i) &lt; 50 MW ≥ 25 MW hydroelectric power generation;</p> <p>(ii) &lt; 10,000 ha. of culturable command area</p>	General Condition shall apply
<b>1(d)</b>	Thermal Power Plants	<p>≥ 500 MW (coal/lignite/naptha &amp; gas based);</p> <p>≥ 50 MW (Pet coke diesel and all other fuels -)</p>	<p>&lt; 500 MW (coal/lignite/naptha &amp; gas based);</p> <p>&lt;50 MW</p> <p>≥ 5MW (Pet coke ,diesel and all other fuels )</p>	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2		<b>Primary Processing</b>		
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply  (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply  (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)



<b>3</b>				
<b>Materials Production</b>				
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
<b>3(a)</b>	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry All projects  b) Sponge iron manufacturing $\geq 200$ TPD  c) Secondary metallurgical processing industry  All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum  -	Sponge iron manufacturing $<200$ TPD  Secondary metallurgical processing industry  i.) All toxic and heavy metal producing units $<20,000$ tonnes /annum  ii.) All other non-toxic secondary metallurgical processing industries  $>5000$ tonnes/annum	General Condition shall apply for Sponge iron manufacturing
<b>3(b)</b>	Cement plants	$\geq 1.0$ million tonnes/annum production capacity	$<1.0$ million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply

<b>4</b>	<b>Materials Processing</b>			
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
<b>4(a)</b>	Petroleum refining industry	All projects	-	-
<b>4(b)</b>	Coke oven plants	≥2,50,000 tonnes/annum -	<2,50,000 & ≥25,000 tonnes/annum	-
<b>4(c)</b>	Asbestos milling and asbestos based products	All projects	-	-
<b>4(d)</b>	Chlor-alkali industry	≥300 TPD production capacity or a unit located outside the notified industrial area/estate	<300 TPD production capacity and located within a notified industrial area/estate	Specific Condition shall apply  No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification
<b>4(e)</b>	Soda ash Industry	All projects	-	-
<b>4(f)</b>	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units outside the industrial area	All new or expansion of projects located within a notified industrial area/estate	Specific condition shall apply
<b>5</b>	<b>Manufacturing/Fabrication</b>			
<b>5(a)</b>	Chemical fertilizers	All projects	-	-
<b>5(b)</b>	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-

(1)	(2)	(3)	(4)	(5)
<b>5(c)</b>	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
<b>5(d)</b>	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
<b>5(e)</b>	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	Specific Condition shall apply
<b>5(f)</b>	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	Specific Condition shall apply
<b>5(g)</b>	Distilleries	(i) All Molasses based distilleries  (ii) All Cane juice/ non-molasses based distilleries $\geq 30$ KLD	All Cane juice/non-molasses based distilleries - <30 KLD	General Condition shall apply
<b>5(h)</b>	Integrated paint industry	-	All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry -	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply
5(k)	Induction/arc furnaces/cupola furnaces 5TPH or more	- -	All projects	General Condition shall apply
6		<b>Service Sectors</b>		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects -		-

(1)	(2)	(3)	(4)	(5)
<b>6(b)</b>	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
<b>7</b>		<b>Physical Infrastructure including Environmental Services</b>		
<b>7(a)</b>	Air ports	All projects	-	-
<b>7(b)</b>	All ship breaking yards including ship breaking units	All projects	-	-
<b>7(c)</b>	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.  Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	-Industrial estates housing at least one Category B industry and area <500 ha.  Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	Special condition shall apply  Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
<b>7(d)</b>	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(e)	Ports, Harbours	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply
7(f)	Highways	i) New National High ways; and  ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State High ways; and  ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7(g)	Aerial ropeways		All projects	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
<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 )
<b>8(b)</b>	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

**Note:-**

**General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries.

**Specific Condition (SC):**

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

## APPENDIX I

(See paragraph – 6)

### FORM 1

#### (I) Basic Information

Name of the Project:

Location / site alternatives under consideration:

Size of the Project: \*

Expected cost of the project:

Contact Information:

Screening Category:

- *Capacity corresponding to sectoral activity (such as production capacity for manufacturing, mining lease area and production capacity for mineral production, area for mineral exploration, length for linear transport infrastructure, generation capacity for power generation etc.,)*

#### (II) Activity

1. **Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore houses, soil testing?		
1.5	Construction works?		



1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		

1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

**2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):**

<b>S.No.</b>	<b>Information/checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities /rates, wherever possible) with source of information data</b>
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

**3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.**

<b>S.No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data</b>
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

**4. Production of solid wastes during construction or operation or decommissioning (MT/month)**

<b>S.No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data</b>
4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		

4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

**5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)**

<b>S.No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data</b>
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		

5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

**6. Generation of Noise and Vibration, and Emissions of Light and Heat:**

<b>S.No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data</b>
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

**7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:**

<b>S.No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data</b>
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

**8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment**

<b>S.No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data</b>
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

**9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality**

<b>S. No.</b>	<b>Information/Checklist confirmation</b>	<b>Yes/No</b>	<b>Details thereof (with approximate quantities/rates, wherever possible) with source of information data</b>
9.1	<p>Lead to development of supporting, lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> <li>• Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)</li> <li>• housing development</li> <li>• extractive industries</li> <li>• supply industries</li> <li>• other</li> </ul>		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

**(III) Environmental Sensitivity**

<b>S.No.</b>	<b>Areas</b>	<b>Name/ Identity</b>	<b>Aerial distance (within 15 km.) Proposed project location boundary</b>
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		

2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses ( <i>hospitals, schools, places of worship, community facilities</i> )		
10	Areas containing important, high quality or scarce resources ( <i>ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals</i> )		
11	Areas already subjected to pollution or environmental damage. ( <i>those where existing legal environmental standards are exceeded</i> )		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems ( <i>earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions</i> )		

**(IV). Proposed Terms of Reference for EIA studies**



## **APPENDIX II**

**(See paragraph 6)**

**FORM-1 A (only for construction projects listed under item 8 of the Schedule)**

### **CHECK LIST OF ENVIRONMENTAL IMPACTS**

**(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)**

#### **1. LAND ENVIRONMENT**

**(Attach panoramic view of the project site and the vicinity)**

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

#### **2. WATER ENVIRONMENT**

2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.

- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)
- 2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

### **3. VEGETATION**

- 3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with it's unique features, if any)

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

#### **4. FAUNA**

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

#### **5. AIR ENVIRONMENT**

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

#### **6. AESTHETICS**

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

#### **7. SOCIO-ECONOMIC ASPECTS**

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

- 7.2. Give details of the existing social infrastructure around the proposed project.
- 7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

## **8. BUILDING MATERIALS**

- 8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)
- 8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?
- 8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?
- 8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

## **9. ENERGY CONSERVATION**

- 9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?
- 9.2. What type of, and capacity of, power back-up to you plan to provide?
- 9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?
- 9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.
- 9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.
- 9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?
- 9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.
- 9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

## **10. Environment Management Plan**

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

### APPENDIX III

(See paragraph 7

#### GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"><li>• Purpose of the report</li><li>• Identification of project &amp; project proponent</li><li>• Brief description of nature, size, location of the project and its importance to the country, region</li><li>• Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)</li></ul>
2.	Project Description	<ul style="list-style-type: none"><li>• Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following:<ul style="list-style-type: none"><li>• Type of project</li><li>• Need for the project</li><li>• Location (maps showing general location, specific location, project boundary &amp; project site layout)</li><li>• Size or magnitude of operation (incl. Associated activities required by or for the project)</li><li>• Proposed schedule for approval and implementation</li><li>• Technology and process description</li></ul></li><li>• Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose</li><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><li>• Assessment of New &amp; untested technology for the risk of technological failure</li></ul>

3.	Description of the Environment	<ul style="list-style-type: none"> <li>• Study area, period, components &amp; methodology</li> <li>• Establishment of baseline for valued environmental components, as identified in the scope</li> <li>• Base maps of all environmental components</li> </ul>
4.	Anticipated Environmental Impacts & Mitigation Measures	<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</li> <li>• 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>
5.	Analysis of Alternatives (Technology & Site)	<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>
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> <li>• Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget &amp; procurement schedules)</li> </ul>
7.	Additional Studies	<ul style="list-style-type: none"> <li>• Public Consultation</li> <li>• Risk assessment</li> <li>• Social Impact Assessment. R&amp;R Action Plans</li> </ul>
8.	Project Benefits	<ul style="list-style-type: none"> <li>• Improvements in the physical infrastructure</li> <li>• Improvements in the social infrastructure</li> <li>• Employment potential –skilled; semi-skilled and unskilled</li> <li>• Other tangible benefits</li> </ul>

9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<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>
11	Summary & Conclusion (This will constitute the summary of the EIA Report )	<ul style="list-style-type: none"> <li>• Overall justification for implementation of the project</li> <li>• Explanation of how, adverse effects have been mitigated</li> </ul>
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> <li>• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered</li> </ul>



**APPENDIX III A**  
**(See paragraph 7)**

**CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT**

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

**APPENDIX IV**  
**(See paragraph 7)**

**PROCEDURE FOR CONDUCT OF PUBLIC HEARING**

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

**2.0 The Process:**

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is extending beyond a State or Union Territory, the public hearing is mandated in each State or Union Territory in which the project is sited and the Applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA report to the Ministry of Environment and Forests and to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate/s
- (b) Zila Parishad or Municipal Corporation
- (c) District Industries Office
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over. The Ministry of Environment and Forests shall promptly display the Summary of the draft Environmental Impact Assessment report on its website, and also make the full draft EIA available for reference at a notified place during normal office hours in the Ministry at Delhi.

2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or panchayats etc. They shall also additionally

make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices viz, Ministry of Environment and Forests, District Magistrate etc.

### **3.0 Notice of Public Hearing:**

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily. A minimum notice period of 30(thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and only on the recommendation of the concerned District Magistrate the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate and notified afresh as per procedure under 3.1 above.

### **4.0 The Panel**

4.1 The District Magistrate or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

### **5.0 Videography**

5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

### **6.0 Proceedings**

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Every person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the Applicant. The summary of the public

hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the vernacular language and the agreed minutes shall be signed by the District Magistrate or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language and in English and annexed to the proceedings:

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate ,and the SPCB or UTPCC . The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the Applicant concerned.

#### **7.0 Time period for completion of public hearing**

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8(eight) days of the completion of the public hearing .The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations.

7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45(forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this notification.

**APPENDIX –V**  
**(See paragraph 7)**

**PROCEDURE PRESCRIBED FOR APPRAISAL**

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy)]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal .

3. Where a public consultation is not mandatory and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1 and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule .In the case of Item 8 of the Schedule, considering its unique project cycle , the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance . As and when the applicant submits the approved scheme /building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

## APPENDIX VI

(See paragraph 5)

### COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT`

1. The Expert Appraisal Committees (EAC(s) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

**Professional:** The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy ),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

**Expert:** A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

**Age:** Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of “Experts” are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality Experts:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**

- **Environmental Economics Expert with experience in project appraisal**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.





(To be published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) of dated the 6<sup>th</sup> January, 2011)

COASTAL REGULATION ZONE NOTIFICATION  
MINISTRY OF ENVIRONMENT AND FORESTS  
(Department of Environment, Forests and Wildlife)

S.O.19(E).- WHEREAS a draft notification under sub-section (1) of section and clause (V) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 was issued inviting objections and suggestions for the declaration of coastal stretches as Coastal Regulation Zone and imposing restrictions on industries, operations and processes in the CRZ was published vide S.O.No.2291 (E), dated 15<sup>th</sup> September, 2010.;

AND WHEREAS, copies of the said Gazette were made available to the public on 15<sup>th</sup> September, 2010.;

AND WHEREAS, the suggestions and objections received from the public have been considered by the Central Government.;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, with a view to ensure livelihood security to the fisher communities and other local communities, living in the coastal areas, to conserve and protect coastal stretches, its unique environment and its marine area and to promote development through sustainable manner based on scientific principles taking into account the dangers of natural hazards in the coastal areas, sea level rise due to global warming, does hereby, declare the coastal stretches of the country and the water area upto its territorial water limit, excluding the islands of Andaman and Nicobar and Lakshadweep and the marine areas surrounding these islands upto its territorial limit, as Coastal Regulation Zone (hereinafter referred to as the CRZ) and restricts the setting up and expansion of any industry, operations or processes and manufacture or handling or storage or disposal of hazardous substances as specified in the Hazardous Substances (Handling, Management and Transboundary Movement) Rules, 2009 in the aforesaid CRZ.; and

In exercise of powers also conferred by clause (d) and sub rule (3) of rule 5 of Environment (Protection) Act, 1986 and in supersession of the notification of the Government of India in the Ministry of Environment and Forests, number S.O.114(E), dated the 19<sup>th</sup> February, 1991 except as respects things done or omitted to be done before such supercession, the Central Government hereby declares the following areas as CRZ and imposes with effect from the date of the notification the following restrictions on the setting up and expansion of industries, operations or processes and the like in the CRZ,-

- (i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.
- (ii) CRZ shall apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of 5 parts per thousand (ppt) measured during the driest period of the year and distance upto which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Coastal Zone Management Plans (hereinafter referred to as the CZMPs).

Explanation.- For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in the bays, estuaries, rivers, creeks, backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body the word 'hazard line' denotes the line demarcated by Ministry of Environment and Forests (hereinafter referred to as the MoEF) through the Survey of India (hereinafter referred to as the SoI) taking into account tides, waves, sea level rise and shoreline changes.

(iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

2. For the purposes of this notification, the HTL means the line on the land upto which the highest water line reaches during the spring tide and shall be demarcated uniformly in all parts of the country by the demarcating authority(s) so authorized by the MoEF in accordance with the general guidelines issued at Annexure-I. HTL shall be demarcated within one year from the date of issue of this notification.

3. Prohibited activities within CRZ,- The following are declared as prohibited activities within the CRZ,-

(i) Setting up of new industries and expansion of existing industries except,-

(a) those directly related to waterfront or directly needing foreshore facilities;

*Explanation:* The expression "foreshore facilities" means those activities permissible under this notification and they require waterfront for their operations such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations and the like.;

(b) projects of Department of Atomic Energy;

(c) facilities for generating power by non-conventional energy sources and setting up of desalination plants in the areas not classified as CRZ-I(i) based on an impact assessment study including social impacts.;

(d) development of green field Airport already permitted only at Navi Mumbai;

(e) reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

(ii) manufacture or handling oil storage or disposal of hazardous substance as specified in the notification of Ministry of Environment and Forests, No. S.O.594 (E), dated the 28<sup>th</sup> July 1989, S.O.No.966(E), dated the 27<sup>th</sup> November, 1989 and GSR 1037 (E), dated the 5<sup>th</sup>

December ,1989 except,-

- (a) transfer of hazardous substances from ships to ports, terminals and refineries and vice versa;
- (b) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas (hereinafter referred to as the LNG) in the areas not classified as CRZ- I(i) subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment as may be stipulated by in MoEF.

Provided that facilities for receipt and storage of fertilizers and raw materials required for manufacture of fertilizers like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid and the like, shall be permitted within the said zone in the areas not classified as CRZ-I(i).

- (iii) Setting up and expansion of fish processing units including warehousing except hatchery and natural fish drying in permitted areas:
- (iv) Land reclamation, bunding or disturbing the natural course of seawater except those,-
  - (a) required for setting up, construction or modernisation or expansion of foreshore facilities like ports, harbours, jetties, wharves, quays, slipways, bridges, sealink, road on stilts, and such as meant for defence and security purpose and for other facilities that are essential for activities permissible under the notification;
  - (b) measures for control of erosion, based on scientific including Environmental Impact Assessment (hereinafter referred to as the EIA) studies
  - (c) maintenance or clearing of waterways, channels and ports, based on EIA studies;
  - (d) measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structures for prevention of salinity ingress and freshwater recharge based on carried out by any agency to be specified by MoEF.
- (v) Setting up and expansion of units or mechanism for disposal of wastes and effluents except facilities required for,-
  - (a) discharging treated effluents into the water course with approval under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
  - (b) storm water drains and ancillary structures for pumping;
  - (c) treatment of waste and effluents arising from hotels, beach resorts and human settlements located in CRZ areas other than CRZ-I and disposal of treated wastes and effluents;
- (vi) Discharge of untreated waste and effluents from industries, cities or towns and other human settlements. The concerned authorities shall implement schemes for phasing out existing discharge of this nature, if any, within a time period not exceeding two years from the date of issue of this notification.
- (vii) Dumping of city or town wastes including construction debris, industrial solid wastes, fly

ash for the purpose of land filling and the like and the concerned authority shall implement schemes for phasing out any existing practice, if any, shall be phased out within a period of one year from date of commencement of this notification.

Note:-The MoEF will issue a separate instruction to the State Governments and Union territory Administration in respect of preparation of Action Plans and their implementation as also monitoring including the time schedule thereof, in respect of paras (v), (vi) and (vii).

(viii) Port and harbour projects in high eroding stretches of the coast, except those projects classified as strategic and defence related in terms of EIA notification, 2006 identified by MoEF based on scientific studies and in consultation with the State Government or the Union territory Administration.

(ix) Reclamation for commercial purposes such as shopping and housing complexes, hotels and entertainment activities.

(x) Mining of sand, rocks and other sub-strata materials except,-

(a) those rare minerals not available outside the CRZ area,

(b) exploration and exploitation of Oil and Natural Gas.

(xi) Drawl of groundwater and construction related thereto, within 200mts of HTL; except the following:-

(a) in the areas which are inhabited by the local communities and only for their use.

(b) In the area between 200mts-500mts zone the drawl of groundwater shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries and where no other source of water is available.

Note:-Restrictions for such drawl may be imposed by the Authority designated by the State Government and Union territory Administration in the areas affected by sea water intrusion.

(xi) Construction activities in CRZ-I except those specified in para 8 of this notification.

(xiii) Dressing or altering the sand dunes, hills, natural features including landscape changes for beautification, recreation and other such purpose.

(xiv) Facilities required for patrolling and vigilance activities of marine/coastal police stations.

4. Regulation of permissible activities in CRZ area.- The following activities shall be regulated except those prohibited in para 3 above,-

(i)(a) clearance shall be given for any activity within the CRZ only if it requires waterfront and foreshore facilities;

(b) for those projects which are listed under this notification and also attract EIA notification, 2006 (S.O.1533 (E), dated the 14<sup>th</sup> September, 2006), for such projects clearance under EIA notification only shall be required subject to being recommended by the concerned State or Union territory Coastal Zone Management Authority (hereinafter referred to as the CZMA).

(c) Housing schemes in CRZ as specified in paragraph 8 of this notification;

- (d) Construction involving more than 20,000sq mts built-up area in CRZ-II shall be considered in accordance with EIA notification, 2006 and in case of projects less than 20,000sq mts built-up area shall be approved by the concerned State or Union territory Planning authorities in accordance with this notification after obtaining recommendations from the concerned CZMA and prior recommendations of the concern CZMA shall be essential for considering the grant of environmental clearance under EIA notification, 2006 or grant of approval by the relevant planning authority.
  - (e) MoEF may under a specific or general order specify projects which require prior public hearing of project affected people.
  - (f) construction and operation for ports and harbours, jetties, wharves, quays, slipways, ship construction yards, breakwaters, groynes, erosion control measures;
- (ii) the following activities shall require clearance from MoEF, namely:-
- (a) those activities not listed in the EIA notification, 2006.
  - (b) construction activities relating to projects of Department of Atomic Energy or Defence requirements for which foreshore facilities are essential such as, slipways, jetties, wharves, quays; except for classified operational component of defence projects. Residential buildings, office buildings, hospital complexes, workshops of strategic and defence projects in terms of EIA notification, 2006.;
  - (c) construction, operation of lighthouses;
  - (d) laying of pipelines, conveying systems, transmission line;
  - (e) exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
  - (f) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. MoEF may specify for category of projects such as at (f), (g) and (h) of para 4;
  - (g) Mining of rare minerals as listed by the Department of Atomic Energy;
  - (h) Facilities for generating power by non-conventional energy resources, desalination plants and weather radars;
  - (i) Demolition and reconstruction of (a) buildings of archaeological and historical importance, (ii) heritage buildings; and buildings under public use which means buildings such as for the purposes of worship, education, medical care and cultural activities;

4.2 Procedure for clearance of permissible activities.- All projects attracting this notification shall be considered for CRZ clearance as per the following procedure, namely:-

- (i) The project proponents shall apply with the following documents seeking prior clearance under CRZ notification to the concerned State or the Union territory Coastal Zone Management Authority,-
  - (a) Form-1 (Annexure-IV of the notification);
  - (b) Rapid EIA Report including marine and terrestrial component except for construction projects listed under 4(c) and (d)
  - (c) Comprehensive EIA with cumulative studies for projects in the stretches classified as low and medium eroding by MoEF based on scientific studies and in consultation with the State Governments and Union territory Administration;
  - (d) Disaster Management Report, Risk Assessment Report and Management Plan;
  - (e) CRZ map indicating HTL and LTL demarcated by one of the authorized agency (as indicated in para 2) in 1:4000 scale;
  - (f) Project layout superimposed on the above map indicated at (e) above;

- (g) The CRZ map normally covering 7km radius around the project site.
- (h) The CRZ map indicating the CRZ-I, II, III and IV areas including other notified ecologically sensitive areas;
- (i) No Objection Certificate from the concerned State Pollution Control Boards or Union territory Pollution Control Committees for the projects involving discharge of effluents, solid wastes, sewage and the like.;
- (ii) The concerned CZMA shall examine the above documents in accordance with the approved CZMP and in compliance with CRZ notification and make recommendations within a period of sixty days from date of receipt of complete application,-
  - (a) MoEF or State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) as the case may be for the project attracting EIA notification, 2006;
  - (b) MoEF for the projects not covered in the EIA notification, 2006 but attracting para 4(ii) of the CRZ notification;
- (iii) MoEF or SEIAA shall consider such projects for clearance based on the recommendations of the concerned CZMA within a period of sixty days.
- (vi) The clearance accorded to the projects under the CRZ notification shall be valid for the period of five years from the date of issue of the clearance for commencement of construction and operation.
- (v) For Post clearance monitoring – (a) it shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1<sup>st</sup> June and 31<sup>st</sup> December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.
  - (b) the compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vi) To maintain transparency in the working of the CZMAs it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved CZMPs of the respective State Government or Union territory.

#### 5. Preparation of Coastal Zone Management Plans.

- (i) The MoEF may obtain the CZMPs prepared through the respective State Government or Union territory;
- (ii) The CZMPs may be prepared by the coastal State Government or Union territory by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of MoEF and in consultation with the concerned stakeholders;
- (iii) The hazard line shall be mapped by MoEF through SoI all along the coastline of the country and the hazard line shall be demarcated taking into account, tide, waves, sea level

rise and shoreline changes;

- (iv) For the purpose of depicting the flooding due to tides, waves and sea level rise in the next fifty and hundred years, the contour mapping of the coastline shall be carried out at 0.5m interval normally upto 7km from HTL on the landward side, and the shoreline changes shall be demarcated based on historical data by comparing the previous satellite imageries with the recent satellite imageries;
- (v) Mapping of the hazard line shall be carried out in 1:25,000 scale for macro level planning and 1:10,000 scale or cadastral scale for micro level mapping and the hazard line shall be taken into consideration while preparing the land use plan of the coastal areas;
- (vi) The coastal States and Union Territory will prepare within a period of twenty four months from the date of issue this notification, draft CZMPs in 1:25,000 scale map identifying and classifying the CRZ areas within the respective territories in accordance with the guidelines given in Annexure-I of the notification, which involve public consultation;
- (vii) The draft CZMPs shall be submitted by the State Government or Union territory to the concerned CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;
- (viii) The State Government or Union territory CZMA shall submit the draft CZMPs to MoEF alongwith its recommendations on the CZMP within a period of six months after incorporating the suggestions and objections received from the stakeholders;
- (ix) MoEF shall thereafter consider and approve the CZMPs within a period of four months from the date of receipt of the CZMPs complete in all respects;
- (x) All developmental activities listed in this notification shall be regulated by the State Government, Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved CZMPs as the case may be in accordance with provisions of this notification;
- (xi) The CZMPs shall not normally be revised before a period of five years after which, the concerned State Government or the Union territory may consider undertaking revision of the maps following the above procedures;
- (xii) The CZMPs already approved under CRZ notification, 1991 shall be valid for a period of twenty four months unless the aforesaid period is extended by MoEF by a specific notification subject to such terms and conditions as may be specified therein.

