

**TO BE PUBLISHED IN THE GAZETTE OF INDIA
(EXTRAORDINARY) PART II-SECTION 3-SUB SECTION (II)
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS**

NOTIFICATION

New Delhi, the 4th July, 2005

S.O.942 (E).--- WHEARAS by notification of the Government of India in the Ministry of Environment & Forests No. S.O. 60(E), dated 27th January, 1994 (hereinafter referred to as the said notification) issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government imposed certain restrictions and prohibition on the expansion or modernization of any activity or the undertaking of any project, unless environment clearance has been granted by the Central Government;

And Whereas, sub-rule (4) of rule 5 of the said Rules provides that, whenever it appears to the Central Government that it is in public interest to do so it may dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rules;

AND WHEARAS, the Central Government is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said Rules;

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 sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986 the Central Government hereby makes the following further amendments in the said notification, namely:

In the said notification:-

(i) In paragraph 1, the following proviso shall be inserted in the end, namely:-

“provided that for projects relating to expansion or modernization of activities as listed against items 1, 2, 3, 19 and 20 in schedule-I of this notification taken up after 27th January, 1994, without prior environmental clearance, the Central Government in the Ministry of Environment and Forests may, on case to case basis, in public interest, relax the requirement of obtaining prior environmental clearance and may, after satisfying itself, grant temporary working permission on receipt of application in the prescribed format in Schedule-II, for a period not exceeding two years, during which the proponent shall obtain the requisite environmental clearance as per the procedure laid down in the notification. The grant of temporary working permission would not necessarily imply that the environmental clearance shall be granted for the said project”.

(ii) In paragraph 2, in sub-para III, after clause (c), the following provision shall be added at the end, namely:-

“provided that for projects relating to expansion or modernization of activities listed against items 1, 2, 3, 19 and 20 in schedule-I, in respect of which temporary working permission has been granted, in public interest, such projects would be permitted to continue to operate during the validity period of the temporary working permission. Such temporary working permission shall automatically cease from the date of grant or rejection of environment clearance or at the expiry of two years whichever is earlier”.

{File No. L-11011/7/2004-IA.II(I)}
(R. Chandramohan)
Joint Secretary to Govt. of India

Foot Note:- The Principal Notification was published vide number S.O. 60(E) dated the 27th January, 1994 and subsequently amended vide number S.O. 356(E) dated the 4th May, 1994, S.O. 318(E) dated the 10th April, 1997, S.O. 73(E) dated the 27th January, 2000, S.O. 1119(E) dated the 13th December, 2000, S.O. 737(E) dated the 1st August, 2001, S.O. 1148(E) dated 21st November, 2001, S.O. 632(E) dated 13th June, 2002, S.O. 248(E) dated 28th February, 2003, S.O. 506(E) dated 7th May, 2003, S.O. 891(E) dated 4th August, 2003 and S.O. 1087(E) dated 22nd September, 2003.