#### 6. Enforcement of the CRZ, notification, 2011-

- (a) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated thereunder, the powers either original or delegated are available under Environment (Protection) Act, 1986 with the MoEF, State Government or the Union territory Administration NCZMA and SCZMA's;
- (b) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMA's have already been notified by MoEF in terms of Orders of Hon'ble

Supreme Court in Writ Petition 664 of 1993;

- (c) the State Government or the Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the State Government and the Union territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned containing atleast three representatives of local traditional coastal communities including from fisherfolk;
- (d) The dwelling units of the traditional coastal communities including fisherfolk, tribals as were permissible under the provisions of the CRZ notification, 1991, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely-
  - (i) these are not used for any commercial activity
  - (ii) these are not sold or transferred to non-traditional coastal community.

7. Classification of the CRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the CRZ area shall be classified as follows, namely:-

(i) CRZ-I,-

- A. The areas that are ecologically sensitive and the geomorphological features which play a role in the maintaining the integrity of the coast,-
  - (a) Mangroves, in case mangrove area is more than 1000 sq mts, a buffer of 50meters along the mangroves shall be provided;
  - (b) Corals and coral reefs and associated biodiversity;
  - (c) Sand Dunes;
  - (d) Mudflats which are biologically active;
  - (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
  - (f) Salt Marshes;
  - (g) Turtle nesting grounds;
  - (h) Horse shoe crabs habitats;
  - (i) Sea grass beds;
  - (j) Nesting grounds of birds;
  - (k) Areas or structures of archaeological importance and heritage sites.

B. The area between Low Tide Line and High Tide Line;

(ii) CRZ-II,-

The areas that have been developed upto or close to the shoreline.

*Explanation.-* For the purposes of the expression “developed area” is referred to as that area within the existing municipal limits or in other existing legally designated urban areas which are substantially built-up and has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains;



## (iii) CRZ-III,-

Areas that are relatively undisturbed and those do not belong to either CRZ-I or II which include coastal zone in the rural areas (developed and undeveloped) and also areas within municipal limits or in other legally designated urban areas, which are not substantially built up.

## (iv.) CRZ-IV,-

- A. the water area from the Low Tide Line to twelve nautical miles on the seaward side;
- B. shall include the water area of the tidal influenced water body from the mouth of the water body at the sea upto the influence of tide which is measured as five parts per thousand during the driest season of the year.

(v) Areas requiring special consideration for the purpose of protecting the critical coastal environment and difficulties faced by local communities,-

- A. (i) CRZ area falling within municipal limits of Greater Mumbai;  
(ii) the CRZ areas of Kerala including the backwaters and backwater islands;  
(iii) CRZ areas of Goa.
- B. Critically Vulnerable Coastal Areas (CVCA) such as Sunderbans region of West Bengal and other ecologically sensitive areas identified as under Environment (Protection) Act, 1986 and managed with the involvement of coastal communities including fisherfolk.

## 8. Norms for regulation of activities permissible under this notification,-

- (i) The development or construction activities in different categories of CRZ shall be regulated by the concerned CZMA in accordance with the following norms, namely:-

Note:- The word existing use hereinafter in relation to existence of various features or existence of regularisation or norms shall mean existence of these features or regularisation or norms as on 19.2.1991 wherein CRZ notification, was notified.

## I. CRZ-I,-

- (i) no new construction shall be permitted in CRZ-I except,-

- (a) projects relating to Department of Atomic Energy;
- (b) pipelines, conveying systems including transmission lines;
- (c) facilities that are essential for activities permissible under CRZ-I;
- (d) installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;
- (e) construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL.
- (f) development of green field airport already approved at only Navi Mumbai;

- (ii) Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

- (a) exploration and extraction of natural gas;
- (b) construction of dispensaries, schools, public rainshelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
- (c) necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
- (d) salt harvesting by solar evaporation of seawater;
- (e) desalination plants;
- (f) storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
- (g) construction of trans harbour sea links, roads on stilts or pillars without affecting the tidal flow of water.

## II. CRZ-II,-

- (i) buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- (ii) buildings permitted on the landward side of the existing and proposed roads or existing authorized structures shall be subject to the existing local town and country planning regulations including the 'existing' norms of Floor Space Index or Floor Area Ratio:  
Provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road;
- (iii) reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
- (iv) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II appended to this notification and facilities for regasification of Liquefied Natural Gas subject to the conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (v) desalination plants and associated facilities;
- (vi) storage of non-hazardous cargo, such as edible oil, fertilizers and food grain in notified ports;
- (vii) facilities for generating power by non-conventional power sources and associated facilities;

## III. CRZ-III,-

A. Area upto 200mts from HTL on the landward side in case of seafront and 100mts along tidal influenced water bodies or width of the creek whichever is less is to be earmarked as "No Development Zone (NDZ)",-

- (i) the NDZ shall not be applicable in such area falling within any notified port limits;
- (ii) No construction shall be permitted within NDZ except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density and for permissible activities under the notification including facilities essential for activities; Construction/reconstruction of dwelling units of traditional coastal communities including fisherfolk may be permitted between 100 and 200 metres from the HTL along the seafront in accordance with a comprehensive plan prepared by the State Government or the Union territory in consultation with the traditional coastal

communities including fisherfolk and incorporating the necessary disaster management provision, sanitation and recommended by the concerned State or the Union territory CZMA to NCZMA for approval by MoEF;

(iii) however, the following activities may be permitted in NDZ –

- (a) agriculture, horticulture, gardens, pasture, parks, play field, and forestry;
- (b) projects relating to Department of Atomic Energy;
- (c) mining of rare minerals;
- (d) salt manufacture from seawater;
- (e) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (f) facilities for regasification of liquefied natural gas subject to conditions as mentioned in subparagraph (ii) of paragraph 3;
- (g) facilities for generating power by non conventional energy sources;
- (h) Foreshore facilities for desalination plants and associated facilities;
- (i) weather radars;
- (j) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA;
- (k) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee;
- (l) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
- (m) development of green field airport already permitted only at Navi Mumbai.

B. Area between 200mts to 500mts,-

The following activities shall be permissible in the above areas;

- (i) development of vacant plot in designated areas for construction of hotels or beach resorts for tourists or visitors subject to the conditions as specified in the guidelines at Annexure-III ;
- (ii) facilities for receipt and storage of petroleum products and liquefied natural gas as specified in Annexure-II;
- (iii) facilities for regasification of liquefied natural gas subject to conditions as mentioned in sub-paragraph (ii) of paragraph 3;
- (iv) storage of non-hazardous cargo such as, edible oil, fertilizers, food grain in notified ports;
- (v) foreshore facilities for desalination plants and associated facilities;
- (vi) facilities for generating power by non-conventional energy sources;
- (vii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction or reconstruction will be subject to local town and country planning rules with overall height of construction not exceeding 9mts with two floors (ground + one floor);
- (viii) Construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges by CZMA who may also permit construction of

schools and dispensaries for local inhabitants of the area for those panchayats, the major part of which falls within CRZ if no other area is available for construction of such facilities;

- (ix) reconstruction or alteration of existing authorised building subject to sub-paragraph (vii), (viii);
- (x) development of green field airport already permitted only at Navi Mumbai.

(IV) In CRZ-IV areas,-

The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities as follows:-

- (a) No untreated sewage, effluents, ballast water, ship washes, fly ash or solid waste from all activities including from aquaculture operations shall be let off or dumped. A comprehensive plan for treatment of sewage generating from the coastal towns and cities shall be formulated within a period of one year in consultation with stakeholders including traditional coastal communities, traditional fisherfolk and implemented;
- (b) Pollution from oil and gas exploration and drilling, mining, boat house and shipping;
- (c) There shall be no restriction on the traditional fishing and allied activities undertaken by local communities.

V. Areas requiring special consideration,-

1. CRZ areas falling within municipal limits of the Greater Mumbai.

- (i) Developmental activities in the CRZ area of the Greater Mumbai because of the environmental issues, relating to degradation of mangroves, pollution of creeks and coastal waters, due to discharge of untreated effluents and disposal of solid waste, the need to provide decent housing to the poor section of society and lack of suitable alternatives in the inter connected islands of Greater Mumbai shall be regulated as follows, namely:-

A. Construction of roads - In CRZ-I areas indicated at sub-paragraph (i) of paragraph 7 of the notification the following activities only can be taken up:-

- (a) Construction of roads, approach roads and missing link roads approved in the Developmental Plan of Greater Mumbai on stilts ensuring that the free flow of tidal water is not affected, without any benefit of CRZ-II accruing on the landward side of such constructed roads or approach roads subject to the following conditions:-

- (i) All mangrove areas shall be mapped and notified as protected forest and necessary protection and conservation measures for the identified mangrove areas shall be initiated.
- (ii) Five times the number of mangroves destroyed/cut during the construction process shall be replanted.

B. Solid waste disposal sites shall be identified outside the CRZ area and thereafter within two years the existing conventional solid waste sites shall be relocated outside the CRZ area.

(iii) In CRZ-II areas-

- (a) The development or redevelopment shall continue to be undertaken in accordance with the norms laid down in the Town and Country Planning Regulations as they existed on the date of issue of the notification dated the 19<sup>th</sup> February, 1991, unless specified

otherwise in this notification.

(b) SLUM REHABILITATION SCHEMES,-

1. In the Greater Mumbai area there are large slum clusters with lakhs of families residing therein and the living conditions in these slums are deplorable and the civic agencies are not able to provide basic infrastructure such as drinking water, electricity, roads, drainage and the like because the slums come up in an unplanned and congested manner and the slums in the coastal area are at great risk in the event of cyclones, storm surges or tsunamis, in view of the difficulties in providing rescue, relief and evacuation.
2. To provide a safe and decent dwelling to the slum dwellers, the State Government may implement slum redevelopment schemes as identified as on the date of issue of this notification directly or through its parastatal agencies like Maharashtra Housing and Area Development Authority (MHADA), Shivshahi Punarvasan Prakalp Limited (SPPL), Mumbai Metropolitan Region Development Authority (MMRDA) and the like.:

Provided that,-

- (i) such redevelopment schemes shall be undertaken directly or through joint ventures or through public private partnerships or other similar models ensuring that the stake of the State Government or its parastatal entities shall be not less than 51%;
- (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority;
- (iii) it shall be the duty of the project proponent undertaking the redevelopment through conditions (i) (2) above along with the State Government to ensure that all legally regularized tenants are provided houses in situ or as per norms laid down by the State Government in this regard.

(c) REDEVELOPMENT OF DILAPIDATED, CESSSED AND UNSAFE BUILDINGS:

1. In the Greater Mumbai, there are, also a large number of old and dilapidated, cessed and unsafe buildings in the CRZ areas and due to their age these structures are extremely vulnerable and disaster prone and therefore there is an urgent need for the redevelopment or reconstruction of these identified buildings.
2. These projects shall be taken up subject to the following conditions and safeguards:
  - (i) such redevelopment or reconstruction projects as identified on the date of issue of this notification shall be allowed to be taken up involving the owners of these buildings either above or with private developers in accordance with the prevailing Regulation, directly or through joint ventures or through other similar models.
  - (ii) the Floor Space Index or Floor Area Ratio for such redevelopment schemes shall be in accordance with the Town and Country Planning Regulations prevailing as on the date on which the project is granted approval by the competent authority

(iii) suitable accommodation to the original tenants of the specified buildings shall be ensured during the course of redevelopment or reconstruction of the buildings by the project proponents, undertaking the redevelopment through condition 2(i) above.

(d) Notwithstanding anything contained in this notification, the developmental activities for slums and for dilapidated, cessed and unsafe buildings as specified at paras (b) and (c) above shall be carried out in an accountable and transparent manner by the project proponents mentioned therein which shall include the following pre-condition measures, wherever applicable;-

1. (i) applicability of the Right to Information Act, 2005 to all redevelopment or reconstruction projects granted clearance by the Competent Authorities;
  - (ii) MoEF shall issue an order constituting the CPIO and the first Appellate Authority of appropriate ranks in consultation with Government of Maharashtra;
  - (iii) details of the Slum Rehabilitation Scheme, including the complete proposal and the names of the eligible slum dwellers will be declared suo-moto as a requirement of Section 4 of compliance of the Right to Information Act, 2005 by the appropriate authority in the Government of Maharashtra in one month before approving it;
  - (iv) the implementing or executing agency at the State Government with regard to projects indicated at sub-item (b) and (c) of item (iii) of sub-paragraph V shall display on a large notice boards at the site and at the office of the implementing or executing agency the names of the eligible builders, total number of tenements being made, names of eligible slum dwellers who are to be provided the dwelling units and the extra area available for free sale.
  - (v) Projects being developed under sub-items (b) and (c) of item (iii) of sub-paragraph V shall be given permission only if the project proponent agree to be covered under the Right to Information Act, 2005.
2. MoEF may appoint statutory auditors, who are empanelled by the Comptroller and auditor General (hereinafter referred to as the C&AG) to undertake performance and fiscal audit in respect of the projects relating to redevelopment of dilapidated, cessed and unsafe buildings and the projects relating to Slum Rehabilitation Scheme shall be audited by C&AG.
  3. A High Level Oversight Committee may be set up by the Government of Maharashtra for periodic review of implementation of V(iii)(b) and (c) which shall include eminent representatives of various Stakeholders, like Architects, Urban Planner, Engineers, and Civil Society, besides the local urban bodies, the State Government and the Central Government.
  4. The individual projects under V(iii)(b) and (c) shall be undertaken only after public consultation in which views of only the legally entitled slum dweller or the legally entitled tenent of the dilapidated or cessed buildings shall be obtained in accordance with the procedures laid down in EIA notification, 2006.

(e) In order to protect and preserve the 'green lung' of the Greater Mumbai area, all open spaces, parks, gardens, playgrounds indicated in development plans within CRZ-II shall be categorized as CRZ-III, that is, 'no development zone'.

(f) the Floor Space Index upto 15% shall be allowed only for construction of civic amenities, stadium and gymnasium meant for recreational or sports related activities and the residential or commercial use of such open spaces shall not be permissible.

- (g) Koliwada namely, fishing settlement areas as identified in the Development Plan of 1981 or relevant records of the Government of Maharashtra, shall be mapped and declared as CRZ-III so that any development, including construction and reconstruction of dwelling units within these settlements shall be undertaken in accordance with applicable as per local Town and Country Planning Regulations.
- (h) Reconstruction and repair works of the dwelling units, belonging to fisher communities and other local communities identified by the State Government, shall be considered and granted permission by the Competent Authorities on a priority basis, in accordance with the applicable Town and Country Planning Regulations.

## 2. CRZ for Kerala

In view of the unique coastal systems of backwater and backwater islands alongwith space limitation present in the coastal stretches of the State of Kerala, the following activities in CRZ shall be regulated as follows, namely:-

- (i) all the islands in the backwaters of Kerala shall be covered under the CRZ notification;
- (ii) the islands within the backwaters shall have 50mts width from the High Tide Line on the landward side as the CRZ area;
- (iii) within 50mts from the HTL of these backwater islands existing dwelling units of local communities may be repaired or reconstructed however no new construction shall be permitted;
- (iv) beyond 50mts from the HTL on the landward side of backwater islands, dwelling units of local communities may be constructed with the prior permission of the Gram panchayat;
- (v) foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up within 50mts width from HTL of these backwater islands.

## 3. CRZ of Goa.-

In view of the peculiar circumstances of the State Goa including past history and other developments, the specific activities shall be regulated and various measures shall be undertaken as follows:-

- (i) the Government of Goa shall notify the fishing villages wherein all foreshore facilities required for fishing and fishery allied activities such as traditional fish processing yards, boat building or repair yards, net mending yards, ice plants, ice storage, auction hall, jetties may be permitted by Grama Panchayat in the CRZ area;
- (ii) reconstruction, repair works of the structures of local communities including fishermen community shall be permissible in CRZ;
- (iii) purely temporary and seasonal structures customarily put up between the months of September to May;
- (iv) the eco sensitive low lying areas which are influenced by tidal action known as khazan lands shall be mapped;
- (v) the mangroves along such as khazan land shall be protected and a management plan for the khazan land prepared and no developmental activities shall be permitted in the khazan land;
- (vi) sand dunes, beach stretches along the bays and creeks shall be surveyed and mapped. No activity shall be permitted on such sand dune areas;
- (vii) the beaches such as Mandrem, Morjim, Galgiba and Agonda has been designated as turtle nesting sites and protected under the Wildlife Protection Act, 1972 and these areas

shall be surveyed and management plan prepared for protection of these turtle nesting sites;

(viii) no developmental activities shall be permitted in the turtle breeding areas referred to in sub-paragraph (vii).

4. (a) Critical Vulnerable Coastal Areas (CVCA) which includes Sunderbans and other identified ecological sensitive areas which shall be managed with the involvement of the local coastal communities including the fisher folk;-
- (b) the entire Sunderbans mangrove area and other identified ecologically important areas such as Gulf of Khambat and Gulf of Kutchhh in Gujarat, Malvan, Achra-Ratnagiri in Maharashtra, Karwar and Coondapur in Karnataka, Vembanad in Kerala, Gulf of Mannar in Tamil Nadu, Bhaitarkanika in Orissa, Coringa, East Godavari and Krishna in Andhra Pradesh shall be declared as Critical Vulnerable Coastal Areas (CVCA) through a process of consultation with local fisher and other communities inhabiting the area and depend on its resources for their livelihood with the objective of promoting conservation and sustainable use of coastal resources and habitats;
- (c) the process of identifying planning, notifying and implementing CVCA shall be detailed in the guideline which will be developed and notified by MoEF in consultations with the stakeholders like the State Government, local coastal communities and fisherfolk and the like inhabiting the area;
- (d) the Integrated Management Plans (IMPs) prepared for such CVCA shall interalia keep in view the conservation and management of mangroves, needs of local communities such as, dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage and the impact of sea level rise and other natural disasters and the IMPs will be prepared in line with the para 5 above for preparation of Coastal Zone Management Plans;
- (e) till such time the IMPs are approved and notified, construction of dispensaries, schools, public rain shelters, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants shall be permitted on a case to case basis, by the CZMA with due regards to the views of coastal communities including fisherfolk.

**[F.No.11-83/2005-IA-III]**  
**J. M. MAUSKAR, Addl. Secy.**



**ANNEXURE I****GUIDELINES FOR PREPARATION OF COASTAL ZONE MANAGEMENT PLANS****I. A. Demarcation of High Tide Line**

1. Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) shall be carried out by one of the agencies authorised by MoEF based on the recommendations of the National Centre for Sustainable Coastal Management (NCSCM).
2. Demarcation of the High Tide Line or LTL shall be made on the Coastal Zone Management (CZM) Maps of scale 1:25,000 prepared by the agencies identified by the MoEF.
3. Local level CZM Maps shall be prepared for use of officials of local bodies for determination of the CRZ.
4. The local level CZM Maps shall be prepared on a Cadastral scale in accordance with the CZM Maps approved by the Central Government.

**B. Preparation of CZM Maps**

5. Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:
 

Unit	:	7.5 minutes X 7.5minutes
Numbering	:	Survey of India Sheet Numbering System
Horizontal Datum	:	Everest or WGS 84
Vertical Datum	:	Mean Sea Level (MSL)
Topography	:	Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs
6. The High Water Level (HWL) and Low Water Level (LWL) marked on the Base maps will be transferred to the CZM maps.
7. Coastal geomorphological signatures in the field or satellite imageries or aerial photographs will be used for appropriate adjustment, in the HWL or LWL for demarcating HTL or LTL in accordance with the CRZ notification.
8. The following geomorphological features shall be considered while demarcating in HTL or LTL:
  - Landward (monsoonal) berm crest in the case of sandy beaches
  - Rocks, Headlands, Cliffs
  - Seawalls or revetments or embankments
9. 500 meter and 200 metre lines will be demarcated with respect of HTL.
10. HTL (as defined in the CRZ notification) and LTL shall also be demarcated in the CZM maps along the banks of tidal influenced inland water bodies with the help of the geomorphological signatures or features.
11. Classification of different coastal zones shall be done as per the CRZ notification
12. Standard national or international colour codes shall be used to highlight sub-classification of data.

**C. Local level CZM Maps**

Local level CZM Maps are for the use of local bodies and other agencies to facilitate implementation of the Coastal Zone Management Plans

13. Cadastral (village) maps in 1:3960 or the nearest scale, shall be used as the base maps.

14. These maps are available with revenue Authorities and are prepared as per standard norms.
15. HTL (as defined in the CRZ notification) and LTL will be demarcated in the cadastral map based on detailed physical verification using coastal geomorphological signatures or features in accordance with the CZM Maps approved by the Central Government.
16. 500metre and 200metre lines shall be demarcated with respect to the HTL thus marked.
17. HTL (as defined in the CRZ notification, 1991) and LTL will also be demarcated along the banks of tidal influenced inland water bodies with the help of geomorphological signatures or features.
18. Classifications shall be transferred into local level CZM maps from the CZM Plans.
19. Symbols will be adopted from CZM Maps.
20. Colour codes as given in CZM Maps shall be used.
21. Demarcation of cadastral maps will be done by local agencies approved by the Central Government. The local agencies shall work under the guidance of the concerned State Government or Union Territory Coastal Zone Management Authorities.

#### D. Hazard mapping:-

#### II. Classification of CRZ areas

1. The CZM Maps shall be prepared in accordance with para 5 of the CRZ notification demarcating CRZ I, II, III, IV and V.
2. The CZM Maps shall clearly demarcate the land use plan of the area and lists out the CRZ-I areas. All the CRZ-I areas listed under para 7(I)A and B shall be clearly demarcated and colour codes given so that each of the CRZ-I areas can be clearly identified.
3. Buffer zone along mangrove areas of more than 1000sq mts shall be stipulated with a different colour distinguishing from the mangrove area.
4. The buffer zone shall also be classified as CRZ-I area.
5. The hazard line to be drawn up by MoEF shall be superimposed on the CZM maps in 1:25,000 scale and also on the cadastral scale maps.
6. The CRZ-II areas shall be those areas which have been substantially built-up with a ratio of built-up plots to that of total plots is more than 50%.
7. In the CRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
8. No developmental activities other than those listed above shall be permitted in the areas between the hazard line and 500mts or 100mts or width of the creek on the landward side. The dwelling unit of the local communities including that of the fishers will not be relocated if the dwelling units are located on the seaward side of the hazard line. The State Government will provide necessary safeguards from natural disaster to such dwelling units of local communities.
9. The water areas of CRZ IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
10. The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
11. The water area shall be demarcated indicating the pollution levels as per Central Pollution Control Board standards on water quality.
12. In the CRZ V areas the land use maps shall be superimposed on the Coastal Zone Management Plan and clearly demarcating the CRZ I, II, III, IV.
13. The existing authorized developments on the sea ward side shall be clearly demarcated.

14. The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the CZM Maps for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.

### III. CZMPs approved by MoEF in accordance with CRZ notification, 1991

1. While preparing the CZMPs under CRZ notification, 2011, the CZMPs that have been approved under the CRZ Notification, 1991 shall be compared. A justification shall be provided by the concerned CZMA in case the CZMPs prepared under CRZ notification, 2011 varies with respect to the approved CZMP prepared under CRZ notification, 1991.

### IV. Public Views on the CZMP.

- a) The draft CZMPs prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing on the draft CZMPs shall be held at district level by the concerned CZMAs.
- b) Based on the suggestions and objections received the CZMPs shall be revised and approval of MoEF shall be obtained.
- c) The approved CZMP shall be put up on the website of MoEF, concerned website of the State, Union Territory CZMA and hard copy made available in the panchayat office, District collector office and the like.

### V. Revision of Coastal Zone Management Plans

1. Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the CZMP based on latest satellite imagery and ground truthing.
2. The rectified map would be submitted to MoEF for its record.

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List of petroleum and chemical products permitted for storage in [CRZ except CRZ-I(A)]

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers.

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**Annexure-III****Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests**

- I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:-
- (a) The project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between Low Tide Line and High Tide Line;
  - (b) The proposed constructions shall be beyond the hazard line or 200mts from the High Tide Line whichever is more;
  - (c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
  - (d) no flattening of sand dunes shall be carried out;
  - (e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
  - (f) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
  - (g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
  - (h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;
  - (i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetative cover;
  - (j) the construction shall be consistent with the surrounding landscape and local architectural style;
  - (k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);
  - (l) groundwater shall not be tapped within 200metre of the High Tide Line; within the 200metre 500metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;
  - (m) extraction of sand, leveling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500metres of the High Tide Line;

- (n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;
  - (o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
  - (p) to allow public access to the beach, atleast a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and
  - (q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and
  - (r) approval of the State or Union territory Tourism Department shall be obtained.
- II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted

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**Form-I for seeking clearance for project attracting CRZ notification**

Basic information:

Name of the Project:-

Location or site alternatives under consideration:-

Size of the project (in terms of total area) :-

CRZ classification of the area :-

Expected cost of the project:-

Contact Information:-

**(II) Activity**

1. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, and the like)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Details of CRZ classification as per the approved Coastal Zone Management Plan?		
1.3	Whether located in CRZ-I area?		
1.4	The distance from the CRZ-I areas.		
1.5	Whether located within the hazard zone as mapped by Ministry of Environment and Forests/National Disaster Management Authority?		
1.6	Whether the area is prone to cyclone, tsunami, tidal surge, subduction, earthquake etc.?		
1.7	Whether the area is prone for saltwater ingress?		
1.8	Clearance of existing land, vegetation and buildings?		
1.9	Creation of new land uses?		
1.10	Pre-construction investigations e.g. bore hole, soil testing?		
1.11	Construction works?		

1.12	Demolition works?		
1.13	Temporary sites used for construction works or housing of construction workers?		
1.14	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.15	Underground works including mining or tunneling?		
1.16	Reclamation works?		
1.17	Dredging/reclamation/land filling/disposal of dredged material etc.?		
1.18	Offshore structures?		
1.19	Production and manufacturing processes?		
1.20	Facilities for storage of goods or materials?		
1.21	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.22	Facilities for long term housing of operational workers?		
1.23	New road, rail or sea traffic during construction or operation?		
1.24	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.25	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.26	New or diverted transmission lines or pipelines?		
1.27	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		
1.28	Stream and river crossings?		
1.29	Abstraction or transfers of water form ground or surface waters?		
1.30	Changes in water bodies or the land surface affecting drainage or run-off?		
1.31	Transport of personnel or materials for construction, operation or decommissioning?		
1.32	Long-term dismantling or decommissioning or restoration works?		
1.33	Ongoing activity during decommissioning which could have an impact on the environment?		
1.34	Influx of people to an area in either temporarily or permanently?		
1.35	Introduction of alien species?		
1.36	Loss of native species or genetic diversity?		
1.37	Any other actions?		



2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S. No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, sand/soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes, that would affect local communities, fisherfolk, their livelihood, dwelling units of traditional local communities etc		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data

4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

#### 5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		
5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

#### 6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		

6.7	From any other sources		
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7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g., floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	Lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:  Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)		

	housing development extractive industries supply industries other		
9.2	Lead to after-use of the site, which could have an impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

### III. Environmental Sensitivity

S. No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (hospitals, schools, places of worship, community facilities)		
10	Areas containing important, high quality or scarce resources (ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)		
11	Areas already subjected to pollution or environmental damage. (those where existing legal environmental standards are exceeded)		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems (earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)		



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 30th March, 2010/Chaitra 9, 1932 (Saka)*

The following Act of Parliament received the assent of the President on the 29th March, 2010, and is hereby published for general information:—

### THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS (AMENDMENT AND VALIDATION) ACT, 2010

(No. 10 OF 2010)

[29th March, 2010.]

An Act further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and to make provision for validation of certain actions taken by the Central Government under the said Act.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010.

Short title and commencement.

(2) Save as otherwise provided, it shall be deemed to have come into force (except sections 3, 5, 7 and 8 to 11) on the 23rd day of January, 2010.

24 of 1958.

2. On and from the 16th day of June, 1992, in the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2.

(i) after clause (d), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

“(da) “Authority” means the National Monuments Authority constituted under section 20F;

(db) "competent authority" means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act:

Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of sections 20C, 20D and 20E;

(dc) "construction" means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re-construction, repair and renovation of an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or, the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;

(ii) after clause (h), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

'(ha) "prohibited area" means any area specified or declared to be a prohibited area under section 20A;'

(iii) after clause (j), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

'(k) "re-construction" means any erection of a structure or building to its pre-existing structure, having the same horizontal and vertical limits;

(l) "regulated area" means any area specified or declared under section 20B;

(m) "repair and renovation" means alterations to a pre-existing structure or building, but shall not include construction or re-construction;'

3. After section 4 of the principal Act, the following section shall be inserted, namely:—

"4A. (1) The Central Government shall, on the recommendation of the Authority, prescribe categories in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, and while prescribing such categories it shall have regard to the historical, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorisation.

(2) The Central Government shall, on the recommendation of the Authority, classify all the ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, in accordance with the categories prescribed under sub-section (1) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit."

4. On and from the 16th day of June, 1992, after section 20 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

#### "PROHIBITED AND REGULATED AREAS

20A. Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred metres in all directions shall be the prohibited area in respect of such protected area or protected monument:

Provided that the Central Government may, on the recommendation of the Authority, by notification in the Official Gazette, specify an area more than one hundred

Insertion of new section 4A.

Categorisation and classification in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4.

Insertion of new section 20A.

Declaration of prohibited area and carrying out public work or other works in prohibited area.

metres to be the prohibited area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A.

(2) Save as otherwise provided in section 20C, no person, other than an archaeological officer, shall carry out any construction in any prohibited area.

(3) In a case where the Central Government or the Director-General, as the case may be, is satisfied that—

(a) it is necessary or expedient for carrying out such public work or any project essential to the public; or

(b) such other work or project, in its opinion, shall not have any substantial adverse impact on the preservation, safety, security of, or, access to, the monument or its immediate surrounding,

it or he may, notwithstanding anything contained in sub-section (2), in exceptional cases and having regard to the public interest, by order and for reasons to be recorded in writing, permit, such public work or project essential to the public or other constructions, to be carried out in a prohibited area:

Provided that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a prohibited area in respect of such protected monument, shall be deemed to be the prohibited area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted by the Central Government or the Director-General, as the case may be, for the construction within the prohibited area on the basis of the recommendation of the Expert Advisory Committee, shall be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times:

Provided further that nothing contained in the first proviso shall apply to any permission granted, subsequent to the completion of construction or re-construction of any building or structure in any prohibited area in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, or, without having obtained the recommendations of the Committee constituted in pursuance of the order of the Government of India number 24/22/2006-M, dated the 20th July, 2006 (subsequently referred to as the Expert Advisory Committee in orders dated the 27th August, 2008 and the 5th May, 2009)."

5. In section 20A of the principal Act (as so inserted by section 4 of this Act), after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) No permission, referred to in sub-section (3), including carrying out any public work or project essential to the public or other constructions, shall be granted in any prohibited area on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010 receives the assent of the President."

6. On and from the 16th day of June, 1992, after section 20A of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

"20B. Every area, beginning at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, declared as of national importance under sections 3 and 4 and extending to a distance of two hundred metres in all directions shall be the regulated area in respect of every ancient monument and archaeological site and remains:

Provided that the Central Government may, by notification in the Official Gazette, specify an area more than two hundred metres to be the regulated area having regard

Amendment of section 20A.

Insertion of new section 20B.

Declaration of regulated area in respect of every protected monument.

to the classification of any protected monument or protected area, as the case may be, under section 4A:

Provided further that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a regulated area in respect of such protected monument, shall be deemed to be the regulated area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted for construction in such regulated area shall, be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times.”

7. After section 20B of the principal Act (as so inserted by section 6 of this Act) the following sections shall be inserted, namely:—

Insertion of new sections 20C, 20D, 20E, 20F, 20G, 20H, 20-I, 20J, 20K, 20L, 20M, 20N, 20-O, 20P and 20Q.

Application for repair or renovation in prohibited area, or construction or re-construction or repair or renovation in regulated area.

‘20C. (1) Any person, who owns any building or structure, which existed in a prohibited area before the 16th day of June, 1992, or, which had been subsequently constructed with the approval of the Director-General and desires to carry out any repair or renovation of such building or structure, may make an application to the competent authority for carrying out such repair or renovation, as the case may be.

(2) Any person, who owns or possesses any building or structure or land in any regulated area, and desires to carry out any construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or re-construction or repair or renovation, as the case may be.

#### GRANT OF PERMISSION BY COMPETENT AUTHORITY

20D. (1) Every application for grant of permission under section 20C of this Act shall be made to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, within fifteen days of the receipt of the application, forward the same to the Authority to consider and intimate impact of such construction (including the impact of large-scale development project, public project and project essential to the public) having regard to the heritage bye-laws relating to the concerned protected monument or protected area, as the case may be:

Provided that the Central Government may prescribe the category of applications in respect of which the permission may be granted under this sub-section and the application which shall be referred to the Authority for its recommendations.

(3) The Authority shall, within two months from the date of receipt of application under sub-section (2), intimate to the competent authority impact of such construction (including the impact of large-scale development project, public project and project essential to the public).

(4) The competent authority shall, within one month of the receipt of intimation from the Authority under sub-section (3), either grant permission or refuse the same as so recommended by the Authority.

(5) The recommendations of the Authority shall be final.

(6) In case the competent authority refuses to grant permission under this section, it shall, by order in writing, after giving an opportunity to the concerned person, intimate such refusal within three months from the date of receipt of the application to the applicant, the Central Government and the Authority.

Insertion of new section 4A.

Category and class in respect of ancient monuments, archaeological sites and remains declared as national monuments under section 3 and

Insertion of new section 20A

Declaration of prohibited and out-purcell areas

Grant of permission by competent authority within regulated area.



(7) If the competent authority, after grant of the permission under sub-section (4) and during the carrying out of the repair or renovation work or re-construction of building or construction referred to in that sub-section, is of the opinion (on the basis of material in his possession or otherwise) that such repair or renovation work or re-construction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the monument considerably, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted under sub-section (4) if so required:

Provided that the competent authority may, in exceptional cases, with the approval of the Authority grant permission to the applicant referred to in sub-section (2) of section 20C until the heritage bye-laws have been prepared under sub-section (1) of section 20E and published under sub-section (7) of that section.

(8) The Central Government, or the Director-General, as the case may be, shall exhibit, on their website, all the permissions granted or refused under this Act.

2 of 1882.

20E. (1) The competent authority, in consultation with Indian National Trust for Arts and Cultural Heritage, being a trust registered under the Indian Trusts Act, 1882, or such other expert heritage bodies as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monument and protected area.

Heritage bye-laws.

(2) The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).

(3) The Central Government shall, by rules, specify the manner of preparation of detailed site plans in respect of each protected area or protected monument or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws.

(4) The competent authority for the purpose of preparation of detailed site plans and heritage bye-laws may appoint such number of experts or consultants as it may deem fit.

(5) A copy of each of the heritage bye-laws prepared under sub-section (1) shall be forwarded to the Authority for its approval.

(6) A copy of the heritage bye-laws as approved by the Authority under sub-section (5) shall be laid before each House of Parliament.

(7) Each heritage bye-laws shall, be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit, immediately after laying the same before each House of Parliament.

#### NATIONAL MONUMENTS AUTHORITY

20F. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be called as the National Monuments Authority.

Constitution of National Monuments Authority.

(2) The Authority shall consist of,—

(a) a Chairperson, on whole-time basis, to be appointed by the President, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(b) such number of members not exceeding five whole-time members and five part-time members to be appointed, on the recommendation of the Selection Committee referred to in section 20G, by the Central Government, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(c) the Director-General as member, *ex officio*.

(3) The tenure of the whole-time Chairperson or every whole-time member and every part-time member, of the Authority shall be three years from the date on which he assumes office as such and shall not be eligible for re-appointment:

Provided that, save as otherwise provided in clause (c) of sub-section (2), any person who has held any post in the Archaeological Survey of India or in the Ministry of Culture of the Government of India or a State Government or has not been found fit to be considered for being appointed to any such post shall, not be eligible to be appointed as the Chairperson or a member of the Authority:

Provided further that any person, who had either been granted a permission or licence or refused any such permission or refused grant of a licence or any person or any of his relative having any interest in a prohibited area or a regulated area shall not be eligible to be appointed as a Chairperson or member.

*Explanation.*—For the purposes of this section, “relative” means—

- (i) spouse of the Chairperson or member of the Authority;
- (ii) brother or sister of the Chairperson or member of the Authority;
- (iii) brother or sister of the spouse of the Chairperson or member of the Authority;
- (iv) brother or sister of either of the parents of the Chairperson or member of the Authority;
- (v) any lineal ascendant or descendant of the Chairperson or member of the Authority;
- (vi) any lineal ascendant or descendant of the spouse of the Chairperson or member of the Authority;
- (vii) spouse of the person referred to in clauses (ii) to (vi);

(4) An officer, not below the rank of Joint Secretary to the Government of India, shall be the Member Secretary of the Authority.

(5) The Central Government shall provide such number of officers and other employees as may be necessary for discharge of functions by the Authority under this Act.

20G. (1) Every whole-time member and every part-time member of the Authority shall be selected by a Selection Committee consisting of the following persons, namely:—

- (a) Cabinet Secretary — Chairperson, *ex officio*;
- (b) Secretary in the Ministry of Culture — member, *ex officio*;
- (c) Secretary in the Ministry of Urban development — member, *ex officio*;
- (d) three experts, having proven experience and expertise in the fields of archaeology, architecture, heritage or conservation-architecture to be nominated by the Central Government.

(2) The Selection Committee referred to in sub-section (1) shall regulate its own procedure for the purposes of selecting whole-time members and part-time members of the Authority.

20H. (1) The salaries and allowances payable to the whole-time Chairperson and whole-time members, and the other terms and conditions of their service or fees or allowances payable to the part-time members, of the Authority shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the whole-time Chairperson and whole-time members shall be varied to their disadvantage after their appointment.

Selection  
Committee  
for selection  
of members  
of Authority.

Salary,  
allowances and  
meetings of  
Authority.

(2) The Authority shall regulate its own procedure for the purposes of holding its meetings (including quorum of such meetings) and granting permissions under this Act.

(3) All the decisions of the Authority shall be published in such manner as it may decide and also on its own website and on the website of the Central Government.

20-I. (1) The Authority shall exercise or discharge the following powers or functions, namely:—

Functions and powers of Authority.

(a) make recommendations to the Central Government for grading and classifying protected monuments and protected areas declared as of national importance under sections 3 and 4, before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010;

(b) make recommendations to the Central Government for grading and classifying protected monuments and protected areas which may be declared after the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, as of national importance under section 4;

(c) oversee the working of the competent authorities;

(d) to suggest measures for implementation of the provisions of this Act;

(e) to consider the impact of large-scale developmental projects, including public projects and projects essential to the public which may be proposed in the regulated areas and make recommendations in respect thereof to the competent authority;

(f) to make recommendations to the competent authority for grant of permission.

(2) The Authority shall, for the purpose of discharging functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

20J. (1) Notwithstanding anything contained in sub-section (3) of section 20F, the President in the case of the Chairperson and the Central Government in the case of whole-time member and part-time member may, by order, remove from office, the Chairperson or any such member of the Authority, if he —

Removal of Chairperson and members.

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as Chairperson or member; or

(d) has acquired such financial or other interests as is likely to affect prejudicially his functions; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or any member of the Authority shall not be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

20K. On ceasing to hold office, the Chairperson or whole-time member of the Authority, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any institution, agency

Restriction on future employment by Chairperson and members.

or organisation of any nature mainly dealing with archaeology, country and town planning, architecture, heritage and conservation-architecture or whose matters had been before the Chairperson or such member.

Power of Central Government to issue directions to Authority.

20L. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

Power of Central Government to issue directions to competent authority.

20M. Without prejudice to the foregoing provisions of this Act, the competent authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions, as the Central Government may give in writing to it from time to time.

Power of Central Government to supersede Authority.

20N. (1) If, at any time the Central Government is of the opinion,—

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

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

the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

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

(a) the Chairperson and all other whole-time members and part-time members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other whole-time members and part-time members and in such case any person who had vacated his office under

clause (a) of sub-section (2) shall not be deemed to be disqualified, subject to the provisions of sub-section (3) of section 20F for reappointment for the remaining period.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

20-O. No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of jurisdiction of civil court.

20P. (1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving full description of all the activities of the Authority for the previous year.

Annual report.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

20Q. Where the Central Government considers it expedient so to do, it may, by order in writing call upon the Authority or the competent authority, as the case may be, to furnish in writing such information, in such form and manner as may be prescribed, relating to its affairs as the Central Government may require."

Power to call for information.

8. In section 30 of the principal Act,—

Amendment of section 30.

(a) in sub-section (1),—

(i) for the words "imprisonment which may extend to three months", the words "imprisonment which may extend to two years" shall be substituted;

(ii) for the words "fine which may extend to five thousand rupees", the words "fine which may extend to one lakh rupees" shall be substituted;

(b) in sub-section (2), for the words "fine which may extend to five thousand rupees", the words "imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both" shall be substituted.

9. After section 30 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 30A, 30B and 30C.

30A. Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the prohibited area, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

Punishment for construction, etc., in prohibited area.

30B. Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the regulated area without the previous permission of the competent authority or in contravention of the permission granted by the competent authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

Punishment for construction, etc., in regulated area.

30C. If any officer of the Central Government enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any construction or re-construction takes place in a prohibited area or regulated area, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

Offences by officers of Government.

Insertion of new sections 35A and 35B.

Obligation to survey the protected prohibited area and regulated areas.

Identification of un-authorised constructions on or after 16th June, 1992.

Amendment of section 38.

Validation of action taken, etc., under notification No.S.O.1764, dated 16th June, 1992.

10. After section 35 of the principal Act, the following sections shall be inserted, namely:—

“35A. (1) The Director-General shall, within such time as may be specified by the Central Government, conduct a survey or cause survey to be conducted in respect of all prohibited areas and regulated areas for the purpose of detailed site plans.

(2) A report in respect of such survey referred to in sub-section (1) shall be forwarded to the Central Government and to the Authority.

35B. (1) The Director-General shall, within such time as may be specified by the Central Government, identify or cause to be identified, all constructions (of whatever nature) made on and after the 16th day of June, 1992 in all prohibited areas and regulated areas and, thereafter, submit from time to time a report in respect thereof to the Central Government.

(2) The Director-General shall, for the purposes of sub section (1), have the power to call for information from the local bodies and other authorities.”

11. In section 38 of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—

(ca) the categories of ancient monuments or archaeological sites and remains, declared as of national importance, under sub-section (1) of section 4A;

(cb) the manner of making application for grant of permission under sub-section (1) of section 20D;

(cc) the category of applications in respect of which the permission may be granted and applications which shall be referred to the Authority for its recommendation, under sub-section (2) of section 20D;

(cd) the other matters including heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines) under sub-section (2) of section 20E;

(ce) the manner of preparation of detailed site plans in respect of each prohibited area and regulated area and the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws under sub-section (3) of section 20E;

(cf) salaries and allowances payable to, and the other terms and conditions of service of, the whole-time Chairperson and whole-time members, or fees or allowances payable to the part-time members, of the Authority under sub-section (1) of section 20H;

(cg) the form in which and time at which the Authority shall prepare an annual report giving full description of its activities for the previous year under section 20P;

(ch) the form and manner in which the Authority and competent authority shall furnish information to the Central Government under section 20Q;”

12. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority—

(a) any thing done or purported to be done or any action taken or purported to be taken by the Central Government, except as provided in the second proviso to sub-section (3) of section 20A, immediately before the commencement of this Act, in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, shall be deemed to be and deemed to have always been done or taken validly and in accordance with law at all material times [except as provided in the second proviso to sub-section (3) of section 20A] and no action taken or thing done

24 of 1958. (including any order made, agreement entered into, or notification issued for constituting any Expert Advisory Committee) in connection with any permission granted or licence issued for any construction in a prohibited area or a regulated area in respect of a protected monument, shall be deemed to be invalid or ever to have become invalid except as provided in the second proviso to sub-section (3) of section 20A merely on the ground that the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or the rules, orders or notifications issued thereunder did not contain any provision for constitution of an Expert Advisory Committee or Advisory Committee, as the case may be;

24 of 1958. (b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for any permission or licence granted by the Central Government or the Director-General under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any rule, order or notification made thereunder for carrying out any repair, renovation or construction work or for undertaking any public work or public project before the commencement of this Act;

24 of 1958. (c) no claim or challenge shall be made in or entertained by any court, tribunal or other authority solely on the ground that the Central Government or the Director-General did not take into consideration any of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, as amended by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in granting any permission or licence for the purpose of carrying out any mining or repair, renovation or construction work in a prohibited area or a regulated area at any time between the 16th day of June, 1992 and the date of commencement of this Act.

Ord. 1 of 2010. 13. (1) The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

V. K. BHASIN,  
Secy. to the Govt. of India.

[लोक सभा द्वारा 15 मार्च, 2010 को पारित रूप में ]

2010 का विधेयक संख्यांक 26-सी

[दि एन्सिप्लेंट मोनुमेन्ट्स एंड आर्केजोलोजिकल साइट्स एंड रिमेन्स (अमेंडमेंट एंड वैलिडेशन) बिल, 2010 का हिंदी अनुवाद]

## प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमान्यकरण) विधेयक, 2010

प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958  
का और संशोधन करने तथा उक्त अधिनियम के अधीन  
केंद्रीय सरकार द्वारा की गई कतिपय कार्यवाहियों के  
विधिमान्यकरण का उपबंध  
करने के लिए  
विधेयक

भारत गणराज्य के इकसठवें वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित  
हो :-

1. (1) इस अधिनियम का संक्षिप्त नाम प्राचीन संस्मारक तथा पुरातत्वीय स्थल और  
अवशेष (संशोधन और विधिमान्यकरण) अधिनियम, 2010 है ।

संक्षिप्त नाम और  
प्रारंभ ।

5. (2) यथा अन्यथा उपबंधित के सिवाय, यह (धारा 3, धारा 5, धारा 7 और धारा 8 से  
धारा 11 के सिवाय) 23 जनवरी, 2010 को प्रवृत्त हुआ समझा जाएगा ।

1958 का 24

2. प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (जिसे इसमें  
इसके पश्चात् मूल अधिनियम कहा गया है) की धारा 2 में, 16 जून, 1992 से ही,—

धारा 2 का  
संशोधन ।

10. (i) खंड (घ) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किए जाएंगे और  
अंतःस्थापित किए गए समझे जाएंगे, अर्थात् :-

“(घक) “प्राधिकरण” से धारा 20च के अधीन गठित राष्ट्रीय संस्मारक  
प्राधिकरण अभिप्रेत है ;

(घख) “सक्षम प्राधिकारी” से केंद्रीय सरकार या राज्य सरकार के पुरातत्व



निदेशक या पुरातत्व आयुक्त की पंक्ति से अनिम्न या समतुल्य पंक्ति का ऐसा अधिकारी अभिप्रेत है, जो इस अधिनियम के अधीन कृत्यों का पालन करने के लिए केंद्रीय सरकार द्वारा, राजपत्र में अधिसूचना द्वारा, सक्षम प्राधिकारी के रूप में विनिर्दिष्ट किया जाए :

परंतु केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, धारा 20ग, धारा 20घ और धारा 20ङ के प्रयोजनों के लिए भिन्न-भिन्न सक्षम प्राधिकारियों को विनिर्दिष्ट कर सकेगी ;

(घग) "निर्माण" से किसी संरचना या भवन का कोई परिनिर्माण अभिप्रेत है, जिसके अंतर्गत उसमें उर्ध्वाकार या क्षैतिजीय कोई परिवर्धन या विस्तारण भी है, किन्तु किसी विद्यमान संरचना, या, भवन का कोई पुनर्निर्माण, मरम्मत और नवीकरण या नालियों और जल-निकास संकर्मों तथा सार्वजनिक शौचालयों, मूत्रालयों और इसी प्रकार की सुविधाओं का निर्माण, अनुक्षण और सफाई, या, जनता के लिए जल के प्रदाय का उपबंध करने के लिए आशयित संकर्मों का निर्माण और अनुक्षण, या, जनता के लिए विद्युत के प्रदाय और वितरण के लिए निर्माण या अनुक्षण, विस्तारण, प्रबंध या जनता के लिए इसी प्रकार की सुविधाओं के लिए उपबंध इसके अंतर्गत नहीं हैं ;;

(ii) खंड (ज) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किया जाएगा और अंतःस्थापित किया गया समझा जाएगा, अर्थात् :-

'(जक) "प्रतिषिद्ध क्षेत्र" से ऐसा कोई क्षेत्र अभिप्रेत है, जो धारा 20क के अधीन प्रतिषिद्ध क्षेत्र के रूप में विनिर्दिष्ट या घोषित किया गया है ;'

(iii) खंड (ज) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किए जाएंगे और अंतःस्थापित किए गए समझे जाएंगे, अर्थात् :-

'(ट) "पुनर्निर्माण" से किसी संरचना या भवन का उसकी पूर्व विद्यमान संरचना में ऐसा कोई परिनिर्माण अभिप्रेत है, जिसकी समान क्षैतिजीय और उर्ध्वाकार सीमाएं हैं ;

(ठ) "विनियमित क्षेत्र" से धारा 20ख के अधीन विनिर्दिष्ट या घोषित किया गया कोई क्षेत्र अभिप्रेत है ;

(ड) "मरम्मत और नवीकरण" से किसी पूर्व विद्यमान संरचना या भवन के परिवर्तन अभिप्रेत हैं, किन्तु निर्माण या पुनर्निर्माण इसके अंतर्गत नहीं होंगे ;'।

नई धारा 4क का अंतःस्थापन ।

3. मूल अधिनियम की धारा 4 के पश्चात्, निम्नलिखित धारा अंतःस्थापित की जाएगी, अर्थात् :-

धारा 3 और धारा 4 के अधीन राष्ट्रीय महत्व के रूप में घोषित प्राचीन संस्मारकों या पुरातत्वीय स्थलों तथा अवशेषों की बाबत प्रवर्गीकरण और वर्गीकरण ।

"4क. (1) केन्द्रीय सरकार प्राधिकरण की सिफारिश पर, धारा 3 और धारा 4 के अधीन राष्ट्रीय महत्व के रूप में घोषित प्राचीन संस्मारकों या पुरातत्वीय स्थलों तथा अवशेषों की बाबत प्रवर्ग विहित करेगी और ऐसे प्रवर्गों को विहित करते समय वह ऐतिहासिक, पुरातत्वीय और स्थापत्यकला के महत्व और ऐसी अन्य बातों को ध्यान में रखेगी, जो ऐसे प्रवर्गीकरण के प्रयोजन के लिए सुसंगत हों ।

(2) केंद्रीय सरकार, प्राधिकरण की सिफारिश पर, धारा 3 और धारा 4 के अधीन राष्ट्रीय महत्व के रूप में घोषित सभी प्राचीन संस्मारकों या पुरातत्वीय स्थलों तथा अवशेषों को उपधारा (1) के अधीन विहित प्रवर्गों के अनुसार वर्गीकृत करेगी और तत्पश्चात्, उन्हें जनता के लिए उपलब्ध कराएगी तथा उन्हें अपनी वेबसाइट पर और ऐसी अन्य रीति में

भी, जो वह ठीक समझे, प्रदर्शित करेगी।”।

4. 16 जून, 1992 से ही, मूल अधिनियम की धारा 20 के पश्चात्, निम्नलिखित धारा अंतःस्थापित की जाएगी और अंतःस्थापित की गई समझी जाएगी, अर्थात् :-

नई धारा 20क का अंतःस्थापन।

“प्रतिषिद्ध और विनियमित क्षेत्र

20क. (1) यथास्थिति, संरक्षित क्षेत्र या संरक्षित संस्मारक की सीमा से आरंभ होने वाला और सभी दिशाओं में सौ मीटर की दूरी तक विस्तारित होने वाला प्रत्येक क्षेत्र, उस संरक्षित क्षेत्र या संरक्षित संस्मारक की बाबत प्रतिषिद्ध क्षेत्र होगा :

प्रतिषिद्ध क्षेत्र की घोषणा और प्रतिषिद्ध क्षेत्र में सार्वजनिक कार्य या अन्य कार्य किया जाना।

परंतु केंद्रीय सरकार, प्राधिकरण की सिफारिश पर, राजपत्र में अधिसूचना द्वारा, एक सौ मीटर से अधिक के क्षेत्र को, धारा 4क के अधीन, यथास्थिति, किसी संरक्षित संस्मारक या संरक्षित क्षेत्र के वर्गीकरण को ध्यान में रखते हुए, प्रतिषिद्ध क्षेत्र के रूप में विनिर्दिष्ट कर सकेगी।

(2) धारा 20ग में यथा अन्यथा उपबंधित के सिवाय, किसी पुरातत्व अधिकारी से भिन्न कोई व्यक्ति, किसी प्रतिषिद्ध क्षेत्र में कोई निर्माण नहीं करेगा।

(3) ऐसे मामले में, जहां, यथास्थिति, केंद्रीय सरकार या महानिदेशक का यह समाधान हो जाता है कि,-

(क) ऐसे सार्वजनिक कार्य अथवा जनता के लिए अनिवार्य किसी परियोजना को किए जाने के लिए यह आवश्यक या समीचीन है ; या

(ख) ऐसे अन्य कार्य या परियोजना का, उसकी राय में, संस्मारक या उसके अत्यधिक आस-पास के क्षेत्र के परिरक्षण, सुस्वा, संस्वा या उस तक पहुंच पर कोई साखान् प्रतिकूल प्रभाव नहीं पड़ेगा,

तो वह, उपधारा (2) में किसी बात के होते हुए भी, आपवादिक मामलों में और सार्वजनिक हित को ध्यान में रखते हुए, आदेश द्वारा और लेखबद्ध किए जाने वाले कारणों से, प्रतिषिद्ध क्षेत्र में ऐसे सार्वजनिक कार्य या जनता के लिए अनिवार्य परियोजना या अन्य निर्माणों को किए जाने की अनुमति दे सकेगी/दे सकेगा :

परंतु किसी संरक्षित संस्मारक के निकटवर्ती किसी क्षेत्र या उससे लगे हुए ऐसे क्षेत्र को, जिसे 16 जून, 1992 को या उसके पश्चात् आरंभ होने वाली, किंतु उस तारीख से, जिसको प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमान्यकरण) विधेयक, 2010 को राष्ट्रपति की अनुमति प्राप्त होती है, पूर्व समाप्त होने वाली अवधि के दौरान ऐसे संरक्षित संस्मारक के संबंध में प्रतिषिद्ध क्षेत्र के रूप में घोषित किया गया है, इस अधिनियम के उपबंधों के अनुसार उस संरक्षित संस्मारक की बाबत घोषित किया गया प्रतिषिद्ध क्षेत्र समझा जाएगा और, यथास्थिति, केंद्रीय सरकार या महानिदेशक द्वारा विशेषज्ञ सलाहकार समिति की सिफारिश के आधार पर प्रतिषिद्ध क्षेत्र के भीतर निर्माण के लिए दी गई कोई अनुमति या अनुज्ञप्ति इस अधिनियम के उपबंधों के अनुसार इस प्रकार विधिमान्य रूप से दी गई समझी जाएगी, मानो यह धारा सभी तात्त्विक समयों पर प्रवृत्त थी :

परंतु यह और कि पहले परंतुक में अंतर्विष्ट कोई बात प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष नियम, 1959 के नियम 34 के अधीन जारी की गई भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं० का०आ० 1764, तारीख 16 जून, 1992 के अनुसरण में किसी प्रतिषिद्ध क्षेत्र में किसी भवन या संरचना के निर्माण या पुनर्निर्माण के पूरा होने के पश्चात् या भारत सरकार के आदेश सं० 24/22/2006-एम, तारीख 20 जुलाई, 2006 के अनुसरण में गठित समिति की (जिसे

बाद में तारीख 27 अगस्त, 2008 और 5 मई, 2009 के आदेशों में विशेषज्ञ सलाहकार समिति कहा गया है) सिफारिशें प्राप्त किए बिना दी गई किसी अनुमति को लागू नहीं होगी।”।

धारा 20क का अंतःस्थापन।

5. मूल अधिनियम की धारा 20क (इस अधिनियम की धारा 4 द्वारा इस प्रकार अंतःस्थापित किए गए अनुसार) की उपधारा (3) के पश्चात्, निम्नलिखित उपधारा अंतःस्थापित की जाएगी, अर्थात् :-

“(4) किसी प्रतिषिद्ध क्षेत्र में किसी सार्वजनिक कार्य या जनता के लिए अनिवार्य परियोजना या अन्य निर्माण करने सहित उपधारा (3) में निर्दिष्ट कोई अनुमति, उस तारीख को या उसके पश्चात्, जिसको प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमान्यकरण) विधेयक, 2010 को राष्ट्रपति की अनुमति प्राप्त होती है, नहीं दी जाएगी।”।

नई धारा 20ख का अंतःस्थापन।

6. 16 जून, 1992 से ही, मूल अधिनियम की धारा 20क के पश्चात्, निम्नलिखित धारा अंतःस्थापित की जाएगी और अंतःस्थापित की गई समझी जाएगी, अर्थात् :-

प्रत्येक संरक्षित संस्मारक के संबंध में विनियमित क्षेत्र की घोषणा

“20ख. धारा 3 और धारा 4 के अधीन राष्ट्रीय महत्व के रूप में घोषित प्रत्येक प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष के संबंध में प्रतिषिद्ध क्षेत्र की सीमा पर आरंभ होने वाले और सभी दिशाओं में दो सौ मीटर की दूरी तक विस्तारित होने वाला प्रत्येक क्षेत्र, ऐसे प्रत्येक प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष की बाबत विनियमित क्षेत्र होगा :

परंतु केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, दो सौ मीटर से अधिक के किसी क्षेत्र को, धारा 4क के अधीन, यथास्थिति, किसी संरक्षित संस्मारक या संरक्षित क्षेत्र के वर्गीकरण को ध्यान में रखते हुए, विनियमित क्षेत्र के रूप में विनिर्दिष्ट कर सकेगी :

परंतु यह और कि किसी संरक्षित संस्मारक के निकटवर्ती किसी क्षेत्र या उससे लगे हुए ऐसे क्षेत्र को, जिसे 16 जून, 1992 को या उसके पश्चात् आरंभ होने वाली, किंतु उस तारीख से, जिसको प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमान्यकरण) विधेयक, 2010 को राष्ट्रपति की अनुमति प्राप्त होती है, पूर्व समाप्त होने वाली अवधि के दौरान, ऐसे संरक्षित संस्मारक के संबंध में, विनियमित क्षेत्र के रूप में घोषित किया गया है, इस अधिनियम के उपबंधों के अनुसार उस संरक्षित संस्मारक की बाबत घोषित किया गया विनियमित क्षेत्र समझा जाएगा और ऐसे विनियमित क्षेत्र में निर्माण के लिए दी गई कोई अनुमति या अनुज्ञप्ति, इस अधिनियम के उपबंधों के अनुसार इस प्रकार विधिमान्य रूप से दी गई समझी जाएगी, मानो यह धारा सभी तात्त्विक समयों पर प्रवृत्त थी।”।

नई धारा 20ग, धारा 20घ, धारा 20ङ, धारा 20च, धारा 20छ, धारा 20ज, धारा 20झ, धारा 20ञ, धारा 20ट, धारा 20ठ, धारा 20ड, धारा 20ण, धारा 20त और धारा 20थ का अंतःस्थापन।

7. मूल अधिनियम की धारा 20ख (इस अधिनियम की धारा 6 द्वारा इस प्रकार अंतःस्थापित किए गए अनुसार) के पश्चात्, निम्नलिखित धाराएं अंतःस्थापित की जाएंगी, अर्थात् :-

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20ग. (1) ऐसा कोई व्यक्ति, जो ऐसे किसी भवन या संरचना का स्वामी है, जो 16 जून, 1992 से पूर्व किसी प्रतिषिद्ध क्षेत्र में विद्यमान थी या जिसका निर्माण बाद में महानिदेशक के अनुमोदन से किया गया था और वह ऐसे भवन या संरचना की कोई मरम्मत या उसका नवीकरण करने की वांछ करता है, यथास्थिति, ऐसी मरम्मत या नवीकरण करने के लिए सक्षम प्राधिकारी को आवेदन कर सकेगा।

प्रतिषिद्ध क्षेत्र में मरम्मत या नवीकरण अथवा विनियमित क्षेत्र में निर्माण या पुनर्निर्माण अथवा मरम्मत या नवीकरण के लिए आवेदन।

(2) ऐसा कोई व्यक्ति, जो किसी विनियमित क्षेत्र में किसी भवन या संरचना या भूमि का स्वामी है या कब्जा रखता है और वह ऐसी भूमि पर ऐसे भवन या संरचना का कोई निर्माण या पुनर्निर्माण या उसकी मरम्मत या नवीकरण करने की वांछ करता है, यथास्थिति, निर्माण या पुनर्निर्माण करने के लिए सक्षम प्राधिकारी को आवेदन कर सकेगा।

#### सक्षम प्राधिकारी द्वारा अनुमति प्रदान करना

20घ. (1) इस अधिनियम की धारा 20ग के अधीन अनुमति प्रदान करने के लिए प्रत्येक आवेदन सक्षम प्राधिकारी को ऐसी रीति में किया जाएगा, जो विहित की जाए।

विनियमित क्षेत्र के भीतर सक्षम प्राधिकारी द्वारा अनुमति प्रदान करना।

(2) सक्षम प्राधिकारी, आवेदन की प्राप्ति के पन्द्रह दिन के भीतर, यथास्थिति, संबंधित संरक्षित संस्मारक या संरक्षित क्षेत्र से संबंधित विरासत संबंधी उपविधियों को ध्यान में रखते हुए, ऐसे निर्माण के प्रभाव पर (जिसके अंतर्गत बड़े पैमाने पर विकास परियोजना, लोक परियोजना और जनता के लिए अनिवार्य परियोजना का प्रभाव भी है) विचार करने और उसको सूचना देने के लिए उसे प्राधिकरण को अग्रेषित करेगा।

परंतु केंद्रीय सरकार, ऐसे आवेदनों का, जिनकी बाबत इस उपधारा के अधीन अनुमति दी जा सकेगी और ऐसे आवेदन का, जिसे प्राधिकरण को उसकी सिफारिशों के लिए निर्दिष्ट किया जाएगा, प्रवर्ग विहित कर सकेगी।

(3) प्राधिकरण, उपधारा (2) के अधीन आवेदन की प्राप्ति की तारीख से दो मास के भीतर ऐसे निर्माण के प्रभाव के बारे में, (जिसके अंतर्गत बड़े पैमाने पर विकास परियोजना, लोक परियोजना और जनता के लिए अनिवार्य परियोजना का प्रभाव भी है) सक्षम प्राधिकारी को सूचित करेगा।

(4) सक्षम प्राधिकारी, उपधारा (3) के अधीन प्राधिकरण से सूचना की प्राप्ति के एक मास के भीतर प्राधिकरण द्वारा सिफारिश किए गए अनुसार या तो अनुमति प्रदान करेगा या उसे नामंजूर करेगा।

(5) प्राधिकरण की सिफारिशें अंतिम होंगी।

(6) इस धारा के अधीन सक्षम प्राधिकारी द्वारा अनुमति प्रदान करने से इंकार किए जाने की दशा में, वह संबंधित व्यक्ति को, अवसर प्रदान करने के पश्चात् आवेदन की प्राप्ति की तारीख से तीन मास के भीतर लिखित आदेश द्वारा, आवेदक, केंद्रीय सरकार और प्राधिकरण को ऐसे इंकार किए जाने की सूचना देगा।

(7) यदि सक्षम प्राधिकारी की, उपधारा (4) के अधीन अनुमति प्रदान करने के पश्चात् और उस उपधारा में निर्दिष्ट मरम्मत या नवीकरण कार्य या भवन का पुनर्निर्माण या निर्माण किए जाने के दौरान (उसके कब्जे में की सामग्री के आधार पर या अन्यथा) यह राय है कि ऐसी मरम्मत या नवीकरण कार्य या भवन के पुनर्निर्माण या निर्माण का संस्मारक के परिरक्षण, सुरक्षा, संरक्षा या उस तक पहुंच पर अत्यधिक प्रतिकूल प्रभाव पड़ने की संभावना है तो वह उसे प्राधिकरण को उसकी सिफारिशों के लिए निर्दिष्ट कर सकेगा और यदि इस प्रकार सिफारिश की जाती हो तो, यदि अपेक्षित हो, उपधारा (4) के अधीन दी गई अनुमति को वापस ले सकेगा।

परंतु सक्षम प्राधिकारी, आपवादिक मामलों में, धारा 20छ की उपधारा (1) के अधीन, विरासत संबंधी उक्त विधियां तैयार किए जाने और उस धारा की उपधारा (7) के अधीन उन्हें प्रकाशित किए जाने तक, धारा 20ग की उपधारा (2) में निर्दिष्ट आवेदक को प्राधिकरण के अनुमोदन से अनुमति प्रदान कर सकेगा।

(8) यथास्थिति, केंद्रीय सरकार या महानिदेशक, इस अधिनियम के अधीन दी गई 5 या नामंजूर की गई सभी अनुमतियों को अपनी वेबसाइट पर प्रदर्शित करेगा।

विरासत संबंधी  
उपविधियां।

20ड. (1) सक्षम प्राधिकारी, भारतीय राष्ट्रीय कला और सांस्कृतिक विरासत न्यास के, जो भारतीय न्यास अधिनियम, 1882 के अधीन रजिस्ट्रीकृत न्यास है या ऐसे अन्य विशेषज्ञ विरासत न्यासों से, जो केंद्रीय सरकार द्वारा अधिसूचित किए जाएं, परामर्श करके, प्रत्येक संरक्षित संस्मारक और संरक्षित क्षेत्र की बाबत विरासत संबंधी उपविधियां तैयार करेगा।

1882 का 2

(2) उपधारा (1) में निर्दिष्ट विरासत संबंधी उपविधियों में, ऐसे विषयों के अतिरिक्त, जो विहित किए जाएं, उत्पापनों, पुराभागों, निकास प्रणालियों, सड़कों और सेवा अवसंरचना (जिसके अंतर्गत बिजली के खंभे, जल और सीवर पाइपलाइनें भी हैं) जैसे विरासत संबंधी नियंत्रणों से संबंधित विषय भी सम्मिलित होंगे।

(3) केंद्रीय सरकार, नियमों द्वारा, प्रत्येक संरक्षित क्षेत्र या संरक्षित संस्मारक या प्रतिषिद्ध क्षेत्र या विनियमित क्षेत्र के संबंध में विस्तृत स्थल योजनाएं तैयार करने की रीति, वह समय, जिसके भीतर ऐसी विरासत संबंधी उपविधियां तैयार की जाएंगी और प्रत्येक ऐसी विरासत संबंधी उपविधि में सम्मिलित की जाने वाली विशिष्टियों को विनिर्दिष्ट करेगी।

(4) सक्षम प्राधिकारी, विस्तृत स्थल योजनाएं और विरासत संबंधी उपविधियां तैयार करने के प्रयोजन के लिए उतने विशेषज्ञों या परामर्शियों को नियुक्त कर सकेगा, जितने वह ठीक समझे।

(5) उपधारा (1) के अधीन तैयार की गई प्रत्येक विरासत संबंधी उपविधि की एक प्रति प्राधिकरण को उसके अनुमोदन के लिए भेजी जाएगी।

(6) उपधारा (5) के अधीन प्राधिकरण द्वारा यथा अनुमोदित विरासत संबंधी उपविधियों की एक प्रति संसद के प्रत्येक सदन के समक्ष रखी जाएगी।

(7) प्रत्येक विरासत संबंधी उपविधि को, संसद के प्रत्येक सदन के समक्ष उसे रखे जाने के ठीक पश्चात्, सक्षम प्राधिकारी द्वारा अपनी वेबसाइट पर प्रदर्शित करके और ऐसी अन्य रीति में भी, जो वह ठीक समझे, जनता के लिए उपलब्ध कराया जाएगा।

#### राष्ट्रीय संस्मारक प्राधिकरण

20च. (1) केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, राष्ट्रीय संस्मारक प्राधिकरण नामक एक प्राधिकरण का गठन करेगी।

(2) प्राधिकरण निम्नलिखित से मिलकर बनेगा,—

(क) राष्ट्रपति द्वारा नियुक्त किए जाने वाला, पूर्णकालिक आधार पर, एक अध्यक्ष, जिसके पास पुरातत्व विज्ञान, ग्राम और शहर योजना, वास्तुकला, विरासत और संरक्षण-वास्तुकला या विधि के क्षेत्रों में सिद्ध अनुभव और विशेषज्ञता हो ;

(ख) केंद्रीय सरकार द्वारा धारा 20छ में निर्दिष्ट चयन समिति की सिफारिश पर नियुक्त किए जाने वाले पांच से अनधिक ऐसे पूर्णकालिक सदस्य और पांच अंशकालिक सदस्य, जिनके पास पुरातत्व विज्ञान, ग्राम और शहर योजना, वास्तुकला, विरासत और संरक्षण-वास्तुकला या विधि के क्षेत्रों में सिद्ध अनुभव और

राष्ट्रीय संस्मारक  
प्राधिकरण का  
गठन।

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# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

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प्राधिकार से प्रकाशित

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( भारतीय पुरातत्त्व सर्वेक्षण )

अधिसूचना

नई दिल्ली, 23 अगस्त, 2011

सा.का.नि. 636( अ ).—प्राचीन संस्मारक तथा पुरातत्त्वीय स्थल और अवशेष (विरासत उपविधियां और सक्षम प्राधिकारी के अन्य कृत्यों को विरचित करना) नियम, 2011, संस्कृति मंत्रालय, भारतीय पुरातत्त्व सर्वेक्षण की अधिसूचना संख्या सा.का.नि. 86(अ), दिनांक 11 फरवरी, 2011 द्वारा भारत के राजपत्र, भाग II, खण्ड 3, उप-खण्ड (i) में प्राचीन संस्मारक तथा पुरातत्त्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 38 की उप-धारा (1) की अपेक्षानुसार कतिपय नियमों का प्रारूप प्रकाशित किया गया था जिसके द्वारा उससे प्रभावित होने की सम्भावना है ऐसे व्यक्तियों से उक्त राजपत्र की प्रतियां आम जनता को उपलब्ध होने की तिथि से 30 दिन की अवधि के भीतर आपत्तियां तथा सुझाव आमंत्रित किए गए थे ;

और उक्त राजपत्र आम जनता को 18 फरवरी, 2011 को उपलब्ध करा दिया गया था;

और प्राप्त आपत्तियों पर केन्द्रीय सरकार द्वारा विधिवत् विचार कर निपटारा किया गया है;

इसलिए, अब, प्राचीन संस्मारक तथा पुरातत्त्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 38 की उप-धारा (2) के खंड (ग.क.), (ग.ख.), (ग.ग.), (ग.घ.), और खंड (ग.ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्नलिखित नियम बनाती है; अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ:—(1) इन नियमों को प्राचीन संस्मारक तथा पुरातत्त्वीय स्थल और अवशेष (विरासत उपविधियां और सक्षम प्राधिकारी के अन्य कृत्यों को विरचित करना) नियम, 2011 कहा जाएगा ।

(2) ये नियम सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे ।

2. **परिभाषाएं** :— इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो —

- (क) "अधिनियम" से अभिप्राय प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम 1958 (1958 का 24) से अभिप्रेत है;
- (ख) "सक्षम प्राधिकारी" से अभिप्राय अधिनियम की धारा 2 की उपधारा (घख) के अधीन केन्द्रीय सरकार द्वारा अधिसूचित सक्षम प्राधिकारी अभिप्रेत है;
- (ग) "प्राधिकरण" से अभिप्राय अधिनियम की धारा 20च के अधीन गठित राष्ट्रीय संस्मारक प्राधिकरण से अभिप्रेत है;
- (घ) "प्ररूप" से इन नियमों से उपाबंध प्ररूप अभिप्रेत है;
- (ङ) "अनुसूची" से अभिप्राय इन नियमों से संलग्न अनुसूची अभिप्रेत है;

3. **समर्थनकारी कर्मचारीवृंद की नियुक्ति** : —

केंद्रीय सरकार, सक्षम प्राधिकारी के प्रत्येक कार्यालय के उचित और दक्ष कार्यकरण के लिये यथाअपेक्षित, तकनीकी और प्रशासनिक कर्मचारीवृंद की व्यवस्था कर सकेगी ।

4. **सक्षम प्राधिकारी के कृत्य** :— (1) सक्षम प्राधिकारी, संरक्षित संस्मारकों या संरक्षित क्षेत्रों के विनियमित या प्रतिषिद्ध क्षेत्र में मरम्मत, नवीकरण, संनिर्माण और पुनःनिर्माण हेतु आवेदनों को प्राप्त करेगा और उस पर कार्यवाही करेगा तथा उसे प्राधिकरण को उसके अनुमोदन के लिए अग्रसरित करेगा ।

(2) सक्षम प्राधिकारी, प्राधिकरण को अपनी सिफारिशें अभिहस्तांतरित करने के संदर्भ में मुख्य परियोजनाओं, सार्वजनिक परियोजनाओं, जनता के लिए आवश्यक परियोजनाओं के संबंध में अनुज्ञा प्रदान करने संबंधी पुरातत्वीय निर्धारण रिपोर्ट, सर्वेक्षण या निरीक्षण रिपोर्ट अभिप्राप्त करेगा ।

(3) सक्षम प्राधिकारी, विनियमित या प्रतिषिद्ध क्षेत्र, संरक्षित संस्मारक या संरक्षित क्षेत्र के लिए विस्तृत स्थल विन्यास तैयार करने हेतु समयबद्ध कार्यक्रम तैयार करेगा ।

(4) सक्षम प्राधिकारी प्रत्येक संरक्षित संस्मारक या संरक्षित क्षेत्र के प्रतिषिद्ध क्षेत्र या विनियमित क्षेत्र के लिए विरासत उपविधियां तैयार करने हेतु समयबद्ध कार्यक्रम विरचित करेगा ।

(5) विरासत उपविधियों को समयबद्ध से पूरा करने हेतु समर्थ बनाने के लिए सक्षम प्राधिकारी द्वारा प्राधिकरण द्वारा पहचाने गये भिन्न भिन्न प्रवर्गों के अधीन संरक्षित संस्मारकों को उनकी अवस्थिति, पुरातत्वीय अभिनाम, तुलनात्मक विश्लेषण, विशेषताओं और मूल्यों तथा ऐसी अन्य विशेषताओं के आधार पर सम्मिलित किया जाएगा ।

(6) सक्षम प्राधिकारी, संनिर्माण, पुनःनिर्माण, मरम्मत, नवीकरण, उपविधियों, विस्तृत स्थल विन्यास, जानकारी, भवन क्षमता के संबंध में जानकारी रखने और अपने क्रियाकलापों को प्रकाशित करने के लिए वेबसाइट विकसित करेगा ।

(7) सक्षम प्राधिकारी, इन नियमों के तहत कार्यों को पूरा करने के लिए प्राधिकरण के साथ नियमित पारस्परिक संबंध रखेगा।

(8) सक्षम प्राधिकारी, मरम्मत, नवीनकरण, संनिर्माण, पुनः निर्माण, प्रदान की गई अनुज्ञाओं, नामंजूर अनुज्ञाओं, पुनः विधिमान्य अनुज्ञाओं, स्थल विन्यास और विरासत उपविधियों के लिए प्राप्त आवेदनों की बाबत द्वारा डाटा आधारित रजिस्टर रखेगा।

5. **अनुज्ञा प्रदान करने हेतु आवेदन की प्राप्ति** :— सक्षम प्राधिकारी, यथास्थिति, प्रत्येक संरक्षित संस्मारक और संरक्षित क्षेत्र के प्रतिषिद्ध या विनियमित क्षेत्रों की मरम्मत, नवीकरण, संनिर्माण या पुनःनिर्माण की अनुज्ञा प्रदान करने के लिए प्रस्तावित संकर्म के प्रारंभ होने से कम से कम तीन मास पूर्व प्ररूप 1 के अनुसार सम्यक रूप से पूरा किया गया आवेदन पांच सेट में प्राप्त करेगा और उन पर कार्यवाही करेगा।

6. **विभिन्न प्रवर्गों के अधीन आवेदनों पर कार्यवाही करना** :— सक्षम प्राधिकारी, निम्नलिखित प्रवर्गों के अधीन इस प्रकार प्राप्त आवेदनों पर कार्यवाही करने के लिए विचार करेगा अर्थात् :—

- I. बहुउद्देशीय बांध, जल विद्युत परियोजनाएं, नगरीय, औद्योगिक संयंत्र, विमान पत्तन या ऐसी अन्य परियोजनाओं जैसी व्यापक विकास परियोजनाएं जिनमें राज्य सरकार या केंद्रीय सरकार, पब्लिक सेक्टर, प्राइवेट निकाय या किसी व्यक्ति द्वारा प्रस्तावित संनिर्माण अंतर्वलित हैं;
- II. सड़क, राजमार्ग, पथ्या, नालियां, मलवाही लाइने, जल टैंक/लाइने (भूमि के ऊपर और भूमिगत दोनों), परिवहन, मेट्रो रेल (भूमि के ऊपर और भूमिगत) बस स्टेशन आदि या ऐसी अन्य परियोजनाओं जैसी लोक उपयोगी परियोजनाएं जिनमें राज्य सरकार या केंद्रीय सरकार, निजी या पब्लिक सेक्टर द्वारा संनिर्माण अंतर्वलित हैं।  
तथापि लोक निर्माण संकर्मों में, नाली और जल निकासी संकर्मों तथा सार्वजनिक शौचालयों, मूत्रालयों और ऐसी अन्य प्रसुविधाओं का अनुरक्षण, और उनकी सफाई या जन साधारण के लिए विद्युत प्रदाय और वितरण हेतु संनिर्माण या अनुरक्षण, उसका विस्तार प्रबंध या जन साधारण हेतु इसी प्रकार की सुविधाओं हेतु उपबंध सम्मिलित नहीं हैं;
- III. पेय जल सुविधा, शौचालय, गुमटी, शारीरिक रूप से अस्वस्थ व्यक्ति के लिए सुविधाएं, प्रकाशन पटल, स्मारिका की दुकानें, टिकट बूथ, सूचना पटल, अतिथि प्रसुविधा केन्द्र, विभिन्न प्रकार के वाहनों के लिए पार्किंग सुविधाएं या जेनरेटर कक्षों जैसी राज्य सरकार, केंद्रीय सरकार, गैर सरकारी संगठन, पब्लिक सेक्टर उपकर्मों, स्थानीय निकायों या प्राइवेट निकायों अथवा किसी व्यक्ति द्वारा सार्वजनिक सुखसुविधाओं का संनिर्माण;
- IV. किसी व्यक्ति के स्वामित्वाधीन आवासीय भवन या ढांचे का, प्राइवेट, पब्लिक सेक्टर, राज्य सरकार या केंद्रीय सरकार अथवा विनियमित क्षेत्र में अवस्थित किसी अन्य अभिकरण के स्वामित्वाधीन आवासीय भवन या ढांचे का पुनःनिर्माण;
- V. किसी व्यक्ति के स्वामित्वाधीन आवासीय भवन या ढांचे का, राज्य सरकार या केंद्रीय सरकार अथवा विनियमित क्षेत्रों में अवस्थित किसी अन्य अभिकरण के स्वामित्वाधीन आवासीय भवन या ढांचे का निर्माण;



- VI. विशेषज्ञ सलाहकार समिति की सिफारिश के आधार पर महानिदेशक के अनुमोदन से 16 जून, 1992 से पूर्व निर्मित या उसके पश्चात् संनिर्मित किसी व्यक्ति, प्राइवेट सेक्टर, पब्लिक सेक्टर, राज्य सरकार या केंद्रीय सरकार के स्वामित्वाधीन प्रतिषिद्ध क्षेत्र में अवस्थित आवासीय भवन या ढांचे की मरम्मत या उनका नवीकरण,
- VII. विनियमित क्षेत्र में आवेदन के स्वामित्वाधीन भूमि में अवस्थित किसी भवन या ढांचे की मरम्मत या नवीनीकरण।

7. **प्राधिकरण को अग्रसरित की जाने वाले आवेदन का प्रवर्ग** :- सक्षम प्राधिकारी, नियम 6 में विनिर्दिष्ट प्रवर्ग I, II, III, IV, और V के अधीन प्राप्त आवेदनों को उन पर कार्यवाही करने के पश्चात् अपनी सिफारिशों के साथ प्राधिकरण को अग्रसरित करेगा।
8. **प्राधिकरण के सूचनाधीन सक्षम प्राधिकारी द्वारा कार्यवाही की जाने वाले और उन्हें सुनिश्चित किए जाने वाले आवेदनों का प्रवर्ग** :- (1) प्रतिषिद्ध क्षेत्र में दशरों को भरने या बंद करने, भवन या ढांचे के कतिपय भागों पर पुनः प्लास्टर करने, पानी की टंकी या जल निकासी, मलवाही लाइनों की मरम्मत, आधार की नींव को मजबूत करना, खिड़कियों दरवाजों को बदलना, फर्श पुनः बिछाना, छत से पानी के रिसाव को बंद करना, रिसाव रोकने हेतु त्रुटि सहप्रक्रिया, विद्युत खंभों को बदलना, पानी की पाइप लाइन बिछाना या बदलना, पानी की टंकी को टूटने से रोकना, सीढ़ियों को बदलना या उन्हें मजबूत करना, भवन या ढांचे पर राफेदी या रंग करवाने अथवा ऐसे ही अन्य संकर्म जैसी छोटी मरम्मतों का अंतर्वलित नियम 6 के प्रवर्ग VI के अधीन प्राप्त आवेदनों की जाँच की जा सकेगी और प्राधिकरण को सूचित करके उस पर अनुज्ञा प्रदान की जा सकेगी।
- (2) विनियमित क्षेत्र में अवस्थित भवन या ढांचे के नवीनीकरण या मरम्मत हेतु नियम 6 के प्रवर्ग VII के अधीन प्राप्त आवेदनों पर कार्यवाही की जा सकेगी और सक्षम प्राधिकारी द्वारा प्राधिकरण को सूचित करके अनुज्ञा प्रदान की जा सकेगी।
9. **सक्षम प्राधिकारी द्वारा आवेदनों पर कार्यवाही करने के प्रक्रम**:- (1) सक्षम प्राधिकारी, विनिर्दिष्ट प्रवर्गों के अधीन आवेदन प्राप्त करने के पश्चात् अपने कार्यालय से अगिस्वीकृति जारी करके तुरंत अनुवर्ती कार्रवाई करेगा।
- (2) सक्षम प्राधिकारी द्वारा आवेदनों की विस्तार से जाँच की जाएगी जिससे समुचित अध्ययन या पद्धतियों, जिसके अंतर्गत स्थल निरीक्षण भी है, को अंगीकृत करके संरक्षित संस्मारक और संरक्षित क्षेत्र पर प्रस्तावित सन्निर्माण के प्रभाव का अवधारण किया जा सकेगा और सात दिन की अवधि के भीतर लिखित में अपनी टिप्पणियाँ प्रस्तुत कर सकेगा।
- (3) सक्षम प्राधिकारी या उसके प्रतिनिधि द्वारा आवेदक को, यदि आवश्यक हो, तो पहले से स्थल निरीक्षण की सूचना दी जा सकेगी।
- (4) संरक्षित संस्मारक या संरक्षित क्षेत्र और मरम्मत, नवीनीकरण, सन्निर्माण या पुनःनिर्माण के लिए आवेदन में निर्दिष्ट भवन या ढांचा अथवा भूमि की प्रस्तावित अवस्थिति के बीच दूरी की माप निरीक्षण पदधारी द्वारा भूमि सर्वेक्षण पदाधिकारियों या किसी अन्य तकनीकी

पदधारी की सहायता से आवेदक की उपस्थिति में की जाएगी और आवेदन में उल्लिखित दूरी को अभिलिखित करेगा।

(5) निरीक्षण पदधारी यथारिपोर्ट संरक्षित संस्मारक या संरक्षित क्षेत्र को अभिलिखित करने के दौरान अधिरूचित सीमा का भी उल्लेख करेगा।

(6) निरीक्षण रिपोर्ट के साथ भूमि का विस्तृत चित्र दर्शाते हुए आकाशीय चित्र समुचित विधियों के साथ संलग्न किया जा सकेगा।

(7) सक्षम प्राधिकारी इस बात की जांच कर सकेगा कि आवेदक द्वारा आवेदन में मांगी गई ठोस धरातल, भूदृश्य, खण्ड, वर्तमान भौतिक विशेषताएँ, स्थान की सीमाएँ, प्रवेश, दो या तीन ओर से बाधा, सेवा योजना, भवन योजना, खंड, ऊंचाई, भवन के अग्रभाग की डिजाइन, आंतरिक बदलावों का ब्यौरा, उपयुक्त आकार में नवीनतम छायाचित्र, आदि जैसी सुसंगत जानकारी उपलब्ध करवायी गई है या नहीं।

(8) यदि उपनियम (7) में निर्दिष्ट स्थान योजना के ब्यौरे संलग्न नहीं पाये जाते हैं तो आवेदक को इस प्रकार के ब्यौरे के साथ आवेदन पत्र सात दिन के भीतर दोबारा जमा करने के लिए सूचित किया जाएगा।

(9) यदि प्रस्ताव में विशाल स्तर की परियोजना का अन्तर्वलित है तो सक्षम प्राधिकारी पुरातत्वीय प्रभाव के आकलन के लिए ऐसे विशेषज्ञ अथवा सलाहकार की नियुक्ति कर सकेगा जिसके पास पुरातत्व के क्षेत्र में दक्षता या अनुभव हो।

(10) सक्षम प्राधिकारी विनिर्दिष्ट क्षेत्रों में आवश्यकता के अनुसार शहरी अध्ययन, शहरी संरक्षण, धरोहर संरक्षण, भूदृश्य अध्ययन, शहरी नियोजन, वास्तुकला अथवा ऐसे ही अन्य क्षेत्रों से विशेषज्ञों की नियुक्ति कर सकेगा।

(11) विशेषज्ञों या सलाहकारों को सलाह के लिए ऐसे शुल्क और भत्तों का संपादन किया जाएगा जो भारत सरकार में समान स्तर के तकनीकी सलाहकार के समतुल्य होगा।

(12) सक्षम प्राधिकारी द्वारा प्रत्येक संरक्षित संस्मारक या संरक्षित क्षेत्र के लिए प्रस्तावित विरासत उपविधियों को ध्यान में रखते हुए आकलन करेगा।

#### 10. सक्षम प्राधिकारी द्वारा प्राधिकरण को आवेदन पत्र का अग्रसारण : —

**स्थल** निरीक्षण और प्रभाव के आकलन का अध्ययन (जहां भी आवश्यक हो) तथा दस्तावेज तैयार करने के बाद सक्षम प्राधिकारी संरक्षित संस्मारक या संरक्षित क्षेत्र पर ऐसे निर्माण के प्रभाव के आकलन के साथ अपने विचार अभिलिखित कर सकेगा और आवेदन प्राप्त होने की तारीख से पंद्रह दिन की अवधि के भीतर संरक्षित संस्मारक या संरक्षित क्षेत्र के प्रतिषिद्ध या विनियमित क्षेत्र में निर्माण, पुनर्निर्माण, मरम्मत, पुनरुद्धार के लिए प्ररूप 2 के अनुसार आवेदन पत्र प्राधिकरण के पास अग्रसारित कर सकेगा।

11. **प्राधिकरण की सिफारिशें :** — सक्षम अधिकारी के विशिष्ट विचारों या टिप्पणियों के साथ प्राधिकरण नियम 6 में विनिर्दिष्ट प्रवर्ग के अधीन आवेदन पत्र प्राप्त होने के पश्चात प्रस्ताव की जांच करेगा और संरक्षित संस्मारक अथवा संरक्षित क्षेत्र के महत्व पर ऐसे निर्माण कार्य के प्रभाव समेत अपनी सिफारिशें भेजेगा।

12. **सक्षम प्राधिकारी की ओर से आवेदक को सूचना :** — प्राधिकरण की सिफारिशें प्राप्त होने की तारीख से एक महीने की अवधि के भीतर आवेदक को प्ररूप 3, 4 और 5 में

प्राधिकरण के द्वारा अनुमति प्रदान किये जाने या अनुमति नहीं दिये जाने के विषय में सक्षम प्राधिकारी के द्वारा सूचित किया जायेगा।

**13. नामंजूरी की सूचना :** — प्राधिकरण की सिफारिशों के आधार पर संरक्षित संस्मारक या संरक्षित क्षेत्र के प्रतिषिद्ध या विनियमित क्षेत्र में स्थित भवन या ढांचे की मरम्मत, नवीकरण, पुनर्निर्माण, निर्माण की अनुज्ञा की नामंजूरी के पूर्व सक्षम प्राधिकारी आवेदक को अपनी टिप्पणी और स्पष्टीकरण लिखित में प्रस्तुत करने का अवसर प्रदान करेगा और सक्षम प्राधिकारी के संतुष्ट हो जाने पर आवेदन प्राप्त होने के बाद तीन मास की अवधि के भीतर प्रारूप 5 में नामंजूरी की सूचना आवेदक तक पहुंचाएगा।

**14. अपील :** — (1) प्राधिकरण की सिफारिश के आधार पर सक्षम प्राधिकारी द्वारा संरक्षित संस्मारक और संरक्षित क्षेत्र के प्रतिषिद्ध या विनियमित क्षेत्र में भवनों या ढांचे की मरम्मत, नवीकरण, पुनर्निर्माण अथवा निर्माण की अनुमति की नामंजूरी से व्यथित कोई भी आवेदक अपने मामले पर विचार के लिए केंद्रीय सरकार से नामंजूरी की सूचना की तिथि से तीस दिनों के भीतर अपील कर सकेगा और ऐसी अपील पर केंद्रीय सरकार का निर्णय बाध्य होगा।

2) केंद्रीय सरकार अपील पर विचार कर नब्बे दिनों की अवधि के भीतर अपील का निपटारा करेगी।

**15. अपवादिक मामलों में अनुज्ञा प्रदान किया जाना :** — सक्षम प्राधिकारी प्राधिकरण की शिफारिशों पर अपवादिक मामलों में और विरासत उपविधियों को अंतिम रूप दिये जाने की स्थिति में किसी ऐसे व्यक्ति, अभिकरण, संस्था, सरकारी विभाग को मरम्मत, नवीकरण, निर्माण या पुनर्निर्माण की अनुज्ञा दे सकेगा, जिसके स्वामित्वाधीन या कब्जे में ऐसा भवन या ढांचा अथवा भूमि है।

**16. प्राकृतिक आपदाओं के दौरान अनुज्ञा प्रदान करना :** — संरक्षित संस्मारक या संरक्षित क्षेत्र के प्रतिषिद्ध या विनियमित क्षेत्र में अवस्थित किसी प्रकार के भवन या ढांचे का पुनर्निर्माण, सन्निर्माण, मरम्मत और नवीकरण प्राकृतिक आपदाओं जैसे भूकंप, बाढ़, लगातार बारिश, आग, भूस्खलन, चक्रवात और ऐसी किसी अन्य आपदाओं के कारण ध्वस्त या क्षतिग्रस्त हो जाते हैं; और मरम्मत के परे है और उसका तुरन्त पुनःस्थापन किया जाना आवश्यक है तो सक्षम प्राधिकारी द्वारा इसे ऐसे वर्ग में समझा जाएगा जिसके क्षतिग्रस्त अथवा खंडित हुई सीमा तक भवन या ढांचे के सन्निर्माण, पुनर्निर्माण, मरम्मत और नवीकरण के लिए प्राधिकरण के अनुमोदन की आवश्यकता नहीं है।

**17. अनुज्ञा की विधिमान्यता और पुनः विधिमान्यता :** — (1) सक्षम प्राधिकारी द्वारा प्राधिकरण के अनुमोदन के पश्चात् संरक्षित संस्मारक या संरक्षित क्षेत्र के प्रतिषिद्ध क्षेत्र या विनियमित क्षेत्र में यथास्थिति ऐसे भवन या ढांचे जो आवासीय, लोकोपयोगी, सार्वजनिक परियोजनाओं और औद्योगिक प्रकृति के हैं, के सन्निर्माण, पुनर्निर्माण, मरम्मत और नवीकरण के लिए प्रदान की गई अनुज्ञा की मान्यता अनुज्ञा प्रदान करने की तारीख से तीन वर्ष की अवधि के लिए विधिमान्य रहेगी।

2) यदि आवेदक विभिन्न कारणों से तीन वर्ष की नियत अवधि के दौरान मरम्मत, नवीकरण, सन्निर्माण या पुनर्निर्माण कराने में विफल रहता है तो आवेदक उस अनुज्ञा के पुनः विधिमान्यकरण के लिए सक्षम प्राधिकारी से संपर्क कर सकेगा जिसे सक्षम प्राधिकारी द्वारा दो वर्ष की और अवधि के लिये प्रदान किया जा सकेगा।

**18. अनुज्ञाओं का उल्लंघन :** — जहाँ सक्षम प्राधिकारी की, उसकी तात्विक साक्ष्य पर आधारित अनुज्ञा पर यह राय है कि आवेदक द्वारा उसके द्वारा दी गई अनुज्ञा का, शर्तानुसार अनुमोदित डिजाइन, ऊँचाई (ऊर्ध्वाधर और क्षैतिक दोनों), चबूतरा क्षेत्र और ऐसे अन्य विनिर्देशों का मरम्मत, नवीकरण, निर्माण या पुनर्निर्माण करने के दौरान उल्लंघन किया गया है और उसका यह निष्कर्ष है कि ऐसे उल्लंघन से, यथास्थिति संरक्षित संस्मारक या संरक्षित क्षेत्र के बचाव, सुरक्षा या पहुँच को प्रभावित करने की संभावना है तो वह उसे मामले के अनुसार, इसको सिफारिश हेतु प्राधिकरण को भेज प्राधिकरण को उसके अनुमोदन के लिए निर्दिष्ट कर सकेगा और यदि ऐसा अनुमोदन किया जाता है तो प्रदान की गई अनुज्ञा को वापस लिया जा सकेगा।

**19. अनुज्ञा की शर्तों के पालन में विफलता :** — ऐसे मामलों में जहाँ आवेदक अनुमोदित डिजाइन और विनिर्देशों का पालन करने में विफल रहता है और, यथास्थिति प्रतिषिद्ध या विनियमित क्षेत्र में मरम्मत, नवीकरण, निर्माण, या पुनर्निर्माण के लिए आवेदक को दी गई अनुज्ञा में अधिकथित निबंधनों और शर्तों का उल्लंघन करता है तो सक्षम प्राधिकारी अधिनियम के उपबंधों के अधीन विधिक कार्यवाही आरंभ करेगा।

**20. वेबसाइट पर सूचना की उपलब्धता :** — (1) सक्षम प्राधिकारी प्रतिषिद्ध और विनियमित क्षेत्र में मरम्मत, नवीकरण, निर्माण या पुनर्निर्माण के लिए अनुज्ञा देने या नामंजूर करने के आदेशों की प्रतियाँ महानिदेशक, भारतीय पुरातत्व सर्वेक्षण को भेजेगा जो समय-समय पर भारतीय पुरातत्व सर्वेक्षण की वेबसाइट पर सूचना उपलब्ध करवाएगा।

(2) सक्षम प्राधिकारी भी अपनी वेबसाइट पर इसी प्रकार की जानकारी उपलब्ध कराएगा।

**21. स्थल विन्यास को तैयार करना :** — (1) महानिदेशक विशेषज्ञों और सलाहकारों की सहायता से पांच वर्ष की अवधि के भीतर पहली अनुसूची के अनुसार प्रत्येक संरक्षित संस्मारक और संरक्षित क्षेत्र के सभी प्रतिषिद्ध क्षेत्रों, विनियमित क्षेत्रों की बाबत विस्तृत स्थल विन्यास तैयार करने के प्रयोजन के लिए सर्वेक्षण करने का प्रयास करेंगे।

(2) संरक्षित संस्मारक और संरक्षित क्षेत्र का सीमांकन संबंधित राजस्व अधिकारी के परामर्श से राजस्व प्लॉट संख्याओं और उसकी अनुसूची को सम्यक रूप से मानिटर करके राजस्व मानचित्र के आधार पर किया जाएगा।

(3) संबंधित जिला कलेक्टर या जिला कमिशनर, यथास्थिति संरक्षित संस्मारक और संरक्षित क्षेत्र के सीमांकन और सीमा के सत्यापन के लिए महानिदेशक से अनुरोध प्राप्ति के तीस दिन से अनधिक की अवधि के भीतर व्यवस्था करेंगे।

(4) स्थल योजना, संरक्षित संस्मारक या संरक्षित क्षेत्र की अधिसूचित संरक्षित सीमा, जिला कलेक्टर या जिला कमिशनर द्वारा दिए गये सम्यक रूप से सत्यापित राजस्व अभिलेखों और राजस्व नक्शों के आधार पर तैयार किया जाएगा।

(5) संरक्षित संस्मारक और संरक्षित क्षेत्र से अनुसंलग्न सरकारी भूमि की पहचान और उसका सीमांकन, सांस्कृतिक परिदृश्य या बुनियादी सुविधाएँ के रूप में स्थल पर आगन्तुकों की संख्या में वृद्धि करने के लिए किया जाएगा।

(6) संरक्षित संस्मारक और संरक्षित क्षेत्र से अनुसंलग्न भूमि जो बुनियादी सुविधाओं या आगंतुक सुविधा के विकास के लिए जरूरी है, की पहचान की जाए।

(7) संरक्षित संस्मारक और संरक्षित क्षेत्र के मानचित्रण में रूपरेखाओं के दस्तावेज में अधिकतम 0.5 मीटर की अंतराल योजना, सब ओर उन्नयन और प्रत्येक क्षेत्र, संरचना, रास्ते, खुली जगह, वृक्ष उनकी विशेष जानकारी के साथ अन्य सुविधाओं जैसे, तटबंधों, तालाबों, धारा, किलेबंदी, प्राचीन संरचनाओं के अवशेष और गुफाओं और चट्टान आश्रयों की ऐसी विस्तृत सूची के साथ, जो वह ठीक समझे, संरक्षित क्षेत्र के सांस्कृतिक परिदृश्य के भाग को सम्मिलित किया जाएगा।

(8) विस्तृत स्थल योजना में खुली जगह में स्वामी, कब्जाधारी, पट्टेदार, बंधक के नाम और पते, राजस्व भूखंड संख्या और वर्ग मीटर में उसका क्षेत्र, क्षेत्र का वर्तमान उपयोग सम्मिलित किया जाएगा।

(9) संरक्षित संस्मारक या संरक्षित क्षेत्र के चारों ओर निर्माण कार्य का एक समग्र दृश्य देने के उद्देश्य से विभिन्न स्थानों से प्रत्येक संरचना की डिजिटलीकृत तस्वीरें और चलचित्र तथा साधारण परिदृश्य लिया जाएगा।

**22. विरासत उप विधियों को विरचित करना :** — (1) सक्षम प्राधिकारी दूसरी अधिसूची के अनुसार भारतीय राष्ट्रीय कला और सांस्कृतिक विरासत न्यास के परामर्श से प्रत्येक संरक्षित संस्मारक और संरक्षित क्षेत्र के प्रतिषिद्ध क्षेत्र या विनियमित क्षेत्र की बाबत विरासत उपविधियां तैयार करेगा।

(2) सक्षम प्राधिकारी देश के ऐसे विरासत निकायों, विशेषज्ञों और परमर्शदाताओं की परामर्श से, जो इस प्रकार के परामर्श प्रदान करने में विशेषज्ञता रखते हों उपनियम (1) के अधीन उपविधियां तैयार करेगा।

(3) सक्षम प्राधिकारी अपने को विरासत निकायों, विशेषज्ञों और सलाहकारों को संबंधित क्षेत्रों में संलग्न करने के लिए अपना स्वयं का एक तंत्र विकसित करेगा।

(4) प्रत्येक संरक्षित संस्मारक और संरक्षित क्षेत्र की बाबत विरासत उपविधियां नियम 21 के अधीन तैयार सुसंगत स्थल योजना के आधार पर विरचित की जाएगी।

(5) सक्षम प्राधिकारी यह सुनिश्चित करेगा कि प्रत्येक संरक्षित संस्मारक और संरक्षित क्षेत्र के संबंध में विरासत उपविधियों को एक समयबद्ध कार्यक्रम के रूप में लिया गया है और इसे स्थल की योजना तैयार करने की तारीख से साठ दिनों की अवधि के भीतर पूरा किया गया है।

(6) विरासत उपविधियों में निर्माण सामग्री, अग्रभाग, पटाव, छत पैटर्न, रंग, ऊँचाई, निर्मित क्षेत्र, उपयोग, स्टिल्ट पार्किंग, भूमिगत निर्माण, जल निकासी व्यवस्था, सड़कों और बुनियादी सुविधाएँ जैसे बिजली के खंभे, पानी, गंदे पानी का निकास, खुदाई और इस तरह के अन्य कारक सम्मिलित किए जाएंगे जो संरक्षित संस्मारकों और संरक्षित क्षेत्रों के प्रतिषिद्ध क्षेत्रों और विनियमित क्षेत्रों के भीतर आवश्यक हो।

(7) विरासत उपविधियों की तैयारी करते हुए सक्षम प्राधिकारी द्वारा दूसरी अनुसूची में विनिर्दिष्ट मापदंडों का पालन किया जाएगा।

(8) प्रत्येक विरासत उपविधियों की एक प्रति प्राधिकरण के समक्ष उसके अनुमोदन के लिए प्रस्तुत की जाएगी।

(9) प्राधिकरण द्वारा अनुमोदन किए जाने के पश्चात् प्रत्येक विरासत उपविधियों को सक्षम प्राधिकारी द्वारा उसे जनसाधारण के लिए अपनी वेबसाइट पर उपलब्ध करवाया जाएगा।

**23. दस्तावेजी केन्द्र :** — (1) भारतीय पुरातत्व सर्वेक्षण स्थल विन्यास और विरासत उपविधियों पर महानिदेशक, क्षेत्रीय निदेशक और मण्डल कार्यालयों में, दस्तावेजी केन्द्र या इकाइयां स्थापित करेगा।

(2) केंद्रीय दस्तावेजी केन्द्र, महानिदेशक, भारतीय पुरातत्व सर्वेक्षण के कार्यालय में स्थापित किया जाएगा जिसमें हितबद्ध व्यक्तियों की परामर्श और निर्देश के लिए उचित रूप से अधिनियम के अधीन राष्ट्रीय महत्व के रूप में घोषित किये गए सभी संरक्षित संस्मारकों और संरक्षित क्षेत्रों की बाबत के दस्तावेज, छायाचित्र, चलचित्र, फिल्म, कम्पैक्ट डिस्क, डिजिटल वीडियो दस्तावेजी, चित्र, सर्वेक्षण योजनाएँ, स्थल विन्यास और साइट के संबंध में नक्शे डिजिटल वीडियो के रूप में रखा जाएगा।

(3) क्षेत्रीय निदेशालय, भारतीय पुरातत्व सर्वेक्षण भी संबंधित क्षेत्रों में क्षेत्रीय दस्तावेजी केन्द्र स्थापित करेंगे। जिसमें संरक्षित संस्मारकों, संरक्षित क्षेत्रों, प्रतिषिद्ध क्षेत्रों और विनियमित क्षेत्रों के स्थान विन्यास तथा विरासत उपविधियों की तैयारी सहित विभिन्न गतिविधियों की जानकारी संग्रहित की जायेगी।

(4) उपविधियों को, नियमित रूप से अद्यतन के रूप में दर्ज, संग्रहित और डिजिटलीकरण किया जाएगा, साथ में डेटा पुनः प्राप्त करने के एक आसान तरीके के साथ, और जरूरत पड़ने पर और असाधारण मामलों में, 3डी और 360° आभासी सुविधाओं उपविधियों में निर्दिष्ट किया जाएगा। नियमित रूप से संशोधनों में प्रलेखित किया जाएगा, जिससे अनाधिकृत गतिविधियों, आकार गठन और परिवर्धन में परिवर्तन तुरंत पता चले।

**24. वार्षिक रिपोर्ट :** — सक्षम प्राधिकारी पिछले वर्ष की वार्षिक रिपोर्ट तैयार करेगा और सभी क्रियाकलापों का पूर्ण विवरण देते हुए उसे केंद्रीय सरकार और प्राधिकरण को प्रत्येक वर्ष अप्रैल माह के 30 तारीख तक प्रस्तुत करेगा।

**प्ररूप 1**  
(नियम 5 देखें)

प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 के अधीन घोषित किये गये राष्ट्रीय महत्त्व के संरक्षित संस्मारक अथवा पुरातत्वीय स्थल और अवशेषों के प्रतिषिद्ध क्षेत्र में मरम्मत /नवीनीकरण कार्य करने तथा विनियमित क्षेत्र में संनिर्माण/पुनर्निर्माण/ मरम्मत/नवीनीकरण करने की अनुमति के लिये आवेदन

1. आवेदक का नाम :

2. आवेदक का पता :

क) वर्तमान पता

ख) स्थायी पता

3. स्वामी (स्वामियों) के नाम :  
(यदि आवेदक स्वामी से भिन्न है)

4. स्वामी (स्वामियों) का पता :

क) वर्तमान पता

ख) स्थायी पता

5. क्या संपत्ति व्यक्तिक या संयुक्त रूप से स्वामित्वाधीन है  
(दस्तावेज प्रस्तुत करें)

6. क्या संपत्ति का स्वामित्व सरकार/सार्वजनिक क्षेत्र के उपक्रम/निजी क्षेत्र के उपक्रम/फर्म के पास है (यदि ऐसा है, तो पूर्ण पते और टेलीफोन नम्बर के साथ विवरण प्रस्तुत करें)

7. प्रस्तावित संनिर्माण का परिक्षेत्र :  
(प्लॉट संख्या आदि के पूर्ण विवरण के साथ)

8. निकटतम संस्मारक या स्थल का नाम :

क) परिक्षेत्र

ख) तालुक

ग) जिला

घ) राज्य

- (मरम्मत/नवीनीकरण/संनिर्माण/पुनर्निर्माण के स्थल और संस्मारक को दर्शाने वाले क्षेत्र मानचित्र संलग्न करें)
9. संस्मारक की संरक्षित चाहरदीवारी से निर्माण संबंधी क्रियाकलापों के स्थल की दूरी :
- क) मुख्य संस्मारक से दूरी  
ख) संस्मारक की संरक्षित चाहरदीवारी से दूरी
10. प्रस्तावित संकर्म की प्रकृति :  
(मरम्मत/नवीनीकरण/संनिर्माण/पुनर्निर्माण आदि)
11. प्रस्तावित संकर्म के ब्यौरे :  
(भवन/संरचना की ड्राइंग के साथ सम्पूर्ण विवरण प्रस्तुत करें)
- क) मंजिलों की संख्या  
ख) तल क्षेत्र (मंजिला-वार)  
ग) ऊंचाई (मुम्टी, रेलिंग, जल संरक्षण टैंक को छोड़कर)  
घ) ऊंचाई (मुम्टी, रेलिंग, जल संरक्षण टैंक को सम्मिलित करते हुये)  
ङ) भूतल, यदि कोई प्रस्तावित हो तो ब्यौरे प्रस्तुत करें
- (भवन योजना की स्वीकृति देने वाले प्राधिकरण की ओर से विधिवत रूप से स्वीकृत योजना, अनुभाग और मौजूदा भवन के उंचाई चित्र संलग्न करें। पुनर्निर्माण की स्थिति में खंड और उंचाई के साथ प्रस्तावित निर्माण योजना संलग्न करें। संनिर्माण/पुनर्निर्माण की स्थिति में प्रस्तावित भवन के निर्माण योजना, खंड एवं उंचाई संलग्न करें)
12. प्रस्तावित संकर्म के उद्देश्य :  
(आवासीय, वाणिज्यिक/संस्थानिक/सार्वजनिक/सामुदायिक)
13. प्रस्तावित संकर्म के प्रारंभ होने की अनुमानित तारीख :
14. प्रस्तावित कार्य के पूर्ण होने की अनुमानित अवधि :
15. निकट के क्षेत्र में विद्यमान आधुनिक भवनों की अधिकतम ऊंचाई:
- क) संस्मारक के निकट :  
ख) संनिर्माण संबंधी क्रियाकलापों के स्थल के पास :
16. क्या संस्मारक नगर निगम/नगर पालिका/नगर पंचायत/ग्राम पंचायत की सीमाओं के अंतर्गत स्थित है :
17. शहर/नगर/ग्राम के लिये विद्यमान संबंधित स्थानीय प्राधिकारियों द्वारा स्वीकृत कोई मास्टर प्लान/क्षेत्र विकास योजना/ले आउट योजना है
18. संस्मारक तथा निर्माण/पुनर्निर्माण के प्रस्तावित स्थल के आसपास के दायरे में आधुनिक संनिर्माण की स्थिति :
19. संरक्षित संस्मारक/संरक्षित क्षेत्र के निकट खुली जगह/पार्क/हरित क्षेत्र:



20. क्या संस्मारक और निर्माण/पुनर्निर्माण के स्थल के बीच सड़क/सड़कें विद्यमान हैं :
21. अतिरिक्त जानकारी/टिप्पणी, यदि कोई हो तो

मैं.....घोषणा करता हूँ कि उपरोक्त जानकारी सही है। मैं यह भी वचन देता हूँ कि मैं प्राचीन संस्मारक और पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमान्यकरण) अधिनियम, 2010 द्वारा यथासंशोधित प्राचीन संस्मारक और पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 और उसके अधीन बनाए गये नियमों के उपबंधों का पालन करूंगा।

स्थान :

फर्म की मोहर (यदि कोई हो)

तारीख :

आवेदक के हस्ताक्षर

टिप्पण —

1. यदि आवेदन संगठन/फर्म की ओर से दिया गया है तो संगठन/फर्म के प्रमुख का हस्ताक्षर होना चाहिये।
2. संस्मारक और आधुनिक संनिर्माणों को दर्शाने वाले फोटोग्राफ संलग्न करें।
3. संबंधित क्षेत्र के गूगल अर्थ की तस्वीरें संलग्न करें जिनमें संस्मारक और निर्माण संबंधी गतिविधियों के स्थल प्रदर्शित हों।
4. सरकार के प्राधिकृत अधिकारी द्वारा सम्यक रूप से सत्यापित स्वामित्व संबंधी दस्तावेज संलग्न करें।
5. मरम्मत/नवीनीकरण के मामले में आवेदक आवेदक द्वारा सम्यक रूप से प्राधिकृत अनुज्ञाधिकारी वास्तुकार की रिपोर्ट प्रस्तुत किया जाना चाहिए।

**प्ररूप 2**  
(नियम 10 देखें)

राष्ट्रीय महत्व के रूप में घोषित किये गये संरक्षित संस्मारक या पुरातत्वीय स्थल और अवशेष के प्रतिषिद्ध क्षेत्र में मरम्मत/नवीनीकरण के लिए और विनियमित क्षेत्र में संनिर्माण/पुनर्निर्माण/मरम्मत/नवीनीकरण के हेतु स्वीकृति के लिए सिफारिश/अनुमोदन के लिए प्राधिकरण को सक्षम अधिकारी की ओर से भेजे जाने वाले प्रस्ताव का अग्रसारण

1. आवेदक का नाम :
2. आवेदक का पता :  
(क) वर्तमान :  
  
(ख) स्थायी :
3. स्वामित्व की प्रास्थिति :
4. क्या सम्पत्ति चाहे व्यक्तिगत या संयुक्त रूप/सरकारी/सार्वजनिक क्षेत्र के उपक्रम/निजी क्षेत्र के उपक्रम/फर्म के स्वामित्व में है।
5. प्रस्तावित संनिर्माण आदि के परिक्षेत्र :
6. निकटतम संरक्षित संस्मारक या संरक्षित क्षेत्र के नाम :  
(क) परिक्षेत्र :  
(ख) जिला :  
(ग) राज्य :
7. संरक्षित संस्मारक/संरक्षित क्षेत्र से दूरी : (दूरी सभी तरफ से दी जानी चाहिए)
8. प्रस्तावित संकर्म की प्रकृति : (मरम्मत/नवीनीकरण/संनिर्माण /पुनर्निर्माण)
9. प्रस्तावित संकर्म का विवरण : (संकर्म की प्रकृति दिखाकर चित्र के साथ पूर्ण विवरण दें)  
(क) मंजिलों की संख्या  
(ख) तल क्षेत्र (मंजिला वार)  
(ग) ऊंचाई (मम्टी, रेलिंग, पानी भंडारण के टैंक आदि को छोड़कर)  
(ध) ऊंचाई (मम्टी, रेलिंग, पानी भंडारण के टैंक आदि के साथ)  
(ड) तहखाने के विवरण, यदि प्रस्तावित हो तो

10. प्रस्तावित संकर्म का उद्देश्य :  
(आवासीय/व्यावसायिक/संस्थागत/सार्वजनिक/सामुदायिक)
11. निकटतम इलाके में विद्यमान आधुनिक भवनों की अधिकतम ऊंचाई की प्रस्थिति :  
(क) संस्मारक के पास :  
(ख) निर्माण से संबंधित कार्यकलापों के निकट के स्थल
12. क्या संस्मारक नगर निगम/नगर/नगर पालिकाओं/नगर पंचायत/ग्राम पंचायत/की सीमा के भीतर स्थित है :
13. किसी भी मास्टर प्लान/जोन विकास योजना को नगर/शहर/गांव के लिए संबंधित स्थानीय अधिकारियों ने विधिवत रूप से स्वीकृति दी है :
14. आवेदक के प्रवर्ग :
15. स्थल के निरीक्षण की तारीख :  
(सक्षम प्राधिकारी या अन्य अनिहित अधिकारी के द्वारा)
16. स्थल निरीक्षण अधिकारी के नाम व पदनाम :
17. निरीक्षण अधिकारी की रिपोर्ट : (फोटो, स्थल का हवाई दृश्य प्रस्तुत किया जाए)
18. विशेषज्ञों द्वारा निर्धारण रिपोर्ट, यदि कोई हो :
19. सक्षम प्राधिकारी की विनिदिष्ट सिफारिशें :  
(प्रस्ताव के तीन सेट के साथ)

स्थान :

तारीख :

फा.सं. :

सक्षम प्राधिकारी के हस्ताक्षर

मुहर

## प्ररूप 3

(नियम 12 देखें)

प्राचीन संस्मारक और पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 के अधीन राष्ट्रीय महत्व के रूप में घोषित संरक्षित संस्मारक और पुरातत्वीय स्थल और अवशेषों के प्रतिषिद्ध क्षेत्र में अवस्थित भवन/संरचना की मरम्मत और नवीनीकरण का कार्य करने की अनुमति प्रदान करने हेतु

जैसा कि ..... के  
 ..... ने ..... राज्य ..... के  
 ..... जिला में ..... के  
 निकट अथवा पास में प्रतिषिद्ध क्षेत्र में ..... के लिये अनुमति के लिये आवेदन दिया है और प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 और उसके अधीन बनाए गए नियमों के उपबन्धों का पालन करने का वचन दिया है, मैं .....  
 .....सक्षम प्राधिकारी.....राष्ट्रीय संस्मारक प्राधिकरण के अनुमोदन/सिफारिश के आधार पर उक्त नियमों के नियम .....के उप नियम.....के अधीन .....(आवदेक का नाम) .....को यहां संलग्न योजना में लाल रंग से रेखांकित क्षेत्र में .....के लिये अनुमति देता हूँ।

यह अनुमति अधिनियम और उसके अधीन बनाए गए उपबन्धों के अधीन दी गयी है और यह निम्नलिखित शर्तों के अधीन रहते हुए दी जाती है, अर्थात् :

- 1.
- 2.
- 3.

यह अनुमति हस्तांतरणीय नहीं है और यह .....तारीख .....से आरंभ होने वाली तीन वर्ष की अवधि तक ही विधिमान्य रहेगी।

स्थान :  
 तारीख :  
 फाइल सं :

सक्षम प्राधिकारी के हस्ताक्षर  
 मुहर

## प्ररूप 4

(नियम 12 देखें)

प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 के अधीन राष्ट्रीय महत्व के रूप में घोषित संरक्षित संस्मारकों/पुरातत्वीय स्थलों और अवशेषों के विनियमित क्षेत्र में संनिर्माण/पुनर्निर्माण/मरम्मत/ नवीनीकरण के कार्य को करने की अनुमति

जैसा कि.....के  
 ने .....राज्य के .....जिला में .....के निकट अथवा पास में प्रतिषिद्ध क्षेत्र में .....के लिये अनुमति के लिये आवेदन दिया है और प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 और उसके अधीन बनाए गए नियमों के उपबन्धों का पालन करने का वचन दिया है, मैं .....सक्षम प्राधिकारी.....राष्ट्रीय संस्मारक प्राधिकरण के अनुमोदन/सिफारिश के आधार पर उक्त नियमों के नियम .....के उप नियम.....के अधीन .....(आवदेक का नाम) .....को यहां संलग्न योजना में लाल रंग से रेखांकित क्षेत्र में .....के लिये अनुमति देता हूं।

यह अनुमति अधिनियम और उसके अधीन बनाए गए नियमों के उपबन्धों के अधीन दी गयी है और यह निम्नलिखित शर्तों के अधीन रहते हुए दी जाती है, अर्थात् :

- 1.
- 2.
- 3.

यह अनुमति हस्तांतरणीय नहीं है और यह .....तारीख .....से प्रारंभ होने वाले तीन वर्ष की अवधि तक विधिमान्य रहेगी।

स्थान :

सक्षम प्राधिकारी का हस्ताक्षर

तारीख :

मुहर

फाइल सं :

## प्ररूप 5

(नियम 12 और 13 देखें)

प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 के अधीन राष्ट्रीय महत्व के रूप में घोषित संरक्षित संस्मारकों/पुरातत्वीय स्थलों और अवशेषों के विनियमित संरक्षित क्षेत्र में सन्निर्माण/ पुनर्निर्माण/मरम्मत/नवीनीकरण के कार्य को करने की अनुमति की नामंजूरी

प्रति,

.....

.....

.....

फाइल सं.....

तारीख .....

महोदय/महोदया,

आपके आवेदन संख्या.....तारीख .....के संदर्भ में आपको सूचित करना है कि .....में ब्लॉक संख्या.....प्लॉट संख्या.....में स्थित राष्ट्रीय महत्व के घोषित संरक्षित संस्मारकों/पुरातत्वीय स्थलों और अवशेषों के संरक्षित/विनियमित क्षेत्र में सन्निर्माण/पुनर्निर्माण/ मरम्मत/नवीनीकरण के कार्य को करने की अनुमति देने से आपको निम्नलिखित आधार पर अनुमति देने से इंकार किया जाता है।

1.

2.

3.

4.

स्थान :

सक्षम प्राधिकारी के हस्ताक्षर

तारीख :

मुहर

3219 9011-3

## पहली अनुसूची (नियम 21(1) देखें)

### स्थल योजना तैयार करने के मानदंड

संरक्षित क्षेत्र, प्रतिषिद्ध क्षेत्र और विनियमित क्षेत्रों के लिये स्थल विन्यास तैयार करने के दौरान निम्नलिखित मानदंडों का पालन किया जाएगा और उन्हें सम्मिलित किया जाएगा।

### क) संरक्षित क्षेत्र, संरक्षित संस्मारक, प्रतिषिद्ध क्षेत्र अथवा विनियमित क्षेत्र

#### मानदंड

1. परिरिखा — (एक मीटर अंतराल) अधिमानित है। तथापि यह वहां की स्थिति पर निर्भर करता है। यदि यह चट्टानों वाला पहाड़ी क्षेत्र है, तब परिरिखा अंतराल को बढ़ाया जा सकता है। यदि यह सपाट क्षेत्र है तो इसे 0.5 मीटर तक कम किया जा सकता है।
2. जमीन और मानचित्र पर निशान और सर्वेक्षण अंक दर्ज करें
3. संरक्षित क्षेत्र का मानचित्रण इस तरह से होना चाहिये कि क्षेत्र में पड़ने वाली सभी परिसम्पत्तियों और विशिष्टताओं को स्पष्ट रूप से पहचाना जा सके। अतः मानचित्र और जमीन दोनों पर क्षेत्र की ग्रीडिंग की जानी चाहिये। ग्रीड 50 गुणा 50 मीटर हो सकते हैं।
4. प्लान पर संरचनाओं का मानचित्रण;
5. टैंक, तटबंध, मिट्टी के दुर्ग, प्राचीन संरचनाओं के अवशेषों आदि अन्य विशिष्टताओं को दिखाया जाना चाहिये;
6. सड़क और रास्ते;
7. बागवानी क्षेत्र;
8. वृक्ष (सूची के साथ — पेड़ के प्रकार, परिधि और ऊंचाई);
9. टेलीफोन लाइनें;
10. रीबरेज लाइनें;
11. जल आपूर्ति लाइनें आदि;
12. कुछ क्षेत्रों के कोट्युरिंग/तुलनात्मक ऊंचाई;
13. दबे हुये पुरातत्वीय अवशेषों को निर्धारित करने के लिये जमीन को भेद कर होने वाले राडार सर्वेक्षण;
14. कोई अन्य लक्षण जिनका सक्षम प्राधिकारी की परामर्श के आधार पर सम्मिलित किया जाना अपेक्षित है।

## दूसरी अनुसूची

(नियम 22 देखें)

## विरासत उप विधियों के लिये मानदंड :

संरक्षित संस्मारकों के प्रत्येक प्रतिषिद्ध और विनियमित क्षेत्रों के लिये स्थल विन्यास तैयार करते समय निम्नलिखित मानदंडों का समावेश एवं पालन किया जाएगा अर्थात् —

1. संस्मारक के वास्तुकला, ऐतिहासिक और पुरातत्वीय मूल्य;
2. संस्मारक की संवेदनशीलता (उदाहरण के तौर पर विकास संबंधी दबाव, शहरीकरण जनसंख्या दबाव आदि);
3. संरक्षित संस्मारक अथवा क्षेत्र से दृश्यता तथा विनियमित क्षेत्र से दृश्यता;
4. पहचान किये जाने वाले भूमि-उपयोग;
5. संरक्षित संस्मारक (संस्मारकों) के भिन्न पुरातत्वीय विरासत अवशेष
6. सांस्कृतिक परिदृश्य;
7. सांस्कृतिक परिदृश्य के निर्माण करने वाले तथा संस्मारकों को पर्यावरण प्रदूषण से बचाने में मददगार होने वाले उल्लेखनीय प्राकृतिक परिदृश्य;
8. खुली जगह और निर्माणों के उपयोग;
9. परम्परागत, ऐतिहासिक और सांस्कृतिक क्रियाकलाप;
10. विनियमित क्षेत्र से और संस्मारक से दिखने वाले क्षितिज;
11. स्थानीय भाषाई वास्तुकला;
12. स्थानीय प्राधिकारियों द्वारा उपलब्ध कराये गये विकास संबंधी योजनाएं;
13. भवन संबंधी मानदंड —
  - क) संनिर्माण की ऊंचाई;
  - ख) तल क्षेत्र;
  - ग) उपयोग;
  - घ) अग्र डिजाइन;
  - ड) छत डिजाइन;
  - च) भवन सामग्री;
  - छ) रंग;
14. आगतुकों के लिये सुख और सुविधायें

[फा. सं. 1/8/2010-एम(भाग-IIIआर)]

गौतम सेनगुप्ता, महानिदेशक



## MINISTRY OF CULTURE

(Archaeological Survey of India)

## NOTIFICATION

New Delhi, the 23rd August, 2011

**G.S.R. 636(E)**—Whereas draft Ancient Monuments and Archaeological Sites and Remains (Framing of Heritage Bye-Laws and other Functions of the Competent Authority) Rules, 2011 were published vide Notification of the Government of India, Ministry of Culture, Archaeological Survey of India number G.S.R. 86 (E) dated the 11<sup>th</sup> February, 2011 published in the Gazette of India, Part-II, Section 3, Sub-section (i) as required by sub-section (1) of section 38 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which the copies of the said Gazette Notification are made available to the public;

And whereas, the said Gazette was made available to the public on 18<sup>th</sup> February, 2011;

And whereas, the objections received before the due date have been duly considered and disposed of by the Central Government;

Now, therefore, in exercise of the powers conferred by clauses (cb), (cc), (cd) and (ce) of sub-section (2) of section 38 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following rules; namely: -

**1. Short title and commencement :-** (1) These rules may be called the Ancient Monuments and Archaeological Sites and Remains (Framing of Heritage Bye-laws and Other Functions of the Competent Authority) Rules, 2011.

(2) They shall come into force on their publication in the Official Gazette.

**2. Definitions:-** In these rules, unless the context otherwise requires, -

(a) “Act” means the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

(b) “competent authority” means the competent authority notified by the Central Government under sub-section (db) of section 2 of the Act;

- (c) "Authority" means the National Monuments Authority constituted under section 20F of the Act;
- (d) "Form" means the form annexed to these rules;
- (e) "Schedule" means the Schedule appended to these rules;

**3. Appointment of supporting staff :-** The Central Government may provide supporting, technical and administrative staff as required, for the proper and efficient functioning of each office of the competent authority.

**4. Functions of the competent authority:-** (1) The competent authority shall receive and process applications received for repair, renovation, construction and reconstruction in the regulated and prohibited area of protected monuments and protected areas, and forward the same to the Authority for its approval.

(2) The competent authority shall obtain archaeological assessment reports, survey or inspection reports connected with grant of permissions related to major development projects, public project, project essential to public in the context of conveying its recommendations to the Authority.

(3) The competent authority shall formulate time bound programmes for preparation of detailed site plans for regulated and prohibited area, protected monument and protected area.

(4) The competent authority shall formulate time bound programme for preparation of heritage bye-laws for prohibited area or regulated area of each protected monument and protected area.

(5) The protected monuments under different categories to be identified by the Authority shall be clubbed by the competent authority on the basis of location, architectural style, comparative analysis, attributes and value and such other features to enable time bound completion of heritage bye laws.

(6) The competent authority shall develop a website to host information related to construction, reconstruction, repair, renovation, bye-laws, detailed site plans, awareness, capacity building and to publish its activities.

(7) The competent authority shall have regular interaction with the Authority to accomplish above mentioned tasks.

(8) The competent authority shall maintain a database and registers with regard to applications received for repair, renovation, construction, reconstruction, permissions granted, refused, permissions revalidated, site plans and heritage bye-laws.

**5. Receipts of applications for grant of permissions:-** The competent authority shall receive five sets of duly completed applications as per Form I at least three months before the commencement of the proposed work and process them with due care for the grant of permission for repair, renovation, construction or reconstruction in the prohibited or regulated area of each protected monument and protected area, as the case may be.

**6. Processing of applications under various categories :-**The competent authority shall consider processing of the applications so received under the following categories, namely: -

- I. Large scale development projects involving construction proposed by the State Government or the Central Government, public sector, private bodies or any person, such as multi-purpose dams, hydro-electric projects, townships, industrial plants, airports or such other projects.
- II. Public utility projects involving construction by the State Government or the Central Government, private-public sector, such as roads, highways, pathways, drains, sewage lines, water tank/lines (both above the ground and under ground), transportation, metro railways (above and underground), bus station, etc. or such other projects.

Provided that the public works shall not include maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities to the public.

- III. Construction of public amenities to be provided by State Government, the Central Government, non-Governmental organizations, public sector undertakings, local bodies or private bodies or any person, such as, drinking water facility, toilets, kiosks, facilities for physically challenged, publication counter, souvenir shops, ticket booths, information counters, visitor facilitation centres, parking facilities for various types of vehicles or generator rooms.
- IV. Re-construction of residential buildings or structures in the land owned by any person, office building or structure owned by private, public sectors, the State Government or the Central Government or any other agency located in the regulated area.
- V. Construction of residential buildings or structures in the land owned by any person, the State Government or the Central Government or any other agency located in the regulated area.
- VI. Repair or renovation of residential building or structure located in the prohibited area owned by any person, private sector; public sector, the State Government or the Central Government built prior to 16<sup>th</sup> June, 1992 or subsequently constructed with the approval of Director General, Archaeological Survey of India on the basis of the recommendation of the expert advisory committee; or
- VII. Repair or renovation of any building or structure located in the land owned by the applicant in the regulated area.

7. **Category of application to be forwarded to Authority :-** The competent authority shall forward the applications received under category I, II, III, IV and V specified in rule 6, to the Authority after processing them with its recommendation.

8. **Category of applications to be processed and cleared by the competent authority under intimation to Authority:-** (1) The applications received under category VI of rule 6 in the prohibited area, involving minor repairs, such as filling up of or grouting cracks, re-plastering of certain portions of the building or structure, repairs to water tanks or drainage, sewerage lines, underpinning to strengthen the foundation, replacement of windows, doors, relaying of flooring, water-tightening the roof, providing weather proof course to stop leakage, replacement of electrical poles, laying or alter water pipe lines, preventing breach of water tanks, replacement of or strengthening of staircase, provide coat of whitewash or colour wash or painting of walls of the building or structure or similar such works may be examined and grant permission at his end under intimation to the Authority.

(2) The applications received under category VII of rule 6 for the renovation and repair of building or structure located in the regulated area may be processed and permission granted by the competent authority under intimation to the Authority.

9. **Stages of processing of applications by competent authority :-** (1) The competent authority after receipt of applications under specified categories, shall take immediate follow up action by issuing an acknowledgement from its office.

(2) The applications shall be examined in detail by the competent authority, which may determine the impact of proposed construction on the protected monument and protected area by adopting appropriate study or methods including site inspection and submit its observations in writing within a period of seven days.

(3) The applicant, if necessary, may be informed about site visit by the competent authority or its representative in advance.

(4) The distance between the protected monument or protected area and the proposed location of the building or structure or land referred to in the application for repair, renovation, construction or reconstruction, shall be measured by the inspecting official with the help of land survey officials or any other technical official in the presence of applicant and record the distance mentioned in the application.

(5) The inspecting official shall make a reference to the notified boundary while recording the distance of the protected monument or protected area, as the case may be.

(6) The detailed photos exhibiting earth aerial view with appropriate marking may be enclosed along with inspection report.

(7) The competent authority may examine whether the relevant information sought in the application form has been provided by the applicant viz. site plan showing hard surface, landscape, sections, existing physical features, boundaries of the site, access, set backs on two or three sides, service plan, building plan including section, elevation, façade design, details of internal modifications, recent photographs in suitable size, showing the environs.

(8) If the details of the site plan referred to in sub-rule (7) is not found enclosed, the applicant shall be intimated to resubmit the application along with such details within a period of seven days.

(9) The competent authority may appoint an expert or consultant who is skilled and experienced in the field of archaeology for archaeological impact assessment, if the proposal involves large scale project.

(10) The competent authority may, depending upon the requirement in specific areas, appoint experts from the field of urban studies, urban conservation, heritage conservation, landscape studies, town planning, architecture or such other fields.

(11) The experts and consultants shall be paid such consultation fees and allowances as are admissible to the technical consultants of equivalent level in the Government of India.

(12) The assessment by the competent authority shall be carried out keeping in view the heritage bye-laws proposed for each protected monument or protected area.

**10. Forwarding of application by competent authority to Authority :-** After site inspection and impact assessment study (wherever necessary) and documentation, the competent authority may record its observations including assessment of impact of such construction on protected monuments or protected area and forward the application, within a period of fifteen days from the date of receipt of application, to the Authority as per Form II, for construction, reconstruction, repair, renovation, as the case may be, in the prohibited or regulated area of the protected monument or protected area.

**11. Recommendations of the Authority :-** The Authority after receipt of applications under any category specified in rule 6 with specific observations or comments of the competent authority, shall examine the proposal and convey its recommendation including the impact of such construction on the significance of the protected monument or protected area.

**12. Intimation from competent authority to applicant :-** Within a period of one month after the receipt of recommendation of the Authority, the applicant shall be informed by the competent authority about the grant or refusal of permission as so recommended by the Authority in Form III, IV and V, as the case may be.

**13. Communication of refusal :-** The competent authority before refusing the permission for repair, renovation, reconstruction, construction of building or structure in the prohibited or regulated area of the protected monument or protected area, on the grounds recommended by the Authority, shall give an opportunity in writing to the applicant to submit or offer his comments and clarifications and the competent authority shall, on being satisfied, convey the refusal in Form V to the applicant within a period of three months from the date of receipt of the application.

**14. Appeal :-** (1) Any applicant aggrieved by the refusal of permission for repair, renovation, construction or reconstruction of building or structure in prohibited or regulated area of the protected monument and protected area by the competent Authority on the basis of recommendation of the Authority, may within a period of 30 days, from the date of the communication of such refusal, prefer an appeal to the Central

Government for considering his case and the decision of the Central Government on such appeal shall be binding.

(2) The Central Government shall consider the appeal and dispose of the appeal within a period of ninety days from the date of receipt of appeal.

**15. Granting permission in exceptional cases :-** The competent authority may, in exceptional cases and pending the finalisation of the heritage bye-laws, grant permission for repair, renovation, construction or reconstruction to any person, agency, institution, Government departments, who owns or possess such building or structure or land with the approval of the Authority.

**16. Grant of permission during natural calamities :-** The reconstruction, construction, repair and renovation of any type of building or structure, collapsed or damaged and found beyond repair due to natural calamities, such as, earthquakes, flood, incessant rain, fire, landslide, cyclone and such other calamities, located in the prohibited or regulated area of the protected monument or protected area and need immediate restoration, shall be considered as a category by the competent authority which may not require the approval of the Authority for construction, reconstruction, repair and renovation of the building or structure to the extent damaged or destroyed.

**17. Validity and Revalidation of permission :-** (1) Permission granted by the competent authority after the approval of the Authority for construction, reconstruction, repair and renovation of building or structure as the case may be, in the prohibited area or regulated area of protected monument or protected area, which is of residential, public utility, public projects and industrial in nature, shall be valid for a period of three years from the date of grant of permission.

(2) If the applicant for any reason fails to carry out repair, renovation, construction or reconstruction during the period specified in the permission, he may approach the competent authority for revalidation of the same, which may be granted for any period not exceeding two years by the competent authority.

**18. Violation of permissions :-** Where the competent authority, based on material evidence in its possession, is of the opinion that permission granted by it has been violated by the applicant while carrying out repair, renovation, construction or reconstruction in terms of approved designs, height (both vertical and horizontal), plinth area and such other specifications and finds that such violation is likely to affect the preservation, safety, security or access to protected monument or protected area, as the case may be, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted.

**19. Failure to comply with conditions of permission :-** In matters where the applicant fails to comply with approved design and specifications and violates terms and conditions laid down in the permission conveyed to the applicant for repair, renovation, construction, or re-construction of building or structure located in the prohibited or regulated area, as the case may be, the competent authority shall initiate legal action, under the provisions of the Act.

**20. Hosting of information on website :** (1) The competent authority shall send copies of orders granting or refusing permission for repair, renovation, construction or reconstruction in the prohibited and regulated area, to the Director General, Archaeological Survey of India, who shall host information on permission granted or refused on the website of Archaeological Survey of India from time to time.

(2) The competent Authority shall also host similar information on its website.

**21. Preparation of Site Plan :-** (1) The Director-General, shall make endeavour within a period of five years to cause a survey to be conducted in respect of all prohibited areas, regulated areas of each protected monument and protected area for the purpose of preparing detailed site plans as per the First Schedule with the help of experts and consultants.

(2) The demarcation of the protected monument and protected area shall be undertaken in consultation with concerned revenue officer on the basis of revenue map duly mentioning revenue plot numbers and schedule thereto.

(3) The District Collector or District Commissioner, as the case may be, shall arrange for demarcation and verification of the limits of the protected monument and protected area, as the case may be, within a period of thirty days of the receipt of request from the Director-General.

(4) The site plan shall be prepared following the notified protected limit of the protected monument or the protected area, the duly authenticated revenue records and the revenue map furnished by the District Collector or District Commissioner as the case may be.

(5) The identification and demarcation of Government land appurtenant to the protected monument and protected area shall be taken as part of cultural landscape or for providing infrastructural facilities to enhance the number of visitors at the site.

(6) The identification of land appurtenant to the protected monument and protected area which is necessary for the development of infrastructure or visitor's facility may be identified.

(7) The mapping of protected monument and protected area shall comprise recording of contours, preferably at 0.5 metre intervals, plan, all side elevations and section of each structure, pathways, landscaped area, open spaces, trees with detailed inventory, other features like tank, well, embankments, fortifications, remnants of ancient structures and such other features including caves and rock-shelters as may be deemed fit that form part of cultural landscape of the protected area.

(8) The open space in the detailed site plan shall comprise of the name of owner, possessor, lessee, mortgage and address, area in square meter, revenue plot number and present usage of area.

(9) The digital still and video photographs of each structure or building and general view of the area from different spots with a view to give an overall idea of the constructions around the protected monument or protected area shall be taken.

**22. Framing of heritage bye-laws :-** (1) The competent authority shall, in consultation with the Indian National Trust for Arts and Cultural Heritage prepare heritage bye-laws in respect of prohibited area or regulated area of each protected monument and protected area as per the Second Schedule.

(2) The competent authority shall prepare bye-laws under sub-rule (1) in consultation with heritage bodies, experts and consultants in the country, who have expertise in rendering such consultancy.

(3) The competent authority shall evolve his own mechanism to engage heritage bodies, experts and consultants for preparation of bye-laws in the respective regions.

(4) The heritage bye-laws in respect of each protected monument and protected area shall be framed on the basis of the relevant site plan prepared under rule 21.

(5) The competent authority shall ensure that heritage bye-laws in respect of each protected monument and protected area is taken up as a time bound programme and completed within a period of sixty days from the date of preparation of the site plans.

(6) The heritage bye-laws shall include use of building material, façade, roofing pattern, colour, height, built-up area, usage, stilt parking, underground construction, drainage systems, roads and service infrastructure like electric poles, water, sewerage, excavations and such other factors which may be necessary within the prohibited areas and regulated areas of the protected monuments and protected areas.

(7) While preparing the heritage bye-laws, the parameters specified in the Second Schedule shall be followed by the competent authority.

(8) A copy of each heritage bye-laws shall be placed before the Authority for its approval.

(9) Each heritage bye-law shall after the approval by the Authority be made available by the competent authority to the public on its website.

**23. Documentation Centres :-** (1) The Archaeological Survey of India shall set-up documentation centres or units in the offices of the Director General, Regional Directors and in Circles, on site plans and heritage bye-laws.

(2) A central documentation centre shall be established in the office of the Director General, Archaeological Survey of India, wherein documents, photographs, video graphs, films, compact discs, digital video documentation, drawings, survey plans, site plans and maps in respect of all protected monuments and protected areas and their respective prohibited and regulated areas, declared as of national importance under the Act shall be properly housed for consultation and reference by the interested persons.

(3) The Regional Directorates of the Archaeological Survey of India shall also establish regional documentation centres for storing information of various activities including preparation of site plan and heritage bye-laws of protected monuments, protected areas, prohibited and regulated areas in the respective regions.

(4) The bye-laws shall be recorded, digitised and stored and updated regularly with an easy mode to retrieve the data as and when required and in exceptional cases, features



referred in the bye-laws shall be documented in 3D and 360° virtual so that modifications, unauthorised activities, alterations and additions in the physical setting are detected immediately.

**24. Annual Report :-** The competent authority shall prepare an annual report and submit it to the Central Government and the Authority by the 30<sup>th</sup> day of April every year giving full description of all the activities for the previous year.

**Form I**  
(See rule 5)

Application for grant of permission for undertaking repair / renovation in the prohibited area and construction / reconstruction / repair / renovation in the regulated area of protected monument or archaeological site and remains declared as of national importance under the Ancient Monuments and Archaeological Sites and Remains Act, 1958

1. Name of the applicant :
2. Address of the applicant :
  - (a) Present
  - (b) Permanent
3. Name of the owner(s) :  
(if the applicant is other than the owner)
4. Address of the owner(s) :
  - (a) Present address
  - (b) Permanent address
5. Whether the property is owned by individual or jointly  
(furnish documents)
6. Whether the property is owned by Government/Public Sector Undertaking/Private Sector Undertaking/Firm (if so, details to be furnished with complete address and phone numbers) :
7. Locality of the proposed construction :  
(with full details plot number, etc.)
8. Name of the nearest monument or site :
  - (a) Locality :
  - (b) Taluk :
  - (c) District :
  - (d) State :

(Enclose area map showing the monument and the site of repair / renovation / construction / reconstruction)
9. Distance of the site of construction related activities from the protected boundary of the monument:
  - (a) Distance from the main monument:

(b) Distance from the protected boundary wall of the monument:

10. Nature of the work proposed:

(Repair/renovation/construction/reconstruction, etc.)

11. Details of work proposed

(furnish complete details with drawings of building / structure)

- (i) Number of storeys
- (ii) Floor area (storey-wise)
- (iii) Height (excluding mummy, parapet, water-storage tank, etc.)
- (iv) Height (including mummy, parapet, water-storage tank, etc.)
- (v) basement, if any proposed with details

(Enclose plan, section and elevation drawings of the existing building duly approved by the Building Plan Sanctioning Authority and proposed building plan with section and elevation in case of reconstruction. Enclose building plan, section and elevation of the proposed building in case of construction/reconstruction.)

12. Purpose of the proposed work :

(residential/commercial/institutional/public/community)

13. Approximate date of the commencement of the proposed works:

14. Approximate duration for completion of the proposed work:

15. Maximum height of the existing modern buildings in the close vicinity of -

- (a) near the Monument:
- (b) near the site of construction related activity:

16. Whether the monument is located within the limits of Municipal Corporation / Municipalities/ Nagar Panchayat / Village Panchayat

17. Does any Master Plan/zonal development plan/layout plan approved by concerned local authorities exists for the city / town / village:

18. Status of modern constructions in the vicinity of the monument and the proposed site of construction/reconstruction:

19. Open space/park/green area close to the protected monument / protected area:

20. Whether any road(s) exists between the monument and the site of construction/reconstruction:

21. Remarks/additional information, if any:

I .....declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 as amended by the, the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 and the rules made there under.

Place:

Seal of firm (if any)

Date:

Signature of the applicant

**Note:**

1. If the application is on the behalf of the organisation/firm, the signature should be of the head of that organisation/firm.
2. Enclose photographs showing the monument and the existing modern constructions.
3. Google Earth Images of the area under reference showing the monument and the site of construction related activities.
4. Enclose ownership documents duly attested by an authorized officer of the Government.
5. In case of repairs/renovation a report from a duly authorised/licenced architect to be submitted by the applicant.

**Form II**  
(See rule 10)

Forwarding of proposal from competent authority to the Authority for recommendation / approval for grant of permission for undertaking repairs/ renovation in the prohibited area and construction / reconstruction / repairs / renovation in the regulated area of an protected monument or archaeological site and remains declared as of national importance

1. Name of the applicant :
2. Address of the applicant :
  - (a) Present
  - (b) Permanent
3. Status of the ownership :
4. Whether the property is owned by individual or jointly / Government / Public Sector Undertaking / Private Sector Undertaking / Firm
5. Locality of the proposed construction, etc. :
6. Name of the nearest protected monument or protected area :
  - (a) Locality :
  - (b) District :
  - (c) State :
7. Distance from the protected monument/protected area:  
(distance should be given from all sides)
8. Nature of the work proposed :  
(repair/renovation/construction/reconstruction)
9. Details of work proposed :  
(furnish complete details with drawings showing the nature of work)
  - (i) Number of stories
  - (ii) Floor area (storey-wise)
  - (iii) Height (excluding mumty, parapet, water-storage tank, etc.)
  - (iv) Height (including mumty, parapet, water-storage tank, etc.)
  - (v) Basement, if any proposed with details
10. Purpose of the proposed work :  
(residential/commercial/institutional/public/community)

11. Status of maximum height of the existing modern buildings in the close vicinity of:
  - (a) near the Monument:
  - (b) near the site of construction related activity:
12. Whether the monument is located within the limits of Municipal Corporation / Municipalities / Nagar Panchayat/Village Panchayat:
13. Does any Master Plan/zonal development plan duly approved by the respective local authorities exists for the city/town/village:
14. Category of the Application:
15. Date of inspection of the site:  
(by the Competent Authority or other designated officer)
16. Name & Designation of the site inspecting official:
17. Report of the inspecting official :  
(Photographs, aerial view of the site to be submitted)
18. Assessment reports by Experts, if any:
19. Specific recommendations of Competent Authority:  
(with three sets of the proposal)

Place:

Date:  
F.No.

Signature of the Competent Authority

SEAL

**Form III**  
(See rule 12)

Grant of permission for undertaking repairs and renovation of building / structure located in the prohibited area of the protected monument or archaeological site and remains declared as of national importance under the Ancient Monuments and Archaeological Sites and Remains Act, 1958

Whereas, .....,  
.....  
....., of ....., has applied for permission for..... in the prohibited area near or adjoining ..... at ..... District....., State..... and has undertaken to observe the provision of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) and rules made there-under, I, ....., competent authority, do hereby grant this permission on the basis of the approval/recommendation of the National Monument Authority, under sub rule (.....) of rule ..... of the said rules to the said..... (name of the applicant)..... for ..... in the area indicated in red outline on the plan attached hereto.

The permission is granted subject to the provision of the Act and the Rules and is further subject to the following conditions, namely:-

- 1.
- 2.
- 3.

The permission is not transferable and it shall be valid for a period of three years commencing with .....day of .....

Station :  
Date :  
F.No.

Signature of the Competent Authority

SEAL

**Form IV**  
(See rule 12)

Grant of permission for undertaking construction /reconstruction / repair/ renovation in the regulated area of protected monument or archaeological site and remains declared as of national importance under the Ancient Monuments and Archaeological Sites and Remains Act, 1958

Whereas, .....  
....., of ..... has applied for permission for..... in the regulated area near or adjoining ..... at ..... District....., State..... and has undertaken to observe the provision of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) and rules made there under, I, ..... , competent authority, do hereby grant this permission on the basis of the approval/recommendation of the National Monument Authority, under sub-rule (.....) of rule .....of the said rules to the said .....(name of the applicant) .....for .....in the area indicated in red outline on the plan attached hereto.

The permission is granted subject to the provision of the Act and the Rules and is further subject to the following conditions, namely:

- 1.
- 2.
- 3.

The permission is not transferable and it shall be valid for a period of three years commencing with ..... day of ..... ..

Station :  
Date :  
F.No.

Signature of the competent authority

SEAL

**Form V**  
(See rule 12 and 13)

Refusal of permission for undertaking construction / reconstruction / repair / renovation in the regulated area / prohibited area of protected monument or archaeological site and remains declared as of national importance under the Ancient Monuments and Archaeological Sites and Remains Act, 1958

To

.....  
.....  
.....

File No : .....

Dated : .....

Sir/Madam,

With reference to your application no.....dated..... for the grant of permission for the construction/ reconstruction / repair / renovation in the prohibited / regulated area of protected monument / archaeological site and remains declared as of national importance, plot no.....block no. .... situated at.....  
.....I am to inform you that the permission has been refused on the following grounds.

- 1.
- 2.
- 3.
- 4.

Station :

Date :

Signature of the Competent Authority

SEAL



**THE FIRST SCHEDULE***[see rule 21 (1)]***Parameters for Preparation of Site Plan**

While preparing a site plan for the protected area, the prohibited and regulated areas, the following parameters shall be adhered to and incorporated.

**(a) Protected Area, protected monument, prohibited area or regulated area****Parameters:**

- (i) Contouring (1 metre interval) is preferably. However, it can vary depending on the nature of landscape. If it is hilly terrain with cliffs, then contour intervals can be increased. If the landscape is plain, then it can be reduced to 0.5 metre;
- (ii) Fixing of Bench mark and survey points on the ground and map;
- (iii) Protected area needs to be mapped in such a manner that property and feature within the area can easily be identified. Therefore the area shall be required to be grided both on map and ground. Grids can be of 50 x 50 metres;
- (iv) Mapping of structures on plan;
- (v) Other features like tank, embankment, mud fortification, remnants of ancient structures etc should be shown;
- (vi) Roads and pathways;
- (vii) Garden area;
- (vii) Trees (with an inventory – tree type, girth and height);
- (ix) Telephone Lines
- (x) Sewerage Lines
- (xi) Water supply lines, etc.
- (xii) Contouring / Relative heights of certain areas
- (xiii) Ground Penetrating Radar survey determining the buried archaeological remains.
- (xiv) Any other feature that is required to be incorporated in consultation with the competent authority;

**THE SECOND SCHEDULE***[See rule 22]***Parameters for Heritage Bye-laws :**

The heritage bye-laws shall be framed on the basis of the site plan prepared for each of the prohibited and regulated areas of protected monuments and the following parameters, namely –

- (i) Architectural, historical and archaeological value of the monument;
- (ii) Sensitivity of the monument (e.g. developmental pressure, urbanization, population pressure, etc);
- (iii) Visibility from the protected monument or area and visibility from regulated area;
- (iv) Land-use to be identified;
- (v) Archaeological heritage remains other than protected monument(s);
- (vi) Cultural landscapes;
- (vii) Significant natural landscapes that forms part of cultural landscape and also helps in protecting the monument from environmental pollution;
- (viii) Usage of open space and constructions;
- (ix) Traditional, historical and cultural activities;
- (x) Skyline as visible from the monument and from regulated areas;
- (xi) Vernacular architecture;
- (xii) Developmental plan as available by the local authorities;
- (xiii) Building related parameters-
  - (a) Height of the construction;
  - (b) Floor area;
  - (c) Usage;
  - (d) Façade design;
  - (e) Roof design;
  - (f) Building material;
  - (g) Colour;
- (xiv) Visitors facilities and amenities.

[F. No. 1/8/2010-M(Pt.-III R)]

GAUTAM SENGUPTA, Director General

**DELHI DEVELOPMENT AUTHORITY  
UTTIPEC, VIKAS MINAR, NEW DELHI**

**MODIFIED FORMAT FOR SUBMISSION FOR TRAFFIC & TRANSPORTATION PROJECTS**

**PRESENTATION FORMAT**

- The projects are required to be submitted in the following stages:
  - Stage 1. Project definition*
  - Stage 2. Conceptual Design Options & Their Evaluation*
- The proposal in the required format will be accepted only after checking of requisite drawings/documents by concerned Planning Consultants in UTTIPEC.
- Based on clearance of Stages 1 & 2 by concerned Working Group, the Stage 3 proposal can be submitted/ accepted by UTTIPEC.
  - Stage 3. Detailed Design Proposal*
- Presentations should be made as self explanatory slide shows, utilizing graphics/ animation/ voice overlay etc.
- Both hard and soft copies should be delivered to members of the working group after stage-wise deposition of Proposal in UTTIPEC, duly signed by the project manager and the consultant.
- Details of the submittals for each stage are listed below.

**STAGE 1: PROJECT DEFINITION**

---

**Submit the following explanatory drawings and text:**

- 1- E Context Plans** (1:5000 or 1:10,000, as best legible) – **Locate the corridor or study area in the larger city context – overlaid on the following**
    - (a) Street Hierarchy Network of Delhi on the Landuse Plan of MPD-2021 and Zonal Dev. Plan.
    - (b) Google Map (to scale) showing location and surroundings of Study Area;
    - (c) Local Street Network Plan of the area locating and incorporating the approved or planned proposals near the study area.
    - (d) Identify the Agencies that need to cooperate, provide information or work together for success of this project.
  - 2-E Base Map & Data** (1:1000) – **Graphically explain Opportunities and Constraints of the Site.**
    - (a) On a Google map and a Survey Map (Total Station or Existing GIS), show the **Building footprints and all existing features and physical infrastructure on the proposed ROW**, as per MPD 2021/ Zonal Dev. Plan, including the following:
      - Existing Edge Conditions** – building land uses, boundary walls & all existing features, including **active frontages** (commercial/ mixed use) and **“entry points”** of buildings and compounds must be highlighted.
      - Location of pavements and crosswalks** must be clearly shown along with the quantum and type of encroachments within the proposed ROW.
      - If there is a Metro or BRT Station (existing & proposed) in the project**, all existing and proposed exits and circulation of Metro users must be shown. Circulation for different modes must be marked in different colours.
    - (b) **Photo-documentation of the area at typical locations and problem areas.**
    - (c) **Establish the existing/ planned/ expected Modal Split and Priority Zones for different modes:**
      - Provide traffic count for all – private vehicles, auto-rickshaws, NMT (including cycles and cycle-rickshaws) and Pedestrians at 16 hours and peak hours.
      - Provide current / expected / planned speeds and volumes of various category vehicles and pedestrians throughout the day.
  - 3-E Existing Vehicular Circulation Plan** (including all forms of public transport routes, Stops, rickshaw stands if any, etc. Show choke points, conflicts & problem areas. Show integrated and merging with larger area circulation) overlaid on Drawing No. 1(c) and 2(a).
  - 4- E Existing Pedestrian, Cycle Plan and Public Transport Plan** (showing sidewalks, pedestrian crossings, subways or FOBs, public transit stops, rickshaw stands, etc.). Location of **pavements and crosswalks** with the amount and type of encroachments must be shown, along with all directions of movement overlaid on Drawing No. 1(c) and 2(a).
  - 5- E Existing Services Layout Plan** (showing both underground and over ground service locations.) overlaid on Drawing No. 1(c) and 2(a).
  - 6- E Existing Street Sections** (at typical locations; 1:50 or 1:100, as best legible) – compare with IRC Standards; & Pedestrian/ Cycle Design Standards of UTTIPEC.
  - 7- Project Statement** – Summarize and explain why this project is taken up?
    - (a) What are the problems/ issues to be addressed - at a Macro (city) level and Micro (neighborhood) level?
    - (b) Summarize Goals, Need and Vision based on the analysis and data presented in Drawings 1 - 6.
  - 8- Evaluation Criteria** – The criteria and design principles to be followed for the design and execution of the project are to be outlined and agreed upon, under various categories including:
    - Functional Requirements
    - Ease of Implementation and Phasing.
    - Economical (cost comparison)
    - Environmental (safety, universal accessibility, sensitivity to natural environment, etc)
    - Aesthetics
- Note:** Drawings 3-E, 4-E, 5-E and 6-E must be superimposed/ highlighted on both the base plans 1(c) and 2(a).

**STAGE 2: CONCEPTUAL DESIGN OPTIONS & THEIR EVALUATION**  
**based on Approved Evaluation Criteria**

At least 3 design conceptual options must be explored. Pros and Cons of each option must be listed/ bulleted using the same Evaluation Criteria evolved for the project and agreed after Point 8:

Drawings:

- 9- Three Design Options – All Drawings must be to Scale** (1:1000 for layout plans and 1:500 for junction designs).
- Hand Sketches and drawings are welcome, but they must be to scale.
  - Conceptual Drawings should NOT be in the form of amorphous bubble diagrams.
  - Arrows and colour-coding to show different modes of movement can be used.

- 10- Three Comparative Micro Simulation Transport Models** – comparing the performance based pros and cons of each option. Pedestrian and vehicular simulation must be shown within the same model in order to realistically evaluate possible conflict points. Data for all simulation models will be internally verified by UTTIPEC. (Simulations can be commissioned if it is desired by the UTTIPEC Core Team or Working Group.)

Note:

3 CDs with copies of all drawings, data and simulations must be submitted.

**Proposal will be accepted only after checking of requisite drawings/documents by concerned UTTIPEC Officers/ Plg. Consultants.**

- Technical Scrutiny by Planning Consultants**
  - Core Group Workshops (Multiple)+**
  - Working Group Meeting**
- Preferred Option is selected for further detailing in Stage 3.**

**STAGE 3: DETAILED DESIGN PROPOSAL**

Explain the steps being taken by your agency in solving the problems identified in Step 1. [Scale of Drawings – 1:1000 for layout plans and 1:500 for junction designs].

Outline in detail, the steps that need to be taken by other agencies concurrently or in future to eliminate possibility of conflicts. (For example: For a project submitted by PWD, which other agencies like MCD, Metro or DDA, etc. need to cooperate, provide information or work together for success of this project?)

- 1- Integrated Proposal Plan** [1:1000]- Graphically explain Solution Proposed (this is not a construction drawing) along with the 3-D Simulation Model, or 3D-physical model (depending on project type and discretion of Working Group).
- 2- (3P) Proposed Vehicular Circulation Plan** [1:1000]- (including all forms of public transport routes, Stops, rickshaw stands if any, etc. Show how choke points, conflicts & problem areas have been resolved.)
- 3- (4P) Proposed Pedestrian, Cycle Plan and Public Transport Plan** [1:500]- (showing sidewalks, pedestrian crossings, subways or FOBs, public transit stops, rickshaw stands, etc. Must comply with UTTIPEC standards/ guidelines.)
- 4- (5P) Proposed Services Layout Plan** [1:500 & 1:1000]- (showing both underground and over ground service locations; Must comply with UTTIPEC standards/ guidelines.)
- 5- (6P) Proposed Street Sections** [1:500 or 1:1000]- (at typical locations) – must comply with IRC Standards; & Pedestrian/ Cycle Design standards/guidelines of UTTIPEC.
- 6- Streetscape Plans, Elevations, Sections, Details** [1:1000 or 1:500, as appropriate]
- 7- Phasing Plan**
- 8- Feasibility Report**
- 9- Detailed Project Report (DPR)** – showing all physical features (both O/G and U/G) on the plans and in the write-up for each section of the road; including all drawings mentioned from (3)A – (12)

Note:

- Drawings 3-P, 4-P, 5-P and 6-P must be superimposed/ highlighted on both the base plans 1(c) and 2(a).
- 3 CDs with copies of all drawings, data and simulations must be submitted.

**Immediately on receipt of Stage-3 documents/drawings, the Proposal will be uploaded on the UTTIPEC website for Community Feedback.**

- Core Group Workshop (Multiple)**
  - Technical Scrutiny based on Stage 2**
  - Working Group Meeting**
- Proposal if approved: is Recommended to Governing Body.**

**FORM 'A'**  
(See rule 3)

The Tree Officer,

.....  
.....

Sir,

I have to report that I have felled on .....(date) at .....(time).....(number/tree/trees from the property owned by me/under my occupation in the village.....and District..... I declare that if said tree/s not been immediately felled, it/they would have posed grave danger to life/property/traffic (delete inapplicable words.)

2. The following details are furnished:-

- i. Name and full address of the signatory (In Block letters).
- ii. Title in respect of land in which tree (s) was/were situated.
- iii. Location of the site from which tree/s felled (give name and khasra number of plot and indicate as clearly as possible the actual situation of the tree).
- iv. (a) Species of the tree felled  
(b) Its approximate age  
(c) Its girth measured at a height of 1.35meters from ground level.
- v. Justification for felling the tree/trees (Here describe the way in which the tree posed danger and the reason why you could not wait to seek permission for cutting it).

*Place:* .....

*Date:* .....

*Signature*

**FORM 'B'**

(See sub-rule (1) of rule 4)

The Tree Officer,

.....  
.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village.....and District.....I furnish below the following details in support of my application:-

- i. Applicant's name and address (In block letters).
- ii. Name and address of the owner of the property (if different from applicant).
- iii. Title of the applicant i.e., whether owner/occupant of the property, etc.
- iv. Name of the village and khasra number of property.
- v. Total area of the property with description of the boundaries.
- vi. Total number of trees (specieswise) whose trunk or body is not less than 5cm in diameter at a height of 30cms from the ground and whose height is not less than one metre from the ground.
- vii. The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries).
- viii. Total number of trees to be felled.
- ix. Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are.

<i>Species</i>	<i>No.</i>	<i>Girth</i>
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- x. Purpose for which the felling of trees are intended.
- xi. Intended use of felled trees (e.g.) for sale, for domestic use, etc.
- xii. Intended use of land after felling of trees.
- xiii. Number and species of trees intended to be planted after felling (give details of arrangement for raising, planting and protecting trees).
- xiv. Name /s and address/es of the owners/occupants adjoining property/ies.

2. I am enclosing an affidavit and below mentioned papers in support of my application.

**DECLARATION**

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: .....

Date: .....

*Applicant's Signature*

Attested copies of:-

- i. Property/occupancy documents.
- ii. Plan of the property showing the khasra number.
- iii. Enumeration list (duly signed by the applicant).
- iv. Boundary list (duly signed by the applicant).
- v. Latest jamabandi of land record issued by the Tehsildar.
- vi. "No Objection Certificate" from the concerned local body (e.g.) MCD/N.D.M.C.
- vii. "No Objection Certificate" from adjoining property owners.

*(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)*

*(Locality)*

I,.....aged.....years, resident of  
.....village.....wife/son/daughter of.....do

hereby solemnly affirm and declare as under:-

- 1. That I am the legal owner/occupant of the private property known as.....  
situated at .....village..... bearing khasra  
number.....of.....boundaries of which are as follows:-

- East:
- West:
- North:
- South:

- 2. That I have applied to the Tree Officer.....for permission to  
fell.....trees from the aforesaid property. All the trees have been numbered  
with paint.
- 3. That there is no other owner/occupant of this property of the forest produce of this  
property and I hereby solemnly affirm and declare that I shall be solely responsible and  
answereable for any claim and litigation, if any, that may arise at any time in future  
regarding the ownership/occupancy of the said future regarding the ownership/occupancy  
of the said property or the forest produce from the said property.

Deponent

**Verification**

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted therefrom.

Verified at.....this the .....day of.....199.....

Deponent

**(Source: The Delhi Preservation of Trees Rules, 1996)**



## **A BRIEF NOTE ON COMPENSATORY PLANTATION**

In order to maintain uniformity of the provision under section 10 of the Delhi Preservation of Tree Act (DPTA), 1994 towards obligation to plant trees, the Delhi Govt. has decided that Department of Forests & Wildlife will be planting 5 tree saplings on the lands available/made available with the department on behalf of the individual/user agency and remaining 5 tree saplings will be planted by the individual/user agency on usual terms and conditions, which includes security deposit also for planting and maintaining of the saplings by the individual/user agency till the saplings are established